

Premier Bourassa's use of the clause to introduce Bill 178 is not an example of majoritarian legislators trampling on the rights of a powerless minority. Even after Bill 178, anglophones in Quebec receive better treatment than do francophones in any other part of the country.

There is a certain untidiness in entrenching rights and allowing legislators to override them, but the real test of a constitution is whether it works. To date, nothing convinces me that the notwithstanding clause will not work. Until it is abused, by some thwarting of the legitimate aspirations of a truly dispossessed or marginalized group in our society, we should give our legislators and our constitution the benefit of the doubt. I vote for a stay of execution — pending good behaviour.

A Very Delicate Balance

François Chevette, professor of law at the University of Montreal:

The notwithstanding clause should stay. Under our traditional principle of parliamentary sovereignty, our present Parliament may not bind future parliaments: Parliaments always have the right to abol-

ish or change a law. The principle still holds. But now if Parliament or a legislature is going to *transgress* a specific right or a liberty, it must say expressly that this is what it is doing. This is the thinking behind the notwithstanding clause, which deals, we must remember, with specific situations; and when it is used, that use has to be renewed amid popular debate every five years.

I am opposed to the Quebec government's recent use of the clause, because I do not think that the French language is really in jeopardy. But I think the clause itself should stay.

The balance between political power and judicial power in Canada is very delicate. In this we are different from the Americans, who do not share our tradition of parliamentary supremacy. In the United States, the Supreme Court's interpretation of the Bill of Rights is final. In Canada, political power can override the judicial decision on an important or sensitive issue, and there is then an opportunity for national debate. People will reflect, and the politicians may change their minds when this particular use of the clause comes up for renewal.

Fast Food

POUNING footsteps in triple time, violent screams of anger, glimpses of wildly contorted features and brandished cudgel disturb the dusk. Once again he rushes by my window, and then again, with hair on end, sleeves rolled up, and menace bright in his flushed face. What foul crime has inflamed the man? Ah, leading the race, grinning wickedly around a half-barbecued steak, is our dog.

— Catherine Ross