

**An English version of the basic texts quoted in
André Burelle's book *Pierre Elliott Trudeau, l'intellectuel et le
politique/ Pierre Elliott Trudeau, the intellectual and the politician***

Quotations from Pierre Elliott Trudeau

As far as I know, all the following quotations are borrowed from texts that Mr. Trudeau wrote himself before he entered politics in the case of personalist and communitarian pronouncements, and after he left politics in the case of the individualist and anti-communitarian ones.

Trudeau the “personalist” and “communitarian” intellectual of *Cité libre*

On Canadian “multinationalism”

“There may be some countries where separatism is the only solution to current problems, but Canada is not one of them. By a historical accident, Canada has found itself approximately 75 years ahead of the rest of the world in the formation of a multinational state and I happen to believe that the hope of mankind lies in multinationalism.”

Quoted by Peter Gzowski in *Portrait of an Intellectual* published by Macleans's on February 24, 1962

On the need of “communities on a human scale”

“Faced as we are by the gigantic social and political complexes forced upon us by our third industrial revolution – that of thermo-nuclear energy and computers – it is absolutely vital that we maintain psychological equilibrium as well as democratic responsibility by strengthening local ties and keeping regional governments on a human scale as much as possible.”

Quebec and the Constitutional Problem, 1965 as translated by Joanne L'Heureux, in Pierre Elliott Trudeau, *Federalism and the French Canadians*, Macmillan of Canada, Toronto, 1968, p. 37.

On the “depersonalizing” forces of mass consumer societies

“Technology, which brings abundance and material happiness, presupposes an undifferentiated mass of consumers; it also tends to minimize the values that let a human being acquire and retain his own identity, values that I am grouping under the vague term *cultural*. The political order created by the state must struggle against this kind of depersonalization by pursuing cultural objectives. (...) In other words, just as the state intervenes in economic matters to protect the weak through social legislation, so it must intervene to ensure the survival of cultural values in danger of being swamped by a flood of dollars.”

Quebec and the Constitutional Problem, 1965, in *Federalism and the French Canadians*, p. 28-29.

On “subsidiarity” and Canadian federalism

“In the age of the mass society, it is no small advantage to foster the creation of quasi-sovereign communities at the provincial level, where power is that much less remote from the people and where education (and general creativeness) is related to more homogeneous and manageable groups of citizens.”

The Practice and the Theory of Federalism, 1961, in *Federalism and the French Canadians*, p. 133-134.

On Quebec as a “distinct society” within Canada

“The only considerable territory in the Western hemisphere in which French speaking people are grouped in sufficient numbers and are sufficiently attached to French for this language to be a political society’s first idiom is Quebec. (...) I would be opposed to either merging our province with Canada if the country were to become a unitary state, or allowing it to be absorbed by the United States. I cannot believe that the pan-Canadian or pan-American form of nationalism would be any less prone to chauvinism than the French-Canadian form. In terms of personal or political maturity, a citizen of Quebec – especially if he is French-speaking – does not stand to gain anything from total assimilation within a continental or semi-continental macrocosm.”

Quebec and the Constitutional Problem, 1965, in *Federalism and the French Canadians*, p. 33-37

On the “collective rights” of French Canadians

“The constitution must be so worded that any French-speaking community, anywhere in Canada, can fully enjoy its linguistic rights. (...) As I said earlier, the French language will be able to express progressive values only if North Americans who speak it are themselves in the forefront of progress. That is to say if they compete on an equal basis with English-speaking Canadians. But the competition *must* be on an equal basis. Otherwise, the French population is in danger of becoming paralysed by an excess of defensive mechanisms. We shall develop the mentality of a beleaguered people, withdrawing into Quebec the better to sustain the siege. In other words, French Canadians may be forced by *English-Canadian* nationalism to push Quebec nearer to a national state and sooner or later to independence.”

