CHOCK-A-BLOCK FEDERALISM: LESSONS FOR NEXT TIME

BY DANIEL DRACHE

The unthinkable happened. The Yes side almost won by a hair, while the No side sneaked past the finish line with a slim victory. Whatever happened to the federalist game plan? Only weeks before R-Day, the No leaders had boasted of an impending "victoire ecrasante" over the Yes forces just before the tide turned.

Ottawa was not the only player to be asleep at the wheel. Most professional media experts had all but written off the chances of the Yes side to come anywhere close to winning. Ottawa's Plan A seemed unassailable — no new constitutional offers to Quebec, defend the status quo aggressively, and drive home the costs of separation to the undecided voter. Stéphane Dion made this very case in *Canada Watch*, maintaining that the separatists would get between 38 and 42 percent of the vote because only 30 percent of Quebeckers are true sovereigntists. Quebeckers, says Dion, are seduced by moderate options, not outright independence. So what went wrong?

THE MEDIAN VOTER CHANGES SIDES

The first lesson the referendum taught was that secession does suit the median voter in a two-way fight between Ottawa and Quebec. This is the most startling fact that emerged from the referendum campaign. Moderate options such as asymmetrical federalism, distinct society, and decentralization are losing strategies. Quebeckers now want 50 percent of the decision making with 25 percent of the population.

Second, federalists are fooling themselves to blame the wording of the referendum question for their near defeat. By the time of voting day, every Quebecker knew that they were voting on a hard question. The public opinion polls were spot on and predicted the sea change that the median voter was abandoning the No side with unerring precision. The last polls released revealed that the two sides were in a virtual dead heat. Yet, these figures hide other critically important changes.

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On the eve of the most important decision confronting Quebeckers and Canadians, the most important change was that the No side had lost 10 percentage points in popular standing since the beginning of the campaign. The median voter — that abstract concept used by political scientists — had changed sides. Support grew among women voters for outright independence. Women were supposed to be the most cautious voters, but it did not turn out that way. They voted against Ottawa in record numbers. Many predicted that Quebec nationalism was a dead letter in the 18-25 age group. They, too, voted massively for Quebec independence. More surprising still was the fact that three out of five Quebeckers altered their views during the campaign. As many as 700,000 people changed sides during the campaign. This also refutes the idea that Quebeckers are suffering from any constitutional fatigue syndrome, particularly with a voter turnout of over 90 percent. The volatility of public opinion in Quebec is hardly a new phenomenon, but it underlines an even larger, long-term shift in public opinion that English Canadians need to weigh carefully.

A majority of francophones no longer regard the federal Liberals as the party of national unity. Politically, the federalist option has been in trouble in Quebec since the end of the Trudeau era. There has not been a solid Liberal majority there since the 1980s. In recent times, Quebeckers voted for the Bloc rather than for the Mulroney Conservatives or the federal Liberals. Many Quebeckers turned against the federalist vision in the 1980 referendum, many more after the 1982 repatriation of the Constitution, and, again, in even greater numbers in voting down the Charlottetown Accord. When the opportunity presented itself, they chose Parizeau over Johnson by a tiny margin in 1994. One year later, the anti-Ottawa vote had gained another 200,000 supporters. So what is the reason for this political "virage"?

FATAL MISTAKES OF STRATEGY

Federal strategy misfired because Ottawa continues to underestimate the intelligence of the Quebec voter and ignores the fact that politics and vision matter more than ever to ordinary Quebeckers. This is why the federalist camp came so close to losing. It is counter-intuitive for Daniel Johnson, the leader of the No camp, to claim that there are only economic costs if Quebec separates. Job-loss figures failed to persuade Quebeckers to stay in Canada, particularly when Ottawa is firing a record number of public employees and gutting social programs.

There were other devastating errors that the No side strategists committed. The most serious was when Laurent Beaudoin, the head of Bombardier, threatened to pull its investments out of Quebec in the event of a "yes" vote. Polls later revealed that his intervention, in particular, turned many undecided blue collar voters against the No side. Other prominent federalist business leaders made the same error when they tried to bully Quebeckers into voting "no." They, too, were forced to publicly apologize for their remarks.

In all of these mistakes and others as well, there is a hard lesson to be learned. The referendum battle drives home a simple fact: the No side did not have a leader that could win the confidence of Quebeckers. Who was the person who could speak "straight from the heart"? Certainly not Chrétien. His dismal leadership was the most important factor responsible for the federalists' bruising defeat.

A September public opinion poll asked Quebeckers to rank all the referendum leaders in terms of credibility. In the poll, Chrétien, Johnson, and Robillard were at the bottom, just ahead of Parizeau. By contrast, Bouchard had a confidence rating twice that of any other leader — just over 50 percent. His personal credibility and the now famous "virage" of June 12 proposing sovereignty with economic partnership were the two factors that created the momentum that brought the separatists to within a hair's breadth of winning.

