**Janet Ajzenstat - “Decline of Procedural Liberalism: The Slippery Slope to Secession,” in Carens (ed.) Is Quebec Nationalism Just?**

**Thesis:**

A major source of conflict between English Canada and Quebec is not a divergence between procedural and substantive liberalism, but the breakdown of the procedural constitution. The idea that constitutional law can be impartial has been undermined, and so the constitution is simply seen as the product of battling interests – which contributes to secessionist feeling.

**Main Arguments:**

Charles Taylor makes the original distinction between procedural and substantive liberalism. Substantive liberalism subscribes to collective ideas about what a country is for. Quebec supposedly subscribes to this brand of liberalism, because it is not neutral about some things, and openly professes the collective goal of *survivance.* Procedural liberalism is avowedly neutral with respect to ideas of social and political good, and this is supposed to be English Canada's flavour of liberalism.

Yet by Taylor's account, Quebec has been able to pursue substantive liberalism, and has been successful within the federal system in protecting its collective goal. So what is the explanation behind the continued drive towards independence, particularly given that there aren't values differences between English and French Canada, and that the Quiet Revolution is described in Quebec as a triumphant emancipation?

What is heightening contestation in constitutional negotiations is not tension between Quebec's substantive liberalism and the ROC's procedural liberalism, but the erosion of confidence in procedural institutions. During the 60s and 70s, Quebec maneuvered for new powers, constitutional and otherwise. Constitutional change was increasingly seen as a site where Quebec could be assuaged. This encouraged other groups to seek to use the constitution to accomplish political and ideological goals.

The 1982 constitution was injected with a particular political conception which is anathema to Quebec, and has forced Quebec to adopt a more aggressive, less conciliatory posture.

To influence debate in the shrill forum of constitution-making, those claiming distinct status must appear less able to compromise. This escalating posturing was reflected in the constitutional contestation between Quebec and Aboriginals.

Because the constitution is no longer seen as a neutral procedural safe-guard, its reform is seen as a high stakes, zero-sum game in which justice amounts to the pronouncement of the strongest. As a result, it is natural for some Quebecers to feel that they would be better off without this constitutional contestation as an independent state.

**Method/Approach:**

Ajzenstat writes from a classical liberal grounding. This is empirically-grounded political theory.

**Contribution**

Ajzenstat dialogues with Charles Taylor most obviously, accepting his distinction between types of liberalism, but reaching different conclusions about the effect of this divergence. She adds complexity to the question of procedural versus substantive liberalism in Canada. Rather than following Taylor and most other scholars of Quebec by describing Trudeau's reforms as adhering to procedural liberalism, she suggests that the Charter itself is compromised by its embrace of substantive liberalism. Rather than remaining strictly neutral with regards to identity, it injects its own ideological conception of what Canada 'is for', thus inviting competing visions into the realm of constitutional contestation. This is a substantially different take on Trudeau's legacy.

It is also a critique of the politics of cultural recognition genearlly. It can be read in disagreement with the proponents of constitutional 'difference' – Tully, Macklem, Resnick, McRoberts, Gagnon and Iacovino, etc.. In Ajzenstat's version, recognition is the problem. Making the constitution responsible for enshrining group difference and competing conceptions of the good leads to disunity and ultimately, dissolution.

Constitutional politics is also seen as inherently destructive. Unlike Resnick, who argues that the BNA Act is dead and so a new round of constitutional negotiations is inevitable, or Gagnon and Iacovino, who argue that avoiding constitutional reform is only deepening a sense of grievance in Quebec, Ajzenstat argues that the nature of contemporary constitutional contestation is such that a universally-acceptable resolution is impossible. The only hope lies in returning to a “settled political life under the procedural constitution.”