
Canada's Constitution: A New Austria-Hungary in the Making?

by Henry Srebrnik

Since the breakdown of the Meech Lake constitutional accord, both English and French Canadians have been engaged in a process designed to see if the country can be salvaged as a recognizable federal state, or whether the "two solitudes," to use the term coined by Canadian novelist Hugh MacLennan, will indeed, after a century and a quarter, choose to go their different ways.

In September 1991 the federal government announced its new proposals for constitutional reform. As well, a number of provinces have established commissions after the collapse of Meech. But this essay will not delve into the minutiae of the various federal and provincial constitutional proposals, which may be modified beyond recognition. I want rather to see if it is possible for the Canadian-Quebecois dilemma to be resolved if both sides move towards the kind of "dualism" that, in the Habsburg Empire, resulted in the 1867 "ausgleich" or compromise, and the creation of the "Dual Monarchy."

Both of these admittedly very different states - Canada and Austria-Hungary - had a similar starting point: they were the products of empire, rather than the "national principle." They were formed as a result of imperial acquisitions and the conquest of ethnic groups distinct from that of the ruling imperial dynasty.

The lands that became known as Austria-Hungary were cobbled together over many centuries by the German House of Habsburg. Not until 1804, when the Austrian Empire was proclaimed by Francis II, was there even a common state as such, as opposed to purely dynastic unions.

By the mid-19th century, the Habsburgs ruled over populations of Germans, Hungarian (Magyars), Poles, Italians, Ruthenians (Ukrainians), Croats, Serbs, Slovenes, Czechs, Slovaks, and Romanians, among others. These peoples had ethnically-defined territories,

often historical kingdoms that retained ancient rights. The Habsburgs were Holy Roman [German] Emperors and kings of Hungary, Bohemia, and Croatia, among numerous other titles. Yet very often, as well, segments of these nationalities lived in belts of mixed population, areas which would later come into dispute as rival nationalisms—Italian vs. Croatian, Hungarian vs. Croatian, Czech vs. German—clashed within the empire.

Within the Habsburg Empire, even the German-speaking inhabitants viewed themselves as Germans, rather than Austrians. As for the other peoples, they owed loyalty, if at all, to the dynasty as such, and, if and when that diminished, were unwilling to assimilate their own ethnic and linguistic identities into those of the German nationality.

Canada was the eventual union of those North American possessions of the British Crown which did not revolt in 1776: Upper and Lower Canada, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland, British Columbia, and the Hudson's Bay Company's western and northern territories, known as Rupert's Land.

These colonies were inhabited by settlers from the British Isles, French Canadians, and various aboriginal peoples, later augmented by the arrival of immigrants from all over Europe and, after World War II, the entire world. Though most of these territories were incorporated into Canada by the turn of the century, they remained under the political, legal and ideological hegemony of the British Empire until well into the 1940s. French Canadians were largely concentrated in the old New France—although Quebec had a large English minority. The aboriginal peoples lost all meaningful political sovereignty, and became concentrated on reserves.

There was little sense of Canadian nationhood *per se*. British Canadians saw themselves as part of a larger entity, the British Empire. (Since English Canada was in effect the creation of the United Empire Loyalists, there was also no commonality of interest with the

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English-speaking but secessionist American Republic.) French Canadians were a people trying to survive as best they could under British rule. Later immigrants (and natives) had little input in the development of Canadian consciousness until post World War II.

The Habsburg Empire was a multi-national state where the two dominant groups, Germans and Hungarians, were each less than 25% of the total population. Loyalty to the state as such was felt most strongly by what we might today call a *nomenklatura*—the higher bureaucracy and army. Only slowly did nationalism begin to stir among the peoples of the empire—and, like in Canada, it would often take the form of cultural conflict and “language wars.”

In 1848, various nationalities rose in revolt against Habsburg rule, while Austrian Germans themselves sought greater political liberties (and possible union within a greater German nation).

