

THE LEGACY OF THE REFERENDUM: WHO ARE WE NOW?

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After a near brush with death — the indigestion following the cheesecake turned out to be a heart attack — it is wiser to reflect slowly on how it happened and what should be done, than to rush into ad hoc lifestyle changes to placate a guilty conscience. For a country recently reminded that its survival is not guaranteed, it is equally true that a period of reflection is a desirable prelude to changes of constitutional lifestyle. Hence this paper is no more than a ground-clearing attempt to consider what the referendum told us about ourselves — about our senses of community and identity. It is written, inevitably, from a Canadian vantage point, which does not, I hope, preclude objectivity.

A referendum on the future of a historic country has meanings and consequences that go far beyond the elementary concern with who won and who lost. Those meanings, however, are contested, and the consequences are rarely self-evident. This is especially the case when the outcome is a virtual tie: 50.6%-49.4% for the No. (Although clearly a similar margin with the winner and loser reversed would have had very different consequences.)

The meaning and interpretation of such a complex phenomenon will not be left to the academics. Political actors know that after the votes are counted, their next task is to affix to the referendum the meaning and interpretation most helpful to their partisan objectives. Thus, the interpretation of constitutional referenda, like that of elections and such constitutional episodes as the 1982 *Constitution Act*, Meech Lake and the Charlottetown Accords, is contested territory. All the more reason, however, for academics to enter the fray, and to seek disinterestedness whilst admitting their fallibility, as fellow citizens with their own preferences.

My question is, what does the referendum tell us about who we are now as one or more peoples?

1) The referendum stimulated the francophone Québécois's sense of being a people — a people in search of and who deserved a country of their own. This was endlessly repeated by Parizeau and Bouchard. The corollary was the impossibility of being a people while staying within Canada. Parizeau put it most emphatically by suggesting that defeat could reduce Québécois to the humiliating state of their distinctiveness being signified by speaking English with an accent.¹ He also stated, as did Bouchard, that this might be the last chance for sovereignty.²

The 60% francophone Yes vote, up from the slightly under 50% francophone Yes in 1980, was a symbolically powerful breakthrough, indicating the strong emotional appeal of nationalism orchestrated by a charismatic leader. The marginal No victory occasioned little exultation on the federal side as the reality of the francophone vote sank in — one of the founding peoples had opted for sovereignty by a 3 to 2 majority. A reprieve was not an occasion to drink champagne.

2) The referendum, however, also revealed and then exacerbated ethnic and national cleavages in Québec. It stimulated various particularistic identities to the detriment of a capacious overarching Québécois identity that impartially encompassed all the Québec citizenry. The appeal of the Yes was to the francophone majority. After all, it was the enhancement of their culture, language, and pride that sovereignty was to serve. It was not sought to improve the position of the Inuit or of Montreal allophones, for example. They were to be placated, perhaps conciliated — but their well-being was not the purpose of the referendum exercise. That reality

was clearly understood by the anglophones, allophones and Aboriginal nations.

This was confirmed by three Aboriginal ballots — Cree, Inuit, Montagnais — held immediately prior to the official referendum. The Cree voted 96% No; the Inuit voted 95% No; and the French-speaking Montagnais voted an astonishing 99% No.³ The holding of these votes was an act of symbolic assertiveness by the Aboriginal peoples involved. It declared their unwillingness to be considered as part of a homogeneous electorate that would accept whatever majoritarian result emerged. They were underlining their existence as distinct peoples. These prior Aboriginal ballots were less vehicles for making a choice, than for affirming an identity and for making a statement.

