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**THE POLITICS OF PRAGMATISM:
WOMEN, STRATEGIC REPRESENTATION
AND CONSTITUTIONALISM IN CANADA**

by

Alexandra Zorianna Dobrowolsky

**A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfilment of the requirements
for the degree of
Doctor of Philosophy**

**Department of Political Science
Carleton University
Ottawa, Ontario
June 11, 1996**

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ISBN 0-612-19368-3

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**THE POLITICS OF PRAGMATISM:
WOMEN, STRATEGIC REPRESENTATION AND CONSTITUTIONALISM IN CANADA**

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in partial fulfilment of the requirements
for the degree of Doctor of Philosophy

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ABSTRACT

This thesis explores, in theory and in practice, the nature and implications of Canadian women's constitutional activism from the early eighties to the Charlottetown Referendum of 1992. It argues that the contemporary women's movement, through its strategic pursuit of overlapping routes to representation, re-shaped the ideas and practices of representation and those of constitutional politics. To affect constitutional change, feminists drew upon a varied strategic repertoire that altered in relation to modified socio-economic conditions, political opportunities and constraints, and shifting ideas and identity politics configurations. Feminist activism not only was influenced by these structures and ideas, but also influenced them. As a result, women's movement mobilization transformed the constitutional status quo.

Chapter 1 challenges dominant paradigms in political science that deal with representation, representative forms, federalism and constitutionalism. It goes on to critique three approaches to social movement theory and questions leading feminist assessments of the women's movement. Throughout, the argument is made against rigid compartmentalization, dichotomous and deterministic accounts. It is posited that thinking about identities rather than merely interests adds to understandings of representation; that there are multiple routes used in seeking representation; and that we need to consider structure and agency as a two-way relationship.

The subsequent chapters ground these ideas as they outline and assess women's constitutional activism over three periods. The women's movement's pragmatic deployment of tactics and how they shift and change over time are highlighted. Chapter

2 examines the early eighties' experience; Chapter 3 the Meech Lake phase; Chapters 5 and 6 describe and evaluate the efforts of feminist organizations post-Meech to the Charlottetown Referendum.

Chapter 7 offers some conclusions and emphasizes that women's movement struggles have been affected by structures and ideas, but they also have affected them. Therefore, feminist mobilization has engendered constitutional and representational revisions and re-visioning.

ACKNOWLEDGEMENTS

This thesis would not have been written without the guidance, ingenuity and inspiration of Jane Jenson. I am profoundly indebted. I am very grateful for the efforts and encouragement of my readers, Susan D. Phillips and Radha Jhappan, and supporters such as Jon H. Pammett for their help in obtaining awards from SSHRC, Hadassah-Wizo and the CFUW. Warm thanks also to the people who agreed to be interviewed and shared their achievements, materials and insights.

I greatly appreciate the energies of all my friends and colleagues, but would like to mention Denis St. Martin for his integrity and commitment, and Wendy Lerner, Meredith Ralston, Ewen Dickson, and Vicki Wasylycia for being there in the difficult moments. To Mutriba Din, Lisa Jensen, Judy Madge, and the SWAC collective, thanks for boosting my skills, knowledge, and self-esteem.

My family has been an unwavering source of support and assistance. Heart-felt thanks to Sonia McCaul, who has been more than a sister, but my closest friend, and to Vern, Kalina and Emma McCaul, as well as Roma Dobrowolsky, Scott, Alexa and Ben Gilbert, and the Devlin clan. Last, but certainly not least, my gratitude to Richard Devlin for his unconditional faith, care and strength, both emotional and intellectual, that has helped me in ways beyond words, but must be recognized and will always be remembered.

This thesis is dedicated to my mother, Halyna Dobrowolsky, who has struggled long and hard and has given so much to so many, and to the memory of my father, Justyn Dobrowolsky who would never be able to express how much this means to him.

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Chapter 1

Reviewing, Revising and Re-Visioning Representation In Theory and Practice

The contemporary Canadian women's movement,¹ through its strategic pursuit of overlapping routes to political representation, has re-shaped the very ideas and practices of representation. Feminists' constitutional interventions epitomize this capacity. To substantiate this position, this study traces the constitutional activism of national feminist organizations from the disputes over the Charter of Rights and Freedoms in the early eighties, to the October 1992 referendum on the Charlottetown Accord.

The aim of this work is two-fold. First, it serves the practical purpose of documenting and delineating the constitutional struggles of feminist organizations. Due to their efforts in 1981-1982 the equality rights provision in the Charter, section 15, was significantly re-drafted to include a more expansive notion of equality. Moreover, women's mobilization resulted not only in a new sexual equality clause, section 28, but one that was free from the Charter's legislative override, section 33. Then, leading feminist groups voiced their opposition to the Meech Lake Accord and, in coalition with other critics of the agreement, helped to bring about its demise. Women's collective action resulted in a reassessment of some basic principles such as executive federalism,² and even the need for Senate reform, in the subsequent Charlottetown round of constitutional negotiations. Key organizations highlighted the Charlottetown Agreement's limitations and contributed to its defeat in the October 1992 Referendum.

Despite these noteworthy political achievements the women's movement's constitutional endeavours have not been systematically examined. They are mentioned only in passing,³ or are examined in disparate publications which focus on particular constitutional conjunctures.⁴ What is more, leading constitutional accounts tend to provide a uni-dimensional history, where women's movement activism is viewed from the "top down" via institutional, governmentally-focussed and elite-driven narratives.⁵ This inquiry responds to these partial portrayals by providing a contextual account that considers political processes, but also interprets women's constitutional struggles from the "bottom up". It carefully examines the contingencies and complexities of feminist constitutional organizing by assessing the nature and nuances of national feminist organizations' multiple strategies and tactics over time.