Quebec and the Constitutional Problem, 1965, in *Federalism and the French Canadians*, p. 31-46-48

On “bilingualism” at the federal and provincial levels

“When either the federal or the provincial governments intervene in the free-market economy to protect cultural values, they must apply the same rules of equity toward the French as Quebec has always applied toward the English segment of its population. (...) At the federal level, the two languages must have absolute equality. (...) At the provincial level, similar reciprocal rules must be applied. In principle, the language of the majority will be the only official one. However, when a province contains a French or English minority larger than, say 15 per cent, or half a million inhabitants, legislative and judicial functions must be exercised in such a way that the two languages are given absolute equality. It is very doubtful whether the same rule could be applied to the executive function; regardless of the size of its minorities, a province will therefore be able to remain unilingual on this point, provided that any citizen has a right to an English-French interpreter in his dealing with officials.”

Quebec and the Constitutional Problem, 1965, in *Federalism and the French Canadians*, p. 32-48-49.

On the division of powers within the Canadian federation

“It is important to notice that with the possible exceptions of marriage and broadcasting, federal jurisdiction covers only those areas having minimal cultural content. In these matters it is safe to assume that, except in times of crisis, linguistic factors will not be involved, and public opinion will be governed by criteria in which ethnic considerations play very little part.

Provincial governments, on the other hand, have jurisdiction over all matters of a purely local or private nature; over education, natural resources, property and civil rights, municipalities,

roads, social and labour legislation and the administration of justice; and more generally over all matters relating to cultural development or development of the land. (...)

Consequently, there is no need to evoke the notion of a national state to turn Quebec into a province “different from the others”. In a great number of vital areas, and notably those that concern the development of particular cultural values, Quebec has full and complete sovereignty under the Canadian constitution.”

Quebec and the Constitutional Problem, 1965, in Federalism and the French Canadians, p. 36-33.

On the role of provinces in social security matters

“Our Canadian constitution gives provinces the widest possible jurisdiction in matters of social security. This permits the government of each province to apply whatever social philosophy is best suited to its own population. The resulting diversity can create a healthy rivalry between provinces on matters relating to taxation and to the benefits to be derived for the various taxpayers. (...) This rivalry carries some risks: for example, a province might be tempted to attract capital and industry by adopting anti-cooperative and anti-union laws, as well as by reducing its expenditures for social purposes to a minimum. This can constitute a real danger for labour and agricultural workers who, lacking other means of protection, will wish to transfer some constitutional jurisdiction over these matters to the central government. I would consider this kind of centralization to be a last resort, however, and would prefer to retain as far as possible, the freedom and diversity arising from federative decentralization. This is why I consider it so urgent to negotiate interprovincial agreements establishing certain minimum standards of social legislation, at least in the larger industrial provinces.”

Quebec and the Constitutional Problem, 1965, in Federalism and the French Canadians, p. 26-27.

On the “unitary temptation” of socio-democrats

“To many an idealist, it may appear that socialism within a federal structure of government is not as pure, as exciting, and as efficient as socialism in a unitary state. That may be so, just as democratic socialism may be less efficient and far-reaching than the totalitarian brand. But just as democracy is a value in itself, which cannot be sacrificed to considerations of expediency, likewise at certain times and in certain places federalism may be held to be a fundamental value, and the penalty for disregarding it may be the complete collapse of socialism itself.”

The Practice and the Theory of Federalism, 1961, in Federalism and the French Canadians, p. 150.

On the “unavoidable interdependence” of governments

“I doubt whether federalism in the classical sense has ever existed, that is to say a federation which would have divided the totality of its sovereign powers between regional and central governments with such sharpness and adequacy that those governments would have been able to carry on their affairs in complete independence to one another. (...)

From the foregoing analysis of the B.N.A. Act it is obvious that intergovernmental cooperation is not only possible but it is in many ways constitutionally indispensable. (...)

The history of Canadian federalism is one of constant intergovernmental exchange and cooperation. It is also in part a story of sometimes subtle, sometimes brazen, and usually tolerated encroachments by one government upon jurisdiction of the other. For instance, the federal government (which has always shirked using the jurisdiction it held under Section 93,

paragraph 4, of the B.N.A. Act) has used grants-in-aid to enter resolutely into areas of technical and university education. Indeed the federal “spending power” or so-called “power of the purse” is at present being construed as a federal right to decide (at the taxpayers’ expense!) whether provincial governments are properly exercising any and every right they hold under the constitution. (...)

