# A COMPACT THEORY OF FEDERALISM: CAN THE CANADIAN FEDERAL EXPERIENCE  PROVIDE LESSONS FOR CYPRUS?

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## Abstract

*Federalism today is the adopted political structure of many states in various parts of the globe. The Canadian experience however may be particularly relevant to the Cyprus scenario and as such deserves closer scrutiny. This paper without intending or claiming to offer a prescriptive analysis, attempts to present a descriptive analogy in the hope of making a useful contribution to the search for a settlement of the Cyprus problem.*

## Introduction

*I have always contended that if we could agree to have one government and one parliament, legislating for the whole of these peoples, it would be the best, the cheapest, the most vigorous, and the strongest system of government we could adopt.[1]*

*Sir John A. Macdonald*

*I have found two nations warring in the bosom of a single state. I have found a struggle not of principles but of races.[2]*

*Lord Durham*

The above quotations are not referring to Cyprus, however, their relevance is far from being subtle. Both are describing Canada, the first one by the first Prime Minister of the Canadian Federation of 1867 and the second by a British observer writing in 1840. Nevertheless, the twin ideas of a desire for a unitary state on the one hand, and its unfeasibility on the other, have some uncanny resemblance to the case of Cyprus. It is our belief that these two forces of unity and diversity have been the defining characteristics of Canadian federalism, and that an arrangement that reconciles the two has the potential for export. Therefore, the Canadian federation will constitute the base from which we will draw some suggestions for Cyprus.  In

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other words, we will use Canada to help understand Cyprus and, possibly, suggest some ideas to bridge its division.

However, to what extent does the Quebec-Canada case provide lessons that are transportable to Cyprus? The immediate reaction of any observer with a familiarity with both of these cases would be to dismiss any comparative attempt. After all, these are unique cases in their own right and they, therefore, defy comparison. Accordingly, one should instead focus on each case within its particularity and complexity. However, this paper aims precisely to compare these different cases. The comparison is not because these cases are very similar, but because a comparison might provide certain insights. We believe that a different case might help highlight certain phenomena that would have otherwise remained peripheral or indiscernible in the case of Cyprus. Differently put, the point is not the comparability of the cases but the utility of comparison by putting the familiar in a different light.

On the other hand, it is not the intention of the authors to prescribe a solution to the conflict merely by reflecting on Canadian federalism. Our aims are rather modest: a brief analysis of Quebec-Canada relations within a federal framework and to discern certain phenomena that might be applicable to Cyprus. Therefore, the suggestions that we provide will remain within this federal framework that we use in the Canada-Quebec case.

An important point that we should clarify before we embark upon our analysis is the federal model that we use in this paper. We employ a 'compact theory' of federalism that views federalism as a compact between a number of nations to share the same state. In the Canadian context this approach is also known as the 'dualist' approach since it views the Canadian federation as a compact between two nations. According to this approach, it is imperative to disentangle the concepts of 'nation' and 'state'. The concept of state corresponds to a legal and political entity, whereas the concept of nation essentially represents a socio-cultural entity. It should be noted, however, that this approach to Canadian federalism is by no means the only one. The compact theory of federalism is an approach more popular among Francophone social scientists in Quebec and one diametrically opposed to the federal model widely held in the rest of Canada that interprets the Canadian federation as one of one nation and ten provinces. Therefore, the readers should be aware that there is no consensus with regard to the interpretation that we employ here. Our aim is not to devise some textbook definition of federalism, but use one particular approach to federalism to provide some insights into the Cyprus problem in this paper. It is our view that the compact theory of federalism is more applicable to the case of Cyprus, but that this approach is not necessarily the a priori superior one. Consequently, our suggestions are not automatically transportable to other cases, which might require alternative models.

On the other hand, our focus is not on the federal constitution and institutions per

se, but on the broader federal principles that underlie the particular institutional configuration. Formal constitutional studies have tended to ignore the place of and the role played by political and social challenges, often failing to understand the deep forces that influence the way institutions function. Therefore, our focus is on the principles of the compact rather than any institutional blueprint. This approach would enable broader applicability, and would thus make it possible to come up with conclusions that might carry suggestions for Cyprus. We will rarely make explicit reference to Cyprus; nevertheless, a federal compact between two nations of unequal size requires no clarification for its relevance. It is our belief that the unequivocal recognition of the compact between the constituent nations is of vital importance and that any constitutional arrangement must reflect this compact.

