

Just Say No: Reflections on a Referendum

by Theodore Plantinga

I

One of the hot-button items of political discussion in Canada of late is "50% plus one." Prime Minister Jean Chretien stirred up a hornet's nest a while back by declaring publicly that in the event of another Quebec referendum on separation from Canada, "50% plus one" would not be enough. The implication, presumably, is that the federal government in Ottawa would *not* regard the provincial government as having a mandate to work out terms of separation.

Many of the prime minister's opponents believe that separatism is now a sleeping dog that should be left to lie right where it is. Federalist politicians have tip-toed their way through threats of separation before -- most recently in 1995. The prime minister was advised to zip his lip.

The separatists, however, went for the bait and declared that the prime minister was *undemocratic*: he was not willing to accept the verdict of the people! After all, should not *the people of Quebec* decide on their future? And don't simple majorities serve to settle most issues in democratic societies? Indeed they do, although there are exceptions, as the subsequent debate showed.

But what was not sufficiently emphasized in the ensuing discussion is that the very same Parti Quebecois that acts so zealous on behalf of the people does not itself manifest a commitment to democracy. It wants to accept the barest YES vote as a justification for separation (which is a *major* step in anyone's political lexicon), but it *refuses* to allow the people to say NO. It has said, in effect, we refuse to accept NO as an answer. We will keep asking the question until we get the answer we want.

NO is what the people did say on two prior occasions: in 1980, by a very substantial margin, and in 1995, in a close vote. But the people are being ignored. So who is democratic?

II

It is not my purpose in this essay to denounce the Quebec separatists and their friends in government as rogues or opponents of democracy. I believe a case could be made for some such position, but I will not undertake it here. What I would like to do instead is to explain how their stated objective, namely, consulting the people, could be fairly achieved.

Before I make a practical proposal, however, I should add that I do not regard advocacy of separation as some sort of moral failure or affront. There are some hot-blooded Canadians who have muttered about treason and disloyalty when the subject of separation came up. Certain of them have suggested that anyone whose goal is Quebec's separation from Canada ought to be barred from serving in Canada's parliament -- hence no Bloc Quebecois members of parliament to be allowed in the opposition benches. That these same MPs collect salaries and benefits from Ottawa seems especially galling to the hotheads.

It would be hard to hold an in-between position on this issue. The basic question is whether it is morally and politically reprehensible to believe that one's local territory ought to be separated from the nation. I cannot bring myself to believe that it is. The issue, it seems to me, is *how* one pursues such a goal. There are honorable ways to pursue it, and dishonorable ways. Thus, while I disagree with the objectives of the separatists, I have no particular disdain for them as persons, any more than I disdain members of some other party whose political ideals I do not share.

Perhaps I should add that I speak as a former Quebec resident: I spent the years 1971-73 teaching philosophy at Bishop's University in Lennoxville, Quebec, in the days before Rene Levesque first came to power as the head of a separatist government. The issue was already on the table during my Quebec days. Of course English-speaking residents of Quebec have more at stake in the separatism debate than English-speaking residents of Ontario, whose ranks I have since joined. And I do not want to minimize the difficulties that Quebec separation might create for the English-speakers there.

III

If I were determined to become indignant about *some* aspect of the current debate or about the lack of a democratic spirit in Quebec's governing party, I would begin to complain about the unrelenting advocacy of the separatist

option. It seems to me that a party in a provincial election could propose to raise an issue like separatism in a serious way, but it should not lead the campaign. An elected head of government or governing party may well say, after the election triumph, that he -- or it -- proposes to govern in the interests of *all* the people, and not just the ones whose votes he -- or it -- collected. Such a statement would give voice to a commendable spirit, and such a spirit ought to be found in separatist governments too. What is unseemly and unsettling about Quebec's current government is the way it creates the appearance that it cares only about those who share its separatist aspirations.

While I would not wish to see Quebec separate from Canada, I would like to outline how such a thing could happen along democratic lines that would appear legitimate to most people in the other provinces as well as in Quebec. It is my conviction that if such a thing is ever done, it must be done *properly*, so that subsequent generations are not left with the lingering impression that it was some sort of shady deal. Thus I am affirming not just the legitimacy of separation as a political objective but also the legitimacy of using a referendum as a key step in the process. Even so, I agree with the prime minister: 50% plus one is not enough.

