Quebec's Sovereignty Referendum 1995 in Light of Direct Democracy in California: An Exercise Both Democratic and Authoritarian

Iain Gow
Department of Political Science
Université de Montréal
Visiting Scholar
Institute of Governmental Studies
University of California, Berkeley

Working Paper 96-5

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April 4, 1996
4. Registration by representatives of the Quebec Director General of Elections is done door-to-door. Although there were complaints about difficulties in getting registered in some anglophone districts and by some Quebec citizens living outside the province, the overall process was highly democratic. The turnout on October 30 was 94% (as compared to 85% in 1980). Turnout in recent California has been less than half of this figure: 1990 - 41% of eligible voters, 1992 - 27%, 1994 - 46%.2

5. The two referendums on Quebec sovereignty were the result of government decisions not of popular initiatives. The separatist movement has been elite driven since its modern appearance in the 1960's. On the other hand, various separatist movements or the Parti Québécois would have had no difficulty putting their question on the ballot if California rules had applied.

6. By only allowing for referendums, the Quebec law gives a considerable advantage to the government. The government not only drafted the question in the best light to obtain a yes vote, it also was able to use the period between its election in September, 1994, and the referendum on October 30, 1995 to promote its cause, without contravening the referendum law. During the winter of 1995, it launched consultations in each region under the aegis of the Commission on the Future of Quebec. While claiming to represent the views of Quebeckers, the reports of these hearings and from the commission only reflected the views of groups and individuals favourable or sympathetic to sovereignty. The Liberal Party of Quebec decided to boycott the commission and most federalist groups stayed away. In an effort to encourage various ethnic groups to identify with its project, the government published billboard advertisements showing clearly ethnic groups but identifying them with Quebec ("Les yeux bridés, mais le coeur québécois" ("Slanted eyes, but a Quebec heart"), "Le teint bazané, mais le coeur québécois" ("Dark skin, but a Quebec heart"), etc). Finally, it appointed a distinguished group of authors, scholars and jurists to draft a Declaration of sovereignty, that was included in the draft law people were asked to approve in the referendum. This text, which was launched with much publicity just before the referendum campaign opened, was a mixture of pastoral romanticism ("Now the time has come for the harvest in the fields of history") and a passionate affirmation of the right of the

This paper has two parts. In the first, a comparison of constitutional referendums in California and in Quebec illuminates the democratic and authoritarian aspects of the latter. In the second, an interpretation is given of the 1995 referendum result as expressing something other than a simple yes/no option.

I Propositions based on the Quebec-California comparison

1. Where adopted California referendums become law, Quebec referendums are only advisory. This feature is especially significant in 1995, since the proposal included a reference to an unknown event, i.e., the outcome of partnership negotiations with the rest of Canada, and thus left a considerable margin of interpretation to the government, in the event of a victory.

2. For something so important as constitutional change, but also considering the nature of responsible government, the Quebec law is as democratic as the Californian when it restricts referenda on the same subject to one only during the life of one legislature.

3. California has given better recognition to the more fundamental nature of constitutional reform by requiring more votes in the legislature or more signatures on the petition to qualify for a referendum or initiative election. Before the 1995 referendum, the Canadian government was careless in never making clear its views on the kind of majority required to take a province out of the federation. M. Chrétien made some remarks in 1995 about a simple majority not being enough to break up a country, but even though polls suggest that a large majority of Quebec citizens agree, the remarks to this effect by the new minister of Intergovernmental Affairs, Stéphane Dion, in January 1996, were not well received by the media and by Quebec politicians. On the other hand, it must be recognized that the people of Quebec have shown their democratic colours by consistently rejecting the idea that only the "pure laine" Quebeccers of traditional stock should have the vote. In the circumstance where anglos and other ethnic groups tend to vote massively against separation, it means that francophones have to be more than 60% in favour of it for the Yes option to win. In 1995, the francophone vote was exactly 60% in favour of sovereignty, and they were defeated by less than 53,000 votes in a registered voting population of just over 5 millions.¹