### Canadian Federalism and Quebec

Quebec is unique in that its population is 80 per cent Francophone, of Catholic background, and influenced by a civil law tradition while the rest of Canada is mostly Anglophone, tending to have a Protestant background and having a common law tradition.[3] Quebec is the only province among the ten Canadian provinces where the majority are French-speakers.

Following the conquest of New France by the British, French Canadians rapidly developed a sense of cohesion in the vast expanse of English North America.[4] The Francophones' noted exclusion from continental and international markets by British merchants provided the first economic grievance. This led to feelings of exclusion that contributed to the establishment of "la nation canadienne-française."

Upon entering the Canadian federation in 1867, Quebec possessed its own political personality, and maintained some of its original powers and institutions which were formalized almost ten decades earlier in the Quebec Act of 1774 bestowed upon it by the British Crown. In addition, it consented to share with, or relinquish to, the newly formed ,federal government some of its jurisdictions.

For most of Canada's first century, French-speaking and English-speaking Canadians built their own national communities without much interaction with one another. This ignorance of each other initially led to the emergence of a consociational type of political arrangement. French-speaking Canadians, largely concentrated in Quebec, and English-speaking Canadians, mainly gathered in the rest of the country, constructed their respective political communities without much awareness of what was happening elsewhere. A critical distance between the two main political communities was instrumental in the continuation of Canada's 'federal society'.[5] This was appropriately described by Hugh McLennan as the 'two solitudes', and has been several times referred to by scholars to reflect Canada's political situation.[6] During the last forty years, Quebec has been demanding that dualism be

officialized as the key founding principle of the Canadian state. In other words, Quebec has been asking the recognition of its distinct status as the representative of one of the founding peoples of the Canadian federation, the French-speakers, along the English-speaking Canadians. For dualism to work in Canada it is necessary that the two main political communities are aware of, and willing to recognize, each other's existence as 'nations'.

## Federalism as the 'Second Best' Option

Based on the brief historical overview above, Lord Durham's reference to 'two nations warring in the bosom of a single state' acquires some relevance. But then what would explain John A. Macdonald's exasperation concerning the unfeasibility of a unitary state? The federal model that we use attempts to reconcile the two simultaneous forces presented in the opening quotations, i.e. diversity and unity. The compact theory of federalism that we employ uses two conceptual pillars in the form of 'autonomy' and 'union' in order to reconcile diversity and unity. When a unitary nation-state is not a viable option, a federal arrangement can be used to approximate the benefits that would entail from a unitary state. In this respect it differs from a nation-state in the sense that the 'state' is a result of a compact between the constituent nations, and by definition is a 'second best' option to a unitary state.[7] The model that we use here is one where a number of nations enter into a compact to share a state. Thus, it is necessary to separate the 'state', which is a legal concept denoting a territorially demarcated institution performing certain functions, and the 'nation', an object of cultural allegiance, very often but not always, based on a shared socio-cultural identity. In countries where territorially based socio-cultural cleavages preclude the viability of a unitary state, federalism can be utilized as a means to achieve a union while retaining diversity. In this federal model, federalism is a mechanism to manage the divisions. Thus, federalism is instituted not as the best method of governance but as the only possible means to approximate the benefits that would emanate from a centralized unitary state.[8] Therefore, in this model, federalism is not an ideal, but a pragmatic seeking to reconcile unity and diversity.

This implies that this model of federalism is deeply entrenched within its praxis. Its origins lie in the uneasy compromise between a number of nations which decide to share the same state. The imperatives for this union range from a desire to acquire international military security to considerations of economic efficiency in the form of free movement of factors of production in a larger market.

This untidy federal arrangement should not be seen solely as a reflection of irreconcilable differences. The reason for this defiance of neatness is the complex overlap between issues where conflict and consensus, competition and cooperation coexist. This intractable complexity between the necessity of common policies and jealously guarded autonomies accounts for the untidy federal bargain. Quite natu-

rally, it carries with it a great deal of flexibility and fluidity as well.