Beyond the descriptive contribution and corrective, this study offers a number of conceptual propositions. Analyses of representation tend to be funnelled and channelled down singular, sharply differentiated representational avenues that are compartmentalized in relation to parties, interest groups, or social movements. Women are viewed as "insiders" or "outsiders", using either institutionalized strategies or grass-roots tactics. Such treatments lag behind feminist representational practices and belie the complexities of multiple, inter-connected women's movement struggles which demonstrate that representational forms are more fluid. Women are never completely political "insiders" or "outsiders."⁶ They draw on a plurality of strategies that include: lobbying, working in parties and in the state, intra- and inter-movement networking (i.e. forging connections within the women's movement and outside it with other social movements), educational outreach, and staging marches

and assorted demonstrations. As a result, the women's movement blurs representational boundaries through its use of a strategic repertoire that is broad, varied and changeable.

Strategies shift over time and respond to both the opportunities and constraints of changing socio-economic and political conditions, as well as mutable patterns of ideas and identity politics configurations. Contrary to predispositions in many political, social and women's movement studies, in this account these structural considerations are not perceived to be fixed or determinative. There are fissures and lacunae that open up and are seized and expanded upon by the women's movement. What is more, feminists not only act on such occasions but, at times, create their own opportunities and resources. They can shoulder a variety of tactics, for their repertoire is flexible, it can transform and has the potential to be transformative. Thus, the women's movement is not only influenced by, but also influences socio-economic-political and cultural contingencies and exigencies

Aside from recounting the course of women's constitutional activism, by outlining the movement's adaptive and creative strategies and tactics, this analysis also develops arguments that are relevant to research on: 1) representational ideas and forms; 2) constitutionalism in Canada; 3) social movement theory; 4) the study of women's movements.

I Representation Theorized

The notion of representation used here refers to more than Pitkinesque concepts of "standing for" or "mirror representation" and transcends strictly numerical embodiment in conventional political forms, as with, for example, an

account of the number of women in Parliament or in political parties. However, because Hanna Pitkin continues to be cited regularly as having the authoritative view on the concept of representation,⁸ it would be useful to distinguish the present analysis from that of Pitkin's.

Pitkin presents a four-fold classification of representation (the formalistic authorization view; descriptive; symbolic; and the more accountable, responsive interpretation of representation),⁹ Her goal is to reconcile the "mandate-independence" polarization between whether a representative should be likened to a delegate or a trustee. Her intent is to critique descriptive or mirror representation (when a representative body actually looks like what it represents) and thus, she turns to the process of representation and the virtues of representative institutions. In so doing, Pitkin works from within a liberal democratic paradigm, one that is greatly influenced by J.S. Mill.¹⁰ Her theory of representation is enmeshed in liberal rhetoric that revolves around public institutions, individuals and interests. Following Mill, she writes that representation is about "acting in the interests of the represented, in a manner responsive to them."¹¹ Thus, she concludes her book by defining representation as a "continuing challenge...to construct institutions and train individuals in such a way that they engage in the pursuit of the public interest... ."¹² As a result, she is unable to transcend the discourse of individualism, the commitment to a public/private split,¹³ and an understanding of representation based upon an institutional/non-institutional political divide. For Pitkin, the concept of representation is linked to individual interests and rooted in the public, institutional political realm.

Her theory, with its built-in dichotomies, fails to take into consideration that feminists have engaged in activities and advanced concerns previously excluded from the conventionally conceived of political sphere. In seeking representation they have bridged public and private, civil society and state. Moreover, Jane Jenson submits that there are multiple sites of representational struggle "ranging from political parties, trade unions and other social movements to the various apparatuses of the state, churches, corporations, families and scientific establishments."¹⁴ The women's movement confirms that representation is not limited to the institutional political domain and issues cannot be clearly defined as either public or private. Thus, the notion of representation in the present investigation is based on the premise that there are a number of interconnected representational routes that criss cross institutional/non-institutional political and public/private spaces and theorizations.¹⁵

In addition, Pitkin's individualistic proclivities do not correspond to more varied experiences of representation. For instance, Will Kymlicka points to long-standing patterns of group-based representation in Canada. He notes a political culture that melds notions of individual and collective rights and stresses: "The Canadian political system has never focused entirely on the rights of individuals. It has also recognized the extent to which the interest and identities of individuals are tied to membership in certain groups and hence the necessity of accommodating group differences."¹⁶ Representation is about individuals and groups, interests and collective identity.

Collective identities are integral to the concept of representation articulated here. Identity is viewed as a social construct related to pragmatic practices and real

life struggles. It is therefore, fluid, non-essentialist, plural, and linked to politics.¹⁷

Collective identity can be defined as: "an interactive and shared definition produced by several interacting individuals who are concerned with the orientations of their action as well as the field of opportunities and constraints in which their action takes place."¹⁸ Its formation involves a process that is dynamic, recognizable, relational and involves power.¹⁹ Representation encompasses more than the pursuit of interests; it also entails the construction of collective identity.²⁰

Sociological inquiries that consider collective identity through the study of social movements tend to stress the social, not traditional political domains. When examining the women's movement, then, the "marginality of women's activities is sustained by discussing them separately from what is regarded as normal politics...[This] implicitly disparage[s] the degree of agency and of political involvement of women."²¹ In these analyses, feminist organizations may be seen to be restricted or regulated by conventional political institutions, but they are distanced from them, and do not interact with them in any substantial way.

In contrast, dominant political science analyses have tended to focus on interests, as did Pitkin, and to limit their representational purview to that of political parties and interest groups. Parties are meant to aggregate common interests, and to perform as agents of territorial and social integration.²² Many have argued that because of parties' failure to integrate interests, "interest groups must enter the policy-making arena to supply the detailed claims and expertise that parties cannot or will not commit themselves to."²³

In Paul Pross' classic study of interest or pressure groups, they are defined as "organizations whose members act together to influence public policy in order to promote their common interest."²⁴ Their first and foremost activity is to lobby government.²⁵ The women's movement is subsumed under this representational rubric.²⁶ Pross considers "women's groups, aboriginal groups, and minority groups" to be pressure groups although less established and institutionalized than business interest groups.²⁷ This association is common. In Leslie Pal's studies, for example, feminist organizations like the National Action Committee on the Status of Women (NAC), as well as anti-feminist groups like REAL (Realistic Equal Active for Life) Women are described as representing "the interests of Canadian women."²⁸ The core of the discipline of political science characterizes the women's movement as an interest group, rather than a social movement intent on making fundamental change and its "treatment of women's interests reveals the ambivalence with which the women's movement, historically and today is viewed."²⁹