## Constitutional Referendums in Quebec and California

<table>
<thead>
<tr>
<th>Nature</th>
<th>Quebec</th>
<th>Advisory</th>
<th>California</th>
<th>Legally binding</th>
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<tr>
<td>Initiated</td>
<td>Government</td>
<td>Government</td>
<td>Government or initiative</td>
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<tr>
<td>Drafted</td>
<td>Government</td>
<td>Government</td>
<td>Government or petitioners</td>
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<tr>
<td>Debate in legislature</td>
<td>Yes</td>
<td>Legislative hearings</td>
<td></td>
<td></td>
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<tr>
<td>Frequency/same subject</td>
<td>Only 1 during life of legislature</td>
<td>No limit to number on ballot</td>
<td>No limit to repeats</td>
<td></td>
</tr>
<tr>
<td>Registration</td>
<td>Done by Director gen. of elections</td>
<td>Voters must register</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special rules for constitution amend.</td>
<td>No</td>
<td>For qualification, yes (2/3 vote in legislature or 8% vote in previous gubernatorial election (vs 5% for statutory init.)</td>
<td>For vote, no</td>
<td></td>
</tr>
</tbody>
</table>

### Equality of participants
- **Advantage to gvt.**
- **Equal**
- Advantage to gvt or petitioners
- Equal

### Languages
- French and English
- English, Spanish and Chinese

### Spending and contributions
- Gvt subsidy
- Parties and individuals controlled
- No corporate donations
- Limit of $1 per voter
- Gvt pays pamphlet
- Gvt cannot spend to promote its own proposition
- No limits on individuals or on corporations

### Advertising
- Only by 2 committees
- No limit
majority to protect and develop its culture, while respecting the rights of minorities, ("We, the people of Quebec, affirm our will to possess the full powers of a state").

Prior to the adoption of the bill beginning the referendum process, the advantage is therefore with the government. It must be added that the federal government, which is not bound by the Quebec law, used this period to promote its case, but it had nothing like the Commission on the Future of Quebec.

7. The question and the ballot pamphlet. The Quebec question as it appeared on the ballot is copied on a following page. It is a relatively clear question that, having no rivals on the ballot, concentrated the voter's attention. Like California direct legislation, it referred to a bill which, however, was not included with the ballot pamphlet, but distributed separately to each household. There was some controversy about the question, to which I return below.

The Quebec law calls for a 35 hour debate on the question in the National Assembly, which I take to be superior in democratic content to the legislative hearings which California law requires, but this is debatable.

The pamphlet gave much more space to the two antagonists than does a California pamphlet. Each had about 21 pages, small pages, though, with a total number of words not exceeding 3000. Both sides had their principal text in French, the Yes side had one and one-half pages in English, and the No side, three and one-half pages. While Quebec voters were less likely to need clues in the pamphlet to help them decide (the principal parties being identified with one or the other), the pamphlets made use of many individuals' names and words to advance their cause. The Yes side, in particular, used quotations from political and business leaders from 1960 on, to show that their proposition was in harmony with the direction Quebec has taken since the Quiet Revolution. They quoted leaders from other parties to show that there was broad support for the idea of sovereignty, and four Americans to show that there was no hostility in the USA. The No side mainly quoted premier Jacques Parizeau and Bloc Québécois leader Lucien Bouchard to show that the real aim of the referendum was sovereignty and not partnership with the rest of Canada.

9. Once the referendum began, there was complete equality between the two sides, in the ballot, in financing and spending, and in advertising. The Quebec law is stricter on these latter questions than is the Californian. Once the
The question that will appear on the ballot paper is:

Do you agree that Québec should become sovereign, after having made a formal offer to Canada for a new Economic and Political Partnership, within the scope of the Bill respecting the future of Québec and of the agreement signed on June 12, 1995?
campaign begins, there must be two committees and only they may receive money or spend it. Only they may take out advertisements in the press or on radio or television. This, plus the rules on financing, may seem authoritarian in the California context. Here there are no limits on what individuals or corporations may spend. In Quebec, corporations may not contribute or spend money on the issue, while individuals are limited to a maximum of $3000 (Can.). My own view on this question is that the spending and financing regulations are justified in the name of equity, but that the restriction on third party intervention is an unfortunate one. This means, for instance, that a person or organization may not take out publicity to propose an alternate point of view or some solution other than the one proposed. The rule also creates some odd and forced alliances. In the Canadian referendum in 1992 on the Charlottetown proposals (which took place in Quebec under Quebec rules), the tiny ultra federalist Equality Party had to join the umbrella No committee dominated by the Parti Québécois, or remain silent during the campaign.

