

# CANADIAN ISSUES

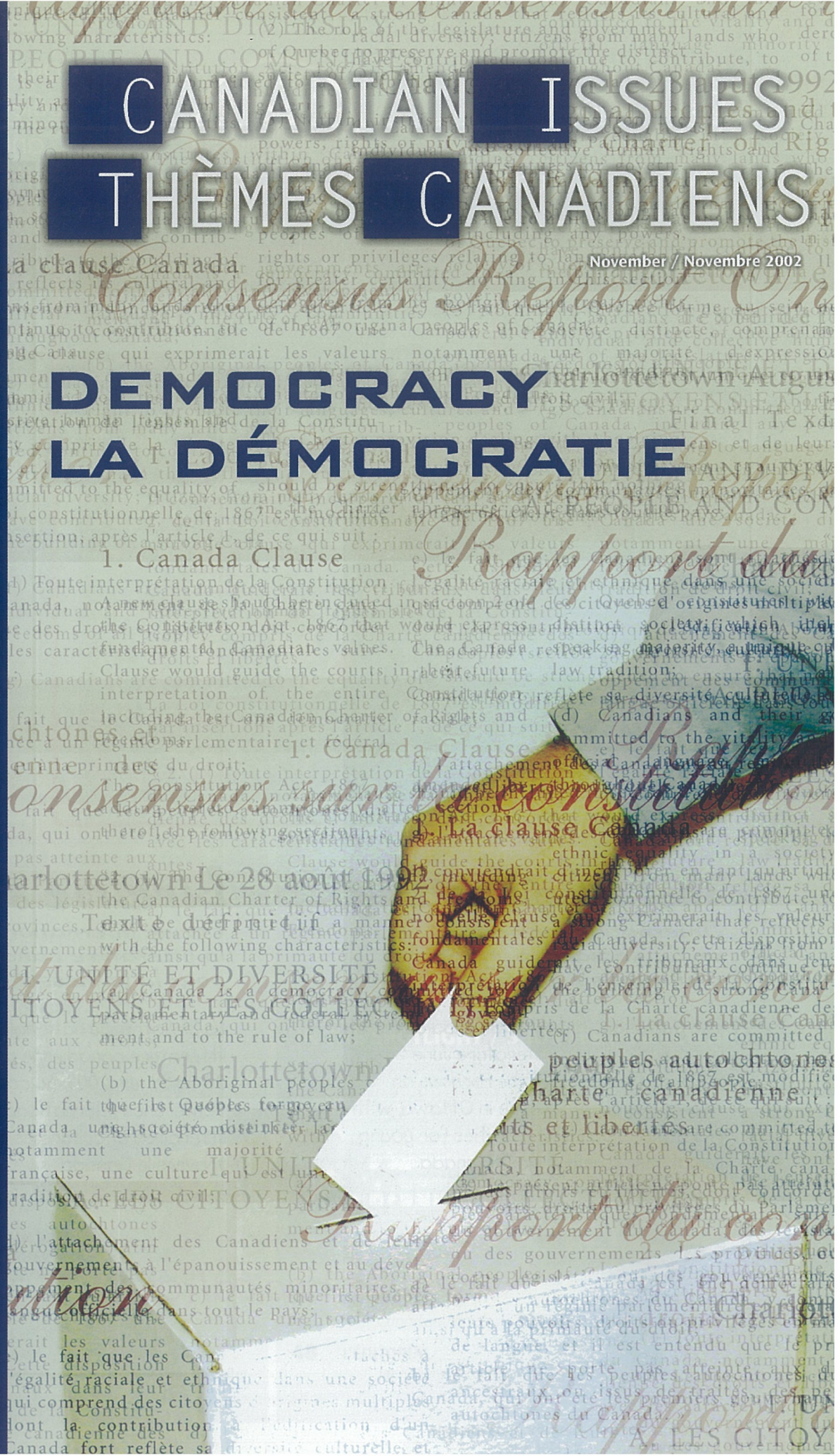
# THÈMES CANADIENS

November / Novembre 2002

## DEMOCRACY

## LA DÉMOCRATIE

- L'Honorable  
Gérald-A. Beaudoin  
Sénat du Canada
- Stéphane Bernatchez  
Université de Montréal
- William Cross  
Mount Allison University
- Nathalie Des Rosiers  
Commission du droit du Canada
- Alex Folkes  
Electoral Reform Society,  
United Kingdom
- John Graham  
Institute on Governance  
in Ottawa
- Steven Hill  
Center for Voting  
and Democracy (USA)
- Jack Jedwab  
McGill Institute for the Study  
of Canada
- Jean-Pierre Kingsley  
Élections Canada
- Howard Pawley  
University of Windsor
- Andrew Parkin  
Centre for Research  
and Information on Canada
- Lisa Young  
University of Calgary
- In the Spotlight  
The National Library of Canada
- Sous les projecteurs  
La Bibliothèque nationale  
du Canada



### 1. Canada Clause

d) Toute interprétation de la Constitution...  
e) Canadians are committed to the equality of...  
f) The Constitution Act...  
g) La clause Canada...  
h) Le 28 août 1992...  
i) Charte canadienne...  
j) Rapport du...  
k) Les citoyens...

Join our  
Celebration of the  
50th Anniversary of the  
National Library  
of Canada

1953 - 2003



Joignez-vous aux  
célébrations du  
50<sup>ième</sup> anniversaire de la  
Bibliothèque nationale  
du Canada

1953 - 2003



## *The Fun of Reading*

*International Forum  
on Canadian  
Children's Literature*

The National Library of Canada celebrates Canadian children's literature June 26-29, 2003. At the heart of the Forum is an international conference in Ottawa, with literary and cultural activities for young people being held across Canada.

## *Lire me sourit*

*Forum international sur  
la littérature canadienne  
pour la jeunesse*

La Bibliothèque nationale du Canada fête la littérature canadienne pour la jeunesse du 26 au 29 juin 2003. Au coeur du Forum, une conférence internationale avec des activités littéraires et culturelles pour les jeunes à travers le Canada.

[www.nlc-bnc.ca/forum](http://www.nlc-bnc.ca/forum)



National Library  
of Canada

Bibliothèque nationale  
du Canada

Canada

ARTICLES

**4 LA DÉMOCRATIE ET LES POSSIBILITÉS D'AMENDEMENT CONSTITUTIONNEL AU CANADA, DE NOS JOURS**

PAR Gérald-A. Beaudoin

Les négociations constitutionnelles des dernières décennies entre le fédéral et les provinces sont actuellement en veilleuse. Un amendement constitutionnel en profondeur qui demanderait l'unanimité sera très difficile à réaliser.

**8 EST-CE LE MOMENT DE RÉFORMER NOTRE MODE DE SCRUTIN ?**

PAR Nathalie Des Rosiers

Pourquoi maintenant ? A-t-on atteint un moment de crise dans notre démocratie ? Est-ce que le « malaise démocratique », ce désengagement de la population à l'égard des institutions politiques traditionnelles, à l'égard des proportions critiques ? Le cynisme et le manque de confiance sont-ils si généralisés que des changements radicaux soient nécessaires ?

**10 PARTY DEMOCRACY TEN YEARS AFTER CHARLOTTETOWN**

BY William Cross and Lisa Young

It is telling that during a period when Canadians were most frustrated with their political institutions and practices they focused their energies on reform of the party system. When the authors look back over the past decade they see this reform as the one area of political life that has sustained significant change.

**13 TEN YEARS AFTER CHARLOTTETOWN: IS CANADA AT THE CROSSROADS?**

BY Howard Pawley

Why was an Accord that was supported by the overwhelming majority of the Canadian political, economic and media elite turned down by a majority of the Canadian electorate? The author responds to this question and examines whether the Accord could have been useful in providing some assistance in contending with the circumstances that we are being confronted with today.

**17 CONSTITUTION ET DÉMOCRATIE AU CANADA DEPUIS CHARLOTTETOWN**

PAR Stéphane Bernatchez

La réflexion sur les processus constitutionnels n'a pas empêché complètement l'évolution du droit constitutionnel. Mais celle-ci a été largement confiée au pouvoir judiciaire. En ce sens, la démocratie constitutionnelle canadienne semble se caractériser par de nouvelles formes de démocratie, procédurale et continue, qui l'éloignent de la démocratie représentative chère au fédéralisme exécutif.

**21 REINVIGORATING DEMOCRACY: DEALING WITH SEPTEMBER 11<sup>TH</sup> THROUGH MODERN TOWN HALL MEETINGS**

BY John Graham

The author examine one means of possibly reversing the decline of the state of democracy in Canada — the 'reinvention' of the town hall meeting. He describes how it was used in New York City to deal with the aftermath of September 11<sup>th</sup>.

**25 REFERENDUMS: REFLECTIONS ON THE CANADIAN EXPERIENCE SINCE CHARLOTTETOWN**

BY Andrew Parkin

The public may be willing to play a more direct role in political decision-making, but there is little consensus on when referendums should be held and under what types of rules referendum campaigns should be conducted.

**30 DEMOGRAPHY IN ACTION: THE IMPACT OF FUTURE POPULATION CHANGES ON CANADIAN PARLIAMENTARY INSTITUTIONS**

BY Jack Jedwab

Much like in 1993 and 1997, the 2000 Liberal victory was largely attributable to the party's dominance in Ontario, combined with support in the larger urban centres of Quebec and the Atlantic Provinces. The future outcome of national elections will be determined by the changing demographic importance of Canada's regions. The intersection of demography and political representation is examined.

**33 USA AND CANADA: THE POLITICAL GEOGRAPHY OF NATIONAL DIVISION IN NORTH AMERICA**

BY Steven Hill

The latest US election exposed a demographic trend already familiar to Canadian audiences, but new to observers of American politics — alarming levels of partisan balkanization based on geographic regions. Like in Canada, America's dunky eighteenth-century electoral system is supposed to act as the electoral filter that translates votes into political power. There may be cause for worry.

**39 ELECTORAL REFORM IN THE UNITED KINGDOM**

BY Alex Folkes

It's not just Canada that struggles with issues of electoral reform. Democratic renewal is currently a hot item all over Europe as the established democracies look to the East and see far more representative systems being developed and outflanking them in the democracy stakes. The author concentrates on the developments in the UK where a whole raft of measures are being followed.

IN THE SPOTLIGHT / SOUS LES PROJECTEURS



In 2003, the **National Library of Canada** will celebrate its 50<sup>th</sup> anniversary.

En 2003, la **Bibliothèque nationale du Canada** célébra son 50<sup>th</sup> anniversaire.

**47 COMPTE RENDU**

*Canadian National Cinema*, par Christopher E. Gittings

**48 L'ÉDITORIAL**

Jean-Pierre Kingsley

A MAGAZINE PUBLISHED BY THE ASSOCIATION FOR CANADIAN STUDIES (ACS)  
UN MAGAZINE PUBLIÉ PAR L'ASSOCIATION D'ÉTUDES CANADIENNES (AEC)

ACS BOARD OF DIRECTORS / CONSEIL D'ADMINISTRATION DE L'AEC

PRESIDENT / PRÉSIDENT

Hector Mackenzie

OUTGOING PRESIDENT / PRÉSIDENTE SORTANTE

Christl Verduyn, Wilfrid Laurier University

TREASURER / TRÉSORIER

Patricia Roy

STUDENTS REPRESENTATIVE / REPRÉSENTANTE DES ÉTUDIANTS

Becky Mosher

ENGLISH-LANGUAGE SECRETARY / SECRÉTAIRE DE LANGUE ANGLAISE

Gerald Gall, University of Alberta

FRENCH-LANGUAGE SECRETARY / SECRÉTAIRE DE LANGUE FRANÇAISE

Marie-Hélène Giroux, Université de Montréal

ATLANTIC PROVINCES REPRESENTATIVE / REPRÉSENTANT DE L'ATLANTIQUE

Ronald Rompkey, Memorial University of Newfoundland

QUEBEC REPRESENTATIVE / REPRÉSENTANT DU QUÉBEC

Daniel Salee, Concordia University

ONTARIO REPRESENTATIVE / REPRÉSENTANT DE L'ONTARIO

Chad Gaffield, University of Ottawa

PRAIRIE PROVINCES AND NORTHWEST TERRITORIES REPRESENTATIVE /

REPRÉSENTANT DES PRAIRIES ET DES TERRITOIRES DU NORD-OUEST

Raymond Blake, Saskatchewan Institute for Public Policy

BRITISH COLUMBIA AND THE YUKON REPRESENTATIVE /

REPRÉSENTANTE DE LA COLOMBIE-BRITANIQUE ET DU YUKON

Patricia Roy, University of Victoria

EXECUTIVE DIRECTOR OF THE ACS / DIRECTEUR GÉNÉRAL DE L'AEC

Jack Jedwab

DIRECTOR OF OPERATIONS /

DIRECTEUR DES OPÉRATIONS

Grégory Slogar

DIRECTOR OF SPECIAL EVENTS /

DIRECTEUR D'ÉVÉNEMENTS SPÉCIAUX

James Ondrick

CITC – CANADIAN ISSUES TEAM

CITC – ÉQUIPE DE THÈMES CANADIENS

EDITOR / RÉDACTEUR EN CHEF

Robert Israel

EDITORIAL ASSISTANT / ASSISTANT ÉDITORIAL

Mathias Oliva

DESIGN / GRAPHISME

Bang! Marketing (514) 849-2264 – 1-888-942-BANG

info@bang-marketing.com

CITC/ACS STREET ADDRESS / ADRESSE CIVIQUE CITC/AEC

209 St. Catherine E., V-5140, UQAM, Montréal (Que) H3C 3P8

Tel/Tél: (514) 987-7784 – Fax: (514) 987-3481

E-mail/Courriel: general@acs-aec.ca

CANADIAN ISSUES / THÈMES CANADIENS (CITC) – ISSN 0318-8442

CONVENTION POSTE PUBLICATION, 1470485

CITC is a bimonthly publication of the Association for Canadian Studies (ACS). It is distributed free of charge to individual and institutional members of the Association. CITC is a bilingual publication. All material prepared by the ACS is published in both French and English. All other articles are published in the language in which they are written. Opinions expressed in articles are those of the authors and do not necessarily reflect the opinion of the ACS. The Association for Canadian Studies is a voluntary non-profit organization. It seeks to expand and disseminate knowledge about Canada through teaching, research and publications. The ACS is a scholarly society and a member of the Humanities and Social Science Federation of Canada. The ACS is also a founding member of the International Council for Canadian Studies.

CITC est une publication bi-mensuelle de l'Association d'études canadiennes (AEC). Il est distribué gratuitement aux membres de l'Association. CITC est une publication bilingue. Tous les textes émanant de l'Association sont publiés en français et en anglais. Tous les autres textes sont publiés dans la langue d'origine. Les collaborateurs et collaboratrices de CITC sont entièrement responsables des idées et opinions exprimées dans leurs articles. L'Association d'études canadiennes est un organisme pan-canadien à but non lucratif dont l'objectif est de promouvoir l'enseignement, la recherche et les publications sur le Canada. L'AEC est une société savante, membre de la Fédération canadienne des sciences humaines et sociales. Elle est également membre fondateur du Conseil international d'études canadiennes.

CITC acknowledges the financial support of the Government of Canada through the Canadian Studies Programme of the Department of Canadian Heritage and the Canada Magazine Fund for this project.

CITC bénéficie de l'appui financier du Gouvernement du Canada par le biais du Programme d'études canadiennes du ministère du Patrimoine canadien et Le Fonds du Canada pour les magazines pour ce projet.

## AN INTERESTING Ten Years

A decade after the defeat of the Charlottetown Accord, constitutional reform is no longer seen as a priority in either our corridors of power or at dinner tables across the country. And yet electoral reform is a hot topic of conversation and debate. What bridges the present date to the brief Charlottetown era? Nothing less than the state of the Canadian democracy.

Who in Canada is satisfied with the status quo? Who seeks radical changes, who more moderate ones? Why are Canadians so interested in the way we elect our representatives? Is reform possible, likely, simple? And perhaps most importantly, what do the failure of Charlottetown or the prospects of future reform say about the kind of country we are? Our esteemed contributors attempt to answer these and other critical questions and, together, offer a revealing glimpse into the Canadian democracy – past, present and future.

Senator Gérald-A Beaudoin leads off with an important summary of recent attempts at constitutional change and concludes that securing such change any time soon will be anything but easy. Nathalie Des Rosiers follows with a question of her own – is this the time to seek electoral reform? If it is, she suggests, any debate must directly involve the citizenry of Canada.

William Cross and Lisa Young point to the recent reforms of our political parties as perhaps the exception to the lack of significant movement elsewhere. Howard Pawley explains why the Charlottetown Accord failed and suggests that its success may not have provided all the benefits it once promised. Stéphane Bernatchez examines the evolution of Canadian constitutional law, at least within the judicial realm, in light of the constitutional failure on the political front. What we have seen, he believes, are emerging forms of democracy that lead us away from traditional representative democracy.

John Graham begins his article with the conclusion that our democracy is in trouble and then offers the town hall meeting as a possible model on the road to something better. Andrew Parkin looks specifically at one controversial element of potential democratic reform – greater use of the referendum. The citizenry might have greater influence on the political agenda, but would referendums as we know them now bring more problems than they solve? Jack Jedwab joins the discussion with a statistical look at how shifting regional demographics alter the representative presence in the House of Commons and help decide elections. He submits that demography could play an important role in changing the way the nation is governed.

Debates on demographic trends and the possibilities for electoral reform are not confined to Canada. Steven Hill reacts to the stark divisions on the American political map and proposes that an outdated electoral system may be contributing to, as he puts it, a political depression that is sucking the life out of politics. Alex Folkes informs us of efforts across Europe to strengthen, broaden and refresh democratic structures. In the UK, a list of measures including changing to more proportional voting systems and taking the decision-making out of the hands of politicians are being tried.

The Association for *Canadian Studies* is proud to offer this special edition of *Canadian Issues* at its Montreal conference *Constitution and Democracy: Ten Years after the Charlottetown Accord*. The editors hope it contributes to a stimulating debate.

## DIX ANNÉES intéressantes

Une décennie après la défaite de l'entente de Charlottetown, la réforme constitutionnelle n'est plus perçue comme étant une priorité, que ce soit dans les corridors du pouvoir ou autour de la table des familles canadiennes. Par contre, la réforme électorale est un sujet de conversation et de débat populaire. Qu'est-ce qui relie la situation d'aujourd'hui à l'épisode de Charlottetown? Rien de moins que l'état de la démocratie canadienne.

Qui au Canada est satisfait du statu quo? Qui désire des changements radicaux, qui en désire des plus modérés? Pourquoi les Canadiens sont-ils tellement intéressés d'en savoir plus sur la manière dont on élit nos représentants? La réforme est-elle possible, probable, simple? Finalement, la question la plus importante, qu'est-ce que la défaite de Charlottetown ou les possibilités de réformes futures nous enseignent au sujet de notre pays? Nos collaborateurs estimés tentent de répondre à ces questions particulières et à bien d'autres questions importantes et collectivement, ils offrent un regard révélateur sur la démocratie canadienne, sur son passée, son présent et son futur.

Le Sénateur Gérald-A. Beaudoin débute avec un résumé important des récentes tentatives de changement constitutionnel et conclut qu'assurer de tels changements dans un futur rapproché ne sera certainement pas facile. Nathalie

Des Rosiers poursuit avec une question précise : est-ce le temps de tenter une réforme électorale? Elle suggère que si nous sommes en effet dans une période propice à la réforme, tous les citoyens et citoyennes du Canada doivent être directement impliqués.

William Cross et Lisa Young affirment que les récentes réformes des partis politiques sont peut-être l'exception au manque significatif de mouvement que l'on observe ailleurs. Howard Pawley explique comment l'entente a échoué et suggère que son succès n'aurait peut-être pas fourni tous les bénéfices promis. Stéphane Bernatchez examine, à la lumière de l'échec constitutionnel, l'évolution du droit constitutionnel canadien dans le système judiciaire. Ce que l'on observe, croit-il, constitue de nouvelle forme de démocratie qui nous éloignent de la démocratie représentative traditionnelle.

John Graham débute son article en affirmant que notre démocratie est en danger et nous suggère ensuite la discussion publique comme modèle afin d'aboutir à une meilleure situation. Andrew Parkin porte un regard spécifique sur un élément controversé d'une réforme démocratique potentielle: une plus grande utilisation du référendum. Les citoyens et citoyennes auront peut-être une plus grande influence sur l'agenda politique, mais les référendums comme nous les connaissons maintenant

apporteraient-ils plus de problèmes que de solutions? Jack Jedwab se joint ensuite à la discussion en offrant une analyse statistique de comment les changements démographiques régionaux affectent la représentativité à l'intérieur de la Chambre des communes et les résultats électoraux. Il soumet que la démographie pourrait jouer un rôle important afin de changer la manière que la nation est gouvernée.

Les débats sur les tendances démographiques et les possibilités de réforme électorale ne sont pas uniquement limités au Canada. Steven Hill réagit aux fortes divisions qui marque la politique américaine et propose qu'un système électoral périmé pourrait contribuer à, comme il l'explique, une dépression politique qui enlève toute vitalité à la politique. Alex Folkes nous informe d'efforts ayant cours en Europe afin de renforcer, d'élargir et de rénover les structures démocratiques. Au Royaume-Uni, la liste des mesures mises en œuvre inclue, l'introduction de systèmes électoraux plus proportionnels et l'abolition du pouvoir décisionnel des politiciens.

L'Association d'études canadiennes est fière de vous offrir ce numéro spécial de *Thèmes canadiens* à l'occasion de sa conférence intitulée *Constitution et démocratie: Dix ans après l'accord de Charlottetown*. Les éditeurs espèrent qu'il contribuera à un débat stimulant.

### LETTERS



*I found the cover of the latest Canadian Issues quite shocking. In Canada until last year, 9-11 meant the 9<sup>th</sup> of November as in other English (not American) speaking countries. In French (and this publication is supposed to be bilingual!) it can only mean le 9 novembre. Ignorant journalists might be carried away by Uncle Sam's rhetoric, but the ACS should not.*

*John A. Dickinson, Université de Montréal • Former president ACS-AÉC*

#### Comments on this edition of Canadian Issues?

##### We want to hear from you.

Write to Canadian Issues – Letters, ACS, a/s UQAM, V-5140, P.O. Box 8888, succ. Centre-ville, Montreal (Quebec) Canada, H3C 3P8. Or e-mail us at <robert.israel@acs-aec.ca> Your letters may be edited for length and clarity.

#### Des commentaires sur ce numéro?

##### Écrivez-nous à Thèmes canadiens

Lettres, AEC, a/s UQAM, V-5140, C.P. 8888, succ. Centre-ville, Montréal (Québec) Canada, H3C 3P8. Ou par courriel au <robert.israel@acs-aec.ca> Vos lettres peuvent étre modifiées pour des raisons éditoriales.



Archives nationales du Canada

# LA DÉMOCRATIE ET LES POSSIBILITÉS D'AMENDEMENT CONSTITUTIONNEL AU CANADA, DE NOS JOURS

**PAR** l'honorable  
Gérald-A. Beaudoin

LE CANADA EST UNE DÉMOCRATIE. LE GOUVERNEMENT RÉPOND AUX ÉLUS DU PEUPLE. NOUS SOMMES UNE FÉDÉRATION. LA SOUVERAINÉTÉ EST PARTAGÉE ; IL Y A UN PARTAGE ÉCRIT DES POUVOIRS ENTRE LE FÉDÉRAL ET LES PROVINCES ; CE PRINCIPE EST FONDAMENTAL. NOTRE SYSTÈME JUDICIAIRE EST FORT ET INDÉPENDANT ; LES DIFFÉRENTS BARREAUX PROVINCIAUX ET LE BARREAU CANADIEN SONT INDÉPENDANTS. NOS ÉLECTIONS SONT RÉGULIÈRES QUOIQUE PAS À DATE FIXES ; ELLES NE DOIVENT PAS EXCÉDER LA DURÉE DU MANDAT DE CINQ ANS SAUF EN CAS D'URGENCE. AINSI QUE L'AFFIRME LE *RENVOI SUR LA SOUVERAINÉTÉ DU QUÉBEC*, LA PRIMAUTÉ DU DROIT EST L'UN DE NOS PRINCIPES FONDAMENTAUX ; LE RESPECT DES MINORITÉS, LE CONSTITUTIONNALISME ET LE FÉDÉRALISME EN SONT D'AUTRES. LA CONSTITUTION EST LA LOI SUPRÊME DU PAYS.

Nous avons eu plusieurs amendements constitutionnels depuis 1867; un peu plus d'une vingtaine. Pendant longtemps, trop sans doute, nous nous sommes adressés au Parlement de Westminster à Londres pour amender notre Constitution. Nous n'avions pas de pouvoirs entiers sur le sujet. Seul le Parlement à Westminster pouvait adopter l'amendement à notre demande. On ne réussissait à nous entendre sur une formule d'amendement. Lors du *Statut de Westminster* de 1931, qui reconnaissait notre indépendance politique, nous avons dit aux Britanniques qui ne voulaient pas garder

*Hélas, elle fut rejetée, au motif que le Québec voulait obtenir plus de pouvoirs, notamment en matière sociale, avant de rapatrier. Ce fut une très grave erreur.*

ce pouvoir d'amendement, que nous finirions par nous entendre sur la formule d'amendement. Les tentatives continuèrent de 1927 à 1981. Le Québec voulait un veto. En 1982, après une cinquantaine d'années et bon nombre de conférences fédérales-provinciales, nous avons enfin mis au point une formule d'amendement.

Pour ma part, j'aimais bien la formule des quatre veto proposée à Victoria en 1971. Hélas, elle fut rejetée, au motif que le Québec voulait obtenir plus de pouvoirs, notamment en matière sociale, avant de rapatrier. Ce fut une très grave erreur. Québec n'a pas obtenu plus de pouvoirs et il n'a pas mis le grappin sur le veto qu'on lui offrait. Pareille chance ne reviendra très probablement jamais. Six ans plus tard à la Commission Pepin-Robarts (1977-79) dont je fus membre, j'ai proposé une formule d'amendement constitutionnel basée sur un référendum dans tout le pays avec une majorité dans les quatre grandes régions: l'Ouest, l'Ontario, le Québec et les Maritimes. On laissait le dernier mot au peuple. Cette proposition n'a pas eu de suite.

Nous avons notre propre formule d'amendement depuis 1982.

La procédure de modification de la Constitution du Canada, prévue à la partie V de la *Loi constitutionnelle de 1982*, comprend cinq formules d'amendement. Chacune de ces formules s'applique à une catégorie particulière de modifications constitutionnelles et définit les exigences relatives aux dispositions qui permettent de modifier les aspects de la Constitution relevant de chaque catégorie. Il y a donc cinq façons de modifier notre Constitution: (1) la formule générale (deux tiers des provinces représentant au moins 50 p. 100 de la population); (2) la formule de l'unanimité; (3) la formule bilatérale ou multilatérale; (4) la formule unilatérale fédérale; et (5) la formule unilatérale provinciale.