The main drawback to such approach is that it tends to develop paternalistic instincts in more enterprising governments, at the expense of democratic maturation in others. In areas where there exists a clear division of responsibilities between the federal and provincial levels, there is no doubt that the only proper censor of a government which incompetently discharges its obligation is the electorate of *that* government, and not some other government responsible to some other electorate.”

The Practice and the Theory of Federalism, 1961, in *Federalism and the French Canadians*, p. 134-135-137-138.

On the “predominant” powers of the federal government

“The organic law relating to the central government could be revised in order to give it a more authentically federal character. In particular, conflicts in jurisdiction between federal and provincial levels could be judged by an independent body deriving its authority directly from the constitution. The Senate could also be reformed so that it represented the provinces more directly. Far from diminishing the authority of Parliament, such a measure would increase provincial confidence in the legislation that emanates from Ottawa (for example. In matters of tariffs or macro-economic policy). (...)

The protection of basic rights having been ensured by a Charter, there would be no danger in reducing the central government’s predominance in certain areas (for example, by abolishing the right of reservation and disallowance). At the same time, this would have the advantage of getting rid of some of the constitution’s imperial phraseology.”

Quebec and the Constitutional Problem, 1965, in *Federalism and the French Canadians*, p 45.

On Canadian “multinational federalism” as a cure to separatism

“As I have already said earlier in this article (*New Treason of the Intellectual*), we must separate once and for all the concepts of state and of nation, and make Canada a truly pluralistic and polyethnic society. Now in order for this to come about, the different regions within the country must be assured of a wide range of local autonomy, such that each national group, with an increased background of experience in self-government, may be able to develop the body of laws and institutions essential to the fullest expression and development of national characteristics. At the same time, the English Canadians, with their own nationalism, will have to retire gracefully to their proper place, consenting to modify their own precious image of what Canada ought to be. If they care to protect and realize their own special ethnic qualities, they should do it through regional and local autonomy rather than through pan-Canadian sovereignty.

For the incorporation of these diverse aspirations the Canadian constitution is an admirable vehicle. Under the British North America Act, the jurisdiction of the federal State of Canada concerns itself with all the things that have no specific ethnic implications, but that have to do with the welfare of the entire Canadian society: foreign affairs, the broader aspects of economic stability, foreign trade, navigation, postal services, money and banking, and so on. The provinces, on the other hand, have jurisdiction over matters of a purely local and private nature and those that affect ethnic peculiarities: education, municipal and parochial affairs, the

administration of justice, the celebration of marriage, property and civil rights, and so forth. Nevertheless, in keeping with the fact that none of the provincial borders coincide perfectly with a particular ethnic group or linguistic delineations, no provincial government is encourage to legislate exclusively for the benefit of a particular ethnic group in such a way as to foster a nation-state mentality at the provincial level. On this point the record of Quebec's treatment of its minorities can well stand as an example to other provinces with large French, German, Ukrainian, and other minorities.

I have no intention of closing my eyes to how much Canadians of British origin will have to do - or rather, undo – before a pluralist state can become a reality in Canada. But I am inclined to add that that is *their* problem. The die is cast in Canada: there are two main ethnic and linguistic groups; each is too strong and too deeply rooted in the past, too firmly bound to a mother-culture, to be able to engulf the other. But if the two will collaborate at the hub of a truly pluralistic state, Canada could become the envied seat of a form of federalism that belongs to tomorrow's world. Better than the American melting-pot, Canada could offer an example to all those new Asian and African states already discussed at the beginning of this article, who must discover how to govern their polyethnic populations with proper regard for justice and liberty. What better reason for cold-shouldering the lure of annexation to the United States? Canadian federalism is an experience of major proportions; it could become a brilliant prototype for the moulding of tomorrow's civilisation.

If English Canadians cannot see it, again I say so much the worse for them; they will be subsiding into a backward, short-sighted and despotic nationalism.”

New Treason of the Intellectuals, 1962, in *Federalism and the French Canadians*, p 177-178-179.