Increasingly, interest groups have been problematized and labelled "special," thereby denoting a supposedly singular focus and intimating spurious democratic credentials. Interest groups, for example, are accused of usurping the party's position as a "primary" representational vehicle. These connections are made in the Royal Commission on Electoral Reform and Party Financing s (RCERPF) Final Report. It suggests that people have become:

less enamoured with established political parties of all persuasions. They [prefer] to pursue their particular political interests, ranging from environmental causes to the rights of women and minority groups, through single-issue organizations with the sole purpose of promoting a specific cause...many citizens have found that pursuing a single issue

through a single-purpose organization is much more satisfying than participating in a political party, where they would have to accommodate their goals with competing interests.³⁰ (emphasis added)

This quotation reveals the representation of interests axiom, and points to the eschewal of political parties. For the Commission, this party displacement is disquieting. It makes abundantly clear its assumption that interest groups have singular, at best insistent, at worst insular, interest, whereas parties accommodate many interests and thus the latter are "best suited to performing a host of activities essential to representative democracy."³¹

Interest groups have become the scapegoat for the broader representational deficiencies in political parties.³² Similar associations are made by other analysts and the women's movement comes under fire.³³ Feminist organizations are singled out as being narrowly focussed and bent on achieving limited goals to the detriment of democracy.³⁴

Interest group theory does not capture the intricacies of representation. Feminist activism exemplifies the discrepancies involved. Women's groups do lobby and exert pressure to advance their interests. Yet, they have multiple goals for social, political, economic and cultural transformation. Their aim is not to limit, but broaden and deepen representative democracy. Therefore, feminist mobilizing does not correspond to the interest group label.³⁵ The women's movement is a social movement, promoting and fostering a collective identity with the intent of making change. Further, because its strategic repertoire ranges from persuasion and lobbying to mass mobilization, education and direct action, the women's movement's efforts to

gain political regard and responsiveness can be shown to break through the representational confines of parties, interest groups and social movements.

To be sure, although the dominant paradigm has been one of "interests" in political science, with respect to both parties and interest groups, some political scientists have been compelled to recognize the significance of identity politics and social movements. Those who incorporate more interdisciplinary work, and sociology-inspired new social movement formulations in particular, have been more open to the potentialities of identity politics.³⁶ However, they then tend to divorce identity-based collective action from the state and its institutions. Indeed, they elevate the former and virtually eliminate the latter as a possible site for progressive collective action. On the other hand, given the last decades in Canada, those who examine constitutional politics have left us with little choice but to see identity politics debated alongside traditional political institutional concerns. Real life contestation in this area has meant that identity-based collective action can no longer be ignored. It is to this field that we will now turn.

II Identity and Canadian Constitutional Studies

Followers of Canadian constitutional politics initially focussed on territorially-based identities, or class-based identities, in relation to federalism. Gradually, as constitutional contestation by collective actors changed the political landscape, students of mainstream constitutionalism were compelled to deal with a wider array of non-territorial identities, incorporating gender, race, ethnicity, ability and so on, in their analyses.³⁷

Alan Cairns' work provides a clear illustration of this trend. He makes the argument that new identities for women, Aboriginal peoples, and other groups based on ethnicity, language or disability, were prompted by the Canadian Charter of Rights and Freedoms. He writes that the Charter "brings new groups into the Canadian constitutional order and gives them constitutional identities."³⁸ In Cairns' oeuvre, there is the contentious assumption that an institution like the Charter gives rise to identity-based groups. That is, in his institutionalist approach, identities spring forth out of the Charter. This serves to reify and objectify identities, while the Charter becomes subjectified. It denies the unique histories and struggles of numerous collective actors. Women's mobilization, for example, is long-standing and complex and feminist work on the constitutional terrain constitutes only one of many sites of struggle.

Cairns' account is not only institutionally but elite-focussed. From the start, his work has been based upon an elite-mass distinction. In early pieces, he argued that governmental elites monopolized the debate and promoted their own agenda.³⁹ To some extent, this view was nuanced when the Charter took shape with, in Cairns' estimation, "its" host of identities which served as a foil to government power holders.⁴⁰ On the surface, identity-based groups provide a challenge, but because Cairns' analysis is based on an elite/mass schema, all activism boils down to elite accommodation. Citizen group leaders thus become labelled group elites: the Charter generates "a constitutional base for a counter-elite of group leaders"⁴¹ and traditional elites are "joined by elites from the various groups that have received specific constitutional recognition."⁴² Thus, constitutional debates are depicted as elite-

determined and controlled processes. Although Cairns tries to take account of the impact of identities, ultimately it is elites - and politicians in particular - who have power and define the constitutional political programme.

Cairns increasingly worries about the implications of identity politics. He is concerned about the potential for fragmentation and he questions the representative and democratic legitimacy of groups based on collective identity when he asks, "how good are the democratic and representative credentials of those who speak for women, aboriginals and others?"⁴³ It is here that Cairns' formulation slides into interest group discourse as he depicts the emergence of "a host of focused constitutional interest groups that identify with particular clauses and see their task as the protection or strengthening of their niche in the Constitution."⁴⁴ For Cairns, when "Charter-born" identity-based groups become troublesome, he lapses into defining them as special interests.

In addressing identity, Cairns has tried to redress the poverty of the debate on Canadian constitutionalism which has focused on formal institutions, established political practices and traditional elites, on "governments" more than "societies".⁴⁵ However, in the end, for Cairns, governmental elites still "seek to support cleavages most compatible with their own interests."⁴⁶ While he tries to include citizens, his analysis ultimately rests more on institutions and governments.⁴⁷ Thus, while he concedes that not all "changes in how Canadians see themselves [are] results of explicit constitutional change" there are, nonetheless, definite "state-sponsored cues" to this end.⁴⁸ Finally, Cairns' stilted treatment of collective identity and interrogation

of citizen-based groups' representational legitimacy betray his underlying ambivalence towards them.