### LA FORMULE GÉNÉRALE

La Constitution du Canada peut être modifiée, selon le paragraphe 38(1) de la *Loi constitutionnelle de 1982*, avec le consentement des deux tiers des provinces représentant au moins 50 pour cent de la population des provinces.

Cette formule générale, communément appelée «2/3 et 50 p. 100» (ou «7/50»), a un caractère résiduel, car elle s'applique à toute modification autre que celles visées par les autres articles. Elle s'applique, notamment, au partage des compétences législatives, à la plupart des dispositions de la *Charte canadienne des droits et libertés* et aux questions prévues au paragraphe 42(1) de la *Loi constitutionnelle de 1982*:

- a) le principe de la représentation proportionnelle des provinces à la Chambre des communes prévu par la Constitution du Canada;
- b) les pouvoirs du Sénat et le mode de sélection des sénateurs;
- c) le nombre des sénateurs par lesquels une province est habilitée à être représentée et les conditions de résidence qu'ils doivent remplir;
- d) sous réserve de l'alinéa 41d), la Cour suprême du Canada;
- e) le rattachement aux provinces existantes de tout ou partie des territoires;
- f) par dérogation à toute autre loi ou usage, la création de provinces.»

Le paragraphe 38(3) de la *Loi constitutionnelle de 1982* permet à une province d'exercer son droit de retrait («opting out»), dans la mesure où une modification constitutionnelle réduirait ses pouvoirs législatifs, ses droits de propriété ou ses privilèges.

Lorsqu'une province exerce son droit de retrait, à l'occasion d'un transfert de compétences législatives provinciales au Parlement, en matière d'éducation ou dans d'autres domaines culturels, une juste compensation est fournie, selon l'article 40 de la *Loi constitutionnelle de 1982*.

### LA FORMULE DE L'UNANIMITÉ

L'article 41 de la *Loi constitutionnelle de 1982* stipule que certaines modifications de la Constitution nécessitent le consentement du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province. Cinq matières requièrent le consentement unanime:

- a) la charge de la Reine, celle de gouverneur général et celle de lieutenant-gouverneur;
- b) le droit d'une province d'avoir à la Chambre des communes un nombre de députés au moins égal à celui des sénateurs par lesquels elle est habilitée à être représentée lors de l'entrée en vigueur de la présente partie;
- c) sous réserve de l'article 43, l'usage du français ou de l'anglais;
- d) la composition de la Cour suprême du Canada;
- e) la modification de la présente partie.»

### LA FORMULE BILATÉRALE OU MULTILATÉRALE

L'article 43 de la *Loi constitutionnelle de 1982* autorise des modifications à des dispositions de la Constitution qui n'affectent qu'une ou plusieurs provinces, mais pas toutes les provinces. Le consentement de la province concernée est requis. L'article 43 prévoit que:

«43. Les dispositions de la Constitution du Canada applicables à certaines provinces seulement ne peuvent être modifiées

*que par proclamation du gouverneur général sous le grand sceau du Canada, autorisées par des résolutions du Sénat, de la Chambre des communes et de l'Assemblée législative de chaque province concernée. Le présent article s'applique notamment :*

- a) aux changements du tracé des frontières interprovinciales ;
- b) aux modifications des dispositions relatives à l'usage du français ou de l'anglais dans une province ».

L'article 43 fournit deux exemples.

Il est entendu, cependant, que l'article 43 ne s'applique pas aux modifications relatives au partage des compétences législatives puisque, par définition, ce partage intéresse toutes les provinces. La portée de cet article est encore difficile à cerner. Par l'emploi de l'adverbe « notamment » l'article 43 suggère que la définition n'est pas exhaustive, l'article 43 ne donnant que deux exemples.

### **LA FORMULE UNILATÉRALE FÉDÉRALE**

L'article 44 de la *Loi constitutionnelle de 1982* autorise le Parlement à modifier les dispositions de la Constitution relatives au pouvoir exécutif

*Nous sommes une démocratie parlementaire de type britannique.  
Nous faisons assez rarement appel à la démocratie directe, ainsi que  
l'enseigne notre histoire.*

tif fédéral, au Sénat et à la Chambre des communes, sous réserve des articles 41 (unanimité) et 42 (formule générale).

Cet article reconduit l'ancien paragraphe 91(1) de la *Loi constitutionnelle de 1867*.

### **LA FORMULE UNILATÉRALE PROVINCIALE**

Selon l'article 45 de la *Loi constitutionnelle de 1982*, une législature a compétence pour modifier la Constitution de sa province, sous réserve de l'article 41.

L'article 45 préserve le pouvoir des provinces de modifier leur constitution interne, comme le prévoyait le para-

graphe 92(1) de la *Loi constitutionnelle de 1867*.

### **AMENDEMENTS DEPUIS 1982**

Depuis 1982, il y a eu neuf modifications constitutionnelles formelles : les droits des peuples autochtones, en 1983 ; la représentation électorale, en 1985 ; le système scolaire de Terre-Neuve, en 1987, 1997 et 1998 ; les droits des deux communautés linguistiques du Nouveau-Brunswick, en 1993 ; le pont de l'Île-du-Prince-Édouard, en 1994 ; le système scolaire du Québec en 1997 ; et le changement de nom de la province de Terre-Neuve qui est devenue Terre-Neuve-et-Labrador, en 2001.

### **CARACTÈRE DISTINCT DU QUÉBEC ET VETO RÉGIONAUX**

D'autres modifications, de nature non constitutionnelle, ont aussi été apportées dans la foulée du référendum québécois du 30 octobre 1995. Ce sont : les deux motions reconnaissant le caractère distinct du Québec, la première adoptée par la Chambre des communes, et la seconde adoptée par le Sénat, en 1995 ; l'entrée en vigueur en 1996 de la *Loi concernant les modifications constitutionnelles (veto régionaux)* ; la conclusion d'ententes administratives sur la formation de la main-d'oeuvre avec plusieurs provinces dont le Québec, en 1997-1998.

### **L'ACCORD DU LAC MEECH**

Deux tentatives de modifications constitutionnelles se sont soldées par des échecs, l'*Accord du lac Meech* et l'*Entente de Charlottetown*. L'*Accord du lac Meech*, conclut en 1987 portait essentiellement sur les éléments suivants : la reconnaissance explicite du Québec comme société distincte ; la garantie de pouvoirs accrus en matière d'immigration ; la limitation du pouvoir fédéral de dépenser ; la reconnaissance d'un droit de veto ; et une participation à la nomination des juges de la Cour suprême du Canada.

Aucun référendum n'eut lieu à cet effet, dans le pays.

### **COMITÉ BEAUDOIN-EDWARDS**

En 1991, le comité mixte Beaudoin-Edwards a tenté de ressusciter la formule d'amendement de Victoria : les quatre veto. Sans succès, hélas ! Les provinces de l'Ouest, en particulier, s'y objectaient.

### **COMITÉ BEAUDOIN-DOBBIE**

Ce Comité (Beaudoin-Dobbie) déposa son rapport le 28 février 1992 et proposa plusieurs modifications constitutionnelles majeures, dont : l'enchâssement dans la Constitution d'une clause Canada, la reconnaissance de la société distincte du Québec ainsi que l'épanouissement et le développement des minorités de langues officielles, la constitutionnalisation avec certains paramètres, du droit inhérent, des peuples autochtones à l'autonomie gouvernementale, un nouveau Sénat élu et plus équitable avec un veto suspensif de six mois sur la plupart des projets de loi, un nouveau partage des pouvoirs, une déclaration d'union économique accompagnée d'une charte sociale non justiciable, une disposition sur le marché commun canadien, l'adoption d'une loi fédérale permettant au gouvernement du Canada de tenir, à sa discrétion, un référendum consultatif sur une proposition constitutionnelle, et la constitutionnalisation de la composition civiliste de la Cour suprême du Canada.

### **L'ENTENTE DE CHARLOTTETOWN**

Le 28 août 1992, après plusieurs semaines d'intenses négociations constitutionnelles multilatérales, le premier ministre du Canada, les dix premiers ministres provinciaux, les chefs des deux territoires et des quatre groupes autochtones — ce qu'on appela le « groupe des 17 », conclurent une entente de principe majeure et complexe. L'*Entente de Charlottetown* visait un renouvellement en profondeur du fédéralisme canadien.

L'*Entente de Charlottetown* comportait plusieurs aspects, notamment une clause Canada énonçant les caractéristiques fondamentales de notre pays



dont le caractère distinct du Québec, l'union sociale et économique, la réforme du Sénat, la Cour suprême, la Chambre des communes, les conférences des premiers ministres, le partage des pouvoirs, les peuples autochtones et la procédure de modification de la Constitution.

L'Entente de Charlottetown fit l'objet de deux référendums consultatifs le 26 octobre 1992, l'un tenu au Québec selon les dispositions de la *Loi sur la consultation populaire*, l'autre tenu dans le reste du Canada conformément à la *Loi électorale du Canada* et à la *Loi sur le référendum*. Les Canadiens rejetèrent cette Entente par une majorité de 54 % contre 46 %. Plusieurs provinces rejetèrent l'Accord. Il faut dire que l'amendement comportait une cinquantaine de pages et touchait à un grand nombre de sujets. Il était relativement possible d'être en désaccord.

## LE RÉFÉRENDUM AU CANADA

Le référendum ne fait pas partie de la Constitution canadienne. Il ne fait pas partie de la formule d'amendement de 1982. Il faut le dire et le redire parce que beaucoup de gens y croient toujours. Certains affirment que les référendums précités pourraient donner naissance à un usage constitutionnel, voire même une convention constitutionnelle. Je ne le souhaite pas. Notre formule d'amendement est déjà bien assez lourde.

Le référendum, chez nous, est facultatif. La Constitution ne le rend pas obligatoire.

À venir jusqu'à ces dernières années, nous avons eu peu de référendum au niveau fédéral et au niveau provincial. Au niveau fédéral, on en relève que trois avant Charlottetown. Au niveau provincial, nous en avons eu davantage depuis 1980, deux au Québec sur la sécession, deux à Terre-Neuve avant que Terre-Neuve entre dans la fédération, quelques-uns en Alberta et Colombie-Britannique. Ces deux dernières provinces se sont obligées à tenir un référendum chez elles avant de consentir un amendement à la Constitution. C'est la situation dans l'Ouest du Canada; il s'agit d'une simple loi, quoiqu'importante

cependant; et surtout plusieurs personnes croient qu'elle est difficile à contourner en pratique.

Nous sommes une démocratie parlementaire de type britannique. Nous faisons assez rarement appel à la démocratie directe, ainsi que l'enseigne notre histoire.

Le Québec a eu recours à un référendum en 1980 et en 1995 avant de songer à s'engager sur la voie de la souveraineté. Personne ne pense que le Québec ne consulterait pas le peuple avant de ce faire. C'est trop important. Chaque vote compte. Le premier fut très clair 60 %-40 %. Le second fut beaucoup plus serré, le NON l'emportant avec seulement 50,6 % des voix contre 49,4 % pour le OUI.

Terre-Neuve a tenu deux référendums avant d'entrer dans la fédération canadienne en 1949, le 3 juin 1947 et le 22 juillet 1947. Le OUI l'emporta de justesse 52,44 % contre 47,66 % pour le NON; soit par 7 000 voix de majorité.

Les référendums à Terre-Neuve étaient complexes. Pour le premier, il y avait trois choix: a) le statu quo colonial; b) le gouvernement responsable; c) l'adhésion à la fédération; 44,55 % favorisèrent la deuxième option et 41,13 % la troisième. Pour le second, il y avait deux choix: l'adhésion à la fédération ou le gouvernement responsable.

Nous avons un avis consultatif de la Cour suprême sur la sécession du Québec en août 1998. La Cour a traité de la clarté de la question et de la majorité. Ce renvoi est fort important.

Une province ne peut procéder unilatéralement à sa sécession du Canada, tranche la Cour suprême. Une modification constitutionnelle est nécessaire à cette fin tout en respectant les quatre critères fondamentaux de la Constitution du Canada, soit: le fédéralisme, la démocratie, le constitutionnalisme et la primauté du droit, de même que le respect des minorités (notamment les minorités linguistiques et les peuples autochtones). La Cour, dans un bref rappel historique, remarque que l'évolution des arrangements constitutionnels au Canada s'est effectuée de façon ordonnée, continue et stable.

L'architecture de la Constitution a été qualifiée de « structure constitutionnelle fondamentale » de sorte que: « Chaque élément individuel de la Constitution est lié aux autres et doit être interprété en fonction de l'ensemble de sa structure ». C'est pourquoi la Cour insiste sur l'importance et la primauté de la Constitution écrite: « Une Constitution écrite favorise la certitude et la prévisibilité juridiques, et fournit les fondements et la pierre de touche du contrôle judiciaire en matière constitutionnelle ».

***Notre formule d'amendement est déjà lourde; y ajouter un référendum obligatoire serait une erreur, à mon avis.***

Ainsi, la Cour rappelle que le fédéralisme est un élément central du système constitutionnel canadien et traduit par le fait même la reconnaissance de l'autonomie et de la diversité des provinces. Le fédéralisme trace le partage des pouvoirs entre les deux ordres de gouvernement.

La démocratie constitue une valeur fondamentale, reflétée dans la *Charte canadienne des droits et libertés*, notamment aux articles 3, 4 et 5. La volonté du peuple s'exprime par le processus démocratique dans le respect de la primauté du droit.

Notre formule d'amendement est déjà lourde; y ajouter un référendum obligatoire serait une erreur, à mon avis.

*Des amendements ont été adoptés depuis 1982, on l'a déjà dit. Certains autres le seront sûrement. D'autres seront très difficiles à adopter, à cause de la teneur de notre formule de modification constitutionnelle.*

Les négociations constitutionnelles des dernières décennies entre le fédéral et les provinces sont actuellement en veilleuse. Un amendement constitutionnel en profondeur qui demanderait l'unanimité sera très difficile à réaliser. Même un amendement sur la base de la formule générale le sera. Les circonstances jouent ici un grand rôle.

Gérald-A. Beaudoin est Sénateur et professeur émérite à l'Université d'Ottawa

# EST-CE LE MOMENT DE RÉFORMER notre mode de scrutin ?

**PAR** Nathalie Des Rosiers

LA QUESTION DE LA RÉFORME DU MODE DE SCRUTIN A UNE LONGUE HISTOIRE AU CANADA. DÈS LE DÉBUT DU SIÈCLE, ON CRITIQUAIT DÉJÀ LE SYSTÈME DU SCRUTIN MAJORITAIRE UNINOMINAL À UN TOUR QUE NOUS UTILISONS<sup>1</sup>. EN 1979, LA COMMISSION SUR LE BILINGUISME ET LE BICULTURALISME AVAIT SUGGÉRÉ QUE LE SYSTÈME ÉLECTORAL CANADIEN DEVRAIT ÊTRE CHANGÉ. DE MÊME, LA COMMISSION MACDONALD Y ALLAIT DE LA MÊME PROPOSITION EN 1985. RÉCEMMENT, APRÈS UNE PÉRIODE DE LATENCE ET D'ESOUFFLEMENT CONSTITUTIONNEL, L'IDÉE A ENCORE RESURGI. CETTE FOIS, AVEC UNE NOUVELLE VIGUEUR. ON ASSISTE EN EFFET DANS PLUSIEURS PROVINCES À L'ÉMERGENCE DE MOUVEMENTS POPULAIRES RÉCLAMANT UNE RÉFORME ÉLECTORALE COMME REMÈDE AU MALAISE DÉMOCRATIQUE CANADIEN. DE L'ÎLE-DU-PRINCE-ÉDOUARD À LA COLOMBIE-BRITANNIQUE, PLUSIEURS GROUPES METTENT DE L'AVANT UNE RÉFORME QUI VISE L'INCLUSION D'UN ÉLÉMENT DE PROPORTIONNALITÉ DANS LE MÉCANISME ÉLECTORAL<sup>2</sup>. LE GOUVERNEMENT DU QUÉBEC A AUSSI AMORCÉ UNE CAMPAGNE DE CONSULTATIONS AUPRÈS DE LA POPULATION QUI VISE L'ÉVALUATION DE PLUSIEURS PROPOSITIONS DE RÉFORME DONT CELLE DU MODE DE SCRUTIN<sup>3</sup>.

Pourquoi maintenant? A-t-on atteint un moment de crise dans notre démocratie? Est-ce que le « malaise démocratique », ce désengagement de la population à l'égard des institutions politiques traditionnelles, a atteint des proportions critiques? Le cynisme et le manque de confiance sont-ils si généralisés que des changements radicaux soient nécessaires?

L'engouement pour la réforme électorale est symptomatique de deux tendances: tout d'abord, il s'agit d'une réponse à la difficulté des institutions politiques traditionnelles de bien répondre à la diversité canadienne. Comme je le discuterai plus bas, les arguments de diversité se sont maintenant ajoutés aux arguments plus traditionnels reliés à la réforme du mode de scrutin. Deuxièmement, il faut conclure que c'est un mouvement qui participe de la renaissance de la participation politique. Tous les mouvements décrits plus haut visent à revigorer le Parlement ou les Assemblées législatives provinciales et non à les abolir ou les remplacer. En ce sens, leur émergence est en elle-même un signe que la démocratie canadienne possède encore de l'énergie. C'est donc au niveau de la société que le débat sur la réforme électorale se fera.

## DIVERSITÉ ET RÉFORME ÉLECTORALE

Les arguments reliés à la réforme électorale ne sont pas neufs mais ils ont acquis une nouvelle saveur dans le cadre de cette nouvelle ronde. En effet, aux arguments bien connus, par exemple, de distorsions des intentions de vote, de la sous-représentation des partis idéologiques, et de la surenchère des enjeux régionaux, s'ajoutent de nouveaux arguments visant une démocratie représentative qui représente vraiment l'ensemble de la société canadienne. Cette transition dans l'argumentation mérite d'être étudiée.

Traditionnellement, les arguments avancés pour réformer le système électoral étaient les suivants: premièrement, le système actuel crée des distorsions entre les intentions de vote et les résultats puisqu'il permet à un parti qui ne détient pas une majorité du pourcentage (disons 40 % du vote populaire), non seulement de se faire élire mais aussi de former un gouvernement majoritaire. Ces résultats semblent injustes à la plupart des Canadiens et Canadiennes, d'autant plus qu'ils semblent représenter les résultats d'un grand nombre d'élections au cours des dernières années<sup>4</sup>.

Deuxièmement, il était suggéré que notre système défavorise les partis qui mettent de l'avant des idées sans connotation régionale particulière. Un parti environnementaliste ou même visant un agenda anti-pauvreté a moins de chance de se faire élire qu'un parti qui mise sur des rivalités de type régionales. Alan Cairns en 1968 a bien démontré que le mode de scrutin actuel semblait stimuler les divisions régionales plutôt que de les amoindrir. Ses conclusions n'ont été que confirmées depuis<sup>5</sup>.

Troisièmement, on suggère aussi que le système du scrutin majoritaire uninominal à un tour donne aux citoyens le sentiment de « perdre » leurs votes. En effet, dans le cas où un gouvernement est élu avec 40% des votes mais plus de 50 % des sièges, les 60 % de la population qui ont voté contre un gouvernement ne se sentent pas entendus ni reflétés par le Parlement.

Il faut noter l'émergence significative de nouveaux arguments: tout d'abord, la proposition que le système actuel ne favorise pas la promotion de candidats

«différents», des femmes ou des minorités culturelles. Il s'agit d'une critique qui reflète bien les conceptions de l'égalité véhiculées dans notre droit. En général, la société canadienne aspire à voir représentée dans sa main-d'œuvre, sa fonction publique, ses services de maintien de l'ordre et ses institutions judiciaires et administratives la diversité de la population canadienne. La plupart des Canadiens semblent assez à l'aise avec des femmes juges, une main d'œuvre multiethnique et une fonction publique plus diversifiée. Ils y voient justice et égalité. Et, bien qu'il reste sans doute encore beaucoup à faire dans ces diverses institutions pour minimiser la discrimination, les choses, statistiquement parlant, semblent progresser. Une image différente est présentée par l'appareil politique : il est loin de représenter la diversité canadienne. La proportion de femmes et de minorités est inférieure à celle d'autres pays<sup>6</sup> alors que dans d'autres secteurs ayant trait à la promotion de l'égalité entre hommes et femmes, le Canada fait bonne figure. Les systèmes du scrutin majoritaire uninominal sont souvent identifiés comme créant des obstacles à une meilleure représentation des femmes. Par contre, les systèmes proportionnels semblent permettre une plus grande représentation des femmes au sein des élus.

La question de la représentation de la diversité dépasse la question de la représentation statistique des femmes ou des minorités. En quelque sorte, la réforme électorale vise à enrichir le débat parlementaire par la présence d'une plus grande diversité de perspectives. La présence d'environnementalistes peut assurer un débat plus large sur les enjeux économiques : plutôt que de faire entendre cette position seulement par des démonstrations à l'extérieur, les «verts» devraient aussi participer au débat en Chambre. D'une certaine façon, la réforme électorale vise à mieux équiper une démocratie représentative et délibérative. Les débats de société doivent certainement avoir lieu en plusieurs forums mais ils devraient au moins être tenus au sein des élus. Il est impossible de le faire de façon complète si l'ensemble des perspectives n'est pas bien représentée.

Cette recherche de la diversité de points de vue nous invite peut-être à questionner le concept à la base du système actuel, c'est-à-dire l'appartenance territoriale comme clé de la représentation. Notre système regroupe les électeurs selon leurs localités, prisant ainsi l'identification géographique comme principal élément de reconnaissance électorale. Or la géographie n'est plus aussi importante qu'elle l'était dans la formation des identités. Donc, si la territorialité pouvait autrefois tenir de critère déterminant d'identité ou suffisait pour assurer un Parlement équilibré et représentatif de toutes les tendances, ce n'est plus autant le cas maintenant. La mobilité de la population et le découpage des identités ne permettent plus d'assumer l'homogénéité d'une population dans une localité. On ne vote pas en tant qu'habitant d'Ottawa ouest, mais peut-être en véhiculant un nombre plus grand d'appartenances : religieuses, culturelles, sociales et autres. La réduction de ces identités multiples à la géographie appauvrit le concept de représentation. D'autant plus que la territorialité ne peut prétendre offrir l'objectivité qu'elle peut sembler avoir : les éditions multiples des cartes électorales et le parachutage de candidats dans certaines circonscriptions indiquent bien que la territorialité est un critère manipulable.

Il n'est peut-être pas étonnant que cette émergence d'identités multiples chez les citoyens ait provoqué un intérêt pour les systèmes proportionnels même chez les «purs et durs» du système majoritaire uninominal à un tour, le Royaume-Uni et ses anciennes colonies. La Nouvelle Zélande a récemment adopté un système avec un élément de proportionnalité et les propositions de la Commission Jenkins en Angleterre vont aussi dans ce sens<sup>7</sup>.

Choses certaine, la stabilité gouvernementale qu'on associe typiquement au système majoritaire uninominal à un tour n'est plus le seul critère : nos sociétés veulent une stabilité mais une stabilité basée sur la participation des électeurs, et du développement de certains consensus. Ils ne veulent plus d'une stabilité fictive issue de jeux politiques.

## DÉMOCRATIE ET RÉFORME ÉLECTORALE

De plus en plus de citoyens désirent donc avoir leur mot à dire au sein de leurs institutions de gouvernance. Si les tentatives précédentes de réformer le système électoral ont surtout permis aux politologues et aux spécialistes de réfléchir sur les enjeux, il semble bien que dorénavant, le débat doit viser l'engagement des citoyens et non seulement des experts.

C'est certainement dans cet esprit que la Commission du droit du Canada publie en octobre un document de discussion sur le Renouveau démocratique<sup>8</sup>. Il s'agit de permettre aux citoyens de comprendre les enjeux et de réfléchir sur les valeurs qu'ils veulent voir représentées dans leur système politique.

Un bémol est nécessaire en terminant : parler de réforme électorale et de système proportionnel ne devrait pas se solder par une de la capacité transformatrice d'un changement du mode de scrutin. Élire différemment des représentants, élire de nouveaux visages et de nouvelles personnalités, ou élire une plus large proportion de femmes ou de membres des minorités culturelles a le potentiel de changer la politique. Même ces nouveaux acteurs, en présumant que le changement du mode scrutin ait l'effet escompté à cet égard, n'agiront pas bien différemment de nos élus actuels si l'ensemble des règles parlementaires persistent. En d'autres mots, il faut se garder que dans un élan d'enthousiasme, on en arrive à miser trop sur la réforme électorale comme instrument de changement et remède à notre malaise démocratique.

La réforme du mode de scrutin peut être un levier capital. Un débat sur le mode de scrutin parle directement aux citoyens et à leur interaction la plus significative dans l'appareil politique. Leur réflexion sur ce qu'ils souhaitent et recherchent dans l'acte de voter est essentielle. On a la démocratie qu'on mérite, et il faut y avoir à l'occasion.

Nathalie Des Rosiers est présidente de la Commission du droit du Canada

Les références complètes sont disponibles au [http://www.acs-aec.ca/fr\\_magazine.html](http://www.acs-aec.ca/fr_magazine.html)

# PARTY DEMOCRACY

## Ten Years After Charlottetown

**BY** William Cross and Lisa Young

IT IS NOW COMMONPLACE TO HEAR POLITICAL OBSERVERS AND PRACTITIONERS TALK ABOUT A CANADIAN 'DEMOCRATIC DEFICIT.' SUCH COMMENTARY IS REFLECTIVE OF THE DECLINE IN VOTERS' CONFIDENCE IN CANADA'S POLITICAL INSTITUTIONS AND PRACTICES THAT FIRST BECAME APPARENT IN THE PERIOD BETWEEN THE MEECH AND CHARLOTTETOWN CONSTITUTIONAL ROUNDS.

THE REPORT OF THE 1991 ROYAL COMMISSION ON ELECTORAL REFORM AND PARTY FINANCING (ROYAL COMMISSION) CAPTURED THIS SENTIMENT WHEN IT CONCLUDED THAT «MANY CANADIANS ARE CRITICAL OF THEIR EXISTING POLITICAL INSTITUTIONS. MANY ARE CONCERNED THAT THESE INSTITUTIONS ARE NOT SUFFICIENTLY RESPONSIVE TO THEIR VIEWS AND INTERESTS» (VOL.2, 229). IN THE AFTERMATH OF THE DEMISE OF THE CHARLOTTETOWN AND MEECH LAKE ROUNDS, THERE WAS NEAR UNANIMOUS AGREEMENT AMONG COMMENTATORS THAT THE DEFEAT OF THE ACCORDS LAY NOT ONLY WITH A REJECTION OF THEIR SUBSTANCE BUT ALSO WITH A VALUE CHANGE AMONG VOTERS THAT MANIFESTED ITSELF IN A DECLINE OF DEFERENCE TOWARDS POLITICAL ELITES. AS ALAN CAIRNS HAS WRITTEN, «THE ATTACK ON THE CONSTITUTIONAL ACCORDS WAS, AMONG OTHER THINGS AN ATTACK ON BROKERAGE POLITICS, ESPECIALLY OF THE KIND THAT TAKES PLACE BEHIND CLOSED DOORS» (1994, 229). EMBOLDENED BY THE DEFEAT OF MEECH AND THE AGREEMENT TO HOLD A REFERENDUM ON THE CHARLOTTETOWN ACCORD, VOTERS WERE INCREASINGLY CHALLENGING THE LEGITIMACY OF CANADA'S ELITE DOMINATED INSTITUTIONS OF REPRESENTATIVE DEMOCRACY. CANADIANS' DISSATISFACTION WITH THEIR POLITICAL INSTITUTIONS WAS EVIDENT IN PUBLIC OPINION POLLING. CONFIDENCE IN PARLIAMENT, POLITICIANS AND POLITICAL PARTIES WAS AT RECORD LOWS. EIGHT-IN-TEN CANADIANS AGREED THAT 'THOSE ELECTED TO PARLIAMENT SOON LOSE TOUCH WITH THE PEOPLE' (DOBELL AND BERRY, 1992) AND SEVEN-IN-TEN BELIEVED THAT 'THE GOVERNMENT DOESN'T MUCH CARE WHAT PEOPLE LIKE ME THINK' (BLAIS AND GIDENGIL, 1991).