Trudeau the “individualistic” and “anti-communitarian” politician of 1982

On the “egalitarian individualism” of the 1982 Charter of rights and freedoms

“Except in the two cases I mentioned in the next-to-last paragraph (the ancestral rights of aboriginal peoples of Canada and the preservation and enhancement of the multicultural heritage of Canadians), the Charter always seeks to define rights exclusively as belonging to a person rather than a collectivity: “everyone” (Sections 2, 7, 8, 10, 12, 13), “every citizen of Canada” (Sections 3, 6), “any person charged with an offence” (Section 11), “any party or witness” (Section 14), “every individual” (Section 15), “anyone” (Section 24). It should be noted that this preference holds good even where the official languages are concerned; individuals, not linguistic groups, are ensured of their right to use either language: “everyone” (Section 17), “any person” (Section 19), “any member of the public” (Section 20), “citizens of Canada” (Section 23).

It is clear that the spirit and substance of the Charter is to protect the individual against tyranny – not only that of the state but also any other to which the individual may be subject by virtue of his belonging to a minority group. Section 15 of the Charter leaves no doubt: all are equal before the law and are entitled to the same protection “without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability”.

The reason for this approach is evident. (...) The Canadian nation is composed of citizens who belong to minorities of many kinds: linguistic, ethnic, racial, religious, regional and so on. (...) If we had try to identify each of the minorities in Canada, in order to protect all the

characteristics that made them different, not only would we have been faced with an impossible task, but we would shortly have been presiding over the balkanization of Canada.”

The values of a Just Society in Towards A Just Society, Penguin Group, 1990, p. 365-366.

On “collective rights and equality of the citizens”

“Canada is a collectivity, a nation, the Canadian nation. Quebec is a collectivity, the Quebec collectivity, and if collective rights are to predominate, this means that the strongest will prevail over the weakest. Does that mean – and this is what happened during a long part of our history – that English-Canada could disregard the rights of French-speaking Canadians? We all know the result of such a disregard. If Quebec’s collective rights are allowed to predominate, this means that Quebecers could ignore Aboriginal people... who said, much to Quebec’s chagrin, that if the province separates, they won’t necessarily follow its steps. This shows how dangerous the theory of collective rights really is: larger and smaller communities fight each other in the bosom of the same country and this leads to civil wars. That is what collective rights are all about. That is why the French revolution has posited liberty as a fundamental human right. Nobody is submitted to the state in the exercise of his or her fundamental rights. This is liberalism: the affirmation that the rights of any individual predate the creation of the state and that all individuals are equal. That is what the American constitution and the universal declaration of Human rights are all about.”

My translation of *Ce gachis mérite un gros NON*, L’Étincelle éditeur, Outremont, 1992, p. 58-59.

On Bill 101

“I am in favour of free choice. (...) I respect the notion of community, but I respect even more the sovereignty of the person that belongs to that community. (...) Bill 101 is not a liberal law. It embodies what I call aggressive nationalism, nationalism at the expense of others. This is the *new treason of the intellectuals*.”

My translation of part of a 1998 interview published in *Cité libre*, vol.26, no 1, p. 104-105.

On the recognition of Quebec as a “distinct society”

“In the Charlottetown agreement, “Canadians confirm the principle of equality between the provinces with due respect to their diversity”. That’s too much! The agreement recognizes Quebec as a distinct society and makes it the only province recognized as distinct in the Constitution. How can one say by the same token that all provinces are equal?”

My translation of *Ce gachis mérite un gros NON*, L’Étincelle éditeur, Outremont, 1992, p. 25.

On Canada as a “one nation” federation

“Since it was generally recognized that, technically speaking, patriation of the constitution could proceed only from a resolution of the Parliament of Canada addressed to the Parliament at Westminster, and since such a joint address had never been moved, for lack of sufficient provincial support, it appeared that the complete sovereignty for Canada - as well as the vesting of that sovereignty in the Canadian people - could forever be held to ransom by one or more provinces. (...)”

