

No Canadian old enough to understand its significance will ever forget the anguished tension of Quebec's second referendum night in November 1995. The No side won by the slimmest of margins – 50.58 per cent to 49.42 percent. As all realists well understood, the reversal of those numbers would have meant a national cataclysm.

NDP Leader Thomas Mulcair, back then a Liberal environment minister in Quebec's National Assembly, has vivid memories of that fateful event. In his own riding at the time – as Mulcair used to be happy to remind audiences – he saw evidence of vote-tampering in the suspicious rejection of thousands of No votes. Back then he used to fulminate about the Yes side's "orchestrated, manipulated electoral fraud."

Only amnesia or extreme political opportunism can explain Mulcair's mischievous twirl of this particular poker in the buried, but ever-glowing cinders of ethnic nationalism.

And so it came as a shock when, later, with his eye on the main chance federally, he so vigorously embraced the principle of a "50 per cent plus one" majority in any future Quebec referendum being sufficient to trigger negotiations on the breakup of the country. In November 2013, speaking in Montreal no less, he crowed that he would "wipe the floor" with Liberal Leader Justin Trudeau if he were to debate the issue with him.

Campaigning in Quebec City on Tuesday, the day before Quebec's annual Fête Nationale, Mulcair reaffirmed his federalist stance to reporters — on economic grounds, explaining that sovereignty is "a vision that risks really hurting the middle class" — but also reminded them of the NDP's 2005 Sherbrooke Declaration.

The Sherbrooke Declaration is a document recommending "specific powers and room for manoeuvring" to Quebec, in the name of "asymmetrical federalism" — a troubling and destabilizing doctrine in its own right, but one with a long history of support in the NDP. Mulcair made it clear that the Sherbrooke Declaration would be his party's official position in Quebec's dealings with Ottawa.

But the Sherbrooke Declaration also endorses 50 per cent plus one. Only amnesia or extreme political opportunism can explain Mulcair's mischievous twirl of this particular poker in the buried, but ever-glowing cinders of ethnic nationalism.

At any other time of the year, Mulcair's impulse to attiser le feu of this most divisive notion might be attributed to a wrong-headed, but spontaneous prompt. But the Fête Nationale, in good times a benign and inclusive celebration, is nevertheless freighted with memories of less-than-wholesome emotional arousal.

So the gesture — from anyone, let alone a man who aspires to lead the country — was peculiarly ill-timed, to say the least. But the Bloc Québécois, under new-old leader Gilles Duceppe, is showing signs of life, threatening the NDP's nationalist base, so evidently Mulcair decided it was time to play the nationalist card.

In doing so he is pursuing a dangerous and irresponsible course. It is reckless enough for a federal leader to be talking up a third referendum at a time when there is demonstrably no appetite for any such adventure amongst most Quebecers. But in posting 50 per cent plus one as the bar, Mulcair is going much further, wilfully challenging a settled political and legal principle. In 1998, the Supreme Court ruled that the rest of Canada would be under no obligation to enter negotiations on separation without, at a minimum, "a clear majority" on a "clear question." That was followed two years later by federal legislation, the Clarity Act, forbidding the federal government from participating in negotiations unless both standards were achieved, leaving it to Parliament to decide what "clear" meant.

It is reasonable and just that decisions with profound national consequences — the breakup of the country certainly answers to that description — should be settled by supermajorities, starting with a supermajority of Quebecers. Quebecers

themselves have made clear, in poll after poll, that they embrace this principle. Yet NDP policy would not only authorize the federal government to negotiate with 50 per cent plus one, but oblige it to.

We repeat: this would be irresponsible enough coming from a provincial politician. But for someone who is campaigning to be prime minister, responsible for the welfare of the whole country, it is unacceptable: only the present remoteness of a referendum prevents it from being disqualifying. We applaud Trudeau for his stern rebuke to Mulcair: “On the St. Jean Baptiste, Quebec’s national holiday, that Mr. Mulcair would decide to make this announcement about repealing the Clarity Act and making it easier to break up the country is just the worst kind of politics.” We couldn’t agree more.