

# THE PHOENIX AND THE TURTLE

BY JOSÉE LEGAULT

*Reason, in itself confounded,  
Saw division grow together,  
To themselves yet either neither  
Simple were so well compounded.*  
W. SHAKESPEARE, *THE PHOENIX  
AND THE TURTLE*

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well be held up even further due to delays incurred by the recent nomination of a new judge of the Court. In fact, it is entirely possible that the Court's decision will not be handed down before the next provincial election. The result is that as long as there is no decision, the whole debate surrounding this Reference, at least in Quebec, will be mainly a concern for experts. For most Quebecers, the issue will remain highly abstract and will continue to create uncertainty about the process leading to Quebec's independence. Clearly, the postponement of the Supreme Court decision is no small event.

## FEDERALIST GAINS WITH PLAN B

In the meantime, given its own silence on most issues pertaining to the so-called "Plan B" of the federalist forces, the Quebec government is in danger of losing the battle of public opinion on the process leading to independence following a "Yes" vote. This, also, is no small event and its lack of a winning strategy has been confirmed in a series of well-publicized polls published by Quebec's print media.

For instance, in a SOM poll published on September 20 in *Le Soleil*, 55% of respondents agree that Lucien Bouchard should not hold another referendum if he were re-elected. In the light of the Calgary declaration on the "unique society", a whopping 60% say that Quebec should give yet another chance to renewed federalism.

In another SOM poll published in *L'Actualité*, 59% believe that partition is a real risk following a majority "Yes" vote; 50% do not trust the Bouchard government to maintain the integrity of Quebec's territory; 60% think partition is a right but only 46% say that Quebec has a right to separate unilaterally. Finally, only 34% would give the Bouchard government their unconditional support for sovereignty.

In a SONDAGEM poll published recently in *Le Devoir*, 54.2% of the respondents say that the approval of the federal government should be required in order for Quebec to become sovereign, regardless of the fact that 40% also say that they do not trust the Supreme Court to make an impartial decision in the Reference

on a unilateral declaration of independence. In the end, an impressive 59% would accept the Supreme Court's decision partially or wholly.

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Once again, a growing number of Quebecers appear to have been influenced by the federalist arguments regarding partition, the role of the federal government following a "Yes" vote, and the perceived importance of the Reference to the Supreme Court.

## UNDERSTANDING PLAN B

One must ask what makes Ottawa's "Plan B" arguments, including the Supreme Court Reference, so effective, at least for the moment?

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unilateral declaration of independence made by Quebec's National Assembly would create "chaos", "anarchy", and possibly lead to the dismemberment of Quebec's territory along ethno-linguistic lines.

So the alternative, according to the new federalist discourse, is that separation has to occur within what Ottawa calls the "rule of law". In effect, it consists of a complex set of legal procedures requiring the PQ to submit the democratic will of the Quebec people to the ROC for the green light to be a sovereign people. It is only if these conditions are met that Ottawa warrants that neither "chaos" or "partition" will follow.

This is why the federal government has decided to go to the Supreme Court. Here its aim is anything but "judicial"; it is purely, solely, and unequivocally political. The objective is to create the illusion that, somehow, sovereignty could be attained within a "legal", "constitutional" framework. And if the PQ government refuses Ottawa's "friendly offer"—nudge, nudge, wink, wink!—Quebec would be breaking the rules. By contrast, the federal government would be required to uphold the "peace, order and good government" of Canada. In the eyes of the international community, Ottawa knows that appearances are everything!

An astoundingly clear example of this new federalist discourse appeared in a paper presented last May at the annual conference of the Canadian Bar Association by constitutional expert Peter Hogg: "If Quebecers do decide to separate, there are overwhelming advantages for them, as well as for the rest of Canada, to proceed in compliance with the rule of law. A secession in accordance with the rule of law

would minimize the confusion, the economic damage, and the social disorder that would inevitably accompany a unilateral declaration of independence. A secession in accordance with the rule of law would achieve speedy international recognition that is unlikely to be granted on the basis of a unilateral declaration of independence. A secession in accordance with the rule of law would be a consensual one, in which the many difficulties of disentangling communities that have lived together in harmony for so long would be solved by admittedly painful compromises reached by agreement between Quebec and Canada”.

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Listening carefully to this discourse, one almost gets the impression that Ottawa is trying to accommodate the separation of Quebec by making it “legal”, while knowing full well that no Quebec government would ever accept such a scenario.

#### WHY PLAN B?

Why is all of this happening? The answer, of course, is that the sovereignty option almost won the last referendum and,

should the Bouchard government be re-elected, it is very likely that it could win the third one. In this context, “le nerf de

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la guerre” becomes what pollsters refer to as “soft” nationalist or that part of the Quebec electorate that is neither strongly sovereigntist nor strongly federalist. Unable to offer Quebecers any kind of genuine renewed federalism, the federal government has come up with a strategy that aims solely at creating the impression that a “unilateral” declaration of independence would destabilize Quebec society.

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Court eventually lends its judicial “credibility” to the federalist cause, Ottawa knows that support for sovereignty will not be high enough for the Parti Québécois to go ahead with a third referendum. The last thing the PQ wants is to go down in history as the party that led Quebecers through three consecutive defeats within twenty years on this fundamental issue.

Of course, all of this could change overnight should the Quebec government mount an efficient counter-offensive that galvanizes Quebec’s public opinion. It has done this in the past and it may be helped by the Calgary declaration promising Quebec eventual constitutional change. There is a better-than-fifty-percent chance that English Canadian support for the Calgary declaration will fall apart as it did following the Charlottetown agreement. There are so many conflicting agendas that are opposed to any kind of accommodation with Quebec that this dynamic alone may destroy even this extremely modest package.

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#### THE CHALLENGE FOR SOVEREIGNISTS

If Ottawa has managed to be effective with its Plan B discourse, it is because the PQ

government has backed off, at least for the moment, from giving any kind of active support for the sovereignty option. This too could change and the Bouchard government could put the sovereignty discourse at the heart of political life in Quebec and in Canada. This has happened before and it most certainly can happen again. But to achieve this, one must realize that the federalists have been making a lot of headway for almost two years while the Quebec government has been concentrating solely on deficit-cutting.

With a Quebec election looming, Bouchard has to look again at his own strategy. The Supreme Court Reference is part of a political strategy that looks to destabilize not only the Quebec government but the very process that the PQ considers could lead to the creation of an independent Quebec. And that’s no small event.



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