IV

If separation is to be considered, it must first be placed on the agenda of the province or region in question. It could get there legitimately through a political party, which might be formed to make separation its key item. To affirm this much, of course, is already to indicate that public discussion of separation should *not* be considered treason. Canada is certainly a free country in this regard.

Once it is on the agenda, would it -- and should it -- be taken seriously? That is entirely up to the people. Small parties and protest groups in other parts of the country have occasionally raised the prospect of separation, but they have attracted comparatively little attention and support. What makes Quebec different is that separation was taken seriously by a great many people -- enough of them to elect an officially separatist party to govern them on several occasions.

One clear implication of what I am affirming here is that the rest of Canada needs to *respect* the separatist option. This is what the prime minister was doing when he began to discuss the subject seriously. He also showed his respect for that option when the federal government asked the Supreme Court

of Canada to clarify what would -- and should -- happen in the case of a Quebec vote favoring separation. However much many Canadians may abhor the thought of separation, it must be taken seriously. To refuse to talk about it or to declare confidently that the people of Quebec would *never* be so foolish as to vote for separation (which was roughly the prime minister's position in 1995) is to manifest a massive disrespect for Quebec.

To work through the process of considering separation, some rules and legislation would be needed. Herewith my proposal. The heart of what I am suggesting is that a province contemplating separation should be willing to take the trouble to vote *three* times, with the second and third votes occurring some three or four weeks after the first and second ones. This is one way to get beyond the fear of the country being split over what is in effect a tie vote. But the issue of overcoming the "50% plus one" fear is not simply numerical: it also has to do with the *strength* of the resolution favoring separation that might be voted through.

Stage one in the separation process would be the provincial election campaign. The main federalist party would promise to leave the separation issue alone during its mandate. This promise by itself would be very appealing to a lot of the voters. The separatist party would promise to consult the people via the referendum process but would also pledge allegiance to democracy in terms of accepting the will of the people. Now, this might make it less risky to elect a separatist government: there would be less of a feeling that such a government would be steering the province toward a future that a great many people most emphatically do not want.

If the separatist party were elected, the date for the series of three votes would need to be set at the discretion of the government. Once this was done, the government, in its official capacity, should step back and let the democratic process work. Members of the government could be deeply involved, but not in their official capacity.

The prime minister has said repeatedly that a *clear question* would be needed. But who would formulate that question? My answer is: anyone who cared to do so. In other words, the first vote in the referendum series of three votes should offer the people a choice between as many competing propositions regarding separation as the people might care to produce.

By switching to the term "proposition" and avoiding "question" hereafter, I am trying to get away from the simplistic "YES or NO" approach to the separation issue. It is indeed very difficult to come up with a fair and clear question that

can be answered with a straightforward yes or no, as in the current referendum process. The propositions of which I speak would be declarations on the part of the people of the province. Instead of being asked to choose between yes or no, they would have to choose between various proposition as articulating what they feel and believe and hope with regard to the future of their province. If the winning proposition called for separation, the government would take it to Ottawa as a mandate to begin negotiations. How strong a mandate the provincial government would possess would depend in part on the size of the majority affirming it and in part on the clarity and strength of the words of which it is composed. An weak and/or vague proposition passing by the slimmest of majorities would need to be respected as an election result, but it would probably not lead to separation.

I would propose that these propositions on the referendum ballot be sponsored and advanced not by individual private citizens but also by organizations or legally constituted committees established for the purpose. There should be a fee and a demonstration of a certain level of support for any proposition that was accepted for the referendum ballot.

The formulation of the questions (in both French and English) would be a tricky matter, having both legal and political ramifications. Some separatists would propose a fairly weak proposition in the hope of attracting broad support. However, they would have to reckon with the possibility that if their proposition prevailed. Ottawa might not take it all that seriously. Yet it might nevertheless function as a historical stepping-stone toward the passage of a stronger proposition calling for separation at some future date.

Part of the difficulty with the current referendum procedures is that the choice between YES and NO is too stark for many people. My proposal would allow variations on the MAYBE theme. In other words, there would be a zone of "in-between" options that would be possible in addition to propositions definitely advocating separation very soon and propositions completely opposed to separation.

On the first referendum voting date, each voter would pick the proposition that comes closest to his sentiments. In all likelihood, no proposition would be anywhere near 50%. The highest four propositions would be on the ballot again some three or four weeks later. If no majority was reached, there would be a third round in another three or four weeks, with only the highest two propositions appearing on the ballot -- presumably one in favor of separation, and one against it. There would still be the possibility of a very narrow victory,

but the strength of the wording in the victorious proposition would be very important in terms of the response from Ottawa and the rest of the country.