Reg Whitaker works from less of a purely institutionalist position, but one that merges political economy and political culture formulations. He has departed from his earlier studies that were founded on elitist and class-based formulations.⁴⁹ Whitaker now discusses the role played by a number of un- and under-represented groups who seek "direct public representation (women, gays, old age pensioners, etc) outside the traditional elite structures as well as the emergence of issue oriented... 'public interest' groups (economy, peace, pro- and anti-abortion, and so on)."⁵⁰ Although he uses mixed terminology (designations range from "minorities" and "marginal groups" to "the people") Whitaker basically points to the potentialities of collective identity mobilization in relation to constitutionalism.⁵¹ For example, he finds the popular activism around the Charter against the "conspiracy of first ministers...heartening."⁵²

At first blush, Whitaker is supportive of identity-based groups for their capacities to challenge traditional elite structures. Yet, he begins to reconsider the implications of these "fragmented democratic publics" as he worries that the democratization process "has yet to find its appropriate institutional forms."⁵³ It is here that Whitaker, like Cairns, begins to make disparaging comments regarding the emergence of "issue-oriented interest groups" which, he claims, put a strain on traditional forms of elite accommodation.⁵⁴ He writes, "[w]hile the Charter sparked significant popular mobilization, ...[it] was almost entirely around special interests and particularist identities. What united people about the Charter was what divided them as Canadians."⁵⁵ In other words, beyond theoretical musings, when real-life

collective action contests institutional boundaries and legitimacy, it is considered fractionalizing, disruptive and problematic.

As a result, in these leading constitutional narratives, identity-based groups either spring from institutions or they are awkwardly incorporated.⁵⁶ Ultimately, when they become too much of a challenge and confuse the institutional/non-institutional status quo, they are deemed fragmenting, and are deprecated through the invocation of interest or special interest group discourse. While both Cairns and Whitaker acknowledge the significance of identity politics, in the final analysis, organizations that mobilize on the basis of collective identity are portrayed less than favourably vis-à-vis representation, for they become more than irksome, they undermine the traditions of representative democracy.⁵⁷

Identity-based groups need not always produce fragmentation and, even if they do, this does not have to entail a purely negative dimension. This work will examine how temporary coalitions co-ordinate organizations with multiple identities and interests, and how efforts are made to build consensus. Of course, alliances are never fixed, and are seldom without tension and conflict, but this is not necessarily destructive. Organizations based on identity shift in their forms and their allegiances change, creating both opportunities and constraints.

Constitutional study requires an approach that transcends conventional strictures that are institutionally and elite-generated. This inquiry, therefore, endeavours to map out how the constitutional activism of the women's movement has drawn on multiple strategies that are creative and adaptive and provide

representational alternatives. In short, this investigation interrogates numerous constitutional/institutional taken-for-granted.

III The Pros and Cons of Social Movement Theory

The present orientation responds to more sociology-inspired social movement analyses. However, social movement theory is not without its limitations. The promises and pitfalls of European new social movement (NSM) approaches on the one hand, and American resource mobilization (RM) and political opportunity structure (POS) frameworks on the other, have been thoroughly explored and will not be repeated in detail here.⁵⁸ It is important, however, to make some general observations in order to situate the present study.

The NSM approach tends to define social movements as outside of the traditional political realm,⁵⁹ and it stresses structural determinants, and collective identity formulations.⁶⁰ Social movements are typically characterized as engaging in unconventional, disruptive actions, and therefore distinct from conventional political forms like parties and interest groups, and distanced from the state. In other words, they have outsider status divorced from mainstream institutions.⁶¹

In contrast, RM focuses on organizational imperatives, networks and resources, and, at times, engages in rationalistic cost-benefit analyses.⁶² Here, social movements are not dramatically different from interest groups. They are moulded by organizations which were engaged in the logical selection of strategies and tactics. Organizational aspects are pivotal, and ideological aspects are down-played. Considerations of political process are not pronounced.

The POS approach grows out of the latter failing.⁶³ Its main assumption is that collective action is best understood in relation to formal political structures and processes.⁶⁴ In contrast to NSM and RM, the political focus of the POS perspective requires that the relations between social movements, parties and interest groups be made explicit, which is why it will prove useful for the current analysis. A major shortcoming of POS is that it pays insufficient attention to less tangible NSM considerations such as identity, ideas, consciousness, and solidarity. Relatedly, and equally problematic, is POS' tendency to have a causal arrow run from political institutions outward. That is, political opportunities inspire collective action.⁶⁵ In this way, collective actors merely react to political contingencies.

More recent social movement conceptualizations try to reconcile these limitations and fill in the gaps. Sidney Tarrow, known for his encompassing POS framework, engages in a concerted effort to address the lacunae and determinative aspects in POS analyses. Thus, he now writes, that "leaders can only create a social movement when they tap more deep-rooted feelings of solidarity and identity."⁶⁶ Tarrow also admits that movements have the potential to create opportunities for themselves,⁶⁷ but, ultimately, his basic argument is still that "changes in the political opportunity structure create incentives for collective action,"⁶⁸ transform "mobilization potential into action"⁶⁹ and explain why movements gain leverage against elites.⁷⁰

Increasingly, followers of RM and POS attempt to examine the cultural dimension in relation to social movements. However, in many cases, culture becomes as determinative as the organizational characteristics or political preoccupations that preceded it. In a collection that confronts the culture question for social movement

theorization.⁷¹ Gary Alan Fine argues that the proposals, tactics, and organization of a social movement are responsive to cultural pressures and themes. The culture (norms, values, traditions, and artifacts) influences what social actors define as legitimate; it defines the framing of the movement.⁷²

The approach taken in my research acknowledges the significance of resource mobilization (RM) and political opportunity structure (POS) foci for understanding the origins, organization and strategies of social movements, plus, the political context in which they operate. It also draws on the insights of new social movement (NSM) analysis in recognizing the constraints of structural determinants, and potential opportunities afforded by them, in addition to incorporating an appreciation of the influences of changing ideas and identities. Therefore, this study proceeds with an assessment of the relations between the following: socio-economic forces; political circumstances; organizational features; ideas and identities.⁷³

However, the current contribution lies in examining the relations between various institutional and non-institutional, representational strategies. It critiques the dichotomous reasoning that underpins leading perspectives on social movements, in general, and the women's movement, in particular. The aim, then, is to reinforce the notion that women's movement actors have worked from both "within" and "without", reflecting both the mutability of identities and an ever changing political, economic and cultural environment. This serves to establish my position that the women's movement in Canada has performed a seldom studied, but nonetheless critical, linking mechanism across representational forms.

