

UNB Brunswickan

Perspectives: Rights and Wrongs

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"We have no absolute rights among us. The rights of each man... end precisely at the point where they encroach upon the rights of others."
- [Sir Wilfred Laurier](#), 26 June 1877

Since 1982 the Canadian Charter of Rights and Freedoms has guaranteed every individual, without qualification, a basic set of human rights that cannot be abrogated by the police, courts, or legislatures (except, of course, by use of the notwithstanding clause).

The entrenchment of these rights was former Prime Minister [Pierre Trudeau](#)'s foremost goal throughout his tenure, took him almost fifteen years to accomplish, and must surely stand as his greatest legacy.

In "Towards a Just Society", Mr. Trudeau explains his philosophy in heartfelt words:

"Clearly, the very adoption of a constitutional charter is in keeping with the purest liberalism, according to which all members of a civil society enjoy certain fundamental, inalienable rights and cannot be deprived of them by any collectivity (state or government) or on behalf of any collectivity (nation, ethnic group, religious group or other)."

To use Maritains phrase, they are 'human personalities,' they are beings of a moral order—that is, free and equal among themselves, each having absolute dignity and infinite value. As such, they transcend the accidents of place and time, and partake in the essence of universal Humanity.

They are therefore not coercible by any ancestral tradition, being vassals neither to their race, nor to their religion, nor to their condition of birth, nor to their collective history. It follows that only the individual is the possessor of rights."

The Distinct Society clause, proposed again in the latest constitutional package, is in direct opposition to Mr. Trudeau's philosophy, assigning rights to individuals, but to an ethnic collectivity.

Let us consider the rationale behind this clause. Let us walk, for a moment, in the shoes of a French Quebecer. How do we feel?

Well, first and foremost, we know that our society has roots stretching back some four hundred years, a society that has, from its very beginning, been profoundly different from those established by the British elsewhere on the continent, a society that, even today, has a unique language, tradition of civil law, and culture.

We also feel that our survival is precarious. We are a tiny island of six million francophones in a North American ocean of 270 million anglophones in an increasingly homogeneous world. We feel threatened. Our culture, and that of our forefathers, may well be lost forever in a few short generations, and we need to do everything possible to protect it.

This is the reason for Quebec's demand that their society be recognized as distinct in the Canadian Constitution, and who with any real regard for their fellow man cannot empathize with their feelings? Indeed, perhaps no people on the planet can empathize more fully than English Canada, living next to the United States, feeling and fearing their mighty embrace almost every day. You see, French Quebec feels about Canada as Canada feels about America, only more so.

For French Quebec, the equality of the Charter means assimilation. Individual rights may be fine and dandy, but French Quebec requires rights for their collectivity as well.

If the debate ended here, all would be well, the clause would be enshrined, and the great Canadian union would proceed fractiously on to other matters. Unfortunately, important and practical questions beg for response.

First, are French Canada and Quebec synonymous? Can we so blithely consign the French of Ontario and New Brunswick to oblivion-not to mention the English of Quebec?

Second, is French Quebec really dying? Doesn't the evidence indicate that French culture in Canada has never been more self-confident and vibrant?

Finally, for what is the clause required, and for what will it be used? In other words, what injustice has been perpetrated on French Quebec since 1982 in the name of individual rights and the Charter?

This last question is the most important, and the answer yet to be clearly articulated. For me, the debate comes down to this: if the clause does indeed assign collective rights to French Quebec that override the individual rights of Quebec minorities, if, in short, it would justify the sign law, bill 178, then the price is simply too great.

This may not be so-the experts have yet to pronounce. But, if it is, then let us be ready to fight the proposal with every fiber of our being. If this means the end of Canada-so be it. Let's go with a bang, not a whimper.
