

POSITIONS

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Against Partition

A FAMILIAR ARGUMENT for partition runs like this: if Canada is divisible (as Quebec sovereigntists believe) then by the very same reasoning so is a sovereign Quebec divisible. If a majority of all Quebecers voting for Quebec's secession from Canada would justify secession, so the majority of citizens in a determinate territory of Quebec voting for the partition of Quebec would justify partition in that territory. This partition would, if it were to occur, obtain for citizens in a distinct region of Quebec, with a majority of votes in that region, opting for that region not to become a part of a sovereign Quebec but to remain instead in Canada. Partitionists want to remain in Canada and vote to do so. They do not want to vote to secede and become an independent *nation* distinct from Quebec. They just want to remain in Canada and to ensure that their region can do so. If the citizens of Quebec vote for it, Quebec sovereigntists believe, then the secession of Quebec is justified with a simple majority vote provided certain other conditions are also met such as the protection of civil rights for everyone in Quebec, a fair sharing of the national debt, a fair division of state assets and the like. But, if this is fair and democratic in the sovereignty case, it, the argument goes, is also fair and democratic in the partition case. Sovereigntists cannot consistently and fairly be for the sovereignty of Quebec and reject partition, if that is the democratically expressed will of the relevant people.

This argument is unsound and it is important to see that and why it is. It is unsound for both principled reasons and practical reasons. One of the principled ones is rooted in the fact that the francophone people of Quebec (not only the 'old stock' French-

speaking Quebecers but all people in Quebec whose principal language is French, who are attuned to the traditions that tend to go with it and who see themselves as francophone Quebecers) constitute a distinct nation, along with, as part of that nation, the anglophone and allophone minorities in Quebec attuned to that public culture. However, and this is crucial to note, the anglophone minority and the allophones do not *by themselves*, either together or separately, constitute a *distinct* nation or distinct nations. While remaining in and being a part of the Quebec nation, they are not themselves distinct nations. In that respect they are unlike the First Nations. They constitute instead respectively a national minority in Quebec and different immigrant groups in Quebec. All of them, let me reiterate, are a part of the Quebec nation. In this nation, in which francophones are an essential constitutive element, anglophones and allophones, along with francophones, share a common citizenship, and in that sense a common nationality; have common civil rights and common political institutions. A nation, it is vital to recall, is a group of people who recognize one another as belonging to the same political community, acknowledge special obligations to each other, and either have or aspire to political autonomy in virtue of characteristics they believe they share, such as a common history, attachment to a geographical place and to a public culture that differentiates them from their neighbours. The francophone people of Quebec constitute a *distinct* nation in this familiar sense, but the anglophones and allophones in Quebec do not, nor do they (generally speaking) aspire to be a distinct nation in Quebec. They see themselves as being, and they indeed are, members of the society of Quebec which predominantly, but not exclusively, is francophone, and where its pervasive and integrating culture—its public culture—is marked by that. It is, that is, a nation in the sense characterized above. Anglophone Quebecers, while remaining fully Quebec citizens and, if they acknowledge being so, are members of the Quebec nation, are (by choice or unthinking orientation) also members of the English Canadian nation. But they do not themselves constitute a distinct Quebec nation. They are a national minority within the Quebec nation, but they themselves do not constitute a nation; they are, instead (where they will accept, as many do, the identification) part of the Quebec nation with its markedly francophone character.

This scholastic discussion is relevant to the argument for partition in the following way. Nations (including First Nations) have a right to some form of self-governance and in certain circumstances this carries with it a right, as a distinct nation, to secession. National minorities and immigrant groups do not have this right since they do not constitute nations. They, of course, have a right to the protection of their civil rights and to historically established institutional protections, such, as in the case of the English-speaking national minorities in Quebec, the right to English-language schools, hospitals, certain services in English, and the right to use English in the National Assembly. But not being themselves a nation they can no more have the right to self-governance as a country than can the francophone national minority in Ontario or the Ukrainian, German or Chinese immigrant groups in Alberta or British Columbia. Plainly none of them constitutes a nation. So partition, not being parallel to the secession of a nation, is out, nations being the only kind of collective entities that can secede or withdraw from a state. There is no valid analogy between the partition of (say) the Island of Montreal and the secession of Quebec from the rest of Canada. It is nations and not national minorities and ethnic groups which have the right to political self-governance as a country. Everybody in a democratic society has, of course, the right to participate as individuals in the politics of their nation, but only nations have the right to the full political self-governance that goes with sovereignty.

There is another quite distinct principled argument against the partition of Quebec. Normally in a democracy political issues are decided by simple majority vote. But not all issues are rightly so decided. Issues which involve the transgression of basic rights are not vote issues at all, and issues which plausibly *might* have the effect of in some way weakening those rights could very well, where a certain resolution might have that effect, require a stronger majority, before that resolution could be accepted, than that of a simple majority. And, where there is a question of modifying some part of the constitutional essentials of the society, or what is plausibly thought to be the constitutional essentials, then it might well be the case that something more than a simple majority should be required.

