

The Globe and Mail (Canada)
May 23, 1998 Saturday

Last Best Hope

Re Jeffrey Simpson's review of my book Last Best Hope (April 25):

Separatists say Quebec has a political right to secede unilaterally. Last Best Hope squarely confronts that claim. It argues that unilateral secession would not only be illegal, but fundamentally unjust.

Whoever is right, the contest is about political ideas, and the stakes are high. Yet Simpson makes no real attempt to understand the purpose and content of my book. He looks behind it to my biography (Canadian, lawyer), which he presumes to be limiting. A book should be judged on its merits, but if it matters, I obtained a master's and doctorate degree from Yale Law School. My interest in U.S. constitutional law and history dates back even further. Understanding the legal framework can help in exploring the political justice of an issue like secession.

Simpson twice looks past my ideas to my bibliography. But the book does not contain one. It does not list all of the many books I read in both English and French. Last Best Hope provides endnotes where a source is strictly needed for a particular fact or quote. Even at that, the notes include references to works by Québécois authors (Bouchard, Dion, Vastel, Trudeau) that appeared first or exclusively in French.

If Simpson is impressed by copious citations, there are hundreds in my new scholarly article on secession, in the New York Journal of International Law. It may enlighten Simpson on a simple distinction that so far has eluded him: Around the world and throughout time, consensual separations tend to proceed peacefully; unilateral secessions tend to degenerate into bitterness and violence. Unilateral secession by Quebec would have unpredictable and potentially violent consequences. Simpson makes just a few observations on the substance of my book, and they are misleading or plain wrong. He never grasps that Last Best Hope addresses both the similarities and the differences between Lincoln's time and ours. Last Best Hope does not say that unlawful secession should be opposed by all available means. It says, expressly, that Ottawa's duty to uphold the Constitution must be tempered by a profound respect for human life and limb.

Separatists have advanced the dangerous theory of effective control. They say that even if they separate illegally, the world must recognize their independence if they establish control on the ground. Last Best Hope argues that the world must allow Ottawa to act with patience and restraint as it strives to re-establish the rule of law. Ottawa should not have the choice of either an immediate and overwhelming response or else submission.

Last Best Hope argues passionately that Canada can fulfil a special destiny -- that it can be a light unto nations -- precisely because of the distinctive presence of Quebec.

We can prove the moral worth of federalism: Dividing power, it promotes freedom; it preserves cultural diversity yet allows every individual to join in a large and dynamic national community. But I do not

believe Quebec will indefinitely wish to stay in Canada if the only readily apparent role of the federal government is to collect taxes.

So Last Best Hope proposes a new Plan A: visible federalism. The federal government must better explain the moral value of balanced federalism, and it must find ways to deliver programs and services in a manner that is transparent and meaningful to individual Canadians. I would invite serious and open-minded readers to consider it.