The referendum was one of the many recent occasions on which Aboriginal peoples have asserted their claim to a distinct place in the Canadian constitutional order. The examples are by now many and growing: the separate Inuit vote in the 1980 Québec referendum, the four Aboriginal constitutional conferences 1983-87, Elijah Harper's role in the defeat of Meech Lake, the participation of Aboriginal leaders in the negotiations leading to the Charlottetown Accord, the impressive gains made by Aboriginal peoples in that Accord — amounting virtually to a separate Aboriginal constitution in the midst of the overall Charlottetown package — and the separate tabulation of on-reserve status Indian votes in 1992. Indeed, Aboriginal leaders tried to communicate the message that the Aboriginal components of the Charlottetown Accord were to be accepted or rejected by the Aboriginal peoples themselves.

Accordingly, the separate and prior Aboriginal information votes in Québec were simply the most recent manifestation of Aboriginal nationalism. Nevertheless, they carried a message that was far more potent than even the violence of Oka. They challenged the territorial integrity of Québec should a Yes victory be followed by a Parti Québécois attempt to take the total Québec territory out of Canada. The referendum defiance of the Cree was accompanied by a widely distributed massive compilation of legal opinion supporting their case.⁴ Aboriginal rhetoric was blunt and uncompromising.

3) The anglophone and allophone No vote was in the 90% plus range. That their No support could snatch victory from a Yes francophone majority attracted extensive political commentary and analysis

prior to the referendum — occasionally supplemented by veiled threats or bitterness by more intemperate sovereignists, such as Pierre Bourgault.⁵ The conflict between majority francophone sovereignist nationalism and the multicultural, multinational reality of contemporary Québec culminated in Parizeau's bitter and polemical outburst on referendum night, when he attributed the defeat to "money and the ethnic vote," defined the 'we' group that could win next time as the francophone 'we', and spoke of 'revenge.'⁶ Significantly, although francophone No voters outnumbered non-francophone No voters, the sovereignist blame for the loss was overwhelmingly visited on the latter.⁷

Accordingly, the Québec referendum severely aggravated the cleavages between the nationalist majority in the francophone electorate and the anglophone, allophone and Aboriginal peoples. Some months prior to the referendum, Bouchard had speculated that the political cohesion of Québec would be severely tested by a small Yes victory, which could put "the political solidarity of Quebecers in question."⁸ The PQ victory in 1976 and the knowledge that a referendum would follow led to a significant average net annual interprovincial migration loss of anglophones from Québec of 21,300 from 1976 to 1981, compared to an average of 12,600 from 1965 to 1976.⁹ The marginal No victory and the threat of another referendum will lead to another exodus of non-francophones from Québec.

The referendum leaves Québec with a much more deeply divided and fragmented society than it previously had been. Particularistic Aboriginal, anglophone and allophone identities were strengthened. Incidents occurred and statements were made that will linger in memories and that will resurface on future occasions if an exclusive rather than an inclusive nationalism is again in the ascendant. Any future referendum is likely to have a similar impact on ethnic tensions, given the virtually inescapable conflict between the goals of the sovereignists and the views of the anglophone, allophone and Aboriginal population of Québec. This means, incidentally, that the occasion of a future Yes vote may be accompanied by social instability, and at least some Québec Aboriginal nations may resist incorporation in an independent Québec. Inevitably, if they do, they will seek the support of the Canadian governments and peoples outside of Québec — particularly, of course, the federal government — in their defiance of the Québec vote.

4) The referendum had two major effects on 'who we are' in the Rest-of-Canada (hereafter ROC). On the one hand, it stimulated ROC to think of its future as one or more peoples should Québec leave. At the same time, it elicited a reminder that certain constitutional norms were essential components of the Canadian constitutional order — that the equality of the provinces had to be respected in future constitutional changes, that citizen rights could not vary from province to province, and that, in the elegant language of several of our political leaders, 'you're either in or you're out.' In sum, the message, reinforced by the absence of any offers to Québec of constitutional change apart from Chretien's panic intervention in the final week, was that no halfway house exists. Special status, asymmetrical federalism, two nations theories — all were ruled out. The pervasiveness and rigidity of this approach confirmed what we already knew, that Canadians outside Québec are now adherents of a constitutional ideology. The constitutional flexibility suggested by the British parliamentary aspect of our constitutional heritage now carries less weight than the doctrinal rigidity of the federalism (equal provinces) and *Charter* (equal citizen rights) components of the post 1982 constitution. This approach says to Québec: this is what and who we are and intend to remain. So, one of the powerful referendum messages from outside Québec was a restatement of the ROC positions that contributed to the defeat of the Meech Lake and Charlottetown Accords. Simultaneously, however, there was also, although more at the level of feeling than of expression, the recognition that Canada might not survive — that the Canadian vision of provincial and citizen equality described above might be rejected by Québec, and that it might have to retreat to the shrunken base of ROC.