On the other hand, federalism as an ideal form is only realizable in polities with an already existing consensus over the nature of political governance. This implies that federalism is utilized for its benefits in enhancing democracy, multiple layers of government, division of responsibilities, limited government, opportunities for citizen participation and so on. And very often these concerns are realized in neatly organized symmetrical federal systems. It is our contention that such arrangements are realizable in those polities where the 'nation' and the 'state' correspond, and where the concern is to devise the best rules of the game to organize the nation. Thus, in these polities federalism is perceived not as a problem-solving mechanism but as the ideal form of political governance, in other words, an end in itself. So does this imply that such federations are more successful than those based on a compact? It is not uncommon to come across authors who identify successful federal systems with homogenous polities devoid of regional disparities.[9] The argument is that in the absence of territorially based ethnic, linguistic, social, and economic diversity, federalism would work best. But one can very well argue that in such polities not only would federalism work best but so would democracy and any collective effort one could think of. The important point is not when federalism works best, but when federalism provides the means to manage divisions and move forward rather than being grounded in the face of irreconcilable differences. It should not come as a surprise that multi-ethnic federations are harder to sustain compared to those with ethno-linguistically homogenous populations, for, after all, they are based on uneasy compromises and inherent tension. Once the alternatives to this uneasy union are considered, the absurdity of arguments pointing to the tensions within such federations becomes apparent. The alternatives to this less-than-ideal federal union are separate states at best, and internecine conflict at worst. The first one entails lesser international efficacy due to reduced economic, political and military clout, the second one needs no explanation.

In the case of Canada, there seems to be a consensus among a number of authors who point to the 'second best' nature of the Canadian federation. For example, Gibbins[10] argues that Sir John A. Macdonald would have preferred a unitary state for Canada but the existence of two 'religious-linguistic' communities precluded such an option. Gibbins uses the opening quotation of this paper by Sir John Macdonald to support his argument. The 1840 United Province of Canada experience had ended up in a deadlock since the cleavage between the Francophones and Anglophones had rendered the unitary arrangement unworkable. However, while the unitary state had proved to be impossible to attain, there were reasons to retain a union. Robinson and Simeon[11] argue that the end of the British colonial preference system made the creation of a pan-Canadian market a necessity. On the other hand, an expansionist and strong US also made a union among the weak Canadian provinces an urgent necessity. So when the unitary experience failed, the

federal path appeared to present the second best strategy to approximate the benefits that would emanate from a unitary arrangement while not requiring uniformity. Sabetti argues along these lines also when he asserts that "without the Francophone community, the union would have proceeded along centralized lines."[12]

The Canadian experience is particularly interesting since it is being influenced both by individual and collective aspirations. In countries where a minority or economically subordinate ethno-linguistic community is capable of commanding the politics of a specific region, the questions of territory and, by extension, federalism, become central to political life. A case in point is provided by Quebec in the Canadian context. In countries where ethnic or linguistic groups are dispersed evenly throughout a number of territories, shifting political coalitions and group politics generate conflicts that often do not necessitate federal institutions.

### Federalism and Conflict Management

In addition to its utility in reconciling unity and diversity, federalism can also act as a mechanism for managing conflicts. Conflict management is not solely the preserve of federal systems though it is felt that social diversities are frequently associated with this type of political structure. The success of federal systems is not to be measured in terms of the elimination of social conflicts but instead in their capacity to regulate and manage such conflicts. It is completely misleading to expect federalism to resolve social conflicts. Rather, it can only ease tensions and be sensitive to diversity.[13] In a recent study on Canada, Kent Weaver argues that "successful conflict management in a democratic society does not mean that there is no conflict, but rather that conflict is resolved in a way that all parties accept as legitimate, even if the outcome is not particularly to their liking."[14] Conflicts must be viewed as an inherent component of all federal societies. Paradoxically, the capacity of a federal system to reflect diversity constitutes a built-in weakness since it allows for conflicts to emerge and be politicized. However, the trust that the constituent units have with regard to the system makes conflict management possible.

What must be stressed again is that federalism is not there to resolve conflicts but to manage them. In so far as federal systems seek to accommodate diversity, conflicts must be recognized as inherent to the federal setting. Diversity invariably produces some conflicts but this, it should be reiterated, does not have to be conceived as a weakness. Canadians, at least until 1982, have tended to respect the conflictual nature prevalent at the point of origin of Canada's federal system, and to view this diversity as a promotable feature of federalism.