My departure from the social movement literature also comes with the recognition that movements not only respond to structures, to political opportunities, socio-economic conditions, and cultural norms, but they also create opportunities for themselves and others.⁷⁴ This is done by the women's movement through mobilizing its social and political networks, creating space for other movements, forming coalitions, meeting with party and state officials, and confounding representational boundaries in its efforts to achieve some form of political recognition if not responsiveness. In these ways, I argue that the women's movement creates a multifaceted, constitutive, representational complex.

Since this account eschews rigid compartmentalization, dichotomous categorization and uni-causal explanations in describing the form and actions of the Canadian women's movement in its efforts to affect constitutional change, it stimulates a reassessment of a number of leading paradigms in the political science, sociology, as well as in feminist theorizing.

IV The Women's Movement in Theory, Informed by Practice

Feminist analysts have categorized women's movements in various ways. Comparative studies indicate that women's movements can take a number of differentiated strategic paths. Yet the Canadian women's movement seems to defy these broad generalizations.⁷⁵ Those who focus specifically on the Canadian case recognize the movement's hybrid form and multiple strategies. However, these treatments still tend to be dichotomous and determinative. That is, strategic choices appear as stark opposites, and causal arrows seemingly run from various structural

considerations, from socio-economics to politics and culture, depending on the study, defining the shape and tactical directions pursued by the movement.

For a start, in the comparative literature the party-identified route, where major elements of the women's movement become subsumed under left-leaning parties, as with the Labour/Labor parties in Britain and Australia, respectively, is not a defining characteristic of the movement in Canada.⁷⁶ While the Canadian women's movement has forged crucial alliances with the CCF/NDP/labour movement,⁷⁷ the relationship is more one of coalition partners than single party affiliation. The women's movement in Canada is multi-partisan, and women establish cross-cutting, party/movement networks. Even though there are ongoing tensions arising from extra-parliamentary versus parliamentary representational routes (and these have been well documented⁷⁸), there is also a long history of overlapping affiliations.⁷⁹

Secondly, the Canadian women's movement does not sit as comfortably with the "interest group" orientation, which is sometimes used to characterize the tactics of the American women's movement. The women's movement in the United States, although wary of state ties, has nonetheless lobbied the state for various reforms.⁸⁰ In contrast, as Marjorie Griffin Cohen evocatively describes, for many Canadian feminist activists:

The whole concept of "lobbying" conjures up images of insiders (well-clothed, expensively shod people with good haircuts) meeting over drinks to cajole politicians into supporting their cause. This approach assumes that there is some common interest over which the politicians and lobbyists can agree, that it is up to the lobbyists to show, through reasoned argument and subtle threats, how any change in current policy will be in the politicians interest. Not surprisingly, this approach repelled many women who do not want to rely on feminist elites to bargain for them with government and who felt that the strategy of

reasoned argument would not take the movement in the revolutionary directions it needed to go.⁸¹

Although the "interest group" label does not correspond to the needs and goals of the women's movement, and its invocation increasingly betrays an ideological agenda,⁸² it is also undeniable that many Canadian women's organizations have concerted on lobbying strategies, whether these entail requests for movement funding or modifications in political regulations, from social welfare and reproductive controls to constitutional change.⁸³ The women's movement in Canada has engaged in "lobbying with a difference."⁸⁴ Not only do some key actors take part in interest group-like behaviour such as presenting briefs and meeting with politicians, but these tactics are often used in a way that causes confrontation, attracts media attention, and gains public notice. The women's movement's pro-choice activism provides an apt illustration.⁸⁵ This adds an educative, provocative, mobilizing, social movement layer to the conventional, interest group lobby.

The Canadian women's movement, furthermore, has ambivalent relationships with traditional political processes. Due to the inadequacies of conventional political forms, the Canadian women's movement has mobilized from without, and lobbied with a difference, to bring about change. Nonetheless, it has also worked from "within", engaging the state and its institutions, thereby transcending the inside/outside divide.

For example, feminist interconnections with and inroads into the Canadian state have been long standing⁸⁶ and noteworthy.⁸⁷ The women's movement in Canada has not ruled out the efficacy of state action and, as Jill Vickers outlines, a

"commitment to the ordinary political process is central to its values."⁸⁸ Indeed, a large number of women's movement organizations have relied upon governmental funding through such sources as the Secretary of State Women's Program. Even the most radical groups have availed themselves of government grants, muddying the boundaries of autonomous organization and state connection. In addition, the input of femocrats (i.e. feminists within the bureaucracy) is a significant, if under-acknowledged, aspect of the women's movement in this country.⁸⁹

Still, the state route is not all-consuming. For feminists in Canada, state-focussed activism is not the only alternative. It offers one of many intertwined paths to bring about change.⁹⁰ Public policy and state-oriented work is only part of the women's movement agenda. Therefore, a final comparative model that does not quite fit with the Canadian context is that of the state feminist experience akin to some Scandinavian countries,⁹¹ or the extensive femocracy experiment in the Australian context.⁹² With this model, the state becomes a focal point and it all too often shapes feminist directives. In Canada, the women's movement's representational boundaries are neither clearly defined, nor are they de-limited to state structures. The areas of political contestation, the strategies and struggles for feminist organizations change over time.