10. In sum, the rules in Quebec are more authoritarian than those in California in that only the government may place a question on the ballot, only the two committees may spend money in the campaign, and individual financial contributions are limited, while corporate contributions are illegal. The first point is understandable in a parliamentary system; a government could hardly be held responsible for policies imposed on it by initiative. The latter may also be seen as democratic restrictions. I think it would be more democratic also if the text of the law was included in the election pamphlet.

The Quebec process is more democratic than that in California in its registration of all eligible citizens, without reference to party adhesion, and in its limit of one question on any subject during a legislative mandate. The practice in California of placing competing questions on the ballot to confuse voters seems to me not in the interests of a clear expression of popular opinion. As well, and this is recognized by the present government of Lucien Bouchard, there would be something traumatizing about coming back year after year with such a serious question (but I recognize that this is not a question of democracy, strictly speaking).
So I would agree with electoral analyst Pierre Drouilly that the 1995 referendum was an exemplary exercise in democracy. I am not bothered by restrictions on spending, because the contrary situation in California gives an undue advantage to corporations and groups with a lot of money. I am bothered by the artificial restriction of expression to a binary yes/no mode during the referendum campaign. However, with the infrequency of referendums in Quebec and the short period for their debate, those who have alternative positions to expound have plenty of occasions to make their views known. Moreover, and this is my second theme, the recent referendum shows that you can almost succeed in turning this yes/no device into something else, if you ask the right question.

II. Breaking Out of the Yes/No Mode: the Triumph of Lucien Bouchard

The polls have shown for years that an outright separation proposition would clearly fail. Jacques Parizeau had never hidden the fact that he was more interested in sovereignty than in association. It was Lucien Bouchard who forced Parizeau to include the idea of partnership in the question in the agreement of June 12, 1995, among the leaders of the three parties (young Mario Dumont of Action démocratique is rather a marginal figure).

It is true that the Yes side had begun to rise towards a majority before Lucien Bouchard was appointed "chief negotiator" and de facto head of the Yes campaign on October 9. It would appear that errors and arrogance on the No side help to explain this shift, but Lucien Bouchard must surely be given major credit for reassuring hesitant voters that a partnership with the rest of Canada would surely follow a Yes vote. The Yes failed to convince large numbers of voters that a Yes vote was a vote for separation.

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3. See note 1. The Director General of Elections has been looking into two cases where the law may not have been respected: the special tariffs given by transportation and telephone companies at the time of the big pro-Canada rally in Montreal a few days before the referendum, and the mostly pro-Canada districts in which a disproportionately large number of ballots were declared invalid (the most extreme case being in Chomedey, north of Montreal, where more than 11% of ballots were declared invalid, which is six times the provincial average).

4. According to a CROP survey carried out for La Presse and the Toronto Star from October 13 to October 16, 1995, one-half of the respondents said that the role which had been given to Lucien Bouchard had helped them make up their minds (a lot or somewhat).
What is clear from the polls is that some assurance of an agreement with the rest of Canada is necessary to win a Yes vote at this time. There is probably a mix of self-interest and attachment involved in this opinion. At least, and in spite of thirty years of campaigning, there is still considerable attachment to Canada among Québécois.

So the question was neatly ambiguous. It proposed making an offer of partnership but said that Quebec was to become sovereign some time after this offer was made. Unlike 1980, there was a lot more precision this time about what would be proposed. This presumably was the justification for the inclusion in the question of a reference not only to the bill adopted by the National Assembly, but also to the tripartite agreement of June 12, for this agreement was one place where some precious details were spelled out. For instance, the negotiations over the partnership were not to last more than one year, unless the Assembly decided otherwise. With all that is at stake, a year, is a very short time to achieve an agreement. With Parizeau at the helm, this looked like a simple gesture by someone who only wanted the end result of sovereignty. With Bouchard in charge, it looked a lot more like a way to extract a deal from the rest of Canada. This same tripartite agreement spelled out the institutions which would link Canada and Quebec: a joint council of ministers, with a secretariat; a parliamentary assembly composed of members sent by the two national parliaments; a tribunal, like those of NAFTA or the WTO.