There were only two ways to solve the conundrum. The government of Canada could accept the “compact theory”, recognizing that our country was nothing more than a community of communities, in which fundamental powers (including the power to patriate the constitution)

flowed from provinces that had freely united to form a loose confederation. Or the government of Canada, as the sole governing body empowered to act in the name of all Canadians, could reject the compact theory, hold that Canada was something more than and different from the sum of its parts, and proceed to patriate the constitution unilaterally. We chose the latter course when, as prime minister, I rejected the Château Consensus and announced that the federal government would initiate the process of patriation by laying a joint address before Parliament.”

Patriation and the Supreme Court, in *Against the Current*, McClelland & Steward, Toronto, 1996, p. 250.

On the refusal of “multinational federalism” along the Swiss model

“Generally speaking, the goal of the provinces was to obtain a greater devolution of constitutional powers, and their strategy consisted of refusing to agree on repatriating the constitution as long as their hunger for power went unsatisfied. (...) Canada, along with Switzerland, was already one of the two most decentralized countries on earth with respect to jurisdictions and public finances. However, the two countries being very different in size, Canada needed stronger bonds to hold parts together. Furthermore, although the Swiss comprised four distinct nationalities, they had developed a common sense of belonging over many centuries and would speak without hesitation of the “Swiss nation”. Canada, in contrast, had grown territorially as late as 1949, and its writers and politicians were still seeking a national identity. (...) It was my feeling that the major decentralization demanded by the provinces would endanger Canada’s survival as a country, and I was determined to resist it.”

The values of a Just Society in *Towards A Just Society*, Penguin Group, 1990, p. 375.

On the federal spending power curtailed by Meech and Charlottetown

“Let’s talk about the federal spending power. If this article (of the Charlottetown agreement) is adopted one can say goodbye to any new national program to help the small and poor provinces. Because any new national program would offer a right to opt out, all provinces could say: “ I get out. I have a program compatible with the national program and the federal government has to give me the money.” Rich provinces will want the federal to finance their program. But no federal politician in his right mind will vote all that money for the rich provinces. So there wont be any program to help poor provinces either. (...) The federal is asked to refrain from creating in the future such shameful programs as Health Insurance or Hospital Insurance. One must give the money to the provinces so that provinces can be unequal and that poor provinces get less protection – this will be the case in Quebec – and rich provinces get more and better services.”

My translation of *Ce gachis mérite un gros NON*, L’Étincelle éditeur, Outremont, 1992, p. 31.

What the Fathers of our Federation said on Canadian Federalism

Quotations from D'Arcy McGee, George Étienne Cartier and John A. Macdonald in Trudeau l'intellectuel et le polititique.

A new Nationality of the Spirit

“Canadians must invent a new Nationality of the Spirit, national in its preferences but catholic in its sympathies (...) for there is a new duty which especially belongs to Canada : to create a State and to originate a history which the world will not willingly let die. “

Darcy McGee, A Plea for the New Nationality of British North America, in British America Magazine, 1863.

Union without fusion of Canada's founding peoples

“When we are united, if we get united, we will form a political nationality with which neither the national origin nor the religion of any individual will interfere. It is lamented by some that we have this diversity of races, and hopes were expressed that this distinctive feature would cease. The idea of unity of races is utopian – it is impossible. Distinctions of this kind will always exist as dissemblance seems part of the physical, moral and political order of this world. With regard to the objection that a great nation could not be formed because Lower Canada is in great part French and Catholic, and Upper Canada is British and Protestant... It is futile and worthless in the extreme... We cannot do away with distinctions of race. We cannot legislate the disappearance of the French Canadians from the American soil, but British and French alike can appreciate and understand their position relative to each other. They have been placed like great families beside each other, and their contact produces a healthy spirit of emulation... In a federal system, that leaves to the central government only matters of general interest where race differences are irrelevant, cultural and religious rights won't be ignored.”

George Etienne Cartier, *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces*, 3ed Session, 8th Provincial Parliament, February 7, 1865.