Feminist research on the women's movement in Canada acknowledges organization from within and without. Yet there is a marked tendency to separate these strategies. For instance, initiatives taken by women to institutionalize or work on the "inside" necessarily indicate tendencies of de-radicalization and/or co-optation.⁹³ Linda Carty and Dionne Brand write, "state-initiated, funded and

supported organizations of any hue necessarily carry out state aims."⁹⁴ This is the position taken by a number of feminist researchers, and it has been outlined in great detail by Nancy Adamson, Linda Briskin and Margaret McPhail in their book, Feminist Organizing for Change.⁹⁵

Adamson, Briskin and McPhail describe an institutionalized/grassroots feminist distinction that then fosters similarly dichotomous strategic choices: mainstreaming versus disengagement.⁹⁶ In broad strokes, they criticize "institutionalized" feminism for conforming to traditional structures and practices, and commend grassroots mobilization, in general, and their version of socialist feminism, in particular. While their careful examination of the work done in the "grassroots" and the contributions made by socialist feminists provides an important corrective to studies of feminist organizing that have overlooked or insufficiently studied these aspects of the Canadian women's movement, Adamson et al's categorization and compartmentalization similarly underplay the complexities of the movement and its strategies. Even though the authors caution, "theoretical labels do not always offer a very reliable basis for determining which tactics are used by, or appropriate for, different currents"⁹⁷ and they admit that "the separation between the practices of different currents is neither as extreme nor as rigid as this approach tends to suggest"⁹⁸ in the end they succumb to these tendencies.

Many women's groups cross new/old, grassroots/institutionalized divides just as they embrace numerous feminist philosophies (including liberal, socialist and radical⁹⁹), encompass diverse identities and constituencies (women of different colours, ethnicities, classes, sexual orientations, ages, abilities, languages and so

on¹⁰⁰) and they articulate their various needs and goals in different ways, adapting to changing conditions. As current research on the American women's movement demonstrates, the institutionalized/grassroots or, more aptly in the American case, the reform/radical split is seldom clear cut.¹⁰¹

In Canadian studies of late, a nuancing of Adamson et al's position is in evidence. For example, Jill Vickers' political cultural notion of "radical liberalism" (more on this below), represents an attempt to synthesize institutionalized and grassroots organizing.¹⁰² Moreover, while Marjorie Griffin Cohen defines the division between the two, she also recognizes their inconsistencies:

dealing with legislative change and focusing on the actions of government is often characterized as the objective of liberal, institutionalized feminism, while community-based organizations operating as collectives, with consensus decision-making, and "reaching out to women on the street" are associated with radical and socialist feminism. But the exceptions and overlaps are too common for these distinctions to work well.¹⁰³

Nevertheless, many feminist analysts continue to draw on such categorizations. In Sherene Razack's account, women who challenged the constitutional order are described as coming from "the feminist sector often described as mainstream or institutionalized feminism, the sector in which well-established national women's groups engage in lobbying for reform of existing social institutions."¹⁰⁴

To be sure, some Canadian feminist organizations are more established and institutionalized and therefore, in general, they do shy away from radical, "direct action" type tactics.¹⁰⁵ But, at the same time, these lines of demarcations often fade at different times and in different contexts. For example, in the estimation of Adamson, Briskin and McPhail, Carty and Brand, and Razack, the National Action

Committee on the Status of Women (NAC) represents a highly institutionalized, mainstream organization. Yet, in other characterizations, NAC has been described as taking "militant positions."¹⁰⁶ Indeed, it is difficult to imagine NAC as a "conduit of legitimation" and "an arm of the state...expected to endorse mainstream government policies"¹⁰⁷ given its involvement in the following protests: storming the Canadian Parliament buildings;¹⁰⁸ contesting state feminist initiatives such as the Panel on Family Violence, or the Royal Commission on Reproductive Technologies; and condemning key government platforms from FTA/NAFTA to the Charlottetown Accord. The contradictions between the theory and the practice immediately become apparent when changing circumstances are taken into consideration.¹⁰⁹

It is important to recall that so-called "established", "institutionalized" labels tend to denote umbrella groups and/or pan-Canadian organizations. These organizations usually comprise heterogenous sub-groupings and work in coalition with "grassroots" groups. This, in itself, serves to blur the lines between reformist and radical. Further, it is not uncommon for feminists in Canada to wear a variety of activist "hats"; their identities are not fixed in time,¹¹⁰ they have multiple allegiances, they work for and in an array of political organizations dedicated to bringing about change.¹¹¹ In sum, the distinctions between grassroots and institutionalized, new and old, radical and reformist are continually challenged.

Canadian feminist frameworks drawing on predominant social science models also succumb to the tendency to focus on a limited number of explanatory, often determining, variables.¹¹² For example, while economics and ideology play a crucial part in Adamson et al's socialist feminist-inspired analysis, the roles of traditional

political institutions, beyond their capability to co-opt, are not examined in sufficient detail. This is a common failing in many feminist theories: they recognize the relevance of the state and its institutions, but few examine the intricate political connections running to, from and throughout the state and the women's movement in Canada.¹¹³ As a result, the representational implications of these relationships remain unexplored.

Sylvia Bashevkin's research provides a noteworthy exception. In a recent work she evaluates the political opportunity approach and considers shifts in political patterns and discourse, and to some extent, socio-economic change, in comparing the effects of neo-conservatism under Mulroney, Reagan and Thatcher.¹¹⁴ This provides a more complex framework. Yet, Bashevkin still does not take into account the relevance of collective identity. In another article, identity politics receive a one line mention.¹¹⁵

Jill Vickers, Pauline Rankin and Christine Appelle's book on the National Action Committee on the Status of Women (NAC) also offers a broader approach where ideology and politics, or more accurately in their terms, political culture and the state are seen as central determinants in explicating the form and content of the current Canadian women's movement. They write: "Women's movements are profoundly affected by the political culture in which they develop and by the nature of the state regime during key periods of their development."¹¹⁶ Political structures become a crucial consideration because the authors' argument is that "women's movements are shaped by the states to which they relate and by the political culture associated with those states."¹¹⁷ In brief, the Canadian's women's movement has been

circumscribed by what they describe as a political culture of "radical liberalism" which, in turn, is an outgrowth of the Canadian political process.¹¹⁸