Lucien Bouchard’s campaign had two thrusts: one, to convince Quebeckers that they are victims of the Canadian federation; and second, to reassure them that they will have the kind of agreement they want with the rest of the country if they vote Yes. He seems to have succeeded.

What are the signs for the future? If it is held in the near future, a referendum on sovereignty should pass. M. Bouchard has a credibility that no other present Quebec leader has. At a time when politicians are by far the least trusted of all professional groups in Quebec (only 4% trust them, according to a poll published by L’Actualité on 1 Dec.95), he stands out as the Quebec political leader most trusted.5 Whether he will be able to maintain such

5. In a poll reported by *Le Devoir* on 3 Oct. 1995, the leader who most inspired confidence was Lucien Bouchard (31%), followed by Jean Chrétien (13%), and Parizeau, Johnson and M. Dumont, all at 10%. A later poll, reported by *La Presse* on 11 Dec. 1995 gave the following figures for positive answers to the question "Do the
popularity as he has to make difficult choices as Prime Minister remains to be seen, but his popularity is the result of personal qualities and not of his long service in the cause of independence.

A second reason why a referendum may pass is in the demographics of Quebec. The group whose mother tongue is English is declining in Quebec, having fallen 13% from 1980 to 1995. Even so, their numbers have been made up by the swelling ranks of allophones. The real change is that those who were sovereigntists in 1980 seem to have maintained their preference as they grew older, so that the support of 52% in the 18-34 year group has produced the same result in 1995 where they are now in the 35-54 year group. In 1980, this age group had only supported sovereignty in proportions of 36%, so this change makes quite a difference. Of course, during the 1980's support for sovereignty dropped off dramatically in all groups, so this trend may not be permanent.

Among the unknowns are the possibility that the new ministers from Quebec, Stéphane Dion and Pierre Pettigrew, will succeed in proposing changes which will be acceptable to both the rest of Canada and Quebec, and the degree of flexibility which Lucien Bouchard may show in reaching some accommodation.

In conclusion, the Quebec referendum on sovereignty of October 30, 1995, was a highly democratic exercise, in which there is reason to believe that voters knew what they were voting for. The ambiguity was in the question itself, and, no doubt, in the souls of many Quebeckers.

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following inspire confidence?":: Bouchard, 66%, Dumont, 53%, Jean Charest, 51%, Johnson, 36%, and Chrétien, 30%.
The Tale of the Polls

1994 (from L'Année politique au Québec, 1994)

Nine polls using the word separation gave an average result of 40% yes -60% no

Thirty-five polls on sovereignty. Only two were close. Twenty-two gave the no side a lead of ten points or more.

With association, two polls gave the yes a victory, 56-44 and 51-49.

1995 (see attached graph on the referendum)

On the eve of the referendum:

L'Actualité (Nov.1, 1995) finds five groups with opinions:
-separatists- 21%; the converted, disappointed federalists- 18%;
-unconditional Canadiens- 19%; seeking reform of the federation- 19%
-those who want partnership- 8%; and those who won't say- 16%
-those who identify with Quebec- 8.2 on a scale of 10
-those who identify with Canada 6.9 on a scale of 10
-Quebeckers have contributed to building Canada, a country I am proud to belong to- 79% yes, 17% no
-want to stay in Canada, but with more powers to Quebec-66%-28%

Le Soleil (3 Oct.95):
-want increased powers for Quebec within Canada- 35%
-want sovereignty with partnership- 32%
-want status quo- 21%
-want independence- 9%

Le Soleil (17 Aug.95)
-independence: 30-44-26%
-sovereignty/association: 38-50-12%

On the link with Canada:

-Canada is a good country to live in- 91% (Globe&Mail 16 Aug.95)
-want to remain part of Canada- 65% (idem.)
-feel attached to Canada-67% (Le Soleil 3 Oct. 95)
-want to retain Canadian citizenship- 78% (L'Actualité, 15 March 95)
-have close family or friends elsewhere in Canada- 49% (idem.)
-keep your Canadian passport in sovereign Quebec- 54%
-keep Canadian dollar in a sovereign Quebec- 67% (Le Soleil 17 Aug.95)
-62% (L'Actualité 15 Mar.)
Partnership-Association
-is essential-75% (L'Actualité, 15 Mar. 95)
-Canada will negotiate terms of separation- Yes 52-No 37-D.K.11 (idem.)
-vote yes if sure Canada would maintain an economic association-55-37
-vote yes if sure they would not- 27-66% (La Presse 17 Feb. 95)
-vote yes if could have Canadian citizenship and Passport-56-37 (idem.)
-vote yes if could not have them- 28-63 (idem.)