The PQ 1994 election victory, the period leading up to the referendum, and the referendum itself stimulated the group self-consciousness of Canadians outside Québec. The simple fact of being in the audience while the Québec electorate grappled with the Yes or No question of the continued membership of Québec in Canada necessarily induced Canadians elsewhere to consider their separate future should Québec leave. This consideration operates primarily at the level of the psyche and identity, and for most Canadians outside Québec it has lacked an intellectual framework. It is perhaps better described as the recognition of an unwanted possibility than the seizure of a liberating opportunity. Indeed, it was humiliating, and from a citizen perspective, somewhat insulting to be told to wait on the sidelines

while others decided one's fate. This was compounded by the flow of Yes statements about what Canada (or ROC, or English Canada) would do should Québec move to sovereignty. These statements from the Yes camp not only ignored the political and federal complexity of ROC, but assumed the non-existence of any ROC version of the nationalist passions that turned Bouchard into little short of a charismatic messiah. By contrast, a bookkeeper mentality would determine the ROC response. Further, one of the most striking aspects of the Yes rhetoric was the almost complete lack of concern displayed by Yes sovereignists about the damage — emotional and practical and other — that they were visiting on the other partner.

This lack of concern for the impact of their actions on Canadians elsewhere was part of the more general phenomenon stimulated by the referendum: that, at one level, Canadians inside and outside Québec began to treat each other as foreigners. Parizeau reiterated that if the post-referendum bargaining after a Yes was not moving expeditiously enough he would withhold sending the cheques to Ottawa for Québec's share of the interest on the debt.¹⁰ Premier Harcourt of British Columbia asserted that if Québec left we would be the "worst of enemies."¹¹ More generally, from an intellectual perspective, the referendum was an exercise in futurology. It asked Canadians inside and outside Québec to think about how they would relate to each other should Québec leave Canada. (The purpose of the studies commissioned by Restructuring Minister, Richard Le Hir, was to give academic credibility to a PQ vision of the future that minimized disruptive discontinuities.) While much of the futuristic referendum discourse featured bluff, threats, and attempts to reassure the nervous, it nevertheless asked Canadians to consider a future in which they were no longer part of each other. Such a future begins to appear as plausible, as something that might really happen, even for those who would wish it otherwise.

The referendum, therefore, stimulated a withdrawal from a pan-Canadian community both inside and outside Québec. Inside Québec, the positive psychological withdrawal was concentrated among the Yes supporters, even although many of them hoped for continuing political links with Canada. Among many of the No forces in Québec, the possible breakup of Canada represented a potential forced change of civic identity that they vehemently opposed.

The situation in ROC was, in reality, ambiguous. On the one hand, especially in the last week, the rallying of Canadians from across the country in Montreal and local rallies in other gatherings in Toronto, Halifax and elsewhere was a symptom of a pan-Canadian nationalism seeking to express itself when it looked as if the politicians had failed to stop a surging Yes support. This very activity, however, was born of the recognition that Canada might not survive the referendum and that a new identity, whose slogan would have to be 'My Canada excludes Québec', was waiting in the wings for its birth announcement. In other words, it was the panicky recognition that pan-Canadianism was virtually 'on the ropes' — that ROC might be transformed from an acronym to a reality — that stimulated an emotional last ditch defence for Canada's survival. In the uncertainty that followed the referendum, the hitherto ignored question of the survival of and constitutional arrangements for ROC moved out of the taboo category and insistently demanded attention.