It is telling that during this period when Canadians were most frustrated with their political institutions and practices they focused their energies on reform of the party system. When we look back over the past decade we see that this is the one area of political life that has sustained significant change. While many talked about different types of institutional change, there has been little other reform. For example, while voters expressed substantial dissatisfaction with the functioning of parliament, focusing on the concentration of power in the Cabinet and the lack of a meaningful role for MPs, things have only gotten worse in this regard (as witnessed in two new books, Jeffrey Simpson, *The Friendly Dictatorship and Donald Savoie Governing From the Centre: The Concentration of Power in Canadian Politics*). Similarly, the widespread support for the use of direct democracy has not resulted in significant change. A few provinces have dabbled with referendum and recall legislation, but for the most part these have been failed efforts that do not represent a fundamental shift in the country's political behavior. Similarly, much criticism was leveled at the unelected and non-representative Senate; nonetheless, Senate reform appears as far away today as ever. What clearly did change in the wake of Charlottetown was the party system.

Although Canadians were dissatisfied with the performance of their political parties, they never questioned that parties are essential to Canadian democracy. In fact, a study conducted for the Royal Commission found that three-quarters of Canadians believe that 'without political parties, there can't be true democracy' (Blais and Gidengil, 1991). As Kenneth Carty and his colleagues concluded in *Rebuilding Canadian Party Politics*, «it is a curious fact that when Canadians get really angry about national politics and the accommodations it demands, dissatisfied with public policy, or disillusioned with their governments, and decide to do something about it, their instinctive response is to start by attacking the party system» (2000, 14). It is because the parties play such a central role in Canadian government – nominating candidates, selecting leaders, setting policy agendas – that grassroots activists routinely focus on parties when seeking democratic reform. That party activists wanted change in the way parties' were conducting their internal affairs was evident in survey data collected after the 1993 election showing that more than eight-in-ten local party associations wished they exercised more influence over party decision making and would like to spend more time considering their party's policy positions (Cross, 1996).

In the aftermath of the defeat of the constitutional accords, one of the first manifestations of the growing voter dissatisfaction was the success of two new political parties. While Reform and the Bloc Québécois disagreed on much, they both capitalized on voters' displeasure with the status quo and a desire for a more grassroots' driven politics. Both of these parties presented themselves as more internally democratic and thus less elite-dominated than the traditional parties, and both parties attracted significant numbers of new volunteers looking for a more influential say in public decision making. Many others, also dissatisfied with the role afforded rank-and-file members, remained with their original parties and worked for change in the norms of party democracy from

within them. Whichever route taken, activists were nearly unanimous in their desire for a greater role in party decision making. Some changes came quickly, perhaps most evidently in the method of party leadership selection. Parties moved away from the traditional delegate convention to various forms of direct election of leaders by the parties' members. The norms of party membership changed so that for the first time ever, supporters can join their party directly at the federal level creating an unmediated relationship between the parties and their grassroots activists. Similarly, the parties talked about giving a greater say in policy making to their members. Their record in this regard is more checkered, but all of the parties at least acknowledged a desire by their members to have more influence in the setting of party policy and some took steps to accomplish this.

On the tenth anniversary of the defeat of the Charlottetown Accord, it is timely to evaluate how the parties are doing in terms of being vibrant, participatory organizations and providing their members with a meaningful role in party decision making. To do so, we analyze data collected in the first ever Study of Canadian Political Party Members. This study includes a mail survey conducted in the spring of 2000 of approximately 11,000 members of the five major federal parties. Close to 4,000 completed surveys were returned for a response rate of about 36 per cent. In the analysis that follows we examine whether the parties have become highly participatory organizations and whether members are satisfied with the influence they have within the parties. Our findings are not encouraging. Keeping in mind that less than two percent of Canadians belong to political parties, it is discouraging to find that many are not at all active and that the majority continue to be dissatisfied with the level of influence they exercise within the parties.

We asked members how much influence particular groups *actually have* and how much influence they *should have* in party affairs. We find that members generally believe that party leaders and pollsters have too much influence, while ordinary members and local riding associations have too little. Members believe that they have less influence than any of these other groups. While table one shows these results for all party members, it is worth noting that the trends are similar in all five parties. In each case members believe that they should have more influence than they do.

**TABLE 1**

*How much influence do you think the following actually have and should have in party affairs? (1-7 with 1 being very little influence and seven being a great deal). Means are reported.*

	actually have	should have	differential
pollsters	4.7	3.0	1.7
party leader	6.0	5.6	0.4
riding associations	4.2	5.1	-0.9
ordinary members	3.7	5.2	-1.5

Not surprisingly, three-quarters of party members expressed a desire for ordinary members to play a stronger role in important party decision making such as the development

of election platforms. As illustrated in table 2, six-in-ten members believe that party leaders are very important in developing the parties' policies but only four-in-ten believe the same about members, and three-in-ten for the parliamentary caucus. There is, however, an important inter-party difference in this regard. In the Canadian Alliance, members feel they are as influential as their leader. In each of the other parties, members believe leaders are significantly more influential. In the Liberal party, twice as many respondents think the leader plays a very important role than think ordinary members do.

**TABLE 2**

*Percentages indicating that in their opinion the following are very important in developing their party's policies. N=3658*

the party leader	<b>57%</b>
ordinary party members	38%
the parliamentary caucus	32%

The deficit of political efficacy found among party members is most stark in terms of whether they believe they have any influence on government decision making. Replicating a question from the 2000 Canadian Election Study, we asked members whether they thought people like them have any say

*The most common party activities engaged in are the contributing of funds, wearing a campaign button and having an election sign in one's yard.*

in what government does. We found that a slim majority of members believe they have no say. Surprisingly, in each of the five parties, members are significantly more likely to share this sentiment than are the parties' voters. This means those most engaged in the political process are the least likely to believe they have any influence. This is true even in the governing party. Liberal party voters are 50 percent more likely than the party's members to believe they have influence in government decision making.

Given the views of party members regarding the efficacy of their political involvement, it is not surprising that they are not particularly active in party affairs. A majority of members spends less than one hour per month on party activity and four-in-ten attended no party function in the year prior to the survey. As we might expect in light of the relatively limited time commitments of most party members, they engage primarily in low intensity party activity. The most common party activities engaged in are the contributing of funds, wearing a campaign button and having an election sign in one's yard. Members are significantly less likely to have engaged in more time consuming activity such as volunteering in an election campaign or serving on a local association's executive. One-quarter of party members has never even attended a local party meeting.

The parties are also having difficulty in recruiting new members. Most of the parties' members have belonged for a decade or more, with only three-in-ten having joined after the

1993 election. This is reflected in the age profile of party members. The typical party member is 59 years old, with 46 per cent of members being senior citizens. Very few young Canadians belong to parties. Only one-in-twenty of the parties' members is younger than 30. There is significant evidence that younger Canadians prefer more direct forms of political participation and our data indicate that they are turning away from political parties in large numbers. And why not? Surely, there is little attraction in toiling away in a party when members believe they have little or no influence on party and public decision making.

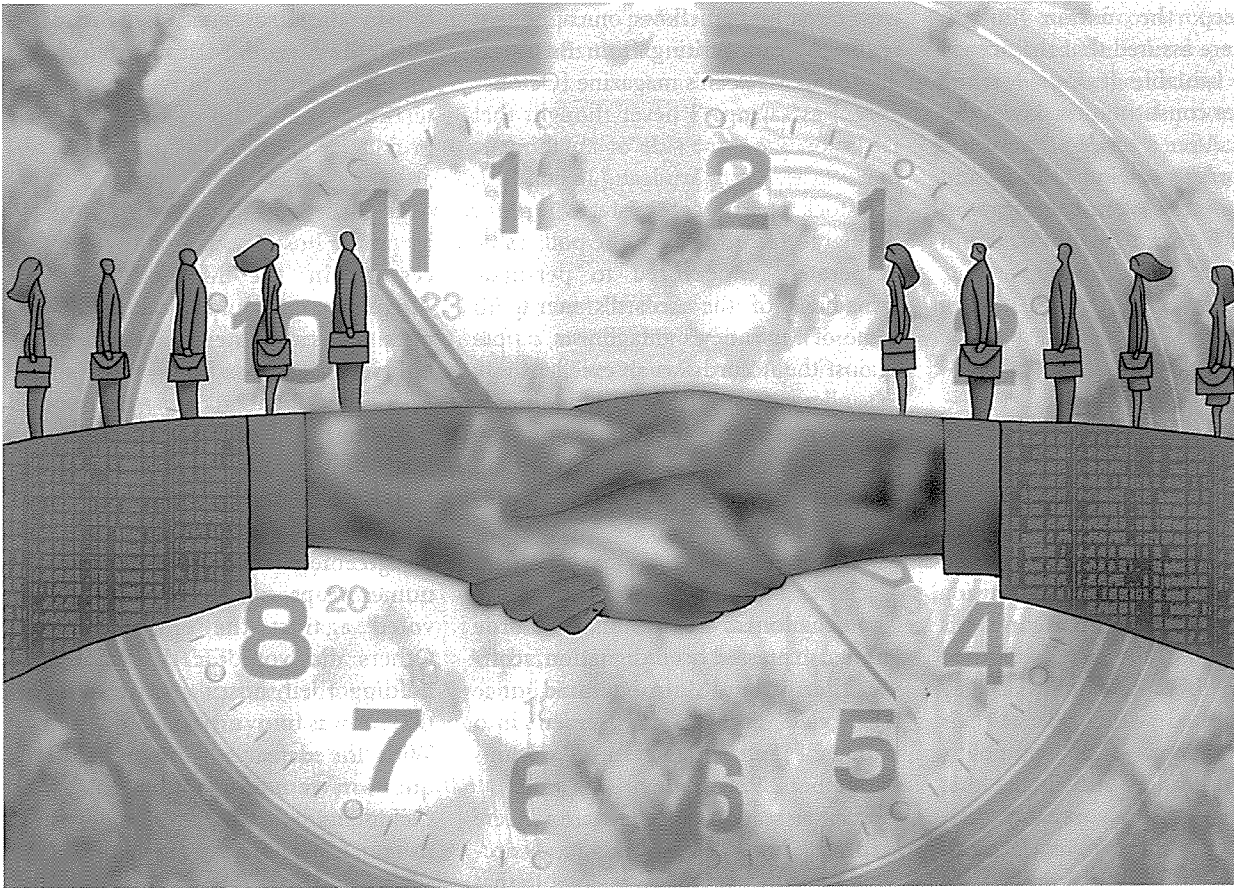
We are left with a significant dilemma. In the wake of the defeat of the Meech and Charlottetown constitutional accords, voter antipathy towards the political institutions and practices in this country was at near record highs. In the ensuing months, voters turned their attention to the political parties and significantly changed the complexion of the party system. However, what they did not succeed in doing was creating a system in which parties offer their activists more meaningful ways of engaging in policy development and ultimately in exercising influence in debates over public policy. In this regard, once again the parties have failed the voters. The question that remains is how often will dissatisfied activists continue to turn to the parties and attempt to reform them, when they are routinely rebuffed in these efforts. The answer to this question may lie in the finding that Canadians in general, and young voters in particular, are turning away from party membership in record numbers. The parties' activists are now largely senior citizens who have belonged for a relatively long period of time. At this rate, with a greying membership and little success at attracting new members, Canada's political parties risk becoming member-less shells in another decade or two.

*There is significant evidence that younger Canadians prefer more direct forms of political participation and our data indicate that they are turning away from political parties in large numbers.*

In our most recent federal election voter turnout reached an all-time low. Political parties are the central players in Canadian election campaigns. The task of engaging voters and encouraging them to participate largely falls to the parties. What the data reviewed above indicate is that the parties are failing to engage even their most ardent supporters let alone voters at large. While the levels of voter cynicism and alienation may have abated somewhat from their post-Charlottetown highs, the sorry state of our political parties coupled with declining voter turnout remind us that all is not well. Efforts to address the perceived democratic deficit might well begin with a revitalization of our political parties at the grassroots level.

Dr. Bill Cross is Director of the Centre for Canadian Studies at Mount Allison University  
Dr. Lisa Young is a professor at the Department of Political Science at the University of Calgary

A complete list of the references for this text can be found at [http://www.acs-aec.ca/e\\_magazine.html](http://www.acs-aec.ca/e_magazine.html)



## TEN YEARS AFTER CHARLOTTETOWN: Is Canada at the Crossroads?

**BY** Howard Pawley

THE TENTH ANNIVERSARY OF THE REJECTION OF THE CHARLOTTETOWN ACCORD [HEREAFTER REFERRED TO AS THE ACCORD] IS AN APPROPRIATE OPPORTUNITY FOR US TO EXPLORE WHY IT WAS UNACCEPTABLE TO A MAJORITY OF THE CANADIAN ELECTORATE. IT IS ALSO TIMELY TO EXAMINE WHETHER THE ACCORD COULD HAVE BEEN USEFUL IN PROVIDING SOME ASSISTANCE IN CONTENDING WITH THE NEW CIRCUMSTANCES THAT WE ARE BEING CONFRONTED WITH AS WE BEGIN OUR JOURNEY THROUGH THE FIRST TEN YEARS OF THE NEW MILLENNIUM. WHAT CAN WE LEARN AT THIS, THE ACCORD'S ANNIVERSARY?

The Accord was supported by the overwhelming majority of the Canadian political, economic and media elite; it was promoted as an essential compromise to keep the nation united. Canadians were assured that the Accord represented valuable lessons learned from the bitter constitutional skirmishes of the 1980s. After a series of consultative conferences involving citizens and followed by a series of private negotiation sessions between the political and

*It should come as no surprise a decade later that there is no political appetite to begin a new round of constitutional talks.*

native leadership, Prime Minister Brian Mulroney announced that a nationwide vote would be held on the accord: this referendum would allow Canadians to define whom they are and what they stand for. Flushed with pride at their ability to compromise, seventeen political and native leaders anticipated that Canadians would surely reward their accomplishment with a ringing endorsement. To their surprise, it soon became apparent that they would be blamed for either accomplishing too little or for conceding too much.

While Quebec complained that it had been granted too few new powers, the west expressed resentment over Quebec getting too much. Many aboriginals were unhappy with the uncertainty about what they were being offered while other Canadians begrudged what they considered where the lavish concessions offered to Canada's first peoples. Women's groups and other interest groups were irritated at what they interpreted as the hierarchy of rights contained in the Canada clause. Many maintained that the Canada clause would create different classes of Canadians. Others feared the clause could subtly influence key court decisions because of the new characteristics it contained.

Former Prime Minister Trudeau, the Accord's most convincing critic, claimed [Maclean's October 12/92] that the proposals would lead to future con-

stitutional bargaining. "The blackmail will continue," he warned. Positive response to Trudeau's intervention was overwhelming and included many who were never his bedfellows: one opponent of the Accord, writing from B.C., was quoted in Maclean's magazine [October 19/92] as saying, "I never thought that I'd be on the same side of anything as that weasel, Pierre Trudeau." In contrast, the stock of Prime Minister Mulroney slipped to record lows in the polls as he desperately endeavored to persuade Canadians of the Accord's merit. To some of Mulroney's antagonists, a vote against the Accord was an excellent way to send a message to the Prime Minister himself. Anti-Quebec feelings in some parts of Canada were more fierce than anyone suspected, evidenced by frequent references to Ovide Mercredi as "Ovide Wednesday" [Peter Newman, Maclean's November 2/92]. A Victoria Times-Colonist columnist, Gorde Hunter, expressed his indignation, scoffing that Brian Mulroney had once "smuggled French bull semen into Canada" [Peter Newman, Maclean's November 2/92].

Some sections of the Accord were accurately interpreted as only pious declarations carrying little legal clout. In that category, the enshrinement of the social Charter and other provisions pertaining to an economic Union were seen as only cosmetic. Quebec's guaranteed 25% representation in the House of Commons infuriated English Canadians who saw this safeguard as discriminatory. Limitations on the spending power were seen by others as neo-conservative, impeding future federal initiatives in health care, education and childcare. The transfer of powers to the provinces would create a "patchwork quilt form of federalism" and was criticized being an overly generous concession to the Premiers.

While Section 36 of the Constitution strengthened the obligation of the federal government to provide equalization, transfers to the less well off provinces, the electorate in those provinces, including those in Quebec, were unimpressed. Although the provisions relating to the inherent right to self-government represented a giant step forward for Canada's first peoples, some chiefs feared that the Charter of Rights

would be applied on their reserves. Insufficient time was provided for the Aboriginal leadership supporting the Accord to sell it in their communities.

In the final analysis, Canadians killed the Accord, with the majority of the electorate in six provinces and one territory voting 'no'. The federal and provincial political leadership negotiating the agreement suffered varying degrees of political wounds inflicted by public hostility, as had their predecessors in the Meech Lake era. Therefore, it should come as no surprise a decade later that there is no political appetite to begin a new round of constitutional talks.

The fact that there was too much loaded on the plate was a central reason for the Accord's rejection. Most Canadians discovered that they had disagreements with one or more of the numerous proposals and subsequently voted against the entire package. Others did vote for the Accord by holding their noses and recognizing that it was not a perfect document. With the defeat of the Accord, the question remains unanswered: Did Canadians miss a superb opportunity to remake Canada for the better?

*Since 1992, Canada's first peoples have achieved much through the courts, perhaps more than they have historically accomplished in the political arena.*

The various forecasts of the pundits about the potential severe ramifications triggered by the Accord's defeat were grossly exaggerated; the separation of Quebec from Canada had been widely anticipated. Although the death of both the Meech Lake and the Charlottetown Accords was nearly fatal for Canadian unity when Quebec secession was beaten by the narrowest of margins in 1995, that threat today appears to be in full retreat. Senate reform, a hot issue in the early nineties, is no longer a priority. Since 1992, Canada's first peoples have achieved much through the courts, perhaps more than they have historically accomplished in the political arena.



In Canada as in the world, changes have taken place at an accelerating pace, sweeping aside old political and economic certainties. Exponential changes are changing Canada and the world community beyond the wildest fantasies

and that well-paid lobbyists enjoy more political clout than backbench MP's. Stanley Knowles, in his time, answered such criticism by asserting, "disillusionment about parliament ... prompts Canadians to the realization that some-

not surprisingly the environment didn't make it to anyone's agenda in 1867. The Accord sought to deal with this by lessening federal-provincial conflict with a carefully crafted compromise that would have limited the federal spending power and deterred the federal government from ignoring local priorities. Ottawa also acknowledged implicitly that for years it had been intruding into some provincial areas – mining, forestry, tourism, housing recreation and regional development. The transfer of Labour Market Training and some other powers to the provinces was intended to gain provincial support.

*Increasingly, more and more Canadians see themselves as powerless to influence change. The public's estrangement from politics has intensified.*

of our parents and our grandparents. Our grandchildren will observe changes beyond our grasp and understanding. Undoubtedly, the speed of the change, with the resulting uncertainty in a fast-changing world, did not assist the 'Yes' camp in persuading voters to support the great unknown. The speed of change has only radically intensified since then. Now, ten years seems like an eternity.

#### TEN YEARS LATER

We have now passed through the gates of the 21<sup>st</sup> century and are entering a new era. Increasingly, more and more Canadians see themselves as powerless to influence change. The public's estrangement from politics has intensified. The institutional structure of the parliamentary system, supported by the coordination that Canadian federalism can provide, is necessary to combat a growing crisis in a number of vital areas of public concern. Unfortunately, the passage of the Accord would have at best provided marginal advantage, if any, to either to the parliamentary system or to the structures of federalism.

First, the Accord's proposed elected senate and its guarantees for future Quebec representation in the House of Commons would have done little to increase the public's trust of our parliamentary institutions. The public rejection of the Accord contributed to the regional fragmentation of contemporary Canadian politics and the decline of national parties that can speak legitimately for the entire country. This is also true for the ruling Liberals, with two-thirds of its members of parliament hailing from Ontario. Scandals rampant – both federally and provincially – have reinforced the perceptions that political parties are too influenced by big money

thing must be done about it ... where there's a will, there's a way" [Knowles Stanley, *The New Party*, McClelland & Stewart Ltd 1961]. Unfortunately, the Accord would have been of little assistance with three fundamental reforms that deserve the consideration of Canadians.

- *An expansion of democracy and accountability.* This can be enhanced by reducing the power of the prime minister. Greater opportunity for decision-making by M.P's is needed to inject greater meaning into their roles and to diminish some of the monopoly of power that is historically concentrated around the offices of the political executive. The same principle should apply provincially.
- *Donations to political parties.* Manitoba and Quebec legislation banning corporate, union and large individual donations to political parties is a beacon of light for other jurisdictions to emulate. Restrictions and transparency should also apply to party leadership contests.
- *Proportional representation.* Regionalization of our politics could be ameliorated should Canada join the vast majority of democracies and introduce some form of proportional representation and with the transferable ballot.

The second major challenge facing us is the need to modernize Canadian federalism. The fathers of confederation did not envision present day Canada: healthcare, education and municipalities, seen as less than important, were designated as provincial responsibilities;

A number of issues have emerged to the top of the policy agenda. Although constitutional reform is no longer politically feasible, the present challenge is to devise institutional tools to improve the current level of coordination between governments. The current morass of difficulties can no longer be afforded. Jurisdictional jealousies only trump the public good. It is questionable whether the Accord would have lessened inter-governmental pressures and might have jeopardized the capacity by the federal government to launch programs, such as those that follow, of national importance to all Canadians.

- In the 19<sup>th</sup> century, when people lived principally in hamlets and rural areas, responsibility for municipalities was understandably entrusted to provincial governments. However, about 80% of Canada's current population are urbanites with two-thirds living in metropolitan areas with greater than 100,000 people [Horizons Vol 5 Number 1]. Persistent downloading at the federal and provincial level has resulted in Canadian cities suffering from growing traffic congestion, homelessness and a multitude of other problems. Federal and provincial governments must coordinate approaches that will provide cities with new revenue sources and more freedom to innovate. A balance must be achieved in our cities between competitive and social justice needs.
- In the past ten years, homelessness has risen sharply, the elderly and the

disabled lack decent and affordable accommodation and pre-school children occupy the largest proportion of those living in poverty; the gap between rich and poor is widening and these conditions persist despite an economic boom. Governments must co-operate as a team to ensure this dismal situation is eradicated. In the 1970s, I recall fondly the affordable housing programs that the federal and most provincial governments rendered to their citizens. As a young Housing Minister in Manitoba in the early seventies, I did not see the housing initiatives provided by two levels of government as being an invasion of provincial jurisdiction but rather as part of a successful campaign to tackle poverty.

*Canada's aboriginal people remain second class citizens. Would the Accord have made a difference?*

- Medicare is frequently seen as one of the Canada's greatest achievements, and one in which Canadians proudly differentiate themselves from their neighbours. However, demographic shifts, new technologies and drugs are imposing huge strains on the system. Its very continuance is threatened. In a recent article [Health Care in the New Millennium, Canadian Federalism, Performance, Effectiveness and Legitimacy Eds. Herman Bakvis & Grace Skogstad, Oxford University Press 2002], Antonia Maioni eloquently explains that the federal government's role is to minimize asymmetry in the provision of health among the provinces, contribute to regional equity across Canada, and thus "avoid it becoming a political football." Unfortunately, the Accord could not have prevented the current crisis; some would claim that the weakening of the federal spending power could have only exasperated this problem.
- Canada's aboriginal people remain second class citizens. Would the

Accord have made a difference? Perhaps some recent Supreme Court rulings have provided greater benefit to our first peoples than have the actions of government. The sharp growth in Canada's urban aboriginal demographic adds to the severe crisis facing the cities. It is projected that Canada will witness future declining birth rates throughout most of the population; Aboriginal people are one of the most notable exceptions to this. Much of the answer to a future anticipated shortage in skilled trades can be discovered among the ranks of the youthful aboriginal population; will Canada's governments cooperate to meet this challenge?

- There is an environmental crisis swiftly developing with dangerous levels of pollution in our air, land and water. Mounting evidence points to an indisputable connection between the health of our citizens and the state of the environment. A federal authority empowered to address this heightened environmental challenge is essential at both the national and international levels. It is only the government of Canada and not a group of provinces that can best represent Canadians when it comes to ratifying international treaties such as Kyoto.
- In the past few years the federal government has enjoyed considerable budgetary surpluses. However, the same has not been true for most provinces and they have jurisdiction for the most rapidly rising expenditures – which often cannot be reduced – such as health, education and the fight against poverty. Measures are necessary to reduce the current fiscal imbalance where the federal government is becoming wealthier in relation to the provinces.
- Charlottetown would have assisted in toughening those provisions in the constitution ensuring that "provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of

taxation" and providing "reasonably comparable economic infrastructure of a national nature in each province and territory." The federal government needs to see to it that the principal of equalization is fulfilled in practice. There must be equality among all Canadians!

*Measures are necessary to reduce the current fiscal imbalance where the federal government is becoming wealthier in relation to the provinces.*

In conclusion, while there may have been some positive aspects of the Accord's passage, there is nonetheless no need to cry over spilt milk. The concerns of 1992 have been replaced by those of 2002. While we should never be overconfident, Quebec remains in Canada and the rest of Canada must always be prepared to respect that province's uniqueness. Although there has been far too little progress, Aboriginal peoples have made some progress, but much remains to be accomplished. Nonetheless, it is evident that greater coordination and cooperation is essential to meet the modern challenges Canadians face – the cities, healthcare, the environment and parliamentary reform. To do this, constitutional changes are *not* necessary. If politicians fail to achieve those solutions demanded of us in this new age, other powerful forces will exercise disproportionate power. To work, Canadian federalism demands leadership, vision, goodwill and an array of coordination and other innovative approaches. New prescriptions are essential to improve the health of our democratic system. As Canadians, we have arrived at the crossroads; the stakes are high.

Hon. Howard R. Pawley P.C., O.C., O.M., Q.C., LL.B., LL.D., is an Adjunct Professor at the University of Windsor. He is the former Premier of Manitoba [1981-1988] and served as the Paul Martin Sr. professor at the University of Windsor, lecturing in political science and law.