Terms of accession to sovereignty

<table>
<thead>
<tr>
<th>Vote needed:</th>
<th>L'Actualité (15 Mar.95)</th>
<th>La Presse (12 Dec.94)</th>
</tr>
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<tbody>
<tr>
<td>50%-55%</td>
<td>24</td>
<td>23</td>
</tr>
<tr>
<td>56-60%</td>
<td>19</td>
<td>15</td>
</tr>
<tr>
<td>61-65</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>66% and more</td>
<td>27</td>
<td>29</td>
</tr>
<tr>
<td>Don't know/say</td>
<td>8</td>
<td>11</td>
</tr>
</tbody>
</table>

Territorial integrity (L'Actualité (15 Mar. 95))
-Quebec will succeed in keeping its present frontiers: 57-32-11%
-if some territories wish to separate from Quebec, to stay with Canada or otherwise: 52-37-11%
-if native peoples want administrative autonomy: 61-29-10%
-if they want to remain with Canada: 72-21-7%
-if they want to become independent country: 42-45-13%
-view native claims: very favourably-7%, somewhat fav.- 29%
- somewhat unfavourably- 28%, most unfavourably- 29%, DK- 7%
Referendum 1995.

Vote intentions of Quebec electors for the October 30th referendum.

<table>
<thead>
<tr>
<th>Fieldmark period</th>
<th>Polling firm/Sponsor</th>
<th>Sample size</th>
<th>Yes in %</th>
<th>No in %</th>
<th>Others* in %</th>
<th>Source</th>
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<tbody>
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<td>7-8 sept.</td>
<td>LEGER ET LEGER/JOURNAL DE MONTRÉAL</td>
<td>959</td>
<td>44</td>
<td>43</td>
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<td>JOURNAL DE MTL, 9 SEPT.</td>
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<td>8-12 sept.</td>
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<td>LE SOLEIL, 15 SEPT.</td>
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<td>COMPAQ INC./THE FINANCIAL POST</td>
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<td>DECIMA RESEARCH</td>
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<td>40</td>
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<td>ANGUS REID GROUP</td>
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<td>DOW JONES NEWS, 29 SEPT./ RICHARD NADEAU</td>
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<td>PARTI QUÉBÉCOIS</td>
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<td>GALLUP/RADIO-QUÉBEC-CFCF-TV</td>
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<td>41</td>
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<td>JOURNAL DE MTL, 28 OCT.</td>
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*Includes undecided, refusals and abstentions.

Last update: 30 October 1995
Table produced by: Le Groupe de recherche sur la mobilité de l'opinion publique et le Service de recherche et de documentation Département de science politique, Université de Montréal
Évolution des intentions de vote au référendum, le 30 octobre 1995
<table>
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<td>Population</td>
<td>6,438,403</td>
<td>7,337,078</td>
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<tr>
<td>Mother tongue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>French</td>
<td>5,307,010</td>
<td>5,597,930</td>
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<tr>
<td>English</td>
<td>706,115</td>
<td>601,410</td>
</tr>
<tr>
<td>Other</td>
<td>425,280</td>
<td>517,975</td>
</tr>
<tr>
<td>Language spoken at home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>French</td>
<td>82.5%</td>
<td>81.8%</td>
</tr>
<tr>
<td>English</td>
<td>12.7%</td>
<td>11.3%</td>
</tr>
<tr>
<td>Other</td>
<td>4.8%</td>
<td>6.9%</td>
</tr>
<tr>
<td>Indians and Inuit</td>
<td>32,125</td>
<td>54,273</td>
</tr>
<tr>
<td>Bilingualism of French</td>
<td>28.2%</td>
<td>31.4%</td>
</tr>
<tr>
<td>Bilingualism of English</td>
<td>53.4%</td>
<td>59.5%</td>
</tr>
<tr>
<td>Unemployment</td>
<td>9.8%</td>
<td>11.5%</td>
</tr>
</tbody>
</table>

Source: *L'Actualité* November 1, 1995. Except for total population, figures for 1995 are either estimates or the most recent available.