The Habsburgs were pressured into adopting the *Kremsier* constitution, declaring the various nationalities (and their languages) equal and calling for the formation of a bicameral parliament, the lower house to represent the people, the upper house the various lands.

But this liberal constitution never came into effect. In the historic territory known as the Kingdom of Hungary (the lands of the Crown of St. Stephen), the Magyars (who made up less than 50% of the total population but who had long held a privileged position) proclaimed a constitution in their own Diet. However, nationalists like Louis Kossuth refused the other nationalities those freedoms Hungarians themselves sought. This resulted in resistance on the part of Croats, Serbs, Romanians and Slovaks, and the Habsburgs were finally able to defeat this attempt at creating an independent Hungarian republic.

The Magyars did not give up. For the next two decades, while the Austrian Germans tried to unify the monarchy, the Magyars insisted, not on federalism, but on a Hungary distinct from the other Habsburg lands, and itself centralized and unitary.

After 1866 they got their chance. The Habsburgs were defeated by Prussia and were eliminated from German politics. The weakened Austrian Germans, aware that the Hungarians would if necessary side with the Prussians, in 1867 (the same year as Confederation) agreed to the creation of a dualist political system in which the Hungarians received almost complete independence within their historical frontiers; they would also exercise a role in the larger polity far beyond their numerical or economic strength. None of the other nationalities in either “Austria” (i.e. the non-Hungarian lands of the Habsburgs, whose official name was simply “the kingdoms and lands represented in the Reichsrat

[Imperial Council]”) or Hungary were consulted. The “*ausgleich*” was a deal between the Habsburg court and the Hungarian leaders.

The details of the *ausgleich* are complex, so I will provide only a few of the main points. Three administrative authorities were set up: There was to be a common head of state—Francis Joseph I was now Emperor of Austria and King of Hungary—and a few areas of jurisdiction that would remain under imperial control: the military, foreign affairs (though both parliaments would have to approve international treaties), and a few common financial matters. Three imperial ministries were formed for these. As well, there were certain matters which, while not administered in common, would be regulated jointly upon principles which had to be renegotiated every 10 years: customs legislation, the proportion to be paid by each entity of certain taxes and expenses, a common monetary and postal system, and railway lines affecting both parts of the empire.

In order to deal with such legislation, numerically equal delegations from the two respective parliaments would meet in common once a year, alternately in Vienna and Budapest.

Everything else was now to come under the jurisdiction of Hungary or the lands of the Austrian Reichsrat. Each part of the empire would now have its own constitution, parliament and cabinet (located in Budapest and Vienna, respectively), and official language. There was no common citizenship, nor could either country intervene in the other’s domestic affairs.

Austria’s constitution, much more liberal than Hungary’s, recognized some national and linguistic rights. Within Hungary, despite the enactment of a Nationalities Law in 1868, which on paper allowed minorities to receive education and conduct local governmental affairs in their own language, by 1875 only the Croats retained certain very limited autonomy. The policy would henceforth be one of cultural assimilation: minorities wishing to adopt Magyar culture and language would be accepted, but those wishing to develop their own would be repressed. Magyar was made compulsory in all schools in 1883. By the turn of the century, over 90% of all judges, county and government officials in Hungary were Magyars.

But even within the Austrian lands there was conflict: Germans and Czechs clashed over who “owned” Bohemia: after all, said the German inhabitants, it had been an historic part of the Holy Roman Empire. But, countered the Czechs, these were the lands of the Crown of St. Wenceslaus, as such a Czech entity. These quarrels would extend to matters of language as well, including questions about the use of Czech or German on street

signs or on restaurant menus in bi-cultural cities such as Prague.

An attempt in 1871 to grant the Czechs equal status to Germans in a federal Bohemia failed (partly because the Hungarians, not wishing to alter the 1867 arrangements *anywhere* in the empire, blocked it). There were also outbreaks of violence by Germans in Bohemia and Moravia in 1897, when the government tried to introduce bilingualism in the civil service—a move favorable to the Czechs, who were more likely to know German than the reverse case.

