

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

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*Was not the structure of the October 30, 1995 referendum question designed to manipulate a certain response from Quebecers? 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?*

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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 Quebecers? 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 Quebecers.

The necessity of transparency and legitimacy with respect to the referendum ques-

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## THE LETTER WARS

BY DANIEL LATOUCHE

Recent "letters" by Intergovernmental Affairs Minister, M. Stéphane Dion—the man who could read and write at the same time—are quite revealing, much more so than the response by M. Bernard Landry, who obviously has much better things to do than to check Dion's footnotes and style. Here's what I learn reading them:

1. I have always thought that democracy's greatest strength was its capacity to tap one of human nature's basic instincts: laziness. When given the chance—no mafia running the country—human societies tend to prefer democratic solutions to un-democratic ones for the simple reason that they are easier to enforce and to live with. It is certainly easier to try and live with the result of an election or a referendum than to organize a massive rebellion, a military coup, or a hunger strike. Clearly, M. Dion does not share in this view. In a previous life, he must have been a Jesuit and now certainly aspires to become a new "Saint-Martyr-Canadien" (check your history book or ask any French-Canadian for the key to that one).

2. I also know that Queen's is Canada's Mecca for the study of federalism. According to a recent study produced in one of Kingston's "think-tanks" (a contradiction in terms, I agree), studies on federalism are on a downward spiral in Canada. Canadian political scientists, especially the younger ones, are no longer interested in federalism as an academic discipline. For their part, Québec political scientists have entirely given up on the topic. Now I understand

why: it has to be the world's most boring, irrelevant, and useless field of research. You don't believe me? Read Dion's letters. Maybe there is hope for political scientists after all. They're looking for greener intellectual pastures.

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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.

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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. To read Mr. Dion's letters is to realize how quickly one adopts one's master's worst inclinations (I know, I've been there). I was expecting a number of interesting remarks by M. Dion on democracy or nationalism, two subjects on which he knows a great deal. Instead, he takes it upon himself to speculate on the likely reaction of foreign powers, a subject on which he knows absolutely nothing.

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*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?*

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5. The fact that M. Dion has to include in his Reference a mention to Canada as the greatest country in the world, a sentence which summarizes Jean Chrétien's entire political thinking, is degrading for the scholar and the intellectual that M. Dion once was. That someone would go that low

(intellectually speaking, that is) will always remain a puzzle.

6. Dion's letters, especially the first one, make ample references to the situation of pre-civil anarchy into which the Québec Government is apparently willing to push Québec. The words he uses are not innocent ones: "You are ready to push Québec into anarchy, outside of the legal framework" ("vous êtes prêts à les plonger dans une situation anarchique, en dehors du cadre juridique"). This is frightening. There are certain words and certain situations which should not be evoked under the pretext of clarifying the situation. Politics and democracy actually require that certain possibilities not be evoked. Tolerance often calls for silence.

7. At the basis of Dion's argument is the belief that Québec society is not mature enough to come to terms with its own political decision, especially if it is a close one. Unless, of course the result of the future referendum is either validated by Ottawa with a question to Ottawa's liking, or is in the 65%-70% range.

8. If M. Dion's choice of words is meant to intimidate Quebeckers and sovereignists, he has clearly succeeded. On a number of occasions, I have written that sovereignty for Québec was not worth a single human life. By leading the charge of the partitionists and especially by giving it, in advance, an aura of legitimacy and legality, M. Dion is not only blowing on the fire, he is also making sure that people like me will simply withdraw from the entire operation.

9. The fact that his recent letters, and his entire behaviour since assuming his present job, have not been denounced by a single Anglo-Canadian intellectual and university professor is also quite

revealing. Either they all agree with him and believe it's about time someone puts the (intellectual) finger to these separatists, or they actually disagree with him but are afraid that any public expression of such a disagreement would be interpreted as support for the "séparatistes". And these are the very people sovereignists want a new partnership with? Séparatistes are indeed a strange lot.

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*Québec 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 Québec diplomats will never find the way to the UN bathrooms.*

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10. There is one point, however, on which I personally agree with M. Dion, and that is the fact that the international community would probably find it easier to welcome Québec as a new member if it had the support of the Canadian Government. In any case, I certainly hope so; otherwise, what's the point of attempting to establish a new political,

economic, and social partnership with Canada, if the latter can't even show some clout on an issue so close to home. Québec 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 Québec 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 Québec. In 1982, the Canadian Constitution was formally amended and fundamentally changed even though the Canadian population was not consulted. Furthermore, the opinion of the Québec 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

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## THE CALGARY DECLARATION: "NATIONAL UNITY" FOR A CHANGE? *from page 95*

ans but can win the active support of Quebecers. 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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## THE QUEBEC SECESSION REFERENCE: PITFALLS AHEAD FOR THE FEDERAL GOVERNMENT *from page 97*

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 obli-

gated 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 prohib-

ited, 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. 

*José Woehrling is a Professor at the Faculté de droit, Université de Montréal.*

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## THE QUEBEC QUESTION AND THE CANADIAN DILEMMA *from page 102*

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 Quebecers 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 Quebecers are not in opposition to each other. They are natural allies. 

*Errol P. Mendes is Professor of Law and Director, Human Rights Research and Education Centre, University of Ottawa.*

*Clare Ettinghausen is a graduate student in Political Science at Carleton University.*


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## THE LETTER WARS *from page 103*

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. 

*Daniel Latouche is Professor at the INRS-Urbanisation, Institut national de la recherche, Université du Québec.*