Unitary Canada: an impracticable system

“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. But, on looking at the subject, and in discussing the matter as we did ... we found that such a system was impracticable. In the first place, it would not meet the assent of the people of Lower Canada, because they felt that in their peculiar position - being in a minority, with a different language, nationality and religion from the majority, (...) their institutions and their laws might be assailed, and their ancestral associations, of which they prided themselves, attacked and prejudiced; it was found that any proposition which involved the absorption of the individuality of Lower Canada - if I may use the expression - would not be received with favour by her people. We found too, that though their people speak the same language and enjoy the same system of law as the people of Upper Canada, a system founded on the common law of England, there was as great a disinclination on the part of the various Maritime Provinces to lose their individuality, as separate political organizations, as we observed in the case of Lower Canada.”

John A. Macdonald, *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces*, 3ed Session, 8th Provincial Parliament, February 6, 1865.

Subsidiarity without the word

“All local matters are to be banished from the general legislature; the local governments are to have control over local affairs, and if our friends in Lower Canada choose to be extravagant, they will have to bear the burden of it themselves.”

George Brown, *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces*, 3rd Session, 8th Provincial Parliament, February 7, 1865.

What the Privy Council in London said on Canadian Federalism

Quotations from the Privy Council in London in Trudeau l'intellectuel et le politique.

Local independence of provincial legislatures

“In decreeing that Ontario had the right to a legislature and that it was the right of its legislative assembly to pass laws for the province and for the provincial purposes relative to Article 92, the British North America Act conferred upon it, not the powers it was judged to exercise by delegation or in a quality as agent for the imperial parliament, but an authority as complete and extensive, within the limits prescribed by Article 92, as the imperial parliament, in the fullness of its power, possessed and could confer. Within the limits of the above-mentioned subjects, the local legislature exercises a sovereign power and possesses the same authority as the imperial parliament or the parliament of the dominion would have in comparable circumstances.”

Hodge vs the Queen, re: *The disallowance of a law of Ontario concerned with alcohol trade*, 1883

Non-subordination principle

“The object of the Act (the B.N. A. Act of 1867) was neither to weld the provinces into one, nor to subordinate provincial governments to a central authority, but to create a federal government in which they should all be represented, entrusted with the exclusive administration of affairs in which they had a common interest, each province retaining its independence and autonomy. That object was accomplished by distributing between the dominion and the provinces, all powers executive and legislative, and all public property and revenues which had previously belonged to the provinces; so that the dominion government should be vested with such of these powers, property and revenues as were necessary for the due performance of its constitutional functions, and that the remainder should be retained by the provinces for the purpose of provincial legislation, the legislation of each province continues to be as free from the control of the dominion, and as supreme as it was before the passing of the Act.”

Receiver-general of New-Brunswick against the Maritime Bank, 1892

General power of the Parliament of Canada must respect the autonomy of the provinces

“The exercise of legislative power by the parliament of Canada in regard to matters not enumerated in section 91, ought to be strictly confined to such matters as are unquestionably of Canadian interest and importance, and ought not to trench upon provincial legislation with respect to any of the classes of subjects enumerated in section 92. To attach any other construction to the general power which, in supplement of its enumerated powers, is

conferred upon the parliament of Canada by section 91 would, in their Lordships' opinion, be not only contrary to the intendment of the Act, but would practically destroy the autonomy of the provinces.”

Attorney-general of Canada against the Attorney-general of Ontario, 1896

Sir Wilfrid Laurier's view on non-subordination

“We have always maintained that the only means of maintaining the confederation is to admit the principle that, in its sphere, in that sphere attributed to it by the constitution, each province is quite as independent from the control of the federal parliament as the federal parliament is independent from the control of the local legislatures.”

Wilfrid Laurier, March 28, 1889

Two recommended readings:

On the historical basis of the 1867 Canadian Confederation explained in my book, see George F. G. Stanley's opening address of the 1956 annual proceedings of the Canadian Historical Association: *Act or Pact, Another Look at Confederation* (www.cha-shc.ca/bilingue/addresses/1956.htm)

For Trudeau's *one nation* “rethinking” of the “multinational” Canadian dream he praised so much during his *Cité libre* years, see the text he published in the *University of Toronto Law Journal* in 1991, reprinted under the title *Patriation and the Supreme Court*, in *Against the Current*, McClelland & Steward, Toronto, 1996.

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