Many in English Canada still ridicule the idea that sovereignty and separation require

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partnership. If Quebec goes, why should it be entitled to a special deal on a common passport, citizenship, or joint management of the economy? In theory, an independent Quebec is on its own "tout court." English-Canadian opinion makers ought to think again. The new factor that makes this an impossibility is the global economy and Canada's foreign indebtedness.

THE DEFINING MOMENT THAT NEVER WAS

All countries need to negotiate the terms of their interdependence. Sovereignty and independence are not absolutes. They evolve and change as conditions dictate. Federalists are fond of these words for good reason: for more than 30 years, Canada's two founding peoples have been trying to negotiate a new relationship, largely unsuccessfully. Now there is a new option on the table: partnership and new state structures. In almost winning the referendum, politically and morally, Quebec has created a level playing field on which to negotiate its independence with the rest of Canada *égal à égal*.

Even if this option remains undefined at the moment, the old constitutional game is over for good, no matter what initiatives Ottawa will propose. Ottawa can try to resurrect special status, tinker with the veto, and propose more decentralization. But there are few takers. None of the provincial premiers have shown the slightest interest in any of these proposals. These reform measures are yesterday's news headlines.

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So what of the future? The final lesson is that the 1995 referendum held English Canada's feet to the fire in a way few could have imagined. No one should doubt for a moment that there will be a next time — a third referendum. In a non-crisis atmosphere, English Canada still has time to find ways to address the fundamental problem that has pushed the country to the edge.

Canada's constitutional crisis has two sides: symbolic and real. The 1982 Constitution represents the worst of both worlds — a flawed process and an unsustainable text. It gave Canada's provincial premiers something they never had previously, a veto over all future constitutional reform; it raised provincial rights to an all-time high. Provincial rights were made more important than recognition of Quebec's status as a founding people. Before the constitutional changes of 1982, Quebec could veto constitutional changes that were relevent to it. It lost this as well.

It is not surprising that in these circumstances, there is no constitutional peace in Canada or in Quebec. A modern constitution sets the basic rules of the game for society and government, protects individuals from the misuse of power and authority, and recognizes the collective rights of the founders. Canada's 1982 constitutional accord fails to meet Quebec's needs. Worse still, it excludes Canada's First Nations. They were not at the table, nor part of any new beginning.

Finally, there is the democratic deficit. The "suits" made the Constitution; Canadians did not negotiate or ratify it. So the only hope for Canadians is to set things right, get back on track, and jettison the 1982 Constitution that has become the constant source of so much rancour, division, and national bitterness.

Ending Canada's constitutional impasse requires a defining moment. At the giant flag-waving rally in Montreal, Chrétien could have used it for very different ends to refound Canada. This was the moment to tell Canadians and Quebeckers that the 1982 Constitution had to be scrapped and that there would be new rules of the game for Quebec (transfer of powers, veto, national recognition), for Canada's First Nations (empowerment and entitlement), and a social charter (entrenchment of Canada's national programs and guarantees of social well-being and an alternative process of constitutional revision). The new constitution would have to be approved by popular vote in a referendum. None of this happened.

When the next referendum is held, Canadians need to remember this lost opportunity when Chrétien had the moral and political authority to move Canada forward. There is an important lesson here, too. Constitutional reform will succeed only by non-conventional means. There is no other way to build a level playing field inside Canada.

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support wholeheartedly into the "yes" campaign, on the promise that a sovereign Quebec would be a worker's paradise. The constitution of the new nation would be virtually written by labour representatives, along with women and youth groups and other social movements, and would enshrine social rights as the foundation of the state. So it was promised. It worked in mobilizing these forces for the "yes" campaign, although not quite enough to win.

When Parizeau declared that sovereignty had been stolen from "us" by "money and the ethnics," he egregiously threw into a public spotlight a cruel reality for the sovereigntists. The "solidarity" they had tried to conjure up was a hoax — there was no solidarity between "workers and bosses," "right and left." Worse, support for sovereignty stopped at the limits of the francophone community.

TOUGH CHOICES AHEAD

And now they must govern Quebec for the next three to four years. Despite campaign protestations that Quebec must be spared the right-wing assaults of Mike Harris's Ontario, there are brutal fiscal realities and very tough choices facing the PQ government, choices that Mr. Parizeau has adroitly avoided by retirement, but that cannot be avoided by his successor. Only two days after the referendum result, the New York bond rating agencies were warning that Quebec had better get its fiscal house in order or face a downgrading of its credit sta-