Now, the first ballot could be cluttered with too many propositions. But it would be my hope and expectation that once groups began to propose them formally, they would also begin to form coalitions. I would wish to make it possible for group A to withdraw its proposition and to throw its support to a similar proposition that had been advanced by group B. Such a process could be fruitful, and therefore a reasonable amount of time should be allowed for this sorting-out of propositions to take place.

Each proposition that was officially advanced ought to appear on the ballot with the name of the group or committee that originally proposed it. Other groups and committees which had withdrawn their proposition could still, during the campaign and advertising phase before the first vote, feature their own name prominently as they communicated their support for the proposition of their choice. In this regard they could be very active in the campaign. But they would have to make careful political calculations regarding the propositions. And the polling that has dominated past consideration of separation would not be nearly as helpful, because the degree of difference between certain of the propositions in the first and second rounds of voting might not be all that large.

The question of closing the subject of separation could also be fruitfully addressed via the procedure I am proposing. Even though I accuse the Parti Quebecois of not being democratic because it refuses to accept NO as the people's answer, I do not mean to suggest that the subject of separation could -- or should -- once be voted down and thereby be forever removed from public discussion. I do not believe that it is appropriate or feasible for one generation to attempt to restrict the political will of subsequent generations. Thus I would suggest that a moratorium provision could be written into the proposition of any group that would like to close the subject of separation. A federalist proposition might propose to close the subject for 20 years. But a separatist proposition might conceivably promise a moratorium of ten years in case of the proposition in question was one of the two finalists and then went down to defeat in the final round of voting. In other words, the separatists proposing such a proposition would then be saying, in effect: "We hereby accept the will of the people and take them to be saying that they don't wish to hear any more about separation for the next ten years, now that they have voted against it in the current referendum round." Another separatist proposition identical to theirs in other respects but lacking the moratorium clause might well prove less

attractive and thus have less likelihood of being adopted in the first and second rounds of voting.

V

The approach I have outlined here also has the potential of allowing a democratic approach to the vexing issue whether Quebec could also be partitioned after a decision to separate from Canada was made in principle. Again, the sentiments of a great many Quebecers need to be respected here. But instead of proposing a fresh round of separatist agitation and appeals for referenda after the main separation from Canada has taken place, my approach would allow the partition of Quebec to be considered right at the outset. For example, a separatist group could write such a scenario into its proposition, thereby minimizing opposition to what it stands for. It could promise, for example, that if it had its way and managed to separate Quebec from Canada, it would look with favor upon efforts of some "Anglos" in western parts of Quebec to remain attached to Canada somehow. Such a proposition could also state that there would be no objection to aboriginals in northern parts of Quebec determining their own future, which would likely involve remaining a part of Canada. Alternatively, a separatist proposition might include the statement that absolutely no partition of Quebec would be considered. Of course such a proposition would be harder to sell politically. If advanced in the first round, it might well fail to make the top four and thus fall off the ballot. Or its backers might withdraw it before the first round of voting and throw their support to a somewhat weaker proposition which appeared to have a better chance of being adopted.

VI

An essay of this sort is hard to conclude. I do not wish to create the impression that I hope to see Quebec separate from Canada. But since the desire to do so has considerable support, I feel that as a Canadian in a neighboring province, I must take the prospect seriously and be willing to enter into political discussion about it. Hence my proposal. If it were to happen after a procedure such as I have outlined here was followed, I would at least be able to respect the outcome, however much I would also regret it.

Such an approach to the separation issue, if seems to me, reflects a desire to do our political business in an adult, responsible manner. All too often we who watch Quebec politics from a distance get the impression that Quebec's political leaders act like a spoiled boy who stalks off the field and takes his

football home when some play goes against him. Of course federalist politicians are also capable of acting like children, and sometimes that's exactly what they do. But much of the time they treat separation as a taboo subject not to be mentioned aloud, lest the supposed majority of Quebecers be awakened from their slumbers. Neither approach is worthy of an open society. And so I propose to treat the separatist impulse in Quebec as an invitation to dialogue about the future of our country. But a political dialogue should eventually have an outcome -- hence a referendum proposal. Let the people speak -- three times.