Therefore, from a Canadian perspective, an important political use of federalism is found in its long-term capability to manage "antagonistic cooperation."[15] Ivo

Duchacek argues that:

> *A federal constitution may therefore be seen as a political compact that explicitly admits of the existence of conflicting interests among the component territorial communities and commits them all to seek accommodation without outvoting the minority and without the use of force. Or, in other words, a federal constitution expresses the core creed of democracy and pluralism, in territorial terms.*[16]

While retaining the concept of an antagonistic relationship, this interpretation suggests that political groups can join forces to achieve some purposes. Federalism does not entail the elimination of political conflicts. Rather, it proposes to account for situations in which diversity can be fully expressed and find solutions acceptable to all.

In an earlier study done by Ronald Watts for the Royal Commission on Bilingualism and Biculturalism, he argued:

> *As in Canada, so in India, Pakistan, Malaysia, Nigeria, Central Africa and Switzerland, linguistic, racial and religious minorities that feared discrimination at the hands of numerical majorities but were unable alone to support effectively a genuine separate independence, have sought provincial autonomy within a federal political system as a way of preserving their own distinct identity and way of life. In each of these countries the multilingual and multicultural character of the society has frequently been cited by statesmen as the crucial characteristic making a federal political system necessary.*[17]

Fundamental to federalism is the need to respect diversities and to encourage them to blossom. However, there is no automatic guarantee of success tor federal arrangements. A significant caveat is offered by Maureen Covell, who takes some distance from Watts' position when stating that:

> *Federalism is not always a guarantee of protection for minorities at the national level. The existence of Quebec as a political unit has not allowed the Quebecois to prevent the perpetuation of the British connection, participation in two world wars, and, most recently, the explicit denial of a Quebec veto over future constitutional revision. The existence of the prairie provinces as institutions did not protect farmers against the effects of eastern economic domination. (...) Federal institutions provide a tool for self-defense but no guarantee of success.*[18]

With hindsight, the success of federalism in ensuring the protection of minorities and territorial interests is something that can never be taken for granted due to the dynamic forces that are competing for political resources. All in all, what is essential to examine is the capacity of these forces to strike a deal that has the potential to satisfy communities sharing a common territory for the long haul. The following

section will present two interconnected principles which we believe are capable of enabling the long term viability of this federal deal.

## Autonomy and Union

Federalism's potential for reconciling unity and diversity on the one hand, and conflict management on the other depends on the explicit recognition of the compact that forms the basis of the union. The unequivocal recognition of the compact is dependent on the coexistence of two organizing principles, autonomy and union. That is to say, the autonomy of the constituent units and the union that they have entered into.

An essential element of federalism, according to A.V. Dicey, is that people desiring to find an equilibrium between forces of centralization and decentralization "must desire union, and must not desire unity."[19] A central feature of federalism has been its capability of establishing varying balances between centripetal and centrifugal forces.[20] Difficulties emerge only when a sense of unfair treatment, perceived or real, is being felt by communities.

It is with this background in mind that the Report of the Royal Commission of Inquiry on Constitutional Problems, also known as the Tremblay Commission, set up by the Quebec Legislative Assembly (later National Assembly) in 1953 should be examined briefly. Particular emphasis is given to the notions of autonomy and union, with the understanding that if one of these two elements is challenged, this may call for an end to federalism.

*Only federalism as a political system permits two cultures to live and deve- lop side by side within a single state: that was the reason for the Canadian state's federative form. (...) So, therefore, there can be no federalism without autonomy of the state's constituent parts, and no sovereignty of the various governments without fiscal and financial autonomy.*[21]

Consequently, this interpretation of federalism is based on two pillars, autonomy and union. Neither of these two pillars can take precedence over the other without endangering the maintenance of a federal system. To allow one order of government to take precedence over the other is to render federalism a fiction. Federalism is thus a balancing act between these two organizing principles of autonomy and union. The long term viability of the federation depends on the recognition of the compact through these two principles. The question then is how the federal arrangement is to deal with the changes that emerge over time.