CONCLUSION

The recent Québec referendum was an attempt to shape Québécois conceptions of themselves — to induce a majority to see themselves as a people who deserved and needed a state of their own. With that majority as a political resource, a triumphant PQ government could then bargain equal-to-equal with a surviving Canada for new terms, outside federalism, of mutual coexistence. If the bargaining failed to produce an acceptable nation-to-nation agreement, a unilateral declaration of independence was contemplated. In either case, agreement or its absence, the goal was a new people with a government of their own to foster a continuing sense of peoplehood.

The referendum message was not so clear cut. The referendum provides us with the following information about our identities and sense of community:

1) A decisive francophone majority has responded positively to the sovereignists' goals, and to the assertion that they are a people, or a nation, in search of a country.

2) The separate and particularistic identities of the internal anglophone and allophone minorities in Québec have been reinforced by their overwhelming concentration on the No side.

3) The referendum specifically strengthened a counter-nationalism of Québec Aboriginal nations — especially the Cree, the Inuit and the Montagnais — and underlined their limited psychological identification with the Québec community.

The above three trends fed on each other, resulting in a profoundly fragmented Québec community after the referendum.

4) Canadians outside Québec, especially in the final week, displayed a passionate pan-Canadianism as a response to their unhappy recognition that they also had to prepare for the possibility of a Canada without Québec.

5) Canada without Québec, a taboo subject fifteen years ago, now enters the arena of serious discussion. The linked subject of the rules for secession necessarily surfaces for discussion at the same time.¹²

6) The combination of 1) and 5) means that both sides of the two-nations divide can now see a future in which each is on its own. This has the potential to transform future constitutional discussions. It may provide the impetus for a major and massive constitutional overhaul — a reconfederation — as the only option left to avert breakup. Or, it may reinforce the momentum that is driving us apart.

7) Who we are — regardless of where we live — is no longer a stable reference point. This is not an equilibrium position. □

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Endnotes

1. Richard Mackie, "Yes campaign plays to fears" *Globe and Mail* (2 October 1995).
2. Robert McKenzie, "Vote is our last chance: Parizeau" *Toronto Star* (2 October 1995); CP, "Grab the Chance, Bouchard urges" *Globe and Mail* (30 October 1995).
3. See Aaron Derfel, "'The message is clear: we won't go': Coon Come has warning after vast majority of Crees reject Québec independence" *Montreal Gazette*

(26 October 1995) for the Cree; Tim Harper, "Indian leaders vow to fight separation: 95% of Inuit reject Yes victory" *Toronto Star* (27 October 1995) (for the Inuit); Aaron Derfel, "Montagnais reject Québec independence: French-speaking aboriginals vote 99% against in own referendum" *Montreal Gazette* (28 October 1995) (for the Montagnais).

The Grand Council of the Crees placed a full page ad in the *Globe and Mail* (26 October 1995), following their strong No vote, asking Canadians to "uphold the Canadian Constitution, our treaty and fundamental human rights and the rule of law ... [and] to support our right to remain, with our traditional territory and its hydro-electric and other natural resources, in Canada."