However, the individual rights of Quebec people, whether francophone, anglophone or allophone, are firmly guaranteed in the Quebec constitution and have steadfastly been respected in the practice of Quebec sovereigntist governments. What is at stake here is not a judgement concerning whether a simple majority vote in a referendum would justify settling the issue of the sovereignty and territorial integrity of Quebec, or whether the people in the regions of Quebec unhappy with the result of a referendum would be justified, again with a simple majority vote in their area, in opting for the partition of their area in the face of a yes vote for sovereignty. It is evident that in such a situation, dissatisfied though the would-be partitionists are, their rights are not being violated even by a unilateral declaration of sovereignty by Quebec. Their rights to remain Canadian citizens living on Quebec soil in the case of a favourable vote are not at all threatened. Neither are they required to remain in Quebec, nor are they prevented from moving (if they wish) to English Canada, nor are they in any way pressured to leave Quebec. If they feel pressured it is something that is neurotically self-generated rather than something coming from Quebec society.

It is understandable, and indeed something with which sovereigntists can sympathize, that many English Quebecers should wish to remain Canadians living in Canada *where Quebec is an integral part of Canada*. But if what they want cannot be not granted, given that they have lost in a fair vote for how a society is to be organized politically, their rights in such a circumstance are not being violated. They have lost something they very much, and not unreasonably, want, but that is another matter. It is also understandable, and it is something with which many anglophones ought to be able to sympathize, that many Quebecers (most particularly, but not exclusively, francophone Quebecers) would wish, and often very strongly, to live in a sovereign Quebec rather than in Quebec as presently constituted. They wish to live a life where they are more firmly in control of their own destinies than they are now. But if these Quebecers lose in a fair referendum they plainly do not get what they very much want, and not unreasonably want, but again, if they in such a situation do not get what they want, their rights have not been violated. It is understandable that both groups should, wanting what they want very deeply, care very

much about how things go here. But where violations of rights are not at issue, as they are not here, democratically committed people have to be prepared to accept the will of the majority of the citizens in the nation. Otherwise we make a mockery of the very right of the national self-determination of a people and with that of democracy. It is tragically saddening when sometimes people have to lose out on what they very much want, and legitimately want—lose, that is, things that importantly help to give meaning to their lives. But sometimes two contending groups have deeply conflicting interests not all of which can be met. They simply, deeply and rightly, want irreconcilable things. Someone, in such a situation, has to lose, and there it is less awful if the minority loses, where both wants make a strong claim for recognition, and, as far as we can ascertain, both are on a par. That is arguably our situation in Quebec. Here what we should do, though not without sympathy for the losers, is go with the majority.

Consider now the argument that where essential constitutional matters are involved simple majorities will not do. A simple majority could not legitimately vote to suspend rights of assembly, due process, freedom of speech and the like. But, even *if* there was a clause in the federal constitution saying that provinces could only secede with the permission of the federal government, that constitutional rule, or anything like it, in the face of the very deeply embedded moral right of nations to political self-governance, should (and probably would) be overridden. The very fundamental right of a democratic people to self-governance, something essential to the very idea of democracy, must (morally speaking must) prevail. There isn't, of course, such a constitutional measure, but, even if there were, it would, if anything like justice prevails, be overridden. Clear moral rights trump legal, including constitutional, measures, where they conflict. Sometimes constitutional changes require more than simple majorities, but 1) no constitutional measures are threatened by Quebec's quest for sovereignty and 2), clear issues of human rights aside, which (as we have seen) are not at issue here, the very fundamental right of a people to govern themselves would plainly trump any constitutional regulation, should it be appealed to by a government or be a created by any legal entity such as a supreme court.

Arguments of principle aside, the whole partition suggestion is completely unfeasible. It would bring on the economic, political and cultural undermining of both Quebec and of the regions that would partition themselves. This is particularly obvious for the Island of Montreal. Quebec without Montreal is completely unviable. It is the heart of the country. And the Island of Montreal as a kind of 'City State' separated from Quebec and geographically separated from English Canada is also utterly unfeasible.

Talk of partition is either completely naïve or a propagandistic threat designed to scare Quebecers away from the sovereignty option. The latter is very dirty pool and the former could not be sustained in the face of careful reflection. What we Quebecers should do is stop considering partition as a serious option and instead face squarely the issue that a new referendum will ask us to decide, namely, whether we want a sovereign state perhaps seeking some form of partnership with Canada, or whether we want to remain in the Canadian state as a province, perhaps in some sense a 'distinct' province. We need to reflect very hard and very non-evasively on that issue without partitionist distractions or distractions concerning the legality of such a referendum. The question should be taken for the profound *political* question that it is, and should be settled by a straightforward simple majority vote of all the citizens of Quebec. Nobody's rights are being threatened here. Quebec's constitutional recognition of basic rights is securely in place, so there are no rational grounds for demanding more than a simple majority—the normally democratic thing.