## Federalism and Change

An important issue is how to accommodate change in federations. From time to time, dynamic forces throw the balance off in one direction or the other, forcing political elites to elaborate political arrangements that fit better the changing realities. According to Trudeau:

> *The compromise of federalism is generally reached under a very particular set of circumstances. As time goes by these circumstances change; the external menace recedes, the economy flourishes, mobility increases, industrialization and urbanization proceed; and also the federated groups grow, sometimes at uneven paces, their cultures mature, sometimes in divergent directions. To meet these changes, the terms of the federative pact must be altered, and this is done as smoothly as possible by administrative practice, by judicial decision, and by constitutional amendment, giving a little more regional autonomy here, a bit more centralization there, but at the same time taking great care to preserve the delicate balance upon which the national consensus rests.*[22]

The issue of change demonstrates the utility of adopting a compact theory of federalism in cases where the federation reflects the uneasy compromise between the constituent units. A formal constitutional approach runs the risk of ignoring the principles that have defined the federal compact. However, the long term success of the federal arrangement depends on the continuation of the principles of autonomy and union. The compact theory highlights the deal between the distinct nations to share the same state and thus eliminates the danger of relegating change to ad hoc constitutional revisionism. According to J.A. Corry, whatever changes occur it is essential to establish a process that would reflect a state of 'constitutional morality'. In other words, as Banting and Simeon have argued when discussing political transition in Spain,

> *... this suggests that for a decision to be reached there must be among the relevant elites some degree of overarching consensus on major goals, which dispute over specific constitutional provisions must not be allowed to threaten. Such elite commitments appear to be what permitted agreement on the new Spanish constitution. They reflect J.A. Corry's emphasis on a 'constitutional morality' - self-restraint and the realization by majorities that they must not use the full potential of their power to subordinate minorites if long-term success is to be achieved.*[23]

Failing to maintain such a high level of morality and trust between the constituent nations negatively affects the relevance of federalism for plural societies. By nature, the federal compact is one where the constituent nations agree to form a federation. Thus, the federation itself does not represent 'one people'. The changes to the federal arrangement should not alter the original compact between the nations. The

question is one of representation of these constituent nations at the federal level. In federations based on distinct nations sharing the same state, the representation of the constituent units is central to any understanding of federalism. Whitaker, in one of the clearest statements about federalism to date, maintains that:

> *Modern federalism is an institutionalization of the formal limitation of the national majority will as the legitimate ground for legislation. Any functioning federal system denies by its very processes that the national majority is the efficient expression of the sovereignty of the people: a federation replaces this majority with a more diffuse definition of sovereignty. It does this not by denying the democratic principle, as such, but by advancing a more complex political expression and representation in dual (sometimes even multiple) manifestations which may even be contradictory and antagonistic.*[24]

Whitaker's contribution to our understanding of federalism is welcome as it situates the concept in the context of sovereignty and democratic representation. He gives credence to the expression of different majorities in the same state. Instead of arguing that such an understanding challenges the principle of democracy, Whitaker makes the point that federalism allows for a more sophisticated kind of representation whereby sovereignty is more diffused and complex than under a simple majority rule.

It is because of these tra-nsformations that instruments have to be invented to respond to pressing needs. As B.C. Smith appropriately puts it: "Federalism involves special techniques for managing a changing equilibrium between national and regional levels of government (...)"[25] Central to this process, however, is the requirement that consent of all partners is required to modify operative constitutional principles. Failure to obtain such consent jeopardizes the continuity of a country. Once again, the Canadian example is illustrative of such a case, where the consent of a province, (Quebec in this case, the only territory where French has a majority in Canada), was not obtained before making fundamental changes to the Canadian Constitution, e.g. adding a Charter of Rights and Freedoms with little consideration to Quebec's distinct character, and imposing an amending formula which, in most instances, recognizes no right of veto for that province.[26]

## Conclusion

So far, we have forced the reader to read between the lines to discern ideas applicable to Cyprus. In this final section we will make our suggestions more explicit. The model of federalism we employ in this paper is one which views the federation as a compact between two or more distinct socio-cultural entities, or 'nations'. The federation is a pragmatic solution to reconciling diversity and unity, by making it possible for the constituent 'nations' to share the same 'state'. However, the long