4. Grand Council of the Crees, *Sovereign Injustice: Forcible Inclusion of the James Bay Cree and Cree Territory into a Sovereign Québec* (Nemaska, Québec, 1995).
5. In January, 1995, Bourgault stated that if a "vast majority of franco-Québécois vote Yes and are prevented from [achieving Québec independence] because of the English vote against, then it's a dangerous situation." Cited in Graham Fraser, "Making raw appeal to francophones pained supporters" *Globe and Mail* (1 November 1995).
6. "We won't wait another 15 years" a transcript translation of Premier Parizeau's remarks on referendum night, Oct. 30th. See *Globe and Mail* (1 November 1995).
7. See Charles Taylor, "Les ethnies dans une société 'normale,' (2): Le PQ responsable de son malheur" *La Presse* (22 November 1995), for an insightful analysis of the Jacobin assumptions that lie behind the difficulty the francophone sovereignist elite has in understanding why the communities outside Québécois "de souche," do not identify with the sovereignist enterprise. See also Jeremy Webber, "The response to Parizeau's 'Ethnic Vote'" *Canada Watch* (November/December, 1995, Vol. 4 No. 2), for a nuanced discussion of the tensions within Québec nationalism.
8. "PQ loss won't end debate: Bouchard" *Montreal Gazette* (15 June 1994). Parizeau admitted that he feared violence might break out following a Yes vote. "We're not going to deny human nature. It's already marvellous that [the referendum] is being done in such a democratic climate. But society isn't exclusively made up of angels. So we have to be careful." Sandro Contenta, "Parizeau admits he feared defeat" *Toronto Star* (2 November 1995).
9. Jacques Henripin, "Population Trends and Policies in Québec" in Alain G. Gagnon, ed., *Québec: State and Society*, 2nd ed., (Scarborough, Ont., 1993) at 312.
10. Rhéal Séguin and Richard Mackie, "Québec won't delay exit, Premier says" *Globe and Mail* (21 October 1995). Bouchard laid out the strategy even more graphically, stating: "It's obvious one of the first steps of English Canada would be to run after Mr. Parizeau to ask him, to beg him, to sit down and discuss what would be the share [of the debt] of Québec." This would be leverage Québec would employ to negotiate an economic part-

nership. "Québec," Bouchard said, "will be clever enough to bind things ... Everything will be linked." Tu Thanh Ha, "Canada will 'beg' for talks: Bouchard" *Globe and Mail* (28 September 1995).

11. Miro Cernetig, "Harcourt hardens on Québec" *Globe and Mail* (17 May 1994). He reiterated his tough position more than a year later, stating that "[t]he people of British Columbia would be very angry.... That anger would be very real, very manifest." Warren Caragata, "He said, they said" *Maclean's* (4 September 1995).
12. This extremely important development has become a new conventional wisdom almost overnight. See the following: Jeff Rose, "Beginning to think about the next referendum," Occasional Paper, Faculty of Law, University of Toronto, November 21, 1995, mimeo; Richard Gwyn, "The old Canada is gone forever" *Toronto Star* (31 October 1995); Conrad Black, "Abandon the national effort to accommodate Québec" *Globe and Mail* (7 November 1995); Jeffrey Simpson, "With no clear thinking, Canada was ill prepared for its dismemberment" *Globe and Mail* (8 November 1995); Thomas R. Berger, "What about Québec's next referendum?" *Globe and Mail* (9 November 1995); William Johnson, "Ottawa should start preparing for the next referendum" *Montreal Gazette* (11 November 1995); Michael Bliss, "Canada needs to define the limits of appeasement" *Toronto Star* (17 November 1995); Jeffrey Simpson, "Not thinking the unthinkable left Canada ill prepared for Québec" *Globe and Mail* (23 November 1995); Richard Mackie, "Federalists urged to set conditions for sovereignty" *Globe and Mail* (24 November 1995); Jeff Rose, "Canada needs to set its terms for separation" *Toronto Star* (29 November 1995); Jeffrey Simpson, "The Liberals wobble with non-answers to Reform's clear questions" *Globe and Mail* (14 December 1995); Keith Spicer, "A clean start or a clean break: English Canada Should prepare two options: a renewed federalism or a Canada without Québec" *Montreal Gazette* (24 January 1996); Jeffrey Simpson, "A strategy of tough love would prepare Canada in a secession bid" *Globe and Mail* (25 January 1996) — a discussion of a proposal by Gordon Robertson, "the mandarin's mandarin in his time," for the federal Parliament to pass a Contingency Act with details of how Ottawa would respond to an "attempted secession."