Indeed, many Austrian Germans, now no longer prominent in wider German affairs, and indeed fearing their own decline within the Dual Monarchy itself (imperial ministries were no longer necessarily under German control), began to declare pan-German sentiments, and looked longingly towards the powerful German Empire next door. Some intellectuals wanted a small, German Austria, attached to Germany by a customs union. A nationalistic pan-German party was formed by Georg von Schonerer in 1885. Germany discouraged such behavior, believing that a united Habsburg monarchy better served Germany's interests than a fragmented group of successor states.

As for the Hungarians, despite the *ausgleich*, demands for complete independence increased by the turn of the century. Many wanted a separate Hungarian army with Magyar as the language of command, and an end to the customs and monetary union with Austria. Even those who continued to support the *ausgleich* constantly sought increased influence and privileges in the empire as a whole.

The Hungarians also redoubled their campaigns against minorities within their borders, especially against the Croats. Even private schools for minorities were banned in 1907. The minorities, said Hungarian Prime Minister Stephen Tisza in 1913, had to become accustomed to the fact that they lived in a nation-state, "a state which is not a conglomerate of various races." As already noted, the Magyars also blocked whenever possible ethnic advances in the Austrian lands, lest similar demands be made on them. They considered only themselves and the Germans the two "peoples of state." They needed the Habsburg connection in order to maintain their greater Hungary, while wishing to remain free from Viennese interference.

The national discontent within the empire led to its disintegration after World War I. Two tiny rump states, Austria and Hungary, reduced to their ethnic boundaries, were all that was left to the two ruling peoples of the empire. (The Hungarians did indeed find out they could not leave the Dual Monarchy with all their territory.) Elsewhere, successor states, based on the

"national principle," emerged, though often these, too, found themselves with recalcitrant or unwanted minorities.

All of these conflicts resulted in sterile constitutional questions taking precedence over the promotion of economic unity and industrial development. Towards the end, the state was held together only by a vast body of bureaucrats.

The various constitutional amendments now on the table in Canada are leading us towards a "Austro-Hungarian" solution. But that begs the question: Would a "Dual Canada" which made constitutionally explicit the notion of "two founding nations" follow the same downward spiral as did the Hapsburg Monarchy?

Quebecois, certainly, show ethnocentric tendencies not encouraging to anglophone and allophone minorities, and seem more interested in cultural assimilation than pluralism.

Despite massive emigration since the 1970s, there are still some 800,000 anglophones in Quebec, concentrated mainly in Montreal, and they remain hostile to Quebec nationhood.

The allophones—some 630,000 people—fare little better. While in many ways more integrated into the larger French Canadian society than are the anglophones (many allophones are recent immigrants), they fear Quebec separatism almost as much and also wish to remain within Canada.

In December 1990, a report written by nine prominent members of Quebec ethnic groups said that in Quebec, racism is alive and well and living under the guise of Quebec nationalism. As Quebec moves toward becoming more French, it pushes aside and ignores other cultures, which are not seen as valid. The Quebec concept of integration is really assimilation. It also noted that Quebec identity has begun to be based entirely on race, leading to expressions such as Quebecois "pure laine," literally, of pure wool, i.e. old-stock or "real" French Canadians.

While the Canadian federal civil service employs approximately the same percentage of francophones as comprise the overall population, Quebec's civil service is still overwhelmingly francophone. Though francophones comprise about 83% of Quebec's population, the provincial civil service was, as of March 1990, 99.3% francophone. Montreal's own civil service is less than 1% anglophone—this, in a city where anglophones still make up some 19% of the population.

In March 1991, Cree Chief Billy Diamond warned a House of Commons committee that his people might engage in armed confrontation if the \$12.7 billion Great Whale River (James Bay II) project were to be launched. "We are distinct. We are sovereign. We are autonomous," contended Diamond.

This has in turn generated much anger among Quebecois, for whom Hydro-Quebec and the various projects in northern Quebec have become secular icons of the Quiet Revolution, as well as a means to economic development. Quebec Energy minister Lise Bacon warned the Cree in October 1991 that the project would not be permanently blocked.

There are other peoples in Quebec who might also opt for self-determination. Witness the extreme bitterness between the Mohawks of Oka, Kahnawake, and Kanasatake and the Quebec government in 1990. Before it was over, one Quebec provincial police officer had been killed, and 3,700 Canadian troops deployed to keep the peace.

In English-speaking Canada, too, there are voices calling for an end to policies designed to preserve ethnic and linguistic diversity. There is massive discontent with federal policies regarding official bilingualism and multiculturalism, which in many parts of English Canada bears little resemblance to social reality. In the West, especially, people think of French Canadian as simply another ethnic minority, rather than as a "dual partner" in Canada.

If dualism does prove unworkable, what are some other potential outcomes? A complete breakup of the country might be economically extremely costly. Nor are there any guarantees that the passions such a situation might unleash could be controlled.

Historians as well-respected as Jack Granatstein of York University and Desmond Morton of the University of Toronto have both spoken publicly of the potential for civil war, especially if Quebec's secession were to involve more than simple separation of the province from Canada, but might also result in an partition or shifting of borders between provinces to reflect ethnic and linguistic boundaries as happened in Austria-Hungary.

Who, after all, has the right to self-determination? If French Quebecois, then why not also the internal minority of anglophones? Why not natives?

In March 1991, the Equality Party (a newly formed Quebec anglophone-rights party) passed a resolution demanding negotiations on the partition of Quebec

should the province declare independence. They called for "the establishment of new provincial boundaries that will maintain the physical integrity of Canada." Presumably a corridor south of the St. Lawrence River, running through the historically English Eastern Townships, and perhaps also including anglophone parts of Montreal, could become a new Canadian province. Some of the towns north of the Ottawa River also have anglophone populations, and might consider joining this new province, or Ontario.

Others have noted that the entire Quebec north (the Abitibi and Ungava regions) was granted to the province in 1898 and 1912 by the federal government, presumably on the assumption Quebec would remain in Confederation, and therefore should revert to Canada if Quebec goes its own way. Most of the population there is aboriginal, and Ovide Mercredi, chief of the Assembly of First Nations, has said aboriginals would resist severing this territory from Canada.

One of last year's best selling books, *Deconfederation: Canada Without Quebec*, written by University of Calgary academics David Bercuson and Barry Cooper, not only rejects an Austro-Hungarian solution for Canada, calling instead for the departure of Quebec, but also suggests Canada has a right to retain the far north, the South Shore of the St. Lawrence, and perhaps even parts of the Ottawa valley and Montreal.

On the other hand Quebec nationalists maintain claims to Labrador, which is an integral part of Newfoundland province. Nationalists have never reconciled themselves to the 1927 ruling by the Judicial Committee of the Privy Council in London awarding the disputed territory to Newfoundland (then still a British colony), and official Quebec maps and logos typically show the area as part of the province. Also, might not the Acadians of New Brunswick wish to throw in their lot with a sovereign French-speaking state, resulting also in a division of that province?

We know that once people begin to fiddle with borders, violence often follows. Secessions may sometimes be bloodless, but partitions are messy. A sovereign French Quebec may end up, like Hungary, a much smaller state.

The dangers are clear. Another referendum looms in Quebec—but this time, unlike in 1980, both major provincial parties are prepared to see Quebec leave Confederation. So perhaps there are lessons to be drawn for Canada from the Austro-Hungarian experiment, because, as Keith Spicer stated in November 1991, "there are not a lot of chances left for Canada." ♦