Their study is typical of feminist scholarship in that women are recognized as being more than just "another interest."¹¹⁹ At the same time, one of the main objectives of their book is to situate feminist activism according to traditional political science constructs drawn from structural functionalism. Thus, while NAC is not conceived of as reflecting merely an "interest", Vickers, Rankin and Appelle point out that NAC functions in "bringing together (aggregating) and expressing to the federal state (articulating) the views of women represented by its member organizations."¹²⁰ These familiar structural-functionalist terms are conjoined with another political science preoccupation, the concept of political culture. To remedy the limits of the POS framework, they stir in political cultural considerations arguing that NAC has been molded by both political institutional and political cultural forms. The problem with this is that they rely on a static and somewhat deterministic concept like political culture to ameliorate some of the deficiencies of the POS model. Ultimately, they share a similar problematic: the movement responds not only to the power of political institutions, but also reacts to a fixed political culture.

V Beyond Either/Or and Causal Determination

My contribution provides a departure by examining the mutually-reinforcing aspects of feminist strategizing and positing that causal arrows run both ways: the movement is influencing in addition to being influenced by dominant political ideas and institutional forms. This study moves beyond feminist theorizing that treats the state and other structures as omnipotent and singularly oppressive. Here it will be

shown that the women's movement has sought out political opportunities, albeit in various contexts of constraint. Thus, it explores and assesses the impact of feminist organizing on structures and ideas.

Additionally, I take identity politics more seriously. Politics here encompasses ideas, institutions and the construction of collective identity.¹²¹ This also offers a more agency-centred approach and one that is more attuned to changing political opportunities and constraints.

Both Jenson and Phillips have pursued these considerations. To elaborate, according to Jane Jenson, identity politics involve the struggle by groups and individuals to make their concerns appreciated, acknowledged and acted upon.¹²² The construction of identity interrelates with notions of agency, for through self-naming individuals and groups can generate political action, and, ideally, engender solidarity and empowerment.¹²³ Of course, macro forces can also influence the construction and adoption of collective identity.¹²⁴ Thus, Jenson differentiates between being "self named," reflecting seized opportunities and being "outside-named," acknowledging political and economic power.¹²⁵ The significance here is that groups challenge traditional ideas and institutions as much as they are shaped by them.¹²⁶ An understanding of collective identity, therefore, adds considerably to a framework which seeks to delineate movement activism.¹²⁷ As a result, an appreciation of shifting organizational identities, as well as socioeconomic, political and cultural forces, makes manifest the nexus between agency and structure, and fosters an analysis of politics from the bottom up while contemplating the more conventional top down approach.

In my view, the concept of collective identity provides a compelling alternative to rigid notions like those of political culture, for example. Despite the mutability and transience of identity politics, it provides a catalyst and a persistent stimulant to mobilization. Identity politics are action oriented because they are grounded in struggle and reflect power relations. These relations involve not just power over, but power to, that is, power to create opportunities and to make change.

It is also important to steer clear of the dichotomous theorizing that is often imbedded in identity politics theorizations.¹²⁸ To illustrate, Susan Phillips clarifies the distinction between organizations geared toward the representation of interests, such as parties, unions and some interest groups and those devoted to the representation of collective identity, such as social movements. She goes on to explain, "the politics of identity are more intrusive or enveloping than the more limited pursuit of identification with an external, objectified interest... The politics of identity are reflexive and require a person to name herself, not simply to articulate an interest."¹²⁹

Phillips acknowledges the presence of multiple representational forms, in parties, interest groups and social movements. In contrast to deprecating tendencies mentioned earlier, in Phillips' estimation, social movements complement the party system. For pragmatic purposes, however, given the dominant disparagement of special interests, she seeks "to differentiate NSMs" and views them as a "distinctive category of political phenomena."¹³⁰

With my analysis of the women's movement, I argue that the interest/collective identity dichotomy, while theoretically useful (and, of late, politically tactical), in practice, may be more apparent than real. In fact, the many

manoeuvres of the women's movement undercut the distinction resulting in a complicated matrix of institutional/non-institutional representational connections. Political parties, interest group tactics and social movements strategies are all enlisted in feminist organizing, although emphases change under varying circumstances. Consequently, the women's movement embodies a structure that melds representational forms. A study of the women's movement's alterable repertoire in relation to constitutionalism helps to demonstrate that feminist activism is not only reactive, but can create opportunities, and can affect change.

VI Summary

Representation is about identity and interests. Contrary to trends in both political science and sociology, with the former's focus on political parties and interest groups, and the latter's study of social movements, the point is made that the women's movement differentially relates to, and sometimes overlaps with, these types of representational forms depending on a particular temporal and contextual location. Much of the women's movement's work affects and fuses the concerns of state and civil society.

In contrast to binary feminist portrayals, actors in the women's movement will be shown to employ versions of traditional strategies like lobbying and/or working in political parties and in the state, in addition to less conventional approaches from developing interpersonal networks, grassroots projects and services, to engaging in direct action, staging demonstrations and orchestrating protest.¹³¹ While certain organizations may prioritize particular strategies over others, many groups use various tactics in combination, at different moments. Moreover, even a seemingly

strategically uni-dimensional group has to diversify its ways and means in certain situations. This is particularly the case when women's groups are compelled to work in coalition with others. Hence, it will become evident that the women's movement seeks out various, inter-connected routes to representation.

Multiple, mutually reinforcing, factors more comprehensively explain the changes in the women's movement strategies over time. As a result, modifications in socio-economic configurations, changing political opportunities and constraints, as well as collective identities and ideas, shape movement strategies. Structural outcomes not only affect, but are affected by, the actions of individuals and groups, and the terrain of struggle shifts over time. Thus, the specificities of a particular women's movement, its roots, organizational connections, the ongoing links that are made throughout its existence become very important, as is its mobilization of collective identity. All of these elements, in concert, must be examined in order to comprehend the complexities of feminist constitutional activism. The goal, then, is to demonstrate that the contemporary women's movement in Canada, by incorporating and connecting various representational forms, provides an important consolidational feature in representation and to emphasize that structure and agency reflect a two-way relationship.

