

THE CHARLOTTETOWN ACCORD, THE REFERENDUM, AND THE FUTURE OF CANADA Edited by Kenneth McRoberts and Patrick Monahan (Toronto: University of Toronto Press, 1993)

This valuable book examines the rise and fall of the Charlottetown Accord. It comprises a helpful editors' introduction and twenty essays of varying length and quality. Its contributors include political scientists, lawyers, such distinguished journalists as Jeffrey Simpson and Raymond Giroux and former Alberta premier, Peter Lougheed. The cast is rounded out by spokesperson for several non-governmental actors including Judy Rebick, Maude Barlow and David Elton who write on behalf of the National Action Committee on the Status of Women, the Council of Canadians and the Canada West Foundation respectively. The volume exhibits considerable diversity of opinion and debate. It flows from a conference held at York University in September 1992 just prior to the referendum.

The volume traverses a range of topics including the content of the Charlottetown Accord, the reasons for its rejection, and an evaluation of its wisdom. To these ends, it comments about the Accord's provisions for central institutions, its significance for the federal division of powers and the democratic consequences of Canada's experiment with a constitutional referendum. It goes beyond such important issues to examine Canada's political future.

Provocative themes meander through the volume. Several authors, notably Reg Whitaker, ponder what now is an obvious question — why was 'asymmetrical federalism' not seriously pursued given Quebec's appetite for greater constitutional powers and the rest of Canada's alleged desire to maintain a potent federal government. Whitaker's answer is that only a genuine, believable threat of Quebec separatism would have made asymmetry an acceptable option to constitution makers. The volume continues the debate about the proper role of governments, interest groups and the public in shaping constitutional change. Competing views thus abound about the democratic issues at stake, the appropriateness of referenda as democratic instruments and the democratic quality of the process culminating in the Charlottetown Accord. Whatever their views about referenda, the authors accept as inevitable future referenda on major constitutional changes. The democratic clock cannot be turned back. Finally, the authors, almost to a person, note that deep conflicts of interest remain unresolved. With the demise of the Charlottetown Accord came clichés about 'constitutional fatigue', the need to put the constitution on the 'back burner' and the imperatives of economic restructuring. But Canada's political back burner is a full element. The demands of aboriginals for justice and recognition, the challenges of Quebec nationalism and the complaints of "Outer Canada" are unresolved and increasingly in opposition one to another. No happy interpretations of our political future emerge.

Several essays merit particular attention. Mary Ellen Turpel, a law professor and advisor to aboriginal political organizations, presents a provocative assessment of Charlottetown and its aftermath. Her controversial essay combines passion and keen analysis. She notes how aboriginal peoples' formal participation in constitutional negotiations is a twin edged sword. It enhances influence but also engenders divisions

among aboriginal peoples. Raymond Giroux's too brief paper examines political and economic cleavages *within* Quebec. His fiery argument asserts that: "We can take for granted that the political organization called Canada is dead in its present form."¹ In other words, wake up 'rest of Canada'! Jeffrey Simpson's essay highlights the decided advantage of the 'no' forces and the relative ease with which dissenting positions are advanced in referenda. An analytical essay by Patrick Monahan is valuable for three reasons. First, he shows the difficulty of evaluating a complex agreement like the Charlottetown Accord in black and white terms. It is a success or a failure depending on one's criteria for evaluation. Second, Monahan briefly attacks the cliché that the 'no vote' was simply a rejection of elites. Finally, he iconoclastically argues that governments must remain central to the constitutional amendment process in Canada. Kenneth McRoberts, a political scientist, pessimistically argues that the demise of the Charlottetown Accord reflects deep divisions about the essence of Canada as a political community. This fundamental fact makes major constitutional change very important and extremely hard to achieve. Finally, Roger Gibbins presents a benign view of a 'Canada without Quebec'. He worries about Ontario's probable dominance of such a state but speculates that a more vibrant politics will emerge. Our new politics will be more ideological and less concerned with regional jealousies and bickering about which province if any gets its 'fair share' of federal expenditures. Such politics presume, however, a vibrant social democratic movement. Where is such to be found in Canada in the 1990s?

How is such a diverse volume evaluated? Its obvious virtue is its presentation. The essays are generally lucid, jargon free and provocative. Read together, they provide general readers with an overview of the Charlottetown referenda as a dramatic event in Canadian political history. There is also much grist in the volume for the major Canadian mill of scholarly constitutional studies. Concerned citizens and constitutional experts will both find some satisfaction in the broad picture emerging from the volume. Is there much new in this volume? To be fair, this criterion perhaps raises an impossible standard given the amount of recent Canadian scholarship on the constitution. Alas, my conclusion is that this volume advances no compelling new interpretation of our constitutional malaise. It is a work of synthesis and reflection. An area requiring greater sustained attention is the notion that Charlottetown represents a compelling rejection of Canadian elites. As noted earlier, this idea is touched upon in several essays. But it is never confronted directly or fully enough although Michael Adams tries in his essay on public opinion. Finally, is the volume balanced in its coverage and fair in its conclusions? These conventional scholar criteria are hard to apply to modern Canadian constitutional writing which often combines analysis and advocacy. This point notwithstanding, the volume accurately reflects and captures the range of opinions, ideas and solutions to Canada's constitutional controversies

¹ K. McRoberts & P. Monahan, eds., *The Charlottetown Accord, The Referendum, and the Future of Canada* (Toronto: University of Toronto Press, 1993) at 152.

in the early 1990s. It highlights the rapid transition of Canadian constitution-making from an elite affair to a gripping national debate.

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