term viability of this federal arrangement depends on the unequivocal recognition and continuation of this compact. This is by no means the most efficient ideal solution, yet it is the only possible one. A federal arrangement that does not recognize the existence of two separate nations in Cyprus in the form of the Greek-Cypriots and the Turkish-Cypriots, is destined to be plagued by instability. As the Quebec-Canada case attests, the issue is not the respective sizes of the communities but the underlying principle of a compact. In the absense of the recognition of the constituent units as 'nations', any technocratically impeccable constitutional arrangement is bound to fail. The autonomy of the constituent units must coexist with the broader union. Elsewhere, Gagnon has argued that it is the lack of recognition of political communities as 'nations' that lead to political conflicts and to the quest of their own recognition as nation-states.[27] The re-emergence of Quebec nationalism could not be a more fitting example of such a denial following the imposition of Canada's new 1982 constitutional order without the express consent either of the Quebecois or of the Quebec National Assembly.

A compact that combines the principles of autonomy and union will not eliminate the problem but will render its management possible. By definition it is the 'second best' option, yet what touches all has to be accepted by all. Therefore, provided the compact is honored, our conclusion is one of cautious optimism for a federal solution in Cyprus.

## NOTES

1.  From Waite, P.B. (1963) The Confederal Debates in the province of Canada, 1865, p.40 quoted in Gibbins, R. (1987) 'Federal Societies, Institutions, and Politics', in Bakvis, H. and Chandler, W. (eds.), *Federalism and the Role of the State,* Toronto, University of Toronto Press: Buffalo and London.

2.  Quoted in Williams, C. H. (1995) 'A Requiem for Canada?', in Smith, G. (ed.), *Federalism: The Multiethnic Challenge.* London and New York: Longman.

3.  For a detailed study, see Alain-G. Gagnon and Mary Beth Montcalm, *Quebec: Beyond the Quiet Revolution,* passim.

4.  Dumont, F. *Genese de la sociéteé québécoise.* Montréal: Boréal.

5.  Livingston, W. S. (1952) 'A Note on the Nature of Federalism', *Political Science Quarterly,* Vol. 67, pp. 81-95.

6.  Bashevkin, S. (1982) 'Solitudes in Collision? Pan-Canadian and Quebec Nationalist Attitudes in the late 1970s'. *Comparative Political Studies,* Vol. 23, No. 1 , pp. 3-24.

7. Erk, C. (1996) *Federalism; An Ideal or the 'Second Best?* Unpublished Manuscript, McGill University: Montreal, Canada.

8. This statement should not imply that there is a consensus on the functional benefits of a unitary nation-state. Instead it points out to the perceived advantages of such a unitary arrangement. This intellectual tradition that associates size and centrality with wealth and power can be traced back to Adam Smith and Jean Bodin. However, there are some who dispute this line of argument and believe that the competition inherent in federalism leads to efficiency, and therefore federalism is the most desirable form of governance. For example, see Albert Breton's contribution to Macdonald Commission Report, Albert Breton, "Supplementary Statement to the Report", in the Report of the Royal Commission on the Economic Union and Development Prospects for Canada, Volume 3, Minister of Supply and Services, Canada: Ottawa, 1985.

9. For example in an article on Australian federalism Galligan argues that "federalism works best for countries like Australia that are uniformly liberal, democratic and there are only incidental cultural and sociological differences that are not regionally based", Galligan, B. (1989) 'Federal Theory and Australian Federalism, A Political Science Perspective', in Galligan, B. (ed.), *Australian Federalism,* Longman Chesire: Melbourne. Watts uses a similar logic when he states that the multi-ethnic federations are the hardest to sus tain, Watts, R. (1994) 'Contemporary Views on Federalism', in Bertus de Villiers (ed.), *Evaluating Federal Systems,* Martinus Nijhoff: Dordrecht, Boston and London.

10. Gibbins, R. (1987) 'Federal Societies, Institutions, and Politics', in Bakvis, H. and Chandler, W. M. (eds.) *Federalism and the Role of the State.* University of Toronto Press: Toronto, Buffalo and London, pp. 16-17.This argument also appears in Robinson, I. and Simeon, R. (1994) 'The Dynamics of Canadian Federalism', in Bickerton and Gagnon (eds.) *Canadian Politics.* Second Edition, Peterborough, Ontario. Broadview Press.

11. Robinson, I. and Simeon, R. (1994) 'The Dynamics of Canadian Federalism', in Bickerton, J. and Gagnon, A.G. Ibid. pp. 371-3.