VII Framework and Methodology

The foregoing theoretical framework is illuminated by a study of the contemporary constitutional struggles of national feminist organizations. The chapters that follow help to ground the conceptual propositions discussed above. Chapter 2 identifies the actors involved by way of an overview of the shape, forms,

constituencies and context of the contemporary women's movement in Canada and indicates how and why the women's movement could have the capacity to influence the constitutional status quo. Chapter 3 focuses on the early eighties' constitutional struggle and how women from "within" and women from "without" made use of multiple and intersecting representational forms to ensure that equality rights for women were entrenched in the Charter. Feminists' strategic repertoire included lobbying and securing insider support and resources, but also involved mass-based mobilization. In Chapter 4, women's transforming strategies are outlined as reactive politicking predominated in the Meech round, and then, gradually, took on a more coalitional and collaborative tenor. Chapter 5 reviews the constitutional work undertaken in the post-Meech period leading to the referendum on the Charlottetown Accord. Chapter 6 analyses how the women's movement in the "Canada Round" context took a more pro-active role, and once again drew on multiple strategies, but this time focussed on more typical social movement preoccupations. Chapter 7 offers a number of concluding observations and assessments.

The research in this study incorporates many sources of data, beginning with academic books and articles, as well as popular periodicals and alternative feminist publications that deal with contemporary representation, the women's movement and Canadian constitutionalism. Moreover, to facilitate an understanding from the "bottom up", numerous feminist individual and group submissions and presentations to various constitutional commissions and committees have been scrutinized, as well as a plethora of documents, including pamphlets, clippings, organizational publications and newsletters, in public and private collections. The National Library,

National Archives and Women's Movement Archives provided useful background information. The private papers and files of Marilou McPhedran, Anne Molgat and Nancy Ruth were invaluable in fleshing out important details and in making pivotal connections.

In addition, this work benefits greatly from a series of interviews carried out in 1995-1996 with key feminist activists involved with national feminist organizations during the constitutionally relevant periods, including heads of organizations, staff persons and volunteers. In addition, discussions were arranged, in person and over the phone, with people who could assist in mapping out inter- and intra-movement networks, more generally. In total, twenty-four interviews were conducted (See Appendix 1). The majority were one-on-one encounters, with two exceptions. A group interview was arranged to facilitate the discussion with a number of women from the Ad Hoc Committee of Women on the Constitution, and two women from Native Women's Association of Canada (NWAC) were interviewed at the same time. Most of the interviews were tape recorded and transcribed. All of the respondents agreed to the full disclosure of their names.

Interviews were conducted keeping in mind feminist research methodology, with for instance, an open, interactive, dialogic manner that required self disclosure on the part of the researcher. This approach has a number of advantages. First, open-ended interviews can be likened to "structured conversations," although the interviewees are talking more than the interviewers.¹³² Here interviewees are not treated as "objects" but as informants and experts.¹³³ Moreover, the emergence of new questions and even digression are welcomed.¹³⁴ Second, self-disclosure

encourages reflexivity on the part of the researcher, where the researcher becomes more aware of her own biases and background.¹³⁵ This respect for the participant and reflexivity on the part of the researcher facilitates a closer relationship between the two, which ideally allows for new questions to emerge and engenders a broader spectrum of responses. The hope is that this method of interviewing is "honest, morally sound and reliable...it treats the respondent as an equal, allows... her to express personal feelings...[and it ultimately] presents a more "realistic" picture than can be uncovered by using traditional interview methods."¹³⁶

In keeping with many of these considerations, pre-established questions were not formulated. Instead an aide memoire, or interview guide, was used.¹³⁷ (See Appendix 2). This provided an overview of topics to be covered in the interview in a manner that was both flexible and investigative, but in a way that did not presuppose answers.

As a final point of clarification, due to the breadth and depth of the women's movement in Canada, I have not studied many aspects of women's constitutional mobilization. I limit my scope, primarily, to national organizations that have organized for constitutional change at the federal level, with a few exceptions. Most of these groups have offices in either Toronto or Ottawa, and interviews, on the whole, were limited to these cities. This obviously reflects a glaring central and English Canadian bias. As a consequence, this work provides only one interpretation of women's constitutional activism, and there are countless other regional, provincial and local variations to explore and elucidate.

In the early stages of constitutional mobilization, the national organization approach was relatively straightforward, but it became more complicated when women's groups created ad hoc coalitions, lobbied provincial targets, strove to mobilize beyond the ranks of their membership, and when the government attempted to hear from "ordinary Canadians", when women who were not necessarily, or explicitly, affiliated to feminist organizations were provided with a forum for their views. Thus, these tendencies will be noted but, for the most part, I will restrict my analysis to broadly-based, pan-Canadian organizations with a few particularly relevant exceptions, such as the Fédération des femmes de Québec (FFQ), an umbrella group with nationalist aspirations.

It is also important to stress that the centrality of key women's groups varies over time. For instance, the National Action Committee on the Status of Women (NAC) played a pivotal part in the Charlottetown negotiations, but, due to internal difficulties, its role had not been as fundamental in the early eighties.¹³⁸ Similarly, the considerations and critiques of Quebec feminist groups and Native women's organizations tended to be subsumed in the first round of constitutional positioning. However, the strategic responses of groups such as the FFQ, particularly in the Meech Round, and NWAC, especially in the Charlottetown Round, have shaped, fundamentally, constitutional strategies and outcomes, in crucial times and places.

VIII Concluding Comments

Current representational theories are inadequate. Yet, in contrast to anti-representational postmodernists,¹³⁹ I believe that representation matters. It is important to re-vitalize thinking on representation, especially when it is informed by

political practice. This thesis advocates a broader and deeper understanding of representational theories and practices because it is grounded in a respect for human agency. In particular, it aims to highlight women's representational struggles, uncover what has been concealed, and correct what has been misinterpreