rides roughshod over the rights and dignity of minorities and, in the case of Canada, its special responsibilities to its First Nations.

It was clear that, prior to the 1995 referendum, the secessionist government in Quebec led by Premier Jacques Parizeau was intent on ignoring the legitimate concerns of the rest of Canada, the minorities within Quebec and the First Nations in the province, including the Cree of Northern Quebec who had voted overwhelmingly to stay in Canada just before the referendum. Bill

Was not the structure of the October 30, 1995 referendum question designed to manipulate a certain response from Quebeckers? Can a slim majority in favour of a non-transparent and manipulative referendum question be a legitimate basis for shattering the constitutional order in the entire Canadian federation and the shattering of democratic legitimacy in Quebec itself?

1. titled An Act Respecting the Future of Quebec, introduced in the Quebec National Assembly by Premier Parizeau on September 7, 1995, authorized the National Assembly, within the scope of its provisions, to proclaim the sovereignty of Quebec and to give effect to the Declaration of Sovereignty appearing in the preamble to the Act. This would follow a majority vote on the referendum question which was drafted as follows: “Do you agree that Quebec should become sovereign, after having made a formal offer to Canada for a new Economic and Political Partnership, within the scope of the Bill respecting the future of Quebec and of the agreement signed on June 12, 1995?”

The reference to the June 12, 1995 agreement in the convoluted and we would assert non-transparent question concerned a tripartite agreement between the leaders of the Parti Québécois, the Bloc Québécois, and Action Democratique outlining their common project for the sovereignty of Quebec. The referendum result was 50.58% for the “No” side and 49.42% for the “Yes” side.

Was not the structure of the October 30, 1995 referendum question designed to manipulate a certain response from Quebeckers? Can a slim majority in favour of a non-transparent and manipulative referendum question be a legitimate basis for shattering the constitutional order in the entire Canadian federation and, based on the above analysis, the shattering of democratic legitimacy in Quebec itself?

It could be argued that such a non-transparent and manipulative referendum question is itself an abuse of the democratic rights of Quebeckers.

The necessity of transparency and legitimacy with respect to the referendum question is itself an abuse of the democratic rights of Quebeckers.

3. When a human problem gets "legalized" and "judicialized", then it's time for all reasonable and intelligent people to move away. If, indeed, the Minister of Intergovernmental Affairs has nothing better to do in life than to legalize Canadian democracy to its political death, then indeed this is a sad day. When you read Stéphane Dion's argument, you can't even find the beginning of a political idea. The day is not only sad, it is also full of despair.

4. It is always amusing to watch university professors and intellectuals make the jump for active politics. If, by chance, they end up in the Opposition or in the back benches, many usually manage to escape with a minimum of integrity and dignity. They become rather irrelevant but at least they will do no harm.
In 1982, the Canadian plonger "Yes" once Stephane? projects on which he knows a scholar and the intellectual sentence which summarizes Jean Chretien's entire political est country in the world, a sentence which degrades for the "separatistes". And these are the very people someone would go that low sovereignists want a new partnership with? Separatistes are indeed a strange lot. And these are the very people someone would go that low sovereignists want a new partnership with? Separatistes are indeed a strange lot.

Quebec needs a strong and pro-active Canada to help ease its way in the international community. This is especially so considering that, according to M. Dion and his friends, Quebeckers are a bunch of idiots who support the "Yes" side without knowing what it means. Without M. Dion and Axworthy, future Quebec diplomats will never find the way to the UN bathrooms.

11. If M. Dion is right on the issue of international recognition, then it is clearly his responsibility and that of the Canadian Government to prepare for the day when they will have to come to our support. Independentists pay their fair share of federal taxes and will continue to do so—until the Great Day arrives. In the meantime, I fully expect my Federal Government to work diligently (with my taxes) on preparing other countries to welcome us. After all, Tony Blair did not hesitate to take the road and spend a few pounds promoting the "Yes" side; why not Jean & Stéphane?

12. What about the one letter which Minister Bernard Landry could find the time to write? He is right, of course, to suggest that Ottawa seem to have "deux poids, deux mesures" when it deals with Quebec. In 1982, the Canadian Constitution was formally amended and fundamentally changed even though the Canadian population was not consulted. Furthermore, the opinion of the Quebec National Assembly was simply put aside and no more than a handful of the five hundred or so elected parliamentarians all across Canada refused this way of proceeding. But of...
ans but can win the active support of Quebeckers. In the meantime, as politicians feel compelled to discard yet another term for describing Quebec and its place in Canada, one cannot help but be struck by how we have lost the very vocabulary for conducting a meaningful debate over the future of Canada. It's for this reason that Plan B strategies come so much more easily, and the debate over "national unity" becomes a debate about Canada's break-up.

Kenneth McRoberts has recently published Misconceiving Canada: The Struggle for National Unity, with Oxford University Press.

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endum, decides to postpone it indefinitely.

However, some of the interveners in the reference, most notably Mr. Guy Bertrand, urgently press the Supreme Court for a declaration that the federal government is constitutionally obliged to oppose a new referendum. Also, once the Supreme Court has given its answer, the action filed by Mr. Bertrand in the Superior Court of Quebec for a permanent injunction against another referendum will be revived. Yet, if a new referendum were prohibited, the only other conduct open to the Bouchard government would be to hold an election on sovereignty (which would be much easier to win than a referendum). And it would surely be quite arduous for the federal government or for Mr. Bertrand to ask for a court order prohibiting democratic elections in Quebec.

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tion has become paramount in light of the revelations by former Premier Parizeau that he would have unilaterally declared sovereignty as little as ten days after the narrowest of victories in the last referendum. Parizeau would not only have betrayed the compact among his sovereigntist partners to enter into a period of negotiations for a new partnership with the rest of Canada; he would also have betrayed the democratic rights of Quebeckers to determine the most fundamental nature and true future course of their own society. The instrument of the betrayal would have been the non-transparent referendum question.

CONCLUSION

The concept of legitimacy imposes conditions to both the exercise of democratic rights and the assertion of the rule of law under the Canadian Constitution. Because of the imperatives of legitimacy, the rule of law under the Canadian Constitution and the exercise of democratic rights of Quebeckers are not in opposition to each other. They are natural allies.

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course, all of this is old stuff.

13. There is one thing new in the Landry rebuttal, the "rappel" that, in 1982, Pierre Trudeau repeated a number of times that if the U.K. Parliament ever refused to give Canada the constitutional amendment it required in order to patriate the BNA Act, then Canada would proceed on its own and declare its unilateral independence. What a strange idea. I always knew you could count on Pierre.

14. Bernard Landry is an economist by profession and training. It must mean something that he has found the time to engage in a high-level intellectual debate with Stéphane Dion. Yes, but what exactly? It can't be a "rational choice" decision.

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