12. Sabetti, F. (1980) *Covenant Language in Canada: Continuity and Change in Political Discourse.* Center for the Study of Federalism, Temple University: Philadelphia, p.6.

13. See Gagnon, A.G. (1989) 'Canadian Federalism: A Working Balance' in Murray Forsyth (e.d.), *Federalism and Nationalism.* Leicester University Press. Leicester, pp. 147-168.

14. Weaver, R. K. (1992) 'Political Institutions and Canada's Constitutional Crisis' in *The Collapse of Canada?* Washington D.C., The Brookings Institution, 9.

15. Grodgins, M. (1966) *The American System: A New View of Government in the United States,* Stokie, Illinois, Rand McNally, p. 327. Also mentioned in Duchacek, I. {1970) *Comparative Federalism: The Territorial Dimension of Politics,* New York, Holt, Rinehart and Winston, Inc. p. 192.

16. Ivo Duchacek, op. cit. p.192.

17. Watts, R. (1970) *Multicultural Societies and Federalism,* Studies of the Royal Commission on Bilingualism and Biculturalism, Ottawa, Information Canada, 15. This suggests that if a political system fails to meet these important requirements the solution available may be sheer independence. The last decade in Canada suggests that Quebec may choose this option in the foreseeable future. See, Gagnon, A.G. and Rocher, F. (eds.) *Repliques aux detracteurs de la souverainete du Quebec,* Montreal, VLB Editeur, in which 29 authors examine the appropriateness of following such a course of action.

18. Coveil, M.(1987) 'Federalization and Federalism: Belgium and Canada' in Bakvis, H. and Chandler W. M. (eds.), *Federalism and the Role of the State,* Toronto University, Toronto Press, p. 76. A similar argument is developed by Silver, A. L. (1982) in *The French-Canadian Idea of Confederation 1864-1900.* Toronto, University of Toronto Press. Elsewhere, Vipond, R.C. (1991) argues in *Liberty and Community: Canadian Federalism and the Failure of the Constitution,* Albany, State University of New York Press, that in the early 1860s, "It was quite natural to think that the distinctive institutions, laws and cultural values of French Canada could best be protected if decisions affecting them were made in the provin- cial legislature of Quebec, the one legislature in which French Canadians would be sure to dominate" pp. 17-18. This quotation *reveals* that protection turned out to be imperfect at times.

19. Dicey A.V. (1908) *Introduction to the Study of the Law of the Constitution.* London, Macmillan, p. 141.

20. See Gagnon, A.G. 'Canadian Federalism: A Working Balance' in Forsyth, M. (ed.), *Nationalism and Federalism.* Leicester, Leicester University Press, pp.160-163.

21. See, Kwavnick, D. (1973) (ed.) *The Tremblay Report: Report of the Royal Commission of Inquiry on Constitutional Problems, Ottawa.* McClelland and Stewart, p. 209 and p. 215.

22.  Trudeau, P. E. (1968) *Federalism and the French Canadians,* Toronto, Macmillan, pp. 193-194.

23.  Banting, K. and Simeon, R. (1985) 'Introduction: The Politics of Constitutional Change' in *Redesigning the State: The Politics of Constitutional Change in Industrial Nations.* Toronto, University of Toronto Press, p. 20. For a more detailed analysis, see Corry, J. A. (1978) 'The Uses of a Constitution', in *The Constitution and the Future of Canada* Special Lectures of the Law Society of Upper Canada, Toronto: Richard De Boo, pp. 1-15.

*24.*  Regomaad Wjotaler. *A Sovereign Idea: Essays on Canada as a Democratic Community,* p.167.

25.  Smith, B.C. (1985) *Decentralization: The Territorial of the State* London, George Allen & Unwin, p. 15. Cf. also M. J. C. Vile, (1977) 'Federal Theory and the "New Federalism"', in *Politics: Journal of the Australian Political Studies Association.*

26.  Gagnon has dealt more fully with this question in 'Everything Old is New Again: Canada, Quebec, and Constitutional Impasse', in Abele, F. (1991) (ed.), *How Ottawa Spends 1991: The Politics of Fragmentation.* Ottawa, Carleton University Press, pp.63-105.

27.  Gagnon, A. C. 'Quebec's Quest for a Nation-State', *Regional and Federal Studies,* Vol. 6, No. 1., p. 28.