All rights the Supreme Court of Canada / photographe Philippe Landreville

# CONSTITUTION ET DÉMOCRATIE au Canada depuis Charlottetown

**PAR** Stéphane Bernatchez

LORS DES CONSULTATIONS RÉFÉRENDAIRES DU 26 OCTOBRE 1992, L'ACCORD DE CHARLOTTETOWN A ÉTÉ REJETÉ DANS SIX PROVINCES ET N'EST, EN CONSÉQUENCE, JAMAIS ENTRÉ EN VIGUEUR. L'ON PEUT TOUT DE MÊME SE DEMANDER CE QUE L'EXPÉRIENCE CONSTITUTIONNELLE CANADIENNE A RETENU DE L'ÉPISODE DE CHARLOTTETOWN. ALORS QUE LES CONTENUS DE L'ENTENTE POLITIQUE DU 28 AOÛT 1992 ET DU PROJET DE TEXTE JURIDIQUE DU 9 OCTOBRE 1992 ONT ÉTÉ LARGEMENT MIS DE CÔTÉ, LE « CANADA ROUND » A SURTOUT LAISSÉ SA MARQUE AU PLAN DES PROCESSUS CONSTITUTIONNELS, AVEC SES EXERCICES DE DÉLIBÉRATION POLITIQUE ET DE CONSULTATION RÉFÉRENDIAIRE. AU COURS DE LA DÉCENNIE 1992-2002, LA QUESTION DES PROCESSUS D'ÉLABORATION DE LA CONSTITUTION EST DEVENUE CENTRALE DANS L'ÉVOLUTION DE LA DÉMOCRATIE CONSTITUTIONNELLE CANADIENNE. DIX ANS APRÈS L'ÉCHEC DE L'ACCORD DE CHARLOTTETOWN, IL CONVIENT DE S'INTÉRESSER À L'ÉTAT DE CETTE DÉMOCRATIE CONSTITUTIONNELLE.

L'Accord du Lac Meech, dont l'échec résulte principalement du choc entre des visions opposées du Canada<sup>1</sup>, a démontré les difficultés de la modification constitutionnelle tant au plan de son contenu que de son processus d'élaboration. D'un côté, les négociations entre les gouvernements ont pris la

*D'un côté, les négociations entre les gouvernements ont pris la forme d'un marchandage entre les différentes revendications, ce qui est devenu encore plus complexe avec la multiplication des acteurs constitutionnels, comme l'ont révélé les tentatives de réouverture de l'accord du Lac Meech*

forme d'un marchandage entre les différentes revendications, ce qui est devenu encore plus complexe avec la multiplication des acteurs constitutionnels, comme l'ont révélé les tentatives de réouverture de l'accord du Lac Meech (suite notamment aux oppositions de certaines provinces et au rapport du comité Charest). Quant au processus, la démonstration de Meech a mis en évidence la très grande rigidité de la procédure de modification prévue dans la partie V de la *Loi constitutionnelle de 1982*. Au surplus, plusieurs ont remis en question le caractère démocratique des négociations entre premiers ministres selon le modèle du « fédéralisme exécutif ». Comme l'a écrit Lise Bissonnette, « on hurlait littéralement contre le « processus ». Le peuple en avait été écarté, onze hommes blancs s'étaient ignominieusement entendus derrière des portes closes, la prochaine ronde devait être démocratique et populaire ou ne pas être. »<sup>2</sup>

C'est dans cet esprit qu'ont été entreprises les nombreuses consultations et commissions devant mener à l'entente de Charlottetown. Ainsi, au seul niveau fédéral, les commissions

Spicer, Beaudoin-Edwards et Beaudoin-Dobbie ont étudié les différents aspects de la réforme constitutionnelle et ont proposé toute une série de recommandations. À l'approche de l'échéance fixée par le rapport de la commission Bélanger-Campeau au Québec et reprise dans la *Loi sur le processus de détermination de l'avenir politique et constitutionnel du Québec*<sup>3</sup>, le gouvernement fédéral, suite au dépôt de ses propositions de septembre 1991 contenues dans le document *Bâtir ensemble l'avenir du Canada* et à la publication le 28 février 1992 du rapport Beaudoin-Dobbie, a convoqué le 12 mars les représentants des provinces, des territoires et des Autochtones à une reprise des discussions constitutionnelles. Celles-ci ont mené au rapport d'étape du 7 juillet 1992, lequel a servi de base de négociations à la conférence des premiers ministres qui a débuté le 4 août 1992, en présence du premier ministre du Québec, pour se conclure avec l'entente de Charlottetown du 28 août 1992. Cet accord politique n'allait toutefois être traduit en texte juridique que le 9 octobre 1992, soit quelques semaines à peine avant le référendum. En septembre, le Québec dut modifier la *Loi sur le proces-*

*Bien que cet Accord ne soit pas devenu une modification constitutionnelle, il est tout de même permis de penser qu'il a eu certaines conséquences importantes dans l'évolution constitutionnelle canadienne des dix dernières années.*

*sus de détermination de l'avenir politique et constitutionnel du Québec*, afin que le référendum qui y était prévu porte sur l'Accord de Charlottetown plutôt que sur la souveraineté du Québec.

Le texte de l'Accord de Charlottetown a soulevé de nombreuses critiques<sup>4</sup>. Principalement, la réforme constitutionnelle alors envisagée demeurait inachevée, la mise en œuvre de certaines questions, telle l'autonomie gouvernementale autochtone, devant faire l'objet de négociations ultérieures. De plus, l'Accord reconnaissait différentes visions du Canada, fondées sur autant de conceptions de la justice (égalité des citoyens, égalité des provinces, égalité des deux peuples

fondateurs, égalité des peuples autochtones), sans parvenir à les réconcilier, ou à en atténuer les contradictions apparentes ou réelles<sup>5</sup>.

Bien que cet Accord ne soit pas devenu une modification constitutionnelle, il est tout de même permis de penser qu'il a eu certaines conséquences importantes dans l'évolution constitutionnelle canadienne des dix dernières années. En effet, la phase préparatoire de l'accord avait largement insisté sur les exigences démocratiques du processus d'élaboration de la constitution - l'une de ces exigences ayant pris la forme d'une consultation référendaire pan-canadienne -, et il s'est avéré que cette question a été au cœur de l'évolution constitutionnelle durant la période 1992-2002. Cela ne signifie pas que les questions de fond soient réglées, bien au contraire, mais celles-ci ont été écartées au profit des aspects processualistes. Bien sûr, la présence de gouvernements péquistes à Québec et libéraux à Ottawa explique en partie la non-reprise des négociations. Si, d'une part, les gouvernements Parizeau, Bouchard et Landry ont évidemment montré très peu d'intérêt au renouvellement de la fédération canadienne, les gouverne-

ments Chrétien ont voulu, de leur part, éviter toute modification significative du régime constitutionnel instauré en 1982 par le gouvernement libéral de Pierre-Elliott Trudeau.

Entre 1990 et 1992, les processus d'élaboration constitutionnelle ayant conduit à l'Accord de Charlottetown empruntaient à la fois à la délibération et à la négociation<sup>6</sup>. Des exercices de délibération démocratique sans précédent dans l'histoire constitutionnelle canadienne avaient été mis en place, invitant les citoyens, les groupes sociaux, les experts et les partis politiques à de nombreuses discussions sur l'avenir politique et constitutionnel. La politique canadienne se trouvait alors dans

ce que le constitutionnaliste Bruce Ackerman appelle un « moment constitutionnel », c'est-à-dire qu'elle avait atteint son niveau supérieur<sup>7</sup>. Par exemple, en plus des audiences tenues par les différentes commissions, les cinq conférences nationales organisées à partir de janvier 1992 par cinq grands instituts de recherche dans le but d'examiner les propositions fédérales se rapprochaient sensiblement du modèle de « *deliberative opinion poll* » suggéré par le politologue James Fishkin<sup>8</sup>. La politique délibérative avait alors remplacé le libéralisme comme justification des normes de justice dans le contexte canadien de pluralisme axiologique<sup>9</sup>. Ainsi, au libéralisme qui sous-tendait la réforme de 1982 avec sa tentative d'élaboration de principes préétablis (principalement ceux des droits et libertés dans la Charte et de l'égalité des chances selon la péréquation) qui seraient acceptables aux adhérents de toutes les conceptions raisonnables du bien, l'on substitua le débat démocratique, conformément aux théories, alors en ébullition, de la démocratie délibérative<sup>10</sup>. Même si le processus de la négociation entre premiers ministres devait reprendre par la suite, l'exercice public de délibération allait tout de même marquer la campagne référendaire. D'ailleurs, que l'on ait ainsi soumis au peuple l'Accord de Charlottetown constitue certes un précédent important et peut-être même une preuve de l'existence d'une nouvelle convention constitutionnelle. Dans certaines provinces (Colombie-Britannique et Alberta), l'obligation de consulter la population par référendum est même devenue une exigence prévue par la loi<sup>11</sup>.

Après le rejet de l'accord de Charlottetown, le processus de délibération constitutionnelle s'est poursuivi au Québec jusqu'au référendum du 30 octobre 1995. Comme cela avait été le cas après le référendum de 1980, le gouvernement fédéral reprit l'initiative constitutionnelle aux lendemains de ce nouvel échec<sup>12</sup>. Malgré des résultats référendaires démontrant un taux élevé d'insatisfaction à l'égard du régime constitutionnel, le gouvernement fédéral renonça à rouvrir la

réforme de la Constitution<sup>13</sup> (ce qui peut s'expliquer par la présence d'un gouvernement souverainiste au Québec) et engagea les questions constitutionnelles sur des voies législative et administrative, en se concentrant principalement sur les aspects relatifs aux processus constitutionnels (à l'exception de la résolution adoptée à la fin de 1995 par

*Cette loi, qui peut être considérée comme un gain pour les provinces, aura par contre pour effet de rendre encore plus difficile la modification de la Constitution, ce qui devrait plaire davantage aux tenants du statu quo.*

la Chambre des communes et par le Sénat reconnaissant « que le Québec forme, au sein du Canada, une société distincte »<sup>14</sup>).

Étonnamment, le gouvernement fédéral n'a toutefois pas consenti à réexaminer la procédure de modification constitutionnelle, révision pourtant requise par l'article 49 de la *Loi constitutionnelle de 1982*. Selon cet article, dans les quinze ans suivant l'entrée en vigueur de la *Loi constitutionnelle de 1982*, le premier ministre du Canada devait convoquer une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même, en vue du réexamen des dispositions relatives à la procédure de modification. Lors d'une réunion tenue en juin 1996, les premiers ministres fédéral et provinciaux ont brièvement abordé cette question, en l'absence du premier ministre Bouchard qui était délibérément sorti de la salle à ce moment. Le premier ministre fédéral, M. Jean Chrétien, a déclaré que cette brève discussion, combinée à celles de Meech et de Charlottetown, était suffisante pour satisfaire à l'obligation constitutionnelle prévue à l'article 49. Cette position paraît difficilement justifiable, considérant la raison d'être de cet article dont la pertinence a été clairement établie par les tentatives de renouvellement de Meech et de Charlottetown. Qu'il suffise de penser, par exemple, à la procédure trop longue et trop difficile de Meech, où des gouvernements et des parlements avaient été rem-

placés pendant les trois ans de ratification. Donc, l'article 49 exigeait au moins une réelle obligation de moyen, sinon une obligation de résultat. C'est ainsi qu'il aurait dû être compris par le premier ministre fédéral, à moins, bien sûr, de souhaiter préserver indéfiniment le *statu quo* et de voir dans l'actuelle procédure de modification la

garantie que le régime constitutionnel de 1982 ne soit jamais plus modifiée, considérant les exigences de la procédure normale (formule 7/50) et de la procédure de l'unanimité.

Au surplus, afin de donner suite à ses promesses référendaires, le premier ministre Chrétien a fait adopter une loi par le Parlement canadien dans laquelle le gouvernement fédéral reconnaît des droits de veto régionaux dans le cadre d'éventuelles modifications constitutionnelles<sup>15</sup>. Cette loi, qui peut être considérée comme un gain pour les provinces, aura par contre pour effet de rendre encore plus difficile la modification de la Constitution, ce qui devrait plaire davantage aux tenants du *statu quo*.

Quant aux autres partenaires canadiens (provinces et territoires), ils ont cherché à donner certaines suites au référendum québécois d'octobre 1995. Dans un énoncé de principes élaboré à l'automne 1997, la Déclaration de Calgary, ils tentaient notamment de concilier la reconnaissance de la différence québécoise avec le principe de l'égalité des provinces. La Déclaration prévoyait de plus des consultations publiques, qui ont eu lieu dans les neuf provinces et dans les deux territoires jusqu'en mai 1998. Toutes les parties ont finalement adopté formellement la Déclaration, par une résolution de leur assemblée législative respective. Par ailleurs, les provinces ont conclu, avec la participation du Québec, un accord sur la politique sociale, l'Entente de

Saskatoon, qui prévoyait un droit de retrait inconditionnel pour tout nouveau programme social financé par le gouvernement fédéral. Cependant, dans l'Entente-cadre sur l'union sociale du 4 février 1999 – à laquelle le Québec n'a pas adhéré<sup>16</sup> –, l'encadrement du pouvoir fédéral de dépenser réintroduisait la notion d'objectifs pan-canadiens que les provinces doivent respecter pour obtenir leur part de financement.

La réflexion sur les processus constitutionnels a repris de plus belle à l'occasion du *Renvoi relatif à la sécession du Québec*<sup>17</sup>. La Cour suprême du Canada y a précisé le processus constitutionnel devant être suivi en cas de sécession d'une province. Selon la Cour, la Constitution du Canada n'accorde pas au Québec le droit de faire sécession de façon unilatérale, mais exige plutôt la négociation d'une modification de la Constitution: «la répudiation claire de l'ordre constitutionnel existant et l'expression claire par la population d'une province du désir de réaliser la sécession», au terme d'une procédure référendaire dont les résultats «doivent être dénués de toute ambiguïté en ce qui concerne tant la question posée que l'appui reçu», «donnent naissance à une obligation réciproque pour toutes les parties formant la Confédération de négocier des modifications constitutionnelles en vue de répondre au désir exprimé»<sup>18</sup>.

Saisissant cette invitation à clarifier les conditions procédurales de la sécession, le gouvernement fédéral a fait adopter une loi sur la clarté de la démarche sécessionniste<sup>19</sup>. En balisant les notions de «question claire» et de «majorité claire», le gouvernement fédéral a posé certaines conditions à son obligation constitutionnelle de négocier. Par exemple, l'article premier de la loi rejette d'emblée toute question qui porterait sur un mandat de négocier. C'est pourtant l'essence même de l'avis émis par la Cour suprême que d'obliger les parties à de telles négociations. La loi vise également à rendre plus improbable l'accès à la souveraineté, ce qui se vérifie notamment par la reconnaissance, au paragraphe 3(2) de la loi, d'une possi-

ble partition du territoire québécois en cas de sécession. La loi, en énonçant certains critères devant guider la prise de décision, a néanmoins pour effet d'engager les autorités fédérales dans un débat public (parlementaire) quant à son obligation constitutionnelle de négocier.

Le gouvernement du Québec a répliqué en faisant adopter la *Loi sur l'exercice des droits fondamentaux et des prérogatives du peuple québécois et de l'État du Québec*<sup>20</sup>, dans laquelle il est déclaré, à l'article 3, que «[l]e peuple québécois détermine seul, par

*En effet, l'interprétation judiciaire de la Constitution a continué de faire évoluer celle-ci quant à son contenu.*

l'entremise des institutions politiques qui lui appartiennent en propre, les modalités de l'exercice de son droit de choisir le régime politique et le statut juridique du Québec». Une telle déclaration semble contredire l'avis consultatif émis par la Cour suprême selon lequel la sécession du Québec nécessiterait des négociations avec le gouvernement canadien et les autres provinces<sup>21</sup>.

Même si l'évolution des processus constitutionnels a été importante depuis l'Accord de Charlottetown, ce serait cependant offrir une vision incomplète de l'état de la démocratie constitutionnelle canadienne que de laisser entendre qu'elle n'a progressé qu'au plan processuel. En effet, l'interprétation judiciaire de la Constitution a continué de faire évoluer celle-ci quant à son contenu. Sans entrer dans les développements juridiques, il est intéressant de noter que même sur ce plan, le débat a largement porté sur les processus d'élaboration constitutionnelle, plus précisément sur la légitimité démocratique du contrôle judiciaire de constitutionnalité sous le régime de la *Charte canadienne des droits et libertés*. Pour répondre à de nombreuses critiques et justifier son action constitutionnelle, la Cour suprême du Canada a eu recours à la théorie du dialogue, selon laquelle les tribunaux et les législateurs collaborent dans la production

continue du droit<sup>22</sup>. Bien qu'il soit impossible de montrer ici les mérites et les limites d'une telle approche, il est intéressant de noter que cette théorie s'inscrit dans les paramètres de la démocratie délibérative, modèle ayant servi au processus d'élaboration de l'Accord de Charlottetown.

Pendant la décennie 1992-2002, la Constitution du Canada a évolué, à la fois au plan des processus, comme l'ont voulu les différentes mesures gouvernementales et législatives, et au plan du droit constitutionnel élaboré par les tribunaux dans le

cadre du contrôle de constitutionnalité<sup>23</sup>. Malgré qu'elle ait été en partie motivée par une volonté de rendre plus complexe la modification de la Constitution du Canada, la réflexion sur les processus constitutionnels – qui est demeurée insuffisante en ce qui concerne l'article 49 de la *Loi constitutionnelle de 1982* – n'a donc pas empêché complètement l'évolution du droit constitutionnel. Mais celle-ci a été largement confiée au pouvoir judiciaire. En ce sens, la démocratie constitutionnelle canadienne semble se caractériser par de nouvelles formes de démocratie, procédurale et continue<sup>24</sup>, qui l'éloignent de la démocratie représentative chère au fédéralisme exécutif.

Stéphane Bernatchez est chargé de cours et doctorant en droit constitutionnel à la Faculté de droit de l'Université de Montréal

Les références complètes sont disponibles au [http://www.acs-aec.ca/fr\\_magazine.html](http://www.acs-aec.ca/fr_magazine.html)

# **REINVIGORATING DEMOCRACY:** Dealing with September 11<sup>th</sup> Through Modern Town Hall Meetings

The views expressed in this article are the responsibility of the author and do not necessarily reflect those of the Institute On Governance or its Board of Directors.

**BY** John Graham

FEW WOULD DENY THAT THE STATE OF DEMOCRACY IN CANADA AND INDEED IN ALL WESTERN COUNTRIES HAS BEEN ON THE DECLINE FOR DECADES. INDICATORS ABOUND. WITH FEW EXCEPTIONS, THE PRIMARY ACT OF CITIZENSHIP – VOTING IN ELECTIONS – HOLDS LESS AND LESS ATTRACTION. THE LAST PRESIDENTIAL ELECTION IN THE UNITED STATES DREW JUST OVER 50 % OF AMERICAN CITIZENS, A RESULT VERY SIMILAR TO THE FEDERAL ELECTION IN CANADA IN NOVEMBER 2000<sup>1</sup>. CONFIDENCE LEVELS IN POLITICIANS (AND IN INSTITUTIONS IN GENERAL) HAVE DROPPED SHARPLY SINCE THE 1960S<sup>2</sup>. AND MEDIA CYNICISM OF GOVERNMENTS' MASSIVE RELIANCE ON POLLING, 'SPIN' DOCTORS, ADVERTISING AND OTHER MARKETING TECHNIQUES TO STAY 'CONNECTED' TO CITIZENS IS PALPABLE<sup>3</sup>.

As the most recent Human Development Report published by the United Nations notes: “For politics and political institutions to promote human development and safeguard the freedom and dignity of all people, democracy must widen and deepen.”<sup>4</sup>

*Do the benefits justify these costs? AmericaSpeaks claims they do and points to significant achievements of each of their events.*

The aim of this article is to illustrate one means for widening and deepening democracy – the ‘reinvention’ of the town hall meeting, a technique that uses face to face dialogue facilitated by modern technology to engage large numbers of citizens. We begin by laying out the principal elements underpinning this new technique, then describe how it was used in New York City in July of this year to deal with the aftermath of September 11th and conclude with some implications for Canada.

### **MODERN TOWN HALL MEETINGS: THE ESSENTIAL ELEMENTS**

Founded some seven years ago, AmericaSpeaks<sup>5</sup>, a small, Washington-based not for profit organization, has developed and applied large scale “21<sup>st</sup> Century Town Hall Meetings” at the local, state and national levels. Recent applications include:

- In Washington D.C., in creating the city’s strategic plan and budget, and in engaging youth in the city
- At the county level, in developing a long term vision as part of a comprehensive plan
- With the National 4-H Council in creating a comprehensive national youth development agenda
- At the national level, in holding forums in 25 states and engaging more than 45,000 Americans in discussing social security reform options
- And, most recently, in the City of New York, in two sessions to discuss options for the redevelopment of the World Trade Centre site and, more broadly, of lower Manhattan.

Involving anywhere from 500 to 5,000 citizens, these modern town hall forums, which last for most of a day, rest on seven design principles:

1. *face to face dialogue in small groups of 10 to 12 informed citizens assisted by a trained facilitator* – Participants spend the whole day seated in small groups of ‘diverse’ individuals. They receive information on the issues at hand both before and during the event though formal presentations, an information booklet and access to experts. Two key indicators of the effectiveness of the small group discussions are a) whether participants become better informed on the issues; and b) whether they modify their initial views based on what they hear from others in the small group.
2. *the large number and ‘representativeness’ of the participants* – The event has to be of sufficient scale to attract the attention of the media and decision makers. (Scale also adds to the sense of the event’s importance shared by participants.) Further, participants should reflect the demographic diversity of the target population to give the results added weight. Thus, event organizers, while issuing an open invitation to participate, actively recruit other participants through a wide variety of means – collaborating with local media and using community groups to name two – in order that participants reflect the diversity of citizens in the area. This means that the minimum number of participants should be in the 400-500 range to achieve a level of confidence in the recommendations of the meeting.
3. *‘neutral’ organization and management of the event* – To have credibility among participants and citizens at large, the town hall meeting has to be organized and managed by a third party with no stake in the outcome. Neutrality is important in a variety of ways – from the information put together to inform participants; to the framing of the agenda and the specific questions put to participants during the session; to the creation of

a summary of the event’s main conclusions. A key challenge facing this neutral third party is to work with event sponsors – usually governments or other organizations seeking citizen input – in a manner that ensures the relevance of the results while maintaining the integrity of the event.

4. *a highly structured, carefully conceived agenda* – Following participant introductions and general information-sharing about the purposes of the meeting, participants at their round tables usually begin with a question aimed at identifying the values participants deem important in underpinning any solutions they propose during the course of the day. The idea is to get participants “to think beyond themselves” from the very beginning of the meeting and to have an ongoing touchstone to test ideas. Subsequent questions posed to the round tables follow a well thought through sequence so that there is a logical building of information. Questions are often tested before the event by focus groups.
5. *the judicious use of technology to synthesize major themes and ideas emerging from the group discussions* – Each table has a lap top computer that is connected to a central ‘theme team’ of analysts and each participant, a portable polling key pad. As group discussions progress, one of the participants records the results on the lap top and feeds the data into the theme team, who analyse the results and identify common themes. These in turn are presented on large screens throughout the meeting hall. Session organizers can then invite participants to use their key pads to indicate major preferences among these themes. The technology allows these polling results to be posted instantaneously.
6. *the commitment of decision makers to attend the event and to listen* – This is a critical element in recruiting citizens to spend an entire day wrestling with difficult, complex issues. The greater the clarity decision makers have about the input desired and the



choices involved, the greater the value of citizen deliberations. Widespread media attention to the event means that decision-makers often require little cajoling to attend and speak.

**7. follow-up with participants after the event** – Participants receive a report following the event, a report that summarizes the major themes, ideas and conclusions reached during the meeting. They are also given other options for pursuing their interest in the issue – for example, participating in further meetings or becoming part of an on-line discussion group.

This type of large-scale meeting offers surprising versatility. It can deal with a wide variety of issues including: policy dialogues, city-wide strategic planning, regional and urban planning, visioning and community priority-setting and complex national issues like health care or social security reform. Further, it can take place at a variety of different stages in the decision-making process, from discovering potential needs and issues to discussing specific options and making recommendations.

That said, it is not appropriate when there is a specific proposal to be voted on or a number of ‘closed-ended’ questions to consider.

As for cost, these meetings can be expensive – several millions of dollars for events involving thousands of participants. The major variable is the number of participants, which drives such key items as project management, outreach, web site management, food and beverages, site and security costs, translation services, AV production registration, transportation, print and advertising, technology and communications.

Do the benefits justify these costs? AmericaSpeaks claims they do and points to significant achievements of each of their events. For example, in the initiative to discuss social security reform, they engaged some 45,000 citizens, significantly influenced the debate and proposals drafted, changed perceptions of public’s willingness to reform Social Security and received extensive national and local press coverage about reform options.

Certainly participant satisfaction levels with this type of engagement appear to be high. In the first New York City event held in February 2002 involving some 600 citizens, 73% of participants indicated their overall satisfaction with the event was ‘very high’ or ‘high’<sup>6</sup>. Comfort levels with the technology were even higher with some 88% indicating satisfaction with the technology as ‘very high’ or ‘high’.

### **A MODERN TOWN HALL MEETING IN ACTION**

To illustrate how some of these key design features play out in practice and the nature of some of the challenges in staging such activities, it is useful to describe one town hall meeting in detail.

Along with seven<sup>7</sup> other Canadians, we were invited to attend “Listening to the City”, a day long forum held on July 20, 2002, in which more than 4,000 people from New York City and the surrounding area gathered at the Jacob Javits Centre to play a role in rebuilding Lower Manhattan. Following an earlier forum in February 2002, this event had three specific objectives:

- to respond to six concept plans for rebuilding the 9/11 site;
- to advise on the creation of an appropriate memorial for the victims of the attack; and
- to recommend solutions – in terms of housing, transportation and economic development – for rebuilding lives affected by the 9/11 events.

“Listening to the City” is a project of the Civic Alliance to Rebuild Downtown New York, a coalition of nearly 100 groups “... committed to devising strategies for the redevelopment of Lower Manhattan”. The Civic Alliance engaged AmericaSpeaks to organize and manage the event. Also attending the forum were many of the key decision-makers including officials from the Lower Manhattan Development Corporation (LMDC), the Port Authority of New York and New Jersey (the owners of the Trade Centre site), the State of New York and New Jersey (the owners of the Trade Centre site), the State of New York and New York City Mayor’s Office and City Council. Officials from the Port Authority and the LMDC were active in the planning of the event itself.

Among the factors that made the planning and staging of the event so challenging were the large number of participants; the emotionally-charged nature of the 9/11 attacks, involving some 2,830 victims<sup>8</sup>; the large number of decision-makers implicated; the complexity and breadth of the issues from a Memorial to a regional redevelopment plan; and the huge financial stakes involving billions of dollars for the Trade Centre site alone.

