INTRODUCTION

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On April 17, 2012 we marked the 30th anniversary of the patriation of the Canadian Constitution and the introduction of the Charter of Rights and Freedoms. These foundational documents have had a profound impact on our law and public policy. Many Canadians view the Constitution and the Charter of Rights as shaping important aspects of our collective identity and defining a set of shared values. For the most part, Canadians hold a favourable opinion of the Constitution and Charter. Yet many see these defining documents as divisive.

How have the debates over the Constitution shaped our identities? Have the Constitution and Charter of Rights strengthened or weakened Canadian democracy and Federalism? What have the Constitution and Charter meant for women, aboriginals, and language minorities, ethnic and visible minorities, religious groups and new Canadians? What role have the Courts played in the interpretation of the Constitution, and how has the Charter transformed the judiciary in Canada? Has the distinction between Law and Politics become blurred over the past thirty years? How does the Canadian experience compare with other countries? Are the courts becoming more or less accessible to the public? Are there benefits to an unwritten constitution? How has the Constitution affected the balance of powers in Canada, and the dynamics of federalism?

Those are some of the questions upon which contributors reflected in this special issue on the influence of the Constitution and the Charter of Rights and Freedom on our laws, our identity and the concept of federalism. Some contributors discuss the concept of federalism more generally, some consider the effect of the Constitution and the Charter on inter- or intra-provincial relations, others focus on human rights specifically, and this issue ends with non-Canadian perspectives on federalism.

Peter Oliver traces the evolution of legal federalism over the past 30 years and while he sees a "general trend toward stabilization and clarification", he suggests that inter-jurisdictional immunity and the Criminal Law power are two examples of fluctuating jurisprudence. Graham Fraser states unequivocally that the "significance of the Charter in the development of language rights cannot be overstated." He argues that the Charter has entrenched language rights in such a way that they became part of our identity. Hon. Michel Bastarache's reproduced speech discusses the different influence the Charter has had in Quebec and in Canada, highlighting that the Francophone tying of language and culture is at the root of this difference. Jean-Claude Racine reflects on the constitutional condition of Canadians, that is, how effectively they can act on the Constitution, and concludes that the last 30 years have seen what he calls a "constitutional status quo."

Victor Armony, Raffaele Iacovino, Jack Jedwab, and David Kilgour and Jan Harvey look at inter- or intra-provincial relations with the federal system. Armony looks at opinion surveys about attachment and identification and argues that Quebecers, while they may at times be ambivalent towards their relation with Canada, still demonstrate strong feelings "about their belonging to Canada." Iacovino discusses Quebec's relation with Canada in the context of the recommendations of the Bouchard-Taylor report. He concludes that for these recommendations to be implemented, there must first be a "recognition that Quebec is a host society in its own right." Jedwab analyzes results from the 2011 federal elections and takes from these that Canadians may be moving away from the political Centre. He argues that should national unity lose its priority as a political objective, we may start looking at Canadians' position on the ideological spectrum, "to help understand voter motivation." Kilgour and Harvey offer a Western perspective on the effectiveness of federalism and plead for equality in politics, economics and culture for "ending western alienation."

Human rights are the focus of essays by Dominique Clément, Maxwell Yalden and Ken Norman. Clément reflects on the evolution of human rights in Canada and argues that human rights commissions have had difficulties adapting to "Canadians' conceptions of rights." This places them under threat and puts the entire human rights legal system at risk. Maxwell Yalden focuses more closely on issues related to sexual orientation and Aboriginals in the context of human rights laws. Ken Norman reflects on a rosier past when the Saskatchewan human rights code and commission enjoyed more respect and power. He remembers that his proposals allowed the commission more powers, but that a new government "marked the beginning of a good deal of backsliding" for human rights law in that province.

Finally, Leslie Seidle, Irene Bloemraad, Els de Graauw, John Kincaid, Richard Cole, Daniel Béland and André Lecours look at federalism elsewhere: in Australia, Belgium, Germany, Spain, Switzerland, and the United States. Seidle shares the results of a seven country study sponsored by the Forum of Federations which helps us get a deep perspective on how "policy instruments [...] for language learning and building civic knowledge" are used to build newcomers' identity. Bloengaard and de Grauw address the paradoxical United States, a nation of immigrants that has no "coherent response to immigrant settlement" and conclude that this situation results in immigrants being treated differently across the country. Kincaid and Cole focus on levels of attachment of Americans and find that while the American people show tremendous attachment to their country, their state, city and ethnic groups for example, they seem ambivalent towards immigration, except for the younger generation. Finally, Béland and Lecours offer the perspective of Belgian federalism and argue that the separation of parties along language lines has "created a decentralizing logic that is ever present within the Flemish political elite" but has also created conflict since Francophone actually resist decentralization.