Event organizers were successful in attracting participants broadly representative of the age and sex distribution of the target audience – that is, the victims’ families and those who live or work in New York City. On the other hand, they were less successful in attracting African-Americans (7 percent of participants versus 20 percent of the region’s population). Similarly, participation was disproportionately higher among high income groups and residents of Manhattan.

*Several of the decision-makers responded to participants, indicating that they had heard the messages and would consider them carefully.*

Approximately 500 volunteers from every American state and several countries including Canada came to the event at their own expense to serve as group facilitators. They were recruited primarily through the internet site and received a three hour orientation on their arrival. Volunteers served in many other capacities as well – for example, in registering participants.

Following registration, participants went to assigned tables where they met their volunteer group facilitator and received a package of materials including a 15 page participant guide, some worksheets, a brief history of Lower Manhattan, a sheet on discussion ground rules and the roles of the facilitator and lap top operator, an evaluation form and a backgrounder on the impact of the 9/11 attacks. During the event, each table received material describing the six concept plans.

Media presence was impressive. Close to 300 media representatives attended the forum, representing local, regional, national and international print and electronic news outlets as well as a number of documentary crews. As one indicator of event coverage, a picture of the forum was on the front page of the *New York Times* the next day directing readers to an extensive and, on the whole, positive article inside the paper.

Through the small group discussions synthesized by a theme team of some 30 individuals and through the use of the voting pads to indicate priorities among themes, the following key messages<sup>9</sup> emerged from the meeting:

- Participants rejected all six of the concept plans; they wanted bold, innovative designs that reduced the amount of office space and that included schools, libraries, recreational centres and affordable housing.
- They wanted a memorial that is "inspirational and serene" and that preserves the footprints of the towers
- Participants supported job creation, especially for those affected by the events of 9/11, affordable housing and cultural institutions
- 57% indicated the importance of adding a major symbol to the New York skyline
- Almost 90% said it was important to eliminate West Street as a barrier between Battery Park City and the rest of Manhattan.

Several of the decision-makers responded to participants, indicating that they had heard the messages and would consider them carefully. Indeed, following the event, it now appears that the Port Authority has agreed to reduce the amount of commercial and retail space and has 'opened up' the designs accordingly.

The budget for this event was approximately \$2 million US. Funding sources included the LMDC, four foundations, the federal government and a number of business corporations. Fund-raising continued after the event.

## OUR ASSESSMENT

In a series of 'post mortems', our group of nine Canadians gave the event high marks overall: the logistical skills of the organizers were impressive; the

*What we need in Canada is a commitment by governments at all levels – federal, provincial, municipal, and First Nations – to embark on and to fund further experimentation of the kind we witnessed in New York.*

supporting technology, despite some glitches, did the job; decision-makers appeared genuine in their willingness to listen and be influenced; the participants worked hard throughout the day without so much as a break (an estimated 70% indicated that they had changed some of their opinions because of what they had heard); the lead facilitator, Carolyn Lukensmeyer of AmericaSpeaks showed consummate skill, being prescriptive at times but always respectful and deferential; the event had an element of "just-in-time democracy" in its ability to adjust to quickly moving events such as the release of the six site designs a few days earlier; and the legion of volunteers ensured that the groups functioned effectively.

That said, the event was not without problems. Too much time was spent by 'talking heads' in making presentations. The late start meant that the groups did not commence discussions until well into the morning. The use of the voting pads may have been excessive, breaking the rhythm of group dialogue in places. The design of the agenda appeared questionable, as some subjects did not build on each other. Some of the volunteer facilitators appeared to lack the necessary skills. Some of us wondered whether the quantitative data would be more highly valued than the qualitative information. The degree of genuine dialogue in some, if not many, of the groups may have been low.

And it was unclear what opportunities for involvement would follow this event.

## CONCLUSIONS

That there is a growing gap between elected leaders in western democracies and their citizens seems beyond debate. Consequently we applaud attempts by groups such as AmericaSpeaks and many others to develop approaches to engage large numbers of citizens in matters of public interest so as to reinvigorate democracy.

But more than applause is required. What we need in Canada is a commitment by governments at all levels – federal, provincial, municipal, and First Nations – to embark on and to fund further experimentation of the kind we witnessed in New York. To be clear, the scale of the New York event is appropriate in only the most special of circumstances. Nonetheless, the basic principles outlined in this article – convening large, representative groups of citizens; providing them with information on the issues to be discussed; having them work through a carefully crafted agenda in diverse, small groups with trained facilitators; having the means to synthesize and set priorities so that concrete messages are delivered to open-minded decision-makers during the event – appear sound and worthy of further exploration.

This type of experimentation involving large numbers of citizens is not cheap. But the cost should be compared to what governments now fund in the way of public opinion polling. (At the federal level this figure is in the tens of millions<sup>10</sup>.) Furthermore it is not realistic to expect foundations and private companies in Canada to share in the funding of experiments in democracy. Indeed, such funding should be squarely in the public domain.

As a next step, the Institute on Governance intends to publish a paper on variations of the methodology used in New York, variations that appear suited to the Canadian context. Stay tuned.

John Graham is director of the Institute on Governance in Ottawa ([www.iog.ca](http://www.iog.ca))

The full references for this article can be found on the ACS web site at [http://www.acs-aec.ca/e\\_magazine.html](http://www.acs-aec.ca/e_magazine.html)

## **REFERENDUMS:**

# Reflections on The Canadian Experience Since Charlottetown

**BY** Andrew Parkin

THE 1992 VOTE ON THE CHARLOTTETOWN ACCORD WAS ONLY THE THIRD NATION-WIDE REFERENDUM IN THE COUNTRY'S HISTORY. BASED ON THIS RECORD, IT WOULD SEEM THAT POPULAR VOTES ON IMPORTANT POLICY ISSUES ARE THE EXCEPTION RATHER THAN THE RULE OF CANADIAN POLITICS. A CLOSER LOOK, HOWEVER, SHOWS THAT CANADIANS ARE NO STRANGERS TO THE REFERENDUM DEVICE. IN FACT, SINCE CHARLOTTETOWN, THERE HAVE BEEN A NUMBER OF IMPORTANT PROVINCIAL OR TERRITORIAL REFERENDUMS (IN NEWFOUNDLAND, NEW BRUNSWICK, QUEBEC, BC AND NUNAVUT), AND FUTURE PROVINCIAL VOTES ON SUBJECTS SUCH AS ELECTORAL REFORM ARE LIKELY. MANY OTHERS REFERENDUMS HAVE OCCURRED AT THE LOCAL LEVEL, OR HAVE BEEN HELD BY FIRST NATIONS OR BY POLITICAL PARTIES SEEKING DIRECTION FROM THEIR MEMBERSHIP.

Generally speaking, Canadians welcome the use of referendums. When asked in a survey conducted by the Institute for Research on Public Policy (IRPP) in March of 2000, "Overall do you think that referendums are good things, bad things, or don't you think

treaty process, as was done in BC. In New Brunswick, the decision to hold a referendum on video lottery terminals was welcomed by some who saw it as allowing the people to have their say, but condemned by others who felt the government was ducking its responsi-

European Economic Community in 1973, a referendum two years later on continued membership, no referendum in the 1990s on the Maastricht treaty (even though votes were held in other member countries), and yet a pending referendum on the common European currency? The answer is that referendums are held when the governing party has no other way to manage differences of opinion on the issue among its own members, but are not held when the prime minister's preferred policy risks defeat.

In the Canadian case, ulterior motives have also prevailed. Consider the legislation requiring referendums on tax increases. Although no such referendum has yet to be held in Ontario, the government's motive in passing the legislation was not to open the budgetary process to greater citizen participation, but to make it more difficult for future government's to reverse recent tax cuts. If citizen participation in setting budget priorities were the true goal, then the legislation should have allowed voters to choose between several options, such as tax cuts, debt reduction and greater spending on social programs.

Similarly, had the government of BC genuinely wished to involve citizens in setting the parameters for the treaty process in that province, they would have held a referendum that allowed them to choose between realistic policy options. There is little point in asking citizens to agree or disagree that, for instance, "Aboriginal self-government should have the characteristics of local government, with

***While the public is willing to play a more direct role in political decision-making, however, there is little consensus on two important questions: on which types of issues should referendums be held, and under what types of rules should referendum campaigns be conducted?***

they make much difference?," a majority (57 percent) said they were good things. Eight percent said they were bad things, and 28 percent felt they didn't make much difference. In that same year, when asked in a CRIC survey a more general question about public involvement in decision-making – "If the general public was more involved in decision-making on our big national problems, do you think we would be more likely to solve our problems, less likely to solve our problems, or that it would make no difference?" – 51 percent of Canadians said "more likely." Only 26 percent said we would be less likely to solve our problems, while the remainder said it would make no difference or had no opinion.

While the public is willing to play a more direct role in political decision-making, however, there is little consensus on two important questions: on which types of issues should referendums be held, and under what types of rules should referendum campaigns be conducted?

Consider first the question of when referendums should be held. Most agree that major changes to the Constitution, or the secession of a province from confederation, should not go ahead without first being approved by referendum. There is little agreement, however, as to whether tax increases should require ratification by popular vote, as is currently required in Ontario, or whether it was appropriate to hold a referendum on the Aboriginal

bility to make tough policy choices.

In this context, it is worth noting that relatively few Canadians think that referendums should always be held on issues such as tax increases, Aboriginal land claims agreements, moral issues such as capital punishment or abortion, or even changes to the Constitution. When asked by the IRPP whether referendums should always, sometimes, rarely or never be held on these issues, most supported the use of referendums only "sometimes." On none of the issues just mentioned did a majority of Canadians feel that referendums should always be held. With no hard and fast rule to follow, political leaders must use their own judgement in deciding when to call a vote.

In practice, this exercise of judgement has not always been sound. More often than not, the motives of a government initiating a referendum are open

***In practice, this exercise of judgement has not always been sound. More often than not, the motives of a government initiating a referendum are open to question.***

to question. The simple truth is that governments usually turn to referendums to advance their own political goals, goals which have little to do with a genuine commitment to the enhancement of the democratic process. Consider the following example: why was there was no referendum in the United Kingdom on entry into the

powers delegated from Canada and British Columbia" when both the courts and the federal government have already decided otherwise (that is to say that both have recognized that the Constitution protects Aboriginal people's inherent right to self-government, and this alone precludes the notion that the powers of such govern-


ments could be augmented or diminished at the pleasure of the province – as is the case with the powers of local governments). The fact that the referendum was not about making meaningful choices was underscored by the absence of a true “no” committee, that is, a coalition of interests campaigning for a “no” vote. Many British Columbians argued that the process should be boycotted (in fact, only 36% of eligible voters participated), but few felt that the questions were formulated in such a way as to make voting “no” worthwhile. The referendum, then, was conducted to consolidate the government’s popular support and strengthen its negotiating position, and not for the purpose of allowing for more direct citizen input into political decision-making.

This brings us to the question of the rules that govern the process. Many advocates of the referendum argue that their use should be encouraged as a means of transferring power from the hands of the political elite to the hands of the people. Whether or not this is achieved in practice, however, depends on the rules under which referendums are conducted. If referendums can be launched only after an expensive process of gathering signatures from eligible voters, and if they can be won only by engaging in a costly, all-out television ad campaign, then the notion that the device serves to give voice to “the people” is put into question. Similarly, if governments retain a monopoly on the power to decide which issues are put to the voters, when, and in what terms, then it is more likely than not that the process will be engineered, not to allow the public to set the agenda, but to enable the government to give its own agenda the veneer of a popular endorsement.

The drafting of the questions is particularly important. Governments that launch referendums carefully guard their prerogative to write the questions, for one obvious reason: the way a question is worded is likely to affect the final result. As is well known, frustration among some federalists with the Parti Québécois’s knack for writing referendum questions promising both sovereignty and partnership with Canada led directly to the federal government’s clarity act, which stipulated, among other things, that Ottawa might ignore the results of a referendum in the event that the question (and the answer) was not “clear.”

It would be wrong to think that only in the high-stakes debate among federalists and sovereigntists do arguments over the wording of the question arise. The questions put to voters in the recent BC referendum were rejected by many critics as being misleading and unclear. One can only imagine how much more meaningful the vote would have been have the government and the key organizations representing Aboriginal peoples agreed on the questions, or had the government’s critics been allowed to include some questions of their own choosing on the ballot.

Rules governing spending are also crucial. Not every referendum in Canada has been conducted as under a regulatory framework that places ceilings on campaign spending, ensures both the “yes” and “no” forces have the




**LE PORTAIL DU CANADA  
CANADA'S PORTAL**

**LE CANADA SOUS TOUTES SES COUTURES  
CANADA FROM ALL ANGLES**

Un outil de recherche et de référence précieux pour tous ceux qui se passionnent pour les choix politiques des Canadiens.


*An invaluable research and reference tool for all shades of policy wonk.*

**À la une / Top Stories**




Une dose quotidienne de nouvelles et d'opinions de partout au pays.  
*A daily dose of news and commentary – from coast to coast.*

**Sondage / Polls**




Exclusif : une fascinante perspective sur l'opinion publique au Canada.  
*The one of a kind window on Canadian public opinion.*

**Guide éclair / Quick Guide**




...pour bien saisir rapidement les enjeux.  
*Get up to speed on key political issues.*

**Opinion Canada**



Le regard hebdomadaire du CRIC sur l'évolution de la société canadienne.  
*CRIC's weekly look at the changing tides of Canadian politics.*



The Canadian Unity Council  
Le Conseil de l'unité canadienne

Le Centre de recherche et d'information sur le Canada est un programme du Conseil de l'Unité canadienne.

*The Centre for Research and Information on Canada is a program of the Canadian Unity Council.*

means to make their views known to voters, or requires the disclosures of the names of those financing one of the two sides. Some commentators argued that the New Brunswick referendum on video lottery terminals was

If Canadians want to get serious about referendums, then, new alternatives should be explored. One is to allow citizens themselves to have a say in choosing which issues should be put to a vote. The Canadian Alliance was

overt bias. Clearly, spending in all referendums should be regulated, as it was at the time of Charlottetown or the two Quebec referendums on sovereignty. Governments should act to ensure that both sides are able to get their message across by, for instance, paying for a balance information package, summarizing the different arguments, to be distributed to all voters.

*Many advocates of the referendum argue that their use should be encouraged as a means of transferring power from the hands of the political elite to the hands of the people. Whether or not this is achieved in practice, however, depends on the rules under which referendums are conducted.*

somewhat tarnished by the fact that the “no” side did not have the financial resources needed to counter the gambling industry’s newspaper, radio and TV ad campaign. Voters were thus much more likely to hear about the revenues that the provincial government would lose if VLTs were banned, than they were to hear about the costs of gambling addiction.

Where does all this leave us? As mentioned at the outset, Canadians have often been called upon to give their verdict on public policies in referendums conducted at the local and provincial levels. But in many cases, the process governing the use of the referendum has not been well thought out. Referendums have been used (or in some cases promised) by governments as a strategic device for advancing their own party interests, not as a tool for allowing greater citizen-participation in decision making. Many referendums have also been conducted in the absence of an adequate system of rules designed to ensure fairness and balance. Governments initiating referendums have fought hard to make sure that they exercise complete control over the process – most importantly by jealously guarding their prerogative to choose when to hold a referendum, and on what precise question. The irony is that, under these conditions, a device that has the potential to reinvigorate Canadian democracy may end up contributing to the public’s growing cynicism about politics and political leaders.

mocked in the last election for making such a suggestion, but the fault lay not with the idea itself, but with the party’s failure to trump their critics by offering a scheme for citizen-initiated votes that meshed with Canada’s political traditions and values. It is true that few Canadians would support a California-style device that would allow a relatively large number of questions put to a popular vote, most because they served the purposes of well-funded but narrowly based interest groups. Yet Canadians might support a less radical innovation, one that would enable citizens who collect the required number of signatures across the country to compel parliament to respond to an issue, first through committee hearings, and subsequently by passing legislation or, if necessary, by calling a referendum. This “indirect” form of citizens’ initiative is in use in some US states, and provides a way for citizens to provide direction to governments without necessarily locking the country into a referendum that only a small minority of voters would really welcome.

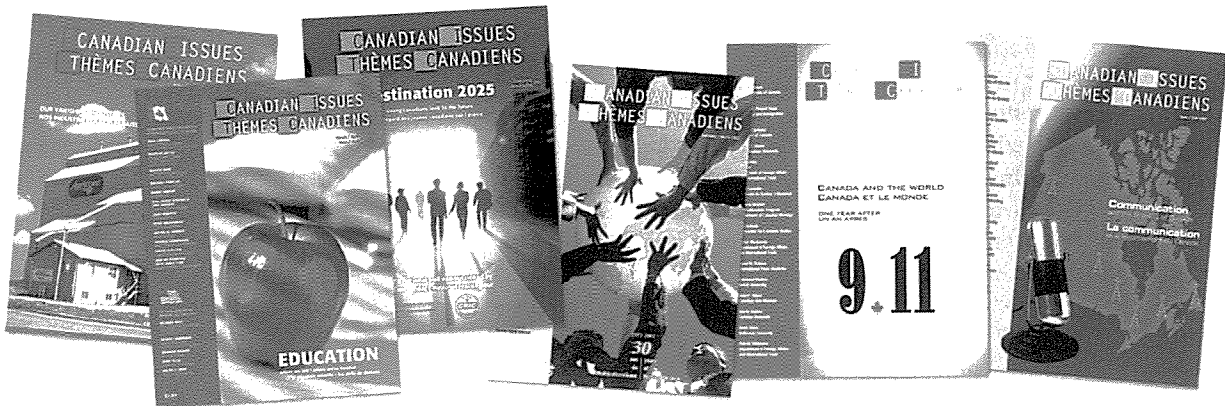
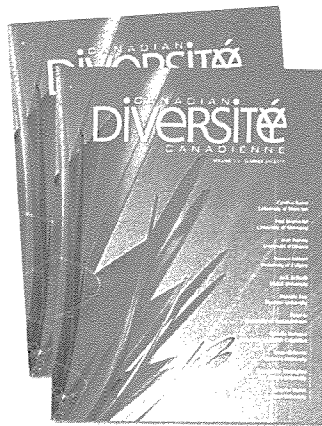
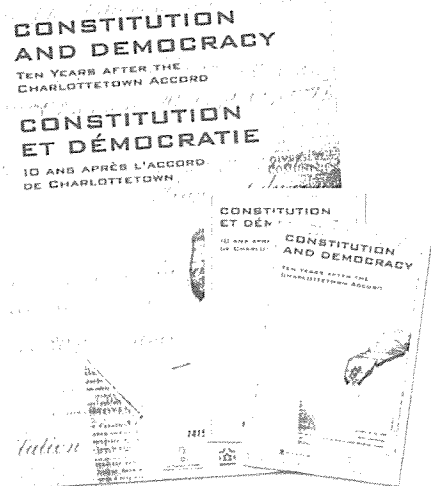
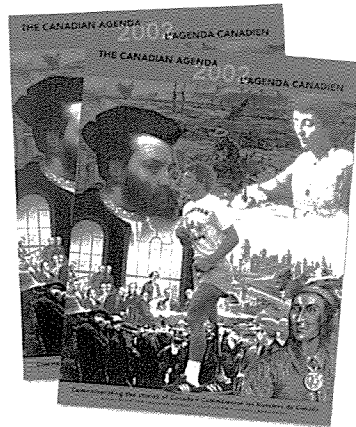
Innovations in the rules governing the process would also be welcome. Ideally, questions should be agreed upon by both sides in a referendum, or approved by the vote of two-thirds of the members of the legislature. Alternatively, the government could make room on the ballot for questions phrased by their opponents. At the very least, judicial committees could be asked to review questions in order to mitigate

Other possibilities should be considered. Writing in the *Canadian Journal of Political Science* (Volume 23, No. 2), Matthew Mendelsohn insists that the lesson to be learnt from Charlottetown is not that constitutional change cannot be accomplished if the people insist on having their say, but that better mechanisms of involving the public in constitutional bargaining, at all stages of the process (and not only at the very end), need to be developed. He argues that mechanisms such as constituent assemblies or people’s forums have been successfully used elsewhere to allow for “public brokerage” – that is, a process in which selected members of the public deliberate together and build compromises. These are not referendums per se, but they can accomplish the same objectives: greater public involvement in political decision-making, and greater popular legitimacy for the policy outcomes. Their use need not be limited to constitutional renewal. They are equally appropriate as part of a process of electoral reform or as a means of setting social policy priorities.

In conclusion, it should be stressed again that referendums are an inescapable part of the Canadian political landscape. As citizens become more informed and more demanding of governments, the pressure for their use will likely increase. The experience of the last ten years leaves a good deal to be desired; it is evident that too little thought has been put into designing a referendum process that is fair and that serves the interests of the people, not just the party in power. Alternatives are available, for those with the imagination and the inclination to put them into practice.

Andrew Parkin is Assistant Director of the Centre for Research and Information on Canada (CRIC)

# THE ASSOCIATION FOR CANADIAN STUDIES *IN ACTION* L'ASSOCIATION D'ÉTUDES CANADIENNES *EN ACTION*



## **DEMOGRAPHY IN ACTION:**

# The Impact of Future Population Changes On Canadian Parliamentary Institutions

**BY** Jack Jedwab

FOR MANY, THE RESULTS OF THE FEDERAL ELECTIONS OF NOVEMBER 27<sup>TH</sup> 2000 REAFFIRMED THE IMPORTANCE OF REGIONALISM IN CANADIAN POLITICS. MUCH LIKE THE OUTCOMES IN 1993 AND IN 1997, THE RECENT LIBERAL VICTORY WAS LARGELY ATTRIBUTABLE TO THE PARTY'S DOMINANCE IN ONTARIO, COMBINED WITH SUPPORT IN THE LARGER URBAN CENTRES OF QUEBEC AND THE ATLANTIC PROVINCES. AS FOR THE REST OF THE COUNTRY, THE CANADIAN ALLIANCE CONTROLLED MUCH OF THE WEST, WHILE THE BLOC QUEBECOIS THAT DOES NOT ASPIRE TO FORM THE NATIONAL GOVERNMENT HELD A SLIGHT MAJORITY OF THE SEATS IN QUEBEC.

SHOULD THE RESPECTIVE REGIONAL STRONGHOLDS OF THE THREE PARTIES REMAIN AS SUCH, THE OUTCOME OF FUTURE NATIONAL ELECTIONS WILL BE DETERMINED BY THE CHANGING *DEMOGRAPHIC* IMPORTANCE OF THE REGIONS. THUS, SO LONG AS ONTARIO VOTES OVERWHELMINGLY FOR ONE PARTY, THE CHANCES OF ANOTHER POLITICAL FORMATION BECOMING THE GOVERNMENT IS NOT ESPECIALLY STRONG. THE INTERSECTION OF DEMOGRAPHY AND POLITICAL REPRESENTATION IS A DEMO-POLITICAL SITUATION THAT IS CERTAINLY RELEVANT TO SUCH THINGS AS CABINET FORMATION AND POLITICAL PERSONNEL.



Historically, the geographic representation in the Parliament of Canada has been very sensitive to the distribution of the national population along regional lines. With the vast majority of Canadians living in the provinces of Ontario and Quebec at the time of Confederation, it was clear that for some time they would dominate the new national government. Over the next one hundred years the situation evolved, as the Western provinces of Alberta and British Columbia benefited from interprovincial migration and international immigration. However, their growth has not been such that they approach the size of the provinces of Quebec and Ontario.

Many observers have commented that the history of Canada itself is one of compromises. Certainly, the question of provincial representation in the House of Commons is a case in point. Yet in spite of this, it is fair to say that even today the principle of representation by population remains at the root of the electoral system in Canada, as in many other countries.

### THE FEDERATION ON THE MOVE

The overall beneficiaries of the migratory behaviour of the 1990's were the provinces of British Columbia, Alberta and Ontario. The last two provinces each experienced a 15% increase in their real numbers between July 1991 and January 2000. For its part, the population of British Columbia increased by 20% over the decade. These population changes translated into gains in their respective share of the Canadian population while contributing to decreases in the other provinces.

### FUTURE PROJECTIONS

Statistics Canada has been conducting work in projecting the population of Canada and the provinces for the year 2026. Its initial hypotheses were based on strong outflows to the Western part of the country. The medium growth projections for the provinces for the year 2026 provided the results below:

	Population 2001	% of total	Population 2026 (medium growth)	% of total
Canada	30,606	-	36,205	-
Ontario	11,410	38%	14,840	41%
Quebec	7,237	24%	7,558	21%
British Columbia	3,907	13%	5,706	16%
Alberta	2,974	9.9%	3,622	10%
Manitoba	1,119	3.7%	1,159	3.2%
Saskatchewan	978	3.3%	948	2.6%
Nova Scotia	908	3.0%	933	2.6%
New Brunswick	729	2.5%	697	1.9%
Newfoundland	512	1.7%	460	1.3%
P.E.I.	135	0.5%	141	0.4%
Yukon	28	0.1%	31	0.1%
NWT	37	0.1%	60	0.2%
Nunavut	26	0.1%	44	0.1%

Source: Statistics Canada / CANSIM 2001

If these projections are accurate, Ontario's share of the Canadian population will increase to 41%, while B.C.'s will

move up to 16%, Alberta's to 10% and Quebec's will decline to about 21%. But changes in the patterns of interprovincial migration in a manner less favorable to the Western part of the country would imply that Ontario's future population may exceed what was initially estimated by Statistics Canada.

### DEMO-POLITICAL IMPLICATIONS

Representation in the House of Commons is readjusted after each decennial (10-year) census to reflect changes and movements in Canada's population in accordance with the *Constitution Act, 1867*, and the *Electoral Boundaries Readjustment Act* (1985, as amended):

On June 13, 1992, following the release of the population figures from the 1991 census, the Chief Electoral Officer of Canada published, in the *Canada Gazette*, the calculations required by the *Constitution Act, 1867*. The result was an increase in the number of seats in the House of Commons from 295 to 301, with four additional seats attributed to Ontario and two additional seats to British Columbia. Federal electoral district boundaries were subsequently revised in all provinces.

The representation order that resulted and that remains in effect allocates 7 seats to Newfoundland, 4 to Prince Edward Island, 11 to Nova Scotia, 10 to New Brunswick, 75 to Quebec, 103 to Ontario, 14 to Manitoba, 14 to Saskatchewan, 26 to Alberta and 34 to British Columbia. The *Constitution Act, 1867* allocates 1 seat to the Yukon Territory, 1 to the Northwest Territories and 1 to Nunavut.

### REPRESENTATION

One of the crucial questions faced by the Fathers of Confederation in 1867 was how to ensure equal representation in the House of Commons of Canada, while at the same time guaranteeing that each region of the country had a fair say in the daily operations of the new federation. The idea of "representation by population" was adopted as a principle wherein each province was extended a number of seats that directly corresponded to its proportion of the total population in relation to that of Quebec. Around this principle a formula was designed for distributing to each province its number of seats in the House of Commons.

From the start, however, there was a recognition of the geographic, cultural, political and demographic diversity of the new provinces, as well as population size and rural and urban characteristics. As more provinces entered Confederation and as some regions grew and developed more than others, the diversity became increasingly apparent and a certain degree of flexibility had to be built into the formula. As a result, the principle of representation by population was adapted to ensure equity between the larger and the smaller provinces. The history of representation is one of seeking a fair voice for all parts of Canada in the House of Commons.

### THE PRESENT FORMULA

To hold down a sizeable increase in the number of seats, Parliament passed the *Representation Act, 1985*. Its adoption greatly simplified the formula for calculating representation.

The current formula for representation is applied by carrying out the following four steps:

1. *Allocation to the territories.* Starting with the 282 seats that the House of Commons of Canada had in 1985, one seat is allocated to the Northwest Territories, one to the Yukon Territory and one to Nunavut, leaving 279 seats. This number is used to calculate the electoral quotient.
2. *Calculation of the electoral district average.* The total population of the ten provinces is divided by 279 to obtain the *electoral quota* or quotient, which is used to determine the number of seats for each province.
3. *Distribution of seats to each province.* The theoretical number of seats to be allocated to each province in the House of Commons is calculated by dividing the total population of each province by the quotient obtained in step 2. If the result leaves a remainder higher than 0.50, the number of seats is rounded up to the next whole number.

Under this formula, and using the projections in Table 1, the following would be the new provincial seat allocations in the House of Commons in 2026 (1976 numbers in brackets): Ontario – 114 (95), Quebec – 75 (75), British Columbia – 44 (28), Alberta – 28 (21), Manitoba – 14 (14), Saskatchewan – 14 (14), Nova Scotia – 11 (11), New Brunswick – 10 (10), Newfoundland – 7 (7), PEI – 4 (4).

### WHAT THIS MIGHT MEAN TO CANADA

If these population changes prove accurate, then at some point the way in which the nation is governed may require rethinking based on the regional demographic shifts. Will demographic pressures be such that decision-makers will at some point in the future feel obliged to propose some new mode of governance for the nation? Or perhaps the status quo will be regarded as untenable to the largest province, and the growing Western provinces may also seek reform. At the same time those provinces with declining populations may seek guarantees to preserve regional, economic and/or cultural interests. Indeed, there has been growing discussion about reforming Canada's electoral system and in some quarters consideration is being given to such ideas as proportional representation and preferential voting. This fall, the Government of Quebec is embarking on a province-wide consultation in advance of an Estates General focused on electoral and institutional reforms.

An opinion survey conducted from June 25, 2002 to July 16, 2002, released by the Association for Canadian Studies and Environics, inquires into the views of Canadians on systems of proportional representation, preferential voting and our current arrangement commonly referred to as 'first-past-the-post'. Generally, the poll revealed that while a majority of Canadians are not dissatisfied with the current system they clearly appear open to alternatives. For example, when asked about proportional representation, some 23% strongly agree with this approach while 39% somewhat agree. While preferential voting garners less interest, some 46% of respondents seem attracted to the idea.

TABLE 2 (CANADA AS A WHOLE)

	Proportional Representation	Preferential Voting	First-Past-the-Post
Strongly Agree	23%	14%	21%
Somewhat Agree	39%	32%	36%
Somewhat Oppose	17%	20%	24%
Strongly Oppose	14%	30%	16%
DK/NA	7%	4%	3%

Source: Association for Canadian Studies / Environics

On first glance the findings appear contradictory. However, a distinction needs to be made between those who 'somewhat' and those who 'strongly' support each of the three options. The importance of the distinction is revealed when respondents are asked to indicate their preference among the three systems. Canadians tend to favour proportional representation (34%) and first-past-the-post (33%) followed by preferential voting (25%).

On a regional basis, Quebecers are by far the most favourable to the current system, with some 48% expressing a preference for first-past-the-post. Quebec, the Atlantic provinces and Manitoba are the only parts of the country where the current system remains the preferred choice of a plurality of respondents. Elsewhere in Canada it is proportional representation that is the first choice (though again not by a majority of respondents) and support for this system grows west of Manitoba. In British Columbia some 43% of respondents favour proportional representation, 39% in Alberta, 36% in Saskatchewan and 34% in Ontario. In the three westernmost provinces, the current system is the last choice amongst the three options, with approximately one out of five respondents in favour.

Not surprisingly, the strongest desire for change emanates from western Canada. Tom Flanagan has argued that: 'there is a dissatisfaction with the way that our electoral system translates votes into seats and there is a strong regional dimension to this dissatisfaction...' He contends that the Liberals continue to govern through their overwhelming domination of Ontario and adds that for 75 years large numbers of Western voters have shown themselves unwilling to remain with the two old-line parties. Conversely it might be argued that Alberta's near systematic historic rejection of the federal Liberals has meant a relatively perpetual role in the opposition for the officials elected from that part of the country and raising the issue of who must ultimately adopt to whom. It is worth remembering that underlying the desire for changes to the system is the diverse political culture of the Canadian population.

At issue is merely how we as Canadians will be governed in the future. There are already calls for change across much of the country. Canada's shifting demography might just serve to make those calls louder and more frequent.

Jack Jedwab is a lecturer at the McGill Institute for the Study of Canada

# **USA AND CANADA:** The Political Geography of National Division in North America

This article was adapted from an excerpt of the author's new book, "Fixing Elections: The Failure of America's Winner Take All Politics" (Routledge Press, [www.FixingElections.com](http://www.FixingElections.com))

**BY** Steven Hill

"A HOUSE DIVIDED AGAINST ITSELF CANNOT STAND."  
– ABRAHAM LINCOLN

ON NOVEMBER 9, 2000, TWO DAYS AFTER THE LAST U.S. PRESIDENTIAL ELECTION, AS THE NATION WAS BEGINNING TO ABSORB THE FULL EXTENT OF THE FIVE-WEEK DEBACLE THAT WAS ABOUT TO ENSUE, *USA TODAY* PUBLISHED A NOW-NOTORIOUS RED AND BLUE MAP OF THE UNITED STATES THAT WAS PORTENTOUS IN ITS MESSAGE. THEY SAY A PICTURE IS WORTH A THOUSAND WORDS, AND THIS MAP WAS LIKE FLYING IN A SPACESHIP HIGH ABOVE THE EARTH, SURVEYING AN AERIAL SNAPSHOT OF THE AMERICAN POLITICAL LANDSCAPE.

The snapshot revealed a demographic trend already familiar to Canadian audiences, but new to observers of American politics – alarming levels of partisan balkanization based on geographic regions. In the United States, as in Canada, whole sections of the nation have become monolithic strongholds for one party or the other. In the U.S., instead of ethnic nationalism or religion as the basis for sectionalism, we have substituted political party, and the parties have become in the public perception a proxy for race and culture. Moreover, like in Canada, America’s clunky eighteenth-century electoral system, known as Winner Take All/First Past The Post, with its zero-sum “if I win, you lose” calculations, is supposed to act as the electoral filter that translates votes into political power. As we will see, this augurs a worrisome national future.

### THE GEOGRAPHY OF DIVISION

*In America, there is more space where nobody is than where anybody is – that is what makes America what it is.*  
– Gertrude Stein

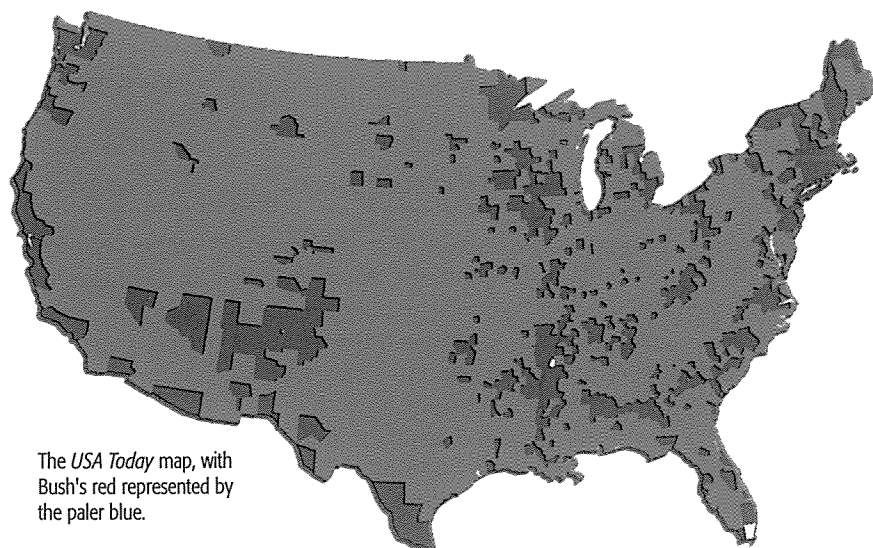
What the *USA Today* map showed, specifically, was which candidate won the most presidential votes in each of the 3,111 counties in the fifty states.

*Visually, looking at the national map, it was red versus blue like two rival armies, each with their own geographic strongholds and legions of foot soldiers.*

The Gore counties were in navy blue, the Bush counties in a fiery red. George Bush’s “army” captured an astounding amount of territory: 2,434 counties to Al Gore’s 677, nearly 2.5 million square miles to Gore’s 575,000 square miles. Yet Bush country was low-population and rural, while Gore’s were the major population centers (*The Economist*, 2001), enough to give Gore over

500,000 more popular votes nationwide. Unquestionably, as the map revealed, the U.S. is a divided nation—but there is a particular geography to

ing. Gore’s more urban voters were defined by tolerance, progressive cultural views, and a fear that Christian conservatives want to impose their views on



The *USA Today* map, with Bush's red represented by the paler blue.

the divide: a vast sea of fiery Republican red across the rural heartland, particularly in the western Mountain and Prairie states and the South, framed and trellised by bicoastal and urban patches of blue, the island outposts of Gore and the Democrats. It looked like the territory of two conflicting armies in a new kind of uncivil war. And there was no mistaking its alarming message, nor its ramifications—railing national division with a distinct *regional* axis.

But there was another axis to the national division. As illuminated by exit polls, the *cultural* differences between Bush’s and Gore’s voters were similarly striking. For instance, Bush attracted people who go to church more than once a week; who think it’s more important that the president be a moral leader than a good government manager; who oppose stricter gun laws; and who believe that if a public school is failing, the government should pay for private school (Lawrence, 2000). Voters with incomes over \$100,000 also strongly preferred Bush (*San Francisco Chronicle*, 2000). Gore drew heavy majorities of liberal and more secular voters who rarely or never attend church; who support stricter gun laws; and who say a public school should be fixed if it is fail-

everyone. Union members went 63 percent to 32 percent for Gore; low-income voters (making \$30,000 or less) favored Gore, as did heavy majorities of gay and Jewish voters.

Besides the stark regional and cultural divisions, the presidential exit polls revealed a third axis to the national division: racial polarization. Despite a relatively weak record by the Clinton–Gore administration on civil rights issues, an astonishing 90 percent of African Americans voted for Gore, as did 62 percent of Latinos and 55 percent of Asians, a stunning rejection of Bush’s symbolic racial overtures and self-proclaimed “compassionate conservatism.” Combined, people of color accounted for an unprecedented 30 percent of Gore’s total vote, and nearly 20 percent of all voters. On the other hand, whites constituted almost 95 percent of Bush’s total vote, with white men in particular preferring Bush. More revealing, while women overall voted 54–43 for Gore, white women actually favored Bush by one point, 49–48. *Women of color* created the gender gap (CNN exit polls, November 2000).

These combined axes of division – regional, cultural, racial, and partisan – in essence today defines the contested terrain between the two opposing

camps, and the national fractures and fault lines revealed by UnElection 2000. Visually, looking at the national map, it was red versus blue like two rival armies, each with their own geographic strongholds and legions of foot soldiers. And it solidified the suburbs and collar counties, particularly those in key battleground states, as the crucial swing districts for national politics.

## THE NEW BERLIN WALL

*Toto, we aren't in Kansas anymore.*

– Dorothy, somewhere over the rainbow

Flying high above the political landscape, one gets an urge to descend like a lunar rover and explore a bit of the terrain below to really get a feel for the mise-en-scène of national disunity.

In western states like Idaho and Utah, Republicans now dominate the legislatures like never before, winning 70 percent or higher of state and congressional seats and nearly all statewide executive offices. In fact, the electoral outlook is so grim for Democrats in Utah that Democratic party leader Scott Howell has threatened the possibility of running no Democratic legislative candidates at all, the point being, said Howell, to “make Utahans wake up to what local political life would be like with no alternative voice, no alternative power, to the majority Republicans. We have one-party rule in Utah. Maybe it’s time to have no Democrats in the Legislature. Then let citizens see how they like that” (Bernick Jr., 1998).

Liberals and Democrats in the Western and Mountain states of Montana, Wyoming, Nevada, North and South Dakota, Colorado, Nebraska, Kansas, Oklahoma, and Arizona can bleat similar complaints. They play more of a spectator role in state and local politics. That’s a vast area of fiery red Bush country—for convenience of identification, let’s call it Bushlandia—stretching from the Canadian to the Mexican borders, over 1 million square miles, the size of all of Western Europe including Scandinavia. If we add in Alaska, the region is practically the size of a continent. Bushlandia is its own nation of

sorts, of over 26 million people, but sparsely settled with about the same population as the states of New York and Massachusetts—yet over five times the

over 60 percent of U.S. House, state Assembly, and state Senate seats. In the Assembly races, the average margin of victory was nearly 35 percent.

*One of the obvious ramifications of this demographic tide is that it is becoming increasingly difficult for a single representative to straddle the diverse constituencies residing in many of these districts.*

representation of New York and Massachusetts in the U.S. Senate, and nine more votes in the Electoral College<sup>1</sup>.

While one would have to place the core of Bushlandia in the Mountain and Prairie states, the conservative South contributes its own Confederate flavor to the mix. The South may not be solidly Republican but it *is* solidly conservative, with the conservative vote generally pulling “R” for presidential and statewide offices and most U.S. House seats, and “D” for many state legislative and a few U.S. House races (for historical reasons, white Southern Democrats still get elected, but most are conservative and would be Republicans in any other part of the country. And island outposts of black and liberal Gore-blue voters elect some black liberal Democrats). Together, these two regions form the solid geographic craton of the conservative movement. In the cowboy and formerly Confederate nation of Bushlandia, liberals and/or Democrats are effectively politically smothered, like a field of flowers snowed over by an avalanche.

But let’s not feel too badly for Democrats and liberals. Next we touch down in ... liberal San Francisco. Here, we overhear standing jokes about that rare and exotic bird, a San Francisco Republican. This species has zero representation at the city, state Assembly, Senate, or congressional levels. In fact, a Republican candidate hasn’t won a local San Francisco election in decades. In California at large, where fully 12 percent of the nation’s population resides, Democrats control the governor’s seat, both U.S. Senate seats, all state executive offices except the Secretary of State, and

In Massachusetts, we discover a similar story. Democrats in Massachusetts have a complete monopoly on congressional representation; for the second election in a row, not a single Massachusetts Republican was elected to one of its ten U.S. House seats or to the Senate. Republican voters in the Bay State might as well not have showed up to the polls; they completely wasted their votes and their time. In the Massachusetts state Senate, six lonely Republicans hold the ramparts against thirty-four Democrats, and in the state House Democrats hold 86 percent of the seats.

Other states like Maryland and Rhode Island are similar Democratic Party strongholds. Both chambers of their state legislatures are at least 70 percent Democratic, and Republicans didn’t bother contesting nearly 55 percent of the Rhode Island seats. Major urban areas like Los Angeles, New York City, Seattle, Atlanta, Chicago, Detroit, Philadelphia, Newark, New Haven, Boston, Washington, DC, and others, where the population density is up to a thousand times greater than the sparse tundra of Bushlandia, are similar near-wastelands of GOP representation (and when Republicans do get elected—like New York City’s last two mayors or recent Massachusetts governors—almost always they are pro-choice, pro-affirmative action moderates who never could get elected in Bushlandia). In these areas, elected Republicans are, practically speaking, spectators in the legislatures. These bicoastal areas and urban strongholds of Democrats, combined with still-strong labor areas in the Midwest and scattered urban islands in the heart of

Bushlandia red, comprise the latticework of blue Gore country – for convenience, let’s call it New Goreia – that outlines and cross-hatches Bushlandia like a trelised picture frame. In the nation of New Goreia, conservatives and Republicans are effectively and politically smothered, just like Democrats and liberals are in Bushlandia.

One of the obvious ramifications of this demographic tide is that it is becoming increasingly difficult for a single representative to straddle the diverse constituencies residing in many of these districts. Between Bushlandia and New Goreia exist real differences of temperament, social values, and politics that

votes into political power. But its exclusive reliance on geographic-based representation and a two-choice/two-party duopoly is exacerbating greatly this national division, and is polarizing politics along regional, racial, partisan, and cultural lines. And this in turn augurs a worrisome national future.

**GEOGRAPHIC DIVISION = REPRESENTATION RIPOFF**

Because we use electoral practices that elect one representative per district, Democratic and/or liberal voters in Bushlandia and Republican and/or conservative voters in New Goreia are consistently and unsurprisingly outvoted

They are smothered by the opposition’s avalanche.

Using the presidential vote as an indicator of the numbers of Democratic and Republican voters in each state, we can estimate how badly – and unfairly – these orphaned voters are smothered. We can compare the disproportion between the presidential popular vote and the number of legislative seats won by each party to arrive at a vote-to-seats ratio (the presidential popular vote is used rather than the aggregate statewide vote for each party in state legislative races, since so many state legislative races are uncontested – 41 percent in 2000 – which serves to depress voter turnout totals for state legislative races)<sup>2</sup>.

So comparing the popular vote for Gore to the number of seats won by Democrats at the state legislative level, we find that the 29 percent of Idaho voters who pulled the Democratic tab for president in November 2000 ended up with only 13 percent of Democratic seats in the state House of Representatives. In essence, these voters won 16 percent less representation than their numbers would indicate they deserve. In Kansas, Democrats were similarly subsumed, winning 39 percent of

*The resulting monopoly politics not only affects representation – to the point where elected opposition has become a nearly extinct species – but also creates a new classification of voters: “orphaned” voters.*

appear to be, once again, muscularly implanted in regional geography, culture, and race. Whenever that combination has emerged in American history, the impact usually has been explosive. Other previous episodes of fervent racialized sectionalism were times of protracted political turmoil and violence. It is, of course, always challenging to see far enough to know where we sit on the great wheel of history. Certainly opinions range about how deep is the Red America/Blue America divide. But in thinking about the level of recent national division, historian Robert Dalek has observed, “Maybe it’s an overstatement on my part, but I have the scent of the Civil War in my nostrils. It reminds me of the tensions in Vietnam during the 1960s. Now we are moving into a similar kind of moment” (Brownstein, 1998).

More to the point, these are the molten demographics that must be squeezed through the pinhole of the clunky eighteenth-century Winner Take All/First Past The Post voting system. Winner Take All, with it’s zero-sum “if I win, you lose” calculations, is supposed to act as the political filter that translates

for just about everything. For each individual contest, for each single-seat race, there are simply too many of one type of voter – Republicans in Idaho or Kansas, say, or Democrats in Massachusetts or California or in most cities – overwhelming the other type of voter. The resulting monopoly politics not only affects representation – to the point where elected opposition has become a nearly extinct species – but also creates a new classification of voters: “orphaned” voters. Orphaned voters are those Democrats and Republicans who, like the supporters of third parties everywhere and most non-white voters, are *geographic* minorities in out-of-favor districts and states with little hope of electing a representative.

Orphaned voters have no electoral or governmental outlet for their political sympathies or passions. Ironically, though, it’s not as if there aren’t millions of Republican voters *living* in Democratic districts, and vice versa, all across the country. It’s just that these orphaned voters – these geographic minorities – never win representation because, district after district, they don’t have sufficient votes and are outvoted.

*Consequently, the political cultures of these states and regions, which ideally should thrive on exchanges of ideas and robust public debate, have become political monocultures, lacking the most basic levels of political pluralism.*

the presidential vote but only 25 percent of state House seats. In Nebraska, Democratic voters didn’t win a single seat in the U.S. House; just like Republicans in Massachusetts these voters have no representation at all.

This disproportionality works both ways, naturally, and in Rhode Island Republican voters accumulated about 34 percent of the presidential vote for Bush but ended up with only 16 percent of the

state representation, a “representation ripoff” of 18 percent. In Maryland, 42 percent of voters pulled Bush – approaching a majority – but they ended up with only 25 percent of the Republican state House seats, a ripoff of 17 percent. In Massachusetts, 35 percent of voters pulling R in the presidential race won only 14 percent of state House seats, a huge representation ripoff of 21 percent.

In all of these states and more, orphaned voters are smothered by the partisan avalanche that blankets the single-seat districts of their respective region or state. Consequently, the political cultures of these states and regions, which ideally should thrive on exchanges of ideas and robust public debate, have become political monocultures, lacking the most basic levels of political pluralism. The bitter partisan divide gets exacerbated by the Representation Ripoff, as one side effectively wins more representation than they deserve, while the other side is frustrated and unfairly marginalized. Oftentimes these representation ripoffs produce undeserved veto-proof majorities that can ram through radical policies without a popular mandate. The resulting monopoly politics creates a dangerous tension – fenced off, district by district, into political turf where victorious majorities lord over vanquished minorities, it’s nothing less than a new kind of political feudalism.

### **“GOOD FENCES MAKE GOOD NEIGHBORS . . .”**

Fortunately, there are alternatives to the vagaries of Winner Take All/First Past The Post. The poet Robert Frost, in his poem “The Mending Wall,” after meditating over his neighbor’s insistence that “good fences make good neighbors,” wrote, “Spring is the mischief in me, and I wonder if I could put a notion in his head: ‘Why do they make good neighbors?’” Similarly, in thinking about the single-seat, geographic districts that are suffocating orphaned Republicans in New Goreia and orphaned Democrats in Bushlandia, and everyone else as well, a mischievous impulse wants to ask: “Why?” Why must these be the primary methods for electing our leaders? Is this

the best we can do, dividing whole regions of the country into neo-feudal Winner Take All fiefdoms of winners and losers? Are these the best electoral methods for ensuring that we remain good political neighbors?

What if we did not use single-seat district elections in monopoly politics states like Idaho, Utah, Kansas, Nebraska,

*Conflicting tensions of national division and cacophony are exacerbated, and sometimes caused and maintained, by our eighteenth-century electoral practices*

Maryland, California, or Massachusetts? What if instead we combined three adjoining one-seat districts into a three-seat district? And what if we elected these three-seat districts with a voting system known as cumulative voting, which is used by various cities, counties, and even various corporations to elect their boards of directors,<sup>3</sup> so that only slightly more than 25 percent of the vote is needed to elect one out of three of these representatives? Might that give the orphaned Democrats or Republicans and other geographic minorities in these states a chance to win their fair share of representation? Might that break up the edifice of monopoly politics that is walling us into a corner and exacerbating partisan, cultural, and geographic and racial division, and allow a degree of cross-fertilization of politicians, ideology, and policy? And might that inspire orphaned voters everywhere to reengage in politics again?

Canadians might ask themselves similar questions, given the sectionalism and Quebecois-secessionism that has dominated national politics in recent years. Sometimes the particular electoral rules and practices employed have a lot more to do with who wins and loses elections than we realize. And by extension, conflicting tensions of national division and cacophony are exacerbated, and sometimes caused and maintained, by our eighteenth-century electoral practices – in this case, the widespread use of geographic-based, single-seat districts.

For instance, in the U.S. Democrats and Republicans live everywhere.

Democrat Bill Clinton won at least 25 percent of the vote in every House district in the nation in 1996, and Republican Bob Dole slipped below 25 percent in only a handful of urban districts (Center for Voting and Democracy, 1998). But single-seat districts, whether in Illinois, South Carolina, Massachusetts, Idaho, Kansas

or California, bury this natural diversity beneath the partisan avalanche. This further exacerbates regional and racial tensions, dividing us and tearing the seam of our national fabric. Demographically, the multiracial coloring of American society is in full swing, and will intensify over the next two decades. How will our nation prosper when it employs a Winner Take All system with single-seat districts where only one side of the divide can win in district after district? How will we defuse this national tension when the Winner Take All system allows entire regions of the country to be “captured” by one side or the other of this partisan war?

### **FULLER REPRESENTATION IN THE HEARTLAND**

Non-Winner Take All voting systems like cumulative voting and choice voting (the latter also known as preference voting or “single transferable vote”) are designed to provide more opportunity for the electoral viability of orphaned voters – Democrats or Republicans, black or white, geographic minorities – than the traditional Winner Take All methods. Such a “full representation” system features elections using multi-seat districts (also known as “at-large”) rather than single-seat districts, but unlike the traditional Winner Take All at-large system, these alternative multi-seat systems employ electoral rules of proportional representation designed to open up the political system and give a fair chance – fuller representation – to orphaned voting blocs of

geographic minorities (for more explanation of these electoral rules of proportional representation, see the footnote).<sup>4</sup>

The state of Illinois used such a full-representation system for 110 years, until 1980, to elect its lower state House of Representatives. In 2001, former Democratic Congressman Abner Mikva and former Republican Governor Jim Edgar co-chaired a high profile, blue-ribbon commission of seventy members that examined a return to this system (Parsons, 2001; Institute for Government and Public Affairs, 2001). The panel found that Illinois' use of cumulative voting in three-seat districts had a profound impact on Illinois politics that Americans and perhaps Canadians will recognize as speaking directly to the dilemma of entrenched national division.

For instance, nearly every Illinois three-seat district had two-party representation. Democratic strongholds like Chicago elected some Republicans, and Republican strongholds like downstate DuPage County elected some Democrats.<sup>5</sup> Consequently, voters had more options because every three-seat district provided access to representatives in both major parties. For Democratic and Republican sympathizers there was no such thing as an "orphaned voter." Moreover, independent and maverick Democrats and Republicans who bucked their party leadership were able to win election, providing *intra*-party ideological diversity and more viable options for voters. Crucial cross-fertilization of politicians and policies occurred under cumulative

voting because both major parties had direct interest in serving the needs of all regions. Chicago's very urban needs had a voice in the all-important Republican Party caucus, and downstate's rural needs had representation in the Democratic Party caucus.

Former Republican Congressman John Porter has noted that in Illinois's three-seat districts "we operated in a less partisan environment because both parties represented the entire state." Illinois House Majority Leader Barbara Flynn Currie commented, "We had African-Americans representing majority white districts, and white representatives coming from districts that were predominantly African-American" (Center for Voting and Democracy, 2000). In fact, cumulative voting elected black Republicans, and now the Republican Party in Illinois – as in the rest of the nation – is virtually lily-white.<sup>6</sup>

As we soar over our *USA Today* map, gazing down upon the great red sea of Bushlandia framed by borders of New Goreia blue and contemplating how to bridge the political divide between Americans and between the two major political parties, the Illinois experience with three-seat districts and alternative voting schemes has a lot to lend. One of the alleged strengths of single-seat districts is representation of geographic interests. Yet when only one side of the political divide monopolizes a legislative district, region, or state, geographic representation becomes a zero-sum "If I win, you lose" game. Coherent policy for that region quickly becomes polarized.

Without a balance of power, policy becomes subject to the whims of whichever party is in control. Single-seat districts greatly exacerbate this tendency toward polarization of representation and policy.

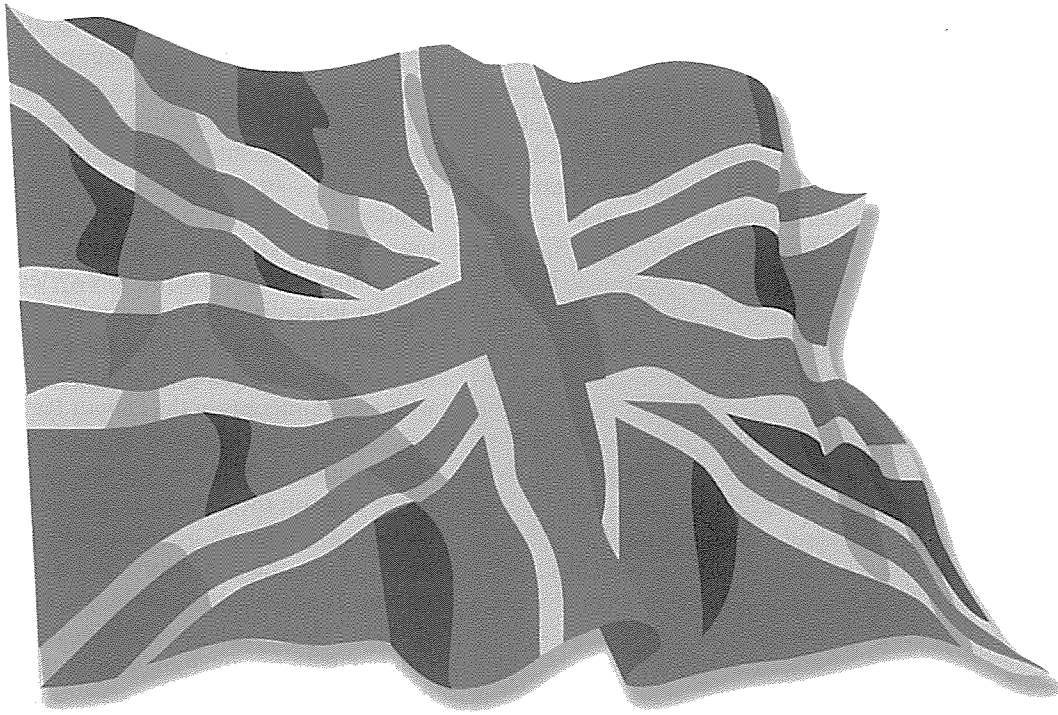
Nothing in the U.S. Constitution requires single-seat districts for the U.S. House or the fifty state legislatures.<sup>7</sup> Canadians also are not restricted from evolving past your single-seat districts and Winner Take All/First Past The Post ways. *What if ...* like Frost's protagonist, we examined with an open mind our eighteenth-century political institutions, electoral practices, and procedures? Might we discover that our current methods are actually contributing to, indeed causing, the current twin black holes of national division and political depression that are sucking the life out of our politics and launching us toward an uncertain future?

Steven Hill is a senior policy analyst with the Center for Voting and Democracy and author of "Fixing Elections: The Failure of America's Winner Take All Politics." His articles have appeared in dozens of national newspapers, magazines and the academic press, including the *Washington Post*, *Los Angeles Times*, *New York Daily News*, *Wall Street Journal*, *The Nation*, *Salon.com*, *Ms.*, *Houston Chronicle*, *Chicago Sun-Times*, *Boston Globe*, *Seattle Times*, *San Francisco Chronicle*, and many others.

He is also co-author of the book *Whose Vote Counts?* with Rob Richie (Beacon Press, 2001). He was the campaign manager of Proposition A in San Francisco, the historic campaign in 2002 that resulted in San Franciscans voting to adopt instant runoff voting to elect its local government.

The full references for this article can be found on the ACS web site at [http://www.acs-aec.ca/e\\_magazine.html](http://www.acs-aec.ca/e_magazine.html)





## **ELECTORAL REFORM** in the UK

**BY** Alex Folkes

DEMOCRATIC RENEWAL IS A HOT ITEM ALL OVER EUROPE AT THE MOMENT AS THE ESTABLISHED DEMOCRACIES LOOK TO THE EAST AND SEE FAR MORE REPRESENTATIVE SYSTEMS BEING DEVELOPED AND OUTFLANKING THEM IN THE DEMOCRACY STAKES. IN MY TRIPS AROUND THE WORLD TO VIEW ELECTIONS, I FREQUENTLY SEE SYSTEMS AND IDEAS WHICH I THINK ARE FAR BETTER THAN THE UNITED KINGDOM WAY OF DOING THINGS. REGRETTABLY, THERE IS A CERTAIN ARROGANCE AMONG MY COUNTRYMEN THAT OUR WAY MUST BE THE RIGHT WAY AND OUR FORMER COLONIAL TERRITORIES CANNOT POSSIBLY HAVE OVERTAKEN US. BUT THE TRUTH IS THAT THEY OFTEN HAVE AND, WHILST CORRUPTION OFTEN MARS THE RESULT, THEY SHOULD BE TELLING US HOW TO RUN OUR ELECTIONS AND NOT VICE VERSA.

In an effort to catch up, countries including the UK, France and Germany have all sought to strengthen, broaden or refresh their democratic structures. This article concentrates on the developments in the UK where a whole raft of measures including changing to more proportional voting systems, making voting more convenient and taking the decision making out of the hands of politicians are being followed.

## PROGRAMME FOR CONSTITUTIONAL CHANGE

Towards the end of the 18 years of Conservative Party rule from 1979 to 1997, the Labour Party decided that, to ensure they would at least share power after the next General Election, they would talk to the Liberal Democrats (Britain's third party) about a joint programme of constitutional reform, a key

*In both Scotland and Wales, devolution has led to further proposals for constitutional change. As part of the price for agreeing to a coalition, the Liberal Democrats demanded reviews of the way in which local government was elected and its powers.*

policy for the Lib Dems and of strong interest to many in Labour. The discussions were led by Robin Cook, who went on to become Foreign Secretary, and Robert Maclennan, who had been a Labour Minister before being one of the founding members of the SDP, a predecessor party of the Liberal Democrats. Their agreed programme called for devolution to Scotland and Wales, an independent commission to look at voting reform, proportional representation for European elections and a reformed House of Lords.

In the end, Labour won an overall majority of 179 seats in Parliament and did not need the support of the Liberal Democrats for power, but still followed through with the beginning of a period of constitutional reform.

## SCOTLAND AND WALES

Referendums were held in Scotland and Wales on devolution and both were passed, although Wales voted only very narrowly in favour. Elections to both were then held in 1999 by the AMS system. Not surprisingly, given that it is a proportional voting system, no party won an overall majority in either election. In Scotland the Labour Party, some way short of having a majority, but comfortably the largest party, immediately opened negotiations with the Liberal Democrats on a joint programme. This has led to a relatively stable coalition and the Liberal Democrats are able to point to a number of key policy successes which mean that Scotland has diverged from the UK. In Wales, Labour were within a seat of an overall majority and so chose to govern alone. However, they found that they were not accomplishing all that they might have wished and so, in October 2000, they too entered coalition with the Liberal Democrats.

In both Scotland and Wales, devolution has led to further proposals for constitutional change. As part of the price for agreeing to a coalition, the Liberal Democrats demanded reviews of the way in which local government was elected and its powers. The subsequent McIntosh Commission in Scotland backed a move to proportional representation in Scotland, a long-term key aim of the Liberal Democrats. But they stopped short of backing a particular system and so the Scottish Executive set up the Kerley Working Group which backed the single transferable vote

*Britain's voting age was lowered from 21 to 18 in 1969, but there are growing calls for a further drop to 16.*

(STV) system. Further progress on this issue is stalled at the present as the next elections are due and the parties do not want to give anything away until they know the outcome but, with no party likely to win an overall majority again, it seems probable that the Liberal Democrats will demand the full implementation of the Kerley report as their price for rejoining the coalition. First

Minister Jack McConnell seems to have accepted this and, to the horror of many councillors within his own party, looks set to announce a deal.

In Wales, a similar path has been followed, but lessons have been learned from the Scottish experience. One key difference exists, however. Whilst the voting system used for local elections in Scotland is a power devolved to the Scottish Parliament, no similar provision exists for Wales and so a proposal for change must be agreed by both the Welsh Assembly and then by the UK Parliament in Westminster. The Sunderland Commission, established soon after the Liberal Democrats joined the cabinet, also backed the STV system and an immediate period of consultation was announced to allow the public and others to react. Predictably, those with vested interests in the Labour Party have been wholly opposed to plans for change and they have pinned their hopes both on the minority view issued by two of the nine Commission members and on the possibility of Labour gaining an overall majority in the 2003 elections. Such a possibility is not certain but, with the apparent drop in support for the main opposition party, Plaid Cymru, it is a very real prospect. So here too, we wait for the elections to decide.

## VOTING AGE

One key area which neither Kerley nor Sunderland were given in their remit, but both chose to make reference to, is the matter of the voting age. Britain's voting age was lowered from 21

to 18 in 1969, but there are growing calls for a further drop to 16. A campaign coalition has, in fact, been formed to press for this very change and includes a number of large children's charities, as well as youth led pressure groups, political parties and others, including the Electoral Reform Society. Such moves have come as a reaction to the drop in turnout in elections, particularly among

young people. Whilst the 59% turnout in the 2001 General Election was the lowest ever, just 39% of 18-24 year olds cast a ballot. The view of the Votes at 16 coalition is that younger people need to be reconnected to politics and the best way to do this is to show them that their views count and they are regarded as proper citizens by allowing them to have a vote. This view is aided by the introduction onto the national curriculum of citizenship education. From the ages of five to sixteen, young people will be taught all about the British political structure, how elections work and will discuss key issues. Allowing them to vote at the end of this process could be seen as a natural progression.

The Electoral Commission, another change brought about since the Labour Government came to power, has pledged to review the voting age and the age of candidature (currently 21) next year and the Government has promised to seriously consider any proposal for change which comes from the Commission.

It has not, however, been plain sailing for the administrations in Scotland and Wales. It is particularly the case in Scotland that there is some tension between those Members of the Scottish Parliament (MSPs) elected in constituencies and those elected from the top-up lists. Constituency MSPs are overwhelmingly Labour and are undertaking much of the type of work that other constituency representatives do – helping constituents with problems, attending large numbers of meetings and so on. They feel that their list MSP colleagues, largely from the Conservative and Scottish National parties, are free to spend all their time sniping and scoring political points without ever having to do any ‘real’ work.

Most recently, the system has thrown up a problem with regard to selecting candidates for next year’s elections. List candidates are nominated by the parties in regions and all parties give their members votes on who comes where on their list. Because the lists are ‘closed’ the order cannot be affected by voters and so the person at the top of a major opposition party list is virtually guaranteed a seat as that party is unlike-

ly to win many constituencies. The Conservative Party in Glasgow, with only around 800 members, have suddenly found that a prospective candidate has recruited over a hundred new members. If they all turn out to vote for him, it will be very difficult for him not to end up being elected.

### EUROPEAN ELECTIONS

Labour also moved swiftly to implement their pledge on the European elections and introduced a Bill to vote by the closed regional list system in the 1999 poll. However, this ran into flak from

in the House of Lords, who together could defeat Labour. They continually rejected the will of the Labour-dominated House of Commons and tried to alter the proposal to one where voters could have some say over the order of names on the ballot paper. Eventually, the Liberal Democrats in the Lords had to give way as further delay would have meant the 1999 election would have been under the old First-Past-the-Post system and they would have been likely to win far fewer seats.

One of the concessions offered by Labour during the debate was to hold a



both the Conservatives, who were initially determined to resist all forms of PR, and proponents of reform who disliked a system which gave all power to parties and denied choice to individual voters. The system divided England into nine regions, each electing between three and twelve Members of the European Parliaments (MEPs). In addition, Scotland and Wales were also electoral regions. Each party put forward a list of candidates and voters got to choose which list to support, but could not alter its order. In Northern Ireland, three MEPs continue to be elected by the STV system.

The proposal of a closed regional list system resulted in an unholy alliance of Liberal Democrats and Conservatives

full and open review of the system immediately after the election. This was taken at face value by the Liberal Democrats but did not make it into the final Act due to a technicality. Lib Dem MP Paul Tyler, who had led the case for a more open system, was shocked when he asked for news as to when the review would be held to be told that an internal review had already been held, found no problems and no change was therefore envisaged. This is no doubt a battle that will be revisited.

### HOUSE OF LORDS

On the reform of the House of Lords, the Government has met real opposition from within its own ranks and outside. They chose to move by two

distinct stages, first getting rid of the hereditary peers and second deciding how the new house should be structured. Cynics felt that a mid-stage second chamber was actually what Tony Blair secretly wanted as all members would have been appointed by him either to represent the Labour Party or on the recommendation of the leaders of the opposition parties. Such a situation had been dubbed 'Tony's cronies' by opponents.

During discussions on the first stage, it became apparent that Conservative and Cross-Bench (independent) peers would delay legislation abolishing their right to sit unless the

flanked the Government as they switched from their position of outright opposition to reform to backing a wholly elected chamber. As a compromise, the Government has set up a joint committee of both houses of Parliament to come up with alternatives which they will then consider. In the meantime, the 'Halfway House' remains in place.

### **ELECTING THE HOUSE OF COMMONS**

The final outstanding issue from Labour's 1997 manifesto is that of the voting system for the House of Commons. They fulfilled the first part of their pledge by establishing the

did manage to raise the issue with sufficient vigour that, when the manifesto for the 2001 election was being written, Labour was forced to concede a review of the way that MPs are elected. It is anticipated that this review will be held after the 2003 elections to the Scottish Parliament and Welsh Assembly and may even be delayed until after the 2004 European elections.

Thus changing the way MPs are elected is likely to be delayed until at least the General Election after next and reformers are now becoming more keen on a domino theory of sorts. With every other election in the UK either being conducted under PR or being considered for change, proponents argue that it is only a matter of time before Westminster elections appear isolated and anachronistic and are forced to change.

*With every other election in the UK either being conducted under PR or being considered for change, proponents argue that it is only a matter of time before Westminster elections appear isolated and anachronistic and are forced to change.*

### **CONCLUSION**

At no time in the history of the United Kingdom, even at the time of the 1848 Reform Act or the extension of the suffrage to women in 1918, has the constitution been subject to such prolonged change. The profundity and long-term effect of these reforms can only begin to be guessed at, however. Certainly the spirit of devolution to Scotland and Wales, and perhaps to the regions of England in due course, is one which appears to have become embedded. But the crucial reforms which tie up the package – to the House of Lords and to the method of electing MPs – are still missing and appear to have slipped so far down the agenda as to be in danger of disappearing, for all that they occasionally merit a blast in the newspapers. To reformers, it feels like a pause for breath in the middle of a marathon. The fear, however, is that the organisers may choose to cut the race short.

second stage of reform was detailed first. A compromise has meant that 92 of their number remain until the second stage is completed.

Since then, a commission of the great and the good, led by Lord Wakeham, known as a great 'fixer', but since embroiled in the Enron scandal, reported and set out three possible models for reform. They said that there could be anything from 65 to 195 directly elected members of the reformed chamber (although the total number of members was left somewhat vague). This has created a huge schism with most reformers arguing that all, or at least the vast majority, of the new chamber should be directly elected and others suggesting that yet another tier of elected officials are not necessary and the chamber should be wholly appointed. On this the Conservative Party appears to have out-

Independent Commission on the Voting System, under the chairmanship of Lord Jenkins of Hillhead, who, as plain Roy Jenkins, had been Labour Chancellor of the Exchequer and Home Secretary before being one of the 'Gang of Four' who left Labour and established the SDP in 1981.

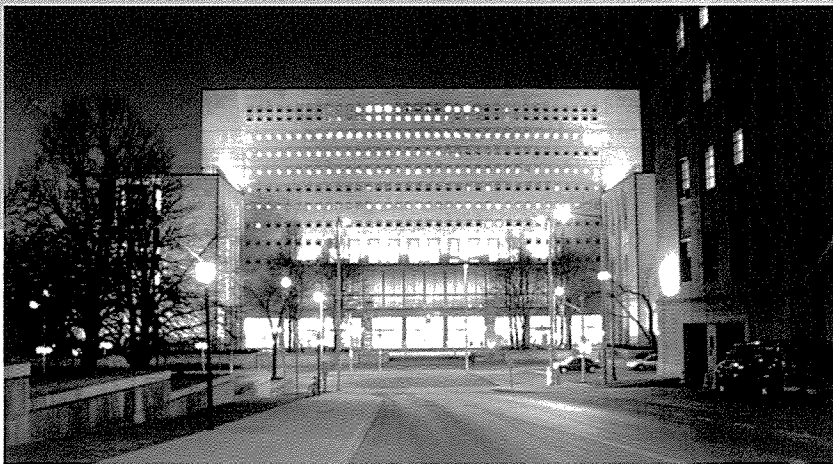
The Jenkins Commission recommended a new system called the Alternative Vote Plus (AV+), a mixed system in a similar mould to AMS, but allowing voters to additional chance to vote preferentially in constituencies and in open, rather than closed, top-up lists.

Despite the high hopes of reformers when the report was published in 1998, it really does appear to have been kicked into the long grass. The second part of Labour's manifesto pledge – to hold a referendum on the voting system – has not been fulfilled, although reformers

Alex Folkes is the Press and Campaigns Officer for the Electoral Reform Society, United Kingdom

# A LIBRARY FOR THE NATION: The National Library of Canada and an Informed Citizenry

**BY** Elizabeth Morton  
Coordinator, Fiftieth Anniversary of  
the National Library of Canada



courtesy Griffiths Rankin Cook Architects

## UNE BIBLIOTHÈQUE POUR LA NATION :

La Bibliothèque nationale du  
Canada et la masse des  
citoyens bien renseignée

**PAR** Elizabeth Morton  
Coordonnatrice, 50<sup>ème</sup> anniversaire  
de la Bibliothèque nationale du Canada

FREEDOM, PROSPERITY AND THE DEVELOPMENT OF SOCIETY AND INDIVIDUALS ARE FUNDAMENTAL HUMAN VALUES. THEY WILL ONLY BE ATTAINED THROUGH THE ABILITY OF WELL-INFORMED CITIZENS TO EXERCISE THEIR DEMOCRATIC RIGHTS AND TO PLAY AN ACTIVE ROLE IN SOCIETY.

CONSTRUCTIVE PARTICIPATION AND THE DEVELOPMENT OF DEMOCRACY DEPEND ON SATISFACTORY EDUCATION AS WELL AS ON FREE AND UNLIMITED ACCESS TO KNOWLEDGE, THOUGHT, CULTURE AND INFORMATION.

THE PUBLIC LIBRARY, THE LOCAL GATEWAY TO KNOWLEDGE, PROVIDES A BASIC CONDITION FOR LIFELONG LEARNING, INDEPENDENT DECISION-MAKING AND CULTURAL DEVELOPMENT OF THE INDIVIDUAL AND SOCIAL GROUPS.

**– FROM THE UNESCO PUBLIC LIBRARY  
MANIFESTO (1994)**

LA LIBERTÉ, LA PROSPÉRITÉ, LE PROGRÈS DE LA SOCIÉTÉ ET L'ÉPANOUISSEMENT DE L'INDIVIDU SONT DES VALEURS HUMAINES FONDAMENTALES, QUE SEULE L'EXISTENCE DE CITOYENS BIEN INFORMÉS, CAPABLES D'EXERCER LEURS DROITS DÉMOCRATIQUES ET DE JOUER UN RÔLE ACTIF DANS LA SOCIÉTÉ PERMET DE CONCRÉTISER. OR, PARTICIPATION CONSTRUCTIVE ET PROGRÈS DE LA DÉMOCRATIE REQUIÈRENT UNE ÉDUCATION SATISFAISANTE, EN MÊME TEMPS QU'UN ACCÈS GRATUIT ET SANS RESTRICTION AU SAVOIR, À LA PENSÉE, À LA CULTURE ET À L'INFORMATION.

LA BIBLIOTHÈQUE PUBLIQUE, CLÉ DU SAVOIR À L'ÉCHELON LOCAL, EST UN INSTRUMENT ESSENTIEL DE L'ÉDUCATION PERMANENTE, D'UNE PRISE DE DÉCISIONS INDÉPENDANTE ET DU DÉVELOPPEMENT CULTUREL DE L'INDIVIDU ET DES GROUPES SOCIAUX.

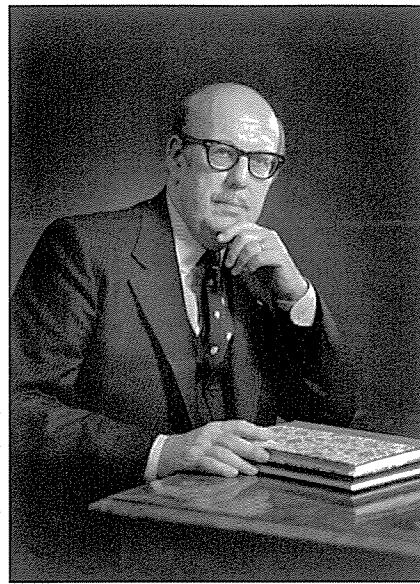
**– EXTRAIT DU MANIFESTE DE L'UNESCO  
SUR LA BIBLIOTHÈQUE PUBLIQUE (1994)**

**NATIONAL LIBRARIANS OF CANADA  
ADMINISTRATEURS GÉNÉRAUX DE LA BIBLIOTHÈQUE NATIONALE DU CANADA**



courtesy National Archives of Canada

**W. KAYE LAMB, 1953-1968**



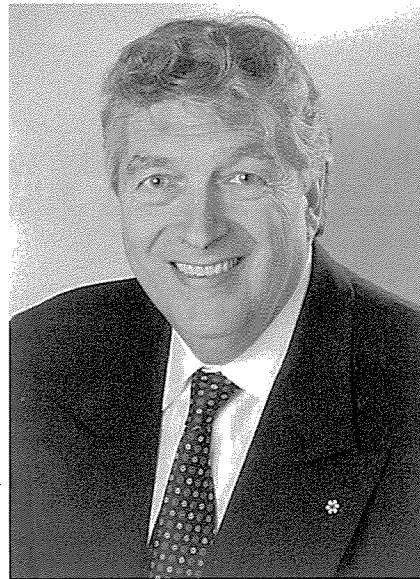
Karsh / Ottawa (1982)

**GUY SYLVESTRE, 1968-1983**



Couvrete / Ottawa (1996)

**MARIANNE SCOTT, 1984-1999**



Couvrete / Ottawa

**ROCH CARRIER, 1999-**

The National Library of Canada was created in 1953 to gather, protect and make accessible to the citizens of Canada all that is published in our country. It was created to equalize opportunity to information in a country vast in size and limited in information resources.

In 1883 Sir John A. Macdonald, Canada's first prime minister, asserted that Canada could not have access to its own culture without a national library. In 1911, Lawrence J. Burpee, chief librarian of the Ottawa Public Library, wrote that Canada was alone among nations of

La Bibliothèque nationale du Canada a été créée en 1953 pour recueillir, protéger et rendre accessible aux citoyens du Canada tout ce qui est publié dans notre pays. Elle a été créée pour démocratiser l'accès à l'information dans un pays aux vastes étendues, mais limité en ressources d'information.

En 1883, Sir John A. Macdonald, le tout premier Premier ministre, affirma que le Canada ne pourrait pas avoir accès à sa propre culture sans une bibliothèque nationale. En 1911, Lawrence J. Burpee, bibliothécaire en

similar size and wealth in not having a national library. But it wasn't until June 1948 that plans were approved for a bibliographic centre – the first step towards the National Library. Following a meeting later the same month between Prime Minister William Lyon Mackenzie King and W. Kaye Lamb, president of the Canadian Library Association, Dr. Lamb was appointed Dominion Archivist with the mandate to prepare the way for a national library for Canada. On May 1, 1950, the Canadian Bibliographic Centre came into formal existence under the administration of Dr. Lamb.

The Royal Commission on National Development in the Arts, Letters and Sciences (the Massey-Lévesque commission), struck in 1949 in part to make recommendations on the eventual character and scope of a national library, urged in its report (published in 1951) that this deficiency – termed by some a “national disgrace” – be remedied.

Formally established in 1953, the National Library of Canada is continuing to evolve as part of the Library and Archives of Canada, a new agency that combines the National Archives of Canada and the National Library of Canada, announced on Oct. 2, 2002, by Minister of Canadian Heritage Sheila Copps. “With this decision,” said Roch Carrier, “the Government of Canada brings together two great institutions into one powerful beacon to serve Canadians in the knowledge society of the twenty-first century.”

Since its inception, the National Library has used innovative technology to bring knowledge about Canada within reach of all Canadians. Services such as AMICUS (our national web-based catalogue of over 25 million bibliographic records and 43 million holdings from over 1,300 Canadian libraries, including Canadiana records) and the Digital Library of Canada are offered at no charge. In the past year, the National Library web site ([www.nlc-bnc.ca](http://www.nlc-bnc.ca)) received 80 million access requests, and the Library's staff answer thousands of questions every year from Canadian researchers.

The headquarters site of the National Library and the National Archives, opened in 1967, can no longer house the Library's collection, and our biggest challenge and major priority remains the protection of the collection, which is growing by more than 500,000 items a year. To ensure that these irreplaceable stories are available for generations of Canadians to come, the National Library is working to secure adequate facilities with suitable temperature and humidity controls.

By preserving the published documents that record and reflect our development as a nation, the National Library plays a strategic role in nation building. By providing access to knowledge, ideas and history in various media, the National Library and the 21,000 libraries across Canada support the democratic process. According to the UNESCO Public Library Manifesto (excerpted in the sidebar), all citizens, regardless of race, sex, religion, nationality, language, or social status, are entitled to equal access to the resources of the libraries

chef de la Bibliothèque publique d'Ottawa, écrivit que le Canada était seul parmi les nations similaires en superficie et en richesse à ne pas avoir de bibliothèque nationale. Mais ce ne fut qu'en juin 1948 que les plans d'un centre bibliographique furent approuvés – le premier pas vers la Bibliothèque nationale. Plus tard, au cours du même mois, à la suite d'une rencontre entre le Premier ministre William Lyon Mackenzie King et W. Kaye Lamb, président de la Canadian Library Association, M. Lamb fut nommé archiviste du Dominion avec le mandat de préparer le chemin vers la création de la Bibliothèque nationale du Canada. Le premier mai 1950, le Centre bibliographique canadien fut créé officiellement sous l'administration de M. Lamb.

La Commission royale d'enquête sur l'avancement des arts, lettres et sciences (la commission Massey-Lévesque), nommée en 1949 en partie dans le but de faire des recommandations sur le caractère et l'envergure éventuels d'une bibliothèque nationale, a insisté dans son rapport publié en 1951 pour qu'on remédie à cette déficience – considérée par certains comme une «disgrâce nationale».

Officiellement créée en 1953, la Bibliothèque nationale du Canada continue d'évoluer en tant que la Bibliothèque et les Archives du Canada. Sheila Copps, la ministre du Patrimoine canadien, a annoncé le 2 octobre 2002 la création de ce nouvel organisme gouvernementale issu de l'intégration de la Bibliothèque nationale du Canada et des Archives nationales du Canada. «En prenant cette décision, le gouvernement du Canada amalgame deux grandes institutions canadiennes pour donner vie à un seul lieu d'envergure qui desservira les Canadiens et Canadiennes dans la société du savoir du XXI<sup>e</sup> siècle», a souligné Roch Carrier, administrateur général de la Bibliothèque nationale du Canada.

Dès sa création, la Bibliothèque nationale a utilisé des technologies innovatrices pour mettre les informations sur le Canada à la portée de tous les Canadiens. Des services tels que AMICUS (notre catalogue national en direct de plus de 25 millions d'enregistrements bibliographiques et 43 millions de fonds venant de plus de 1 300 bibliothèques canadiennes, dont les documents Canadiana) et la Bibliothèque numérique du Canada sont offerts gratuitement au public. Au cours de l'an dernier, le site web de la Bibliothèque nationale ([www.nlc-bnc.ca](http://www.nlc-bnc.ca)) a reçu 80 millions de demandes d'accès, et le personnel de la Bibliothèque répond à des milliers de questions des chercheurs canadiens chaque année.

L'édifice des quartiers généraux de la Bibliothèque nationale et des Archives nationales, ouvert en 1967, ne peut plus abriter la collection; notre plus grand défi et notre priorité majeure demeurent la protection de la collection, qui s'accroît de plus de 500 000 articles par année. Pour assurer la disponibilité de ces histoires irremplaçables aux générations futures de Canadiens, la Bibliothèque travaille à se faire allouer des installations adéquates avec des contrôles de température et d'humidité appropriés.

supported through their taxes. Libraries are expected to provide a variety of resources representing a broad range of ideas, not just popular and mainstream materials: it is not the library's role to censor, but rather to offer an unbiased view of the creative work and information being published.

The National Library and libraries throughout Canada are rightly proud of the great strides we have made since 1953, especially in the areas of new technologies, but cutbacks over the last 20 years have made it difficult for libraries to continue to provide a balance of online resources and traditional materials. School library cuts are a special concern. How can we expect to have informed adults in the future if our children have no books to read today?

As sources of information, especially government information, move online, libraries have continued to play a pivotal role in supporting the democratic process. By ensuring equitable access to online information for all citizens in communities large and small, libraries are helping to bridge the digital divide. And library staff are now helping members of the public of all ages sift through the plethora of information available on the Internet and become safe and responsible Internet users. Start-up grants got libraries and their communities onto what we used to call the "Information Highway", but these expanded services require sustainable funding.

As the digital revolution moves library services outside our walls, the citizen's right to know continues to be a priority. We take this commitment very seriously, for without libraries there can be no democracy: an informed citizenry, without which no true democracy can exist, depends on the access to information provided by active and dedicated libraries.

Canada's national library is very young – one of the youngest in the world. But with inimitable Canadian determination, we have built a collection of over 20 million items: books, magazines, music CDs and sound recordings, software and electronic documents. This collection reflects our stories, our history, our future.

**The National Library  
of Canada**

**La Bibliothèque nationale  
du Canada**

**[www.nlc-bnc.ca](http://www.nlc-bnc.ca)**

En préservant les documents publiés qui conservent et reflètent notre développement national, la Bibliothèque nationale joue un rôle stratégique dans l'édification de la nation. En fournissant l'accès à la connaissance, aux idées et à l'histoire dans divers médias, la Bibliothèque nationale et les 21 000 bibliothèques à travers le Canada soutiennent le processus démocratique. Selon le Manifeste sur la bibliothèque publique de l'UNESCO (voir l'extrait), tous les citoyens, sans égard à leur race, sexe, religion, nationalité, langue ou statut social, sont habilités à un accès égal aux ressources des bibliothèques financées par leurs taxes. Les bibliothèques doivent offrir une variété de ressources représentant un large éventail d'idées, et pas seulement des documents populaires et traditionnels: ce n'est pas le rôle de la bibliothèque de censurer, mais plutôt d'offrir une vue non biaisée de l'œuvre et de l'information créatrice publiée.

La Bibliothèque nationale et les bibliothèques de tout le Canada sont vraiment fières des étapes franchies depuis 1953, en particulier dans les domaines des nouvelles technologies, mais les compressions au cours des vingt dernières années ont compliqué le travail des bibliothèques de maintien de l'équilibre entre les ressources en direct et les documents traditionnels. Les coupures dans les bibliothèques scolaires sont un souci particulier. Comment pouvons-nous nous attendre à avoir des adultes informés dans l'avenir si nos enfants n'ont pas de livres à lire aujourd'hui?

Maintenant que les sources d'information, en particulier l'information gouvernementale, se transfèrent en direct, les bibliothèques continuent de jouer un rôle crucial dans le soutien du processus démocratique. En assurant un accès équitable à l'information en direct à tous les citoyens des grandes et petites communautés, les bibliothèques aident à combler le vide numérique. Et le personnel des bibliothèques aide maintenant les membres du public de tous âges à parcourir la pléthore d'informations disponibles sur Internet et à devenir des utilisateurs sécuritaires et responsables d'Internet. Des subventions de départ ont placé les bibliothèques et leurs communautés sur ce que nous avons coutume d'appeler «l'autoroute de l'information», mais ces services élargis nécessitent un financement durable.

Alors que la révolution numérique sort les services bibliothécaires de nos murs, le droit de savoir des citoyens demeure une priorité. Nous prenons cet engagement très au sérieux, car sans les bibliothèques, il ne peut exister aucune démocratie: un ensemble de citoyens informés, sans lesquels aucune vraie démocratie ne peut exister, dépend de l'accès à l'information assuré par des bibliothèques actives et dévouées à cette cause.

Notre bibliothèque nationale est très jeune – l'une des plus jeunes au monde. Mais avec notre inimitable détermination canadienne, nous avons bâti une collection de plus de 20 millions d'articles: livres, magazines, CD et enregistrements musicaux, logiciels et documents électroniques. Cette collection reflète nos histoires, notre histoire, notre avenir.



# CANADIAN NATIONAL CINEMA,

par Christopher E. Gittings (Routledge, 2002, 337 p.)

**REVUE DE** Yves Laberge

Depuis longtemps, les canadianistes utilisent le cinéma pour fournir une image du Canada. Comment les films peuvent-ils contribuer à évoquer un pays, voire une nation ? À quels choix les enseignants ont-ils accès ? Selon quel cadre théorique peuvent-ils envisager d'utiliser les œuvres documentaires, historiques et de fiction au sein des études canadiennes ?

Les films canadiens constituent la source la plus riche pour décrire leur pays d'origine et signifier, dans les meilleurs exemples, l'originalité et la diversité de la culture canadienne. En voyant les œuvres de Pierre Perrault, Patricia Rozema ou Robert Lepage, le spectateur, même non-initié, sait immédiatement qu'il ne voit ni un film européen ni un produit venant de Hollywood.

Les liens entre les films et notre conception du Canada devraient surgir spontanément, malgré le nombre relativement peu élevé d'œuvres qui nous sont accessibles. Mais on ne peut pas affirmer d'emblée que les films sont un miroir d'un pays, d'une nation, où qu'elle soit dans le monde. Les longs métrages ne devraient pas être considérés comme des révélateurs d'une société, et les Canadiens ne sont évidemment pas comme les personnages fictifs de David Cronenberg ou d'Atom Egoyan. L'imaginaire prend sa source dans le réel, mais le travail créatif de l'artiste lui permet d'échapper aux limites de la réalité et de la vraisemblance.

Le défi du Professeur Christopher E. Gittings a été précisément de tenter de cerner la nation canadienne dans son récent livre. Son titre paraphrase l'excellent ouvrage de l'Écossais Bill Marshall, paru l'an dernier en langue anglaise sous l'intitulé « *Quebec National Cinema* ».

L'approche de Monsieur Gittings a été de constater qu'il existe en réalité plus d'une nation canadienne, en fait les deux peuples fondateurs et l'ensemble des nations autochtones, dont il est largement question dans ce livre, en tant que personnages et à l'occasion cinéastes.

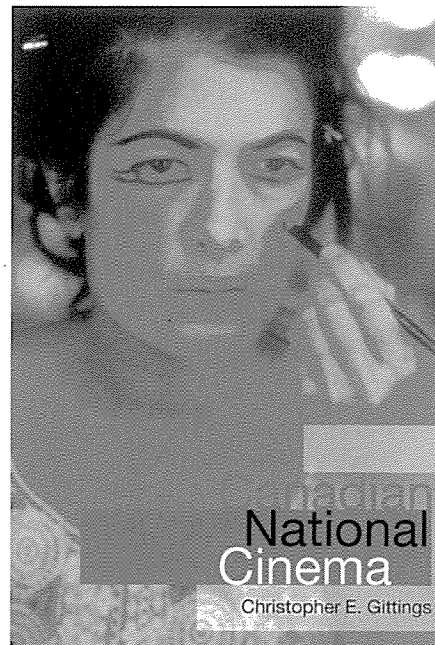
Le cadre théorique duquel l'auteur s'inspire emprunte autant aux études culturelles venues de l'Angleterre qu'aux théoriciens les plus radicaux, par exemple le philosophe français Louis Althusser. Cette grille reprenant le modèle des

appareils idéologiques d'état permet à l'auteur d'aborder des aspects comme le genre, l'ethnicité, les formes du pouvoir, et de définir le cinéma canadien du 20<sup>e</sup> siècle en des termes tout aussi radicaux. Sa conclusion sur l'époque du cinéma muet s'énonce en des termes pour le moins péremptores :

« The politics of race, gender, sexuality and colonialism present in these melodramas lend important insights into formations of national identifications, permitting the tracing of a cinematic genealogy of the racist and sexist foundations of Canadian nation. » (p. 32).

Selon l'auteur, le racisme serait très présent dans le cinéma canadien, et celui-ci ne rate pas une occasion de le signaler. Que ce soit à propos de refus de la différence dans le Nord canadien (« the racist nature of Canadian North », p. 23) ou de l'omniprésence du mâle blanc dans notre sport national (« production of White heterosexual masculinity », p. 37), les analyses insistent sur le portrait apparemment faussé offert par les cinéastes canadiens à propos de leur pays, fondé sur des inégalités. Mais il faut ajouter que cette inadéquation entre les œuvres et la réalité n'est pas exclusive au Canada ; le cinéma est par définition une construction, un point de vue empreint de subjectivité, et ce serait vouloir censurer la vision d'un créateur que de vouloir lui imposer un modèle ou des normes qui seraient conformes à une conception de la nation, fut-elle plus juste ou mieux équilibrée.

On ne peut que se réjouir de l'audace de l'auteur et de sa volonté d'aborder des aspects peu étudiés ; son chapitre 4 sur l'économie politique de l'industrie canadienne du cinéma est probablement le meilleur de l'ouvrage. Par contre, certains passages souffrent d'une méconnaissance du cinéma québécois. Ainsi, on pourrait toujours tenter d'affirmer que le plus important long métrage canadien, *Mon Oncle Antoine* (Claude Jutra, 1971) est un film qui construit un modèle univoque du Québec, « (...) constructing 'the people' of Québec as an ethno-national group, Québécois, producing a *pur laine* Québec, that (...) excludes First Nations, Anglophones and Quebecers of colour » (p. 117). Mais il faudrait alors avoir le



l'honnêteté de préciser que le même réalisateur a utilisé comme vedette féminine une Afro-Américaine d'origine haïtienne pour son film le plus personnel, *À tout prendre* (1963), qui est ici à peine signalé. Dans *Le Chat dans le sac* (Gilles Groulx, ONF, 1964), œuvre centrale du cinéma québécois mais non mentionnée ici, Claude est amoureux d'une Juive anglophone de Montréal. Il devrait également évoquer l'œuvre essentielle et abondante du réalisateur Arthur Lamothe (qui au passage est d'origine française), et qui a consacré la plupart de ses films à la défense des Autochtones canadiens. Malheureusement, le nom de Lamothe n'apparaît nulle part dans le livre de Monsieur Gittings.

Du point de vue épistémologique, l'ouvrage *Canadian National Cinema* souffre d'une grave lacune, c'est de placer le cadre théorique à l'avant du corpus qui devrait normalement servir de guide. Ainsi, à trop vouloir démontrer une thèse, on fausse la vision générale. *Canadian National Cinema* n'est pas exactement un livre d'histoire du cinéma ; il ne rend pas compte de l'ensemble de la production canadienne dans une succession chronologique. Néanmoins, l'auteur ouvrira certainement la voie à d'autres recherches sur un sujet qui mérite d'être mieux exploré.

Yves Laberge, Ph. D., est historien du cinéma et chercheur associé à l'Institut québécois des hautes études internationales

## FORTIFIER LA DÉMOCRATIE ÉLECTORALE AU CANADA : UN PROCESSUS CONTINU

PAR Jean-Pierre Kingsley

Directeur général des élections du Canada

Dans une démocratie dite représentative, le peuple délègue son pouvoir à des élus dont la légitimité repose sur le consentement des citoyens et sur la participation de ces derniers au processus démocratique.

Si le peuple délègue son autorité, il ne se retire cependant pas de la chose publique. Il conserve un pouvoir efficace de sanction sur ses représentants par le biais des élections. Aussi les règles et les mécanismes du processus électoral doivent-ils favoriser la pleine participation des électeurs ainsi que la représentation équitable de la population – même si, comme l'a démontré Kenneth J. Arrow, aucun mode de scrutin n'est mathématiquement capable de traduire avec exactitude les préférences de l'électorat.

Il importe par ailleurs de maintenir un sain équilibre entre la liberté, c'est-à-dire l'expression des désirs de chacun, et l'égalité, c'est-à-dire la possibilité réelle pour tous d'exprimer leurs désirs. Cet équilibre délicat, mais nécessaire, est à la base de toute démocratie. Du reste, liberté et égalité ne sont pas obligatoirement antinomiques : comme l'a justement noté Ronald Dworkin, la liberté peut être considérée comme une condition de l'égalité.

Le législateur canadien a donné corps à ces principes dans de nombreux textes, dont la *Charte canadienne des droits et libertés* et la *Loi électorale du Canada*. La Charte enchâsse plusieurs des droits fondamentaux de la personne, notamment la liberté d'expression, la liberté d'association et le droit à l'égalité, de même que le droit de vote et le droit de se porter candidat.

La législation électorale fédérale au Canada a connu au fil des décennies de multiples modifications tendant à renforcer les valeurs démocratiques que sont la participation, l'équité et la transparence. Depuis l'adoption de la Charte, en particulier, la Loi électorale du Canada a connu de profonds changements, tant en ce qui concerne l'élargissement du

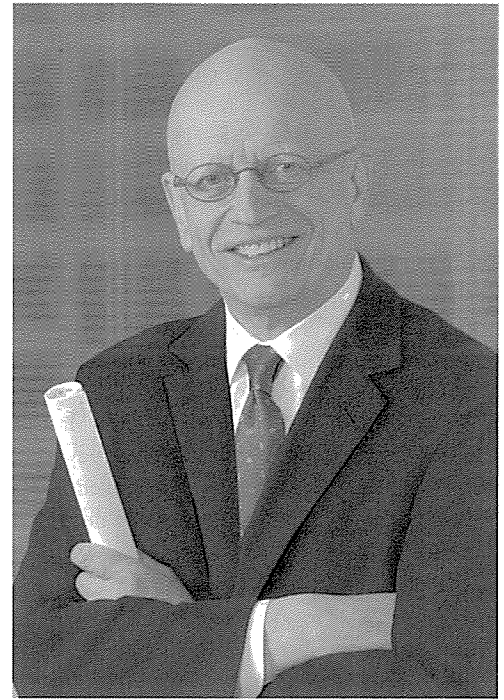
droit de vote que l'amélioration des mécanismes administratifs facilitant l'exercice de ce droit.

Même si le modèle électoral canadien est régulièrement cité en exemple sur la scène internationale, des modifications au système actuel s'avèrent encore essentielles afin que les valeurs de participation, d'équité et de transparence soient pleinement satisfaites. Ainsi, certains préconisent une réforme du mode de scrutin ou encore l'implantation de nouvelles technologies, tel le vote par Internet.

Dans mon rapport au Parlement suivant la trente-septième élection générale contenant des recommandations en vue de modifier la *Loi électorale du Canada*, je propose une réflexion plus globale sur le devenir du processus électoral canadien. Dans cette perspective, les recommandations contenues dans ce rapport visent à accroître l'efficacité et l'accessibilité du processus électoral pour les divers acteurs en présence; à favoriser l'émergence d'un contexte où le processus électoral soit pleinement compétitif; à améliorer sensiblement la transparence en matière de financement électoral; et à réfléchir au devenir de la représentation politique.

Plus spécifiquement, les recommandations visent notamment à accroître la capacité des électeurs de s'inscrire ou de faire modifier leur nom au Registre national des électeurs ou sur la liste électorale; ainsi que leur capacité de voter et celle de refuser un bulletin de vote; à simplifier les exigences requises de la part des candidats et candidates en vue de remplir leur acte de candidature; à simplifier le statut des partis politiques; et à assurer une concurrence plus équitable en matière de radiodiffusion en proposant de nouveaux régimes de temps payant et de temps gratuit.

En matière de financement électoral, par ailleurs, bon nombre de recommandations ont été formulées. Parmi celles-ci, on peut noter la recommandation



visant à plafonner les contributions faites aux partis politiques, aux candidats, aux associations de circonscription et aux aspirants candidats des partis dans les circonscriptions. On peut également noter la recommandation visant la divulgation des dépenses et contributions faites lors des courses à la direction des partis, des campagnes d'investiture dans les circonscriptions et celles effectuées dans le cadre des associations locales. Dans le premier cas, le système électoral canadien y gagnerait en équité alors que dans le second cas, il y gagnerait en transparence.


Toutes ces activités sont étroitement reliées aux élections et il importe que celles-ci soient soumises à l'examen du public afin que chaque électeur puisse exercer un vote éclairé. À cet égard, il n'est pas inutile de rappeler que, selon les données de l'Étude sur l'élection canadienne 2000, 94 pour cent des électeurs pensent que le public a le droit de savoir d'où et de qui les partis politiques et les candidats obtiennent leurs fonds pour la campagne.

Quelques soient les réformes mises de l'avant en vue de fortifier la démocratie électorale au Canada, il importe d'assurer un juste équilibre entre la liberté et l'égalité. Pour atteindre cet objectif, il faut être conscient que cela signifie dans certains cas qu'il faille limiter la liberté en vue de favoriser l'égalisation des chances pour tous.

# Do You Know Your Canadian Issues?

**CANADIAN ISSUES**  
**THÈMES CANADIENS**

March / Avril 2001  
Mars / Avril



**EDUCATION**  
where we are • where we're headed  
la situation actuelle • les défis de demain

**THE VIEW FROM ACROSS THE COUNTRY**  
OPINIONS DE PARTOUT AU CANADA

**PAUL CAPPON**  
Council of Ministers of Education

**MARILYN RYTTIG**  
Canadian Teachers' Federation  
Association des enseignants et enseignantes du Canada

**MALCOLM DARE**  
Department of Education, Ontario

**MICHAEL TIMELINI**  
Canadian Education Association

**DANIEL PARENT**  
MSE Ontario

**JEAN-PIERRE BOISJOLIE**  
**YVES CHINGRAS**  
Université du Québec à Montréal

**EDUIS VISENTIN**  
Métro Éducation

**PETER MACKINNON**  
University of Saskatchewan

**JANETTE M. HODDER**  
Newfoundland

**THOMAS HURPINIUK**  
New Brunswick

**LOUISE CLOUTIER**  
Alberta

**AND AN INTERVIEW WITH JAMES TURK**  
Canadian Association of University Teachers

**THE VIEW FROM THE US**  
OPINIONS DES ÉTATS UNIS

**RICHARD RILEY**  
US Secretary of Education, 1989-2001

**MYRON LIEBERMAN**  
Education Policy Institute

**GRAHAM SPINNER**  
Penn State University

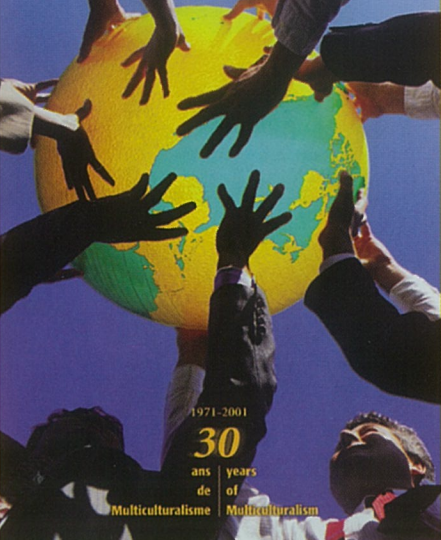
**JERRY ELLIG**  
Commonwealth Foundation

**RALPH C. NEAS**  
People for the American Way

\$3.95

**CANADIAN ISSUES**  
**THÈMES CANADIENS**

February / février 2002



**30**  
ans  
de  
years  
of  
Multiculturalisme  
Multiculturalism

1971-2001

**John Bilis**  
Metropolis Project

**Gérard Bouchard**  
Université du Québec à Chicoutimi

**Peter F. Flegel**  
Black Youth in Action

**Angie Ferraz**  
University of Waterloo

**Jack Jedwab**  
Association for Canadian Studies

**Rashmi Lather**  
Carleton University

**Minele Mahiani**  
University of British Columbia

**Joanna Amcke-Burns**  
University of Toronto


**Tamara Palmer Soller**  
University of Calgary

**James W. St. C. Walker**  
University of Waterloo

**Laurie S. Wasberg**  
Human Rights Interest

**CANADIAN ISSUES**  
**THÈMES CANADIENS**

August / Août • September / Septembre 2001



**OUR VANISHING INDUSTRIES**  
**NOS INDUSTRIES QUI DISPARAISSENT**

what is disappearing with them  
ce qui meurt avec elles

**CANADIAN ISSUES**  
**THÈMES CANADIENS**

April / avril 2000

**CANADIAN RIGHTS AND FREEDOM**  
**20 years under the Charter**

**LES DROITS ET LIBERTÉS CANADIENS**  
**Les 20 ans de la Charte**

**20**

**L'Hon. Gérard A. Beaudoin**  
Séniat du Canada

**Derek I. Bell**  
Osler, Hoskin & Harcourt LLP

**Catherine Christopher**  
Christopher & Christopher

**Gerald L. Gail, O.C. and Charlene Hillier**  
University of Alberta

**Marie-Hélène Grosse**  
Université de Montréal

**Julius Grey**  
Grey Cairns

**Jack Jedwab**  
McGill Institute for the Study of Canada

**L'Hon. Serge Joyal**  
Séniat du Canada

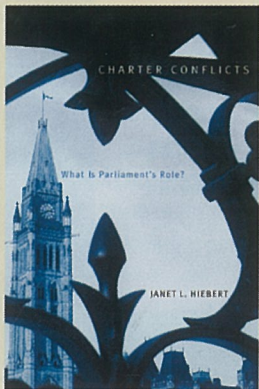
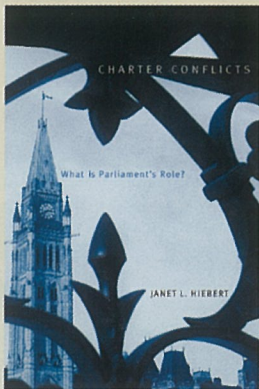
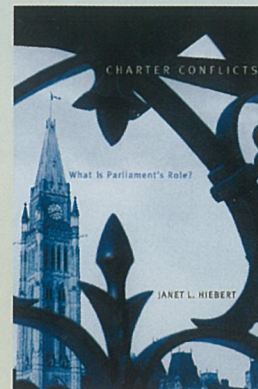
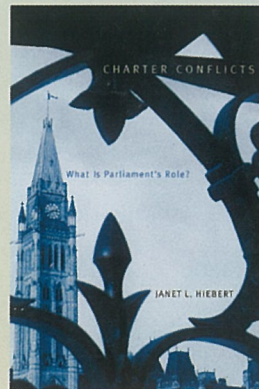
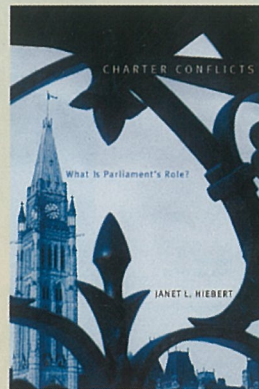
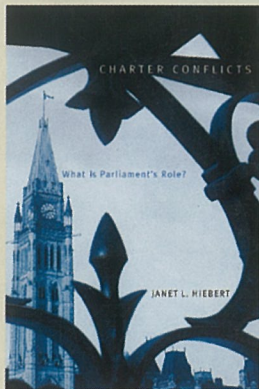
**Joseph Elmi Mugezi and Sino Ali Muscati**  
University of Ottawa

**The Right Honourable Beverley McLachlin, P.C.**  
Supreme Court of Canada

**Alain Robert Nadcan**  
Avocat et auteur

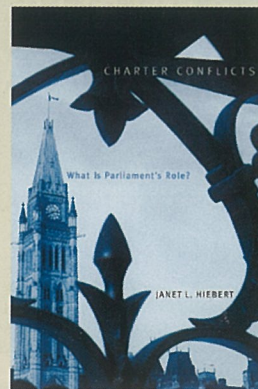
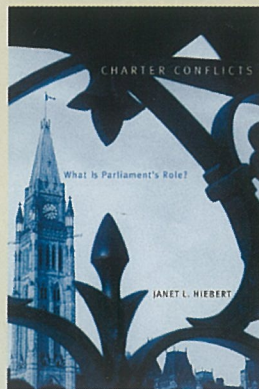
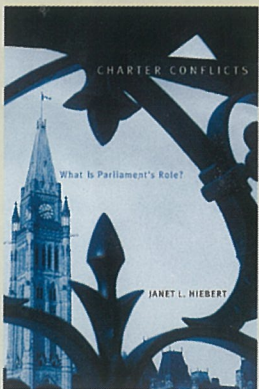
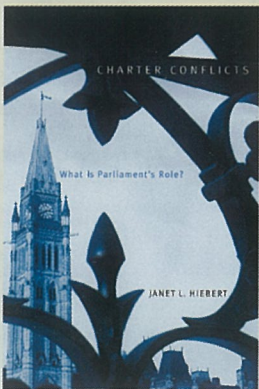
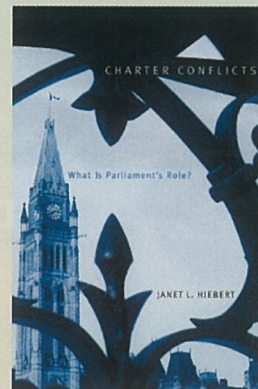
**Pierre Thibault**  
Avocat

# Êtes-vous au fait de vos Thèmes Canadiens ?



"The best book  
on the Charter  
to date."

Miriam Smith,  
Department of  
Political Science,  
Carleton University



Charter Conflicts  
What Is Parliament's Role?

JANET L. HIEBERT

Paper ISBN 0-7735-2408-8 \$27.95 • Cloth ISBN 0-7735-2399-5 \$70.00

McGILL-QUEEN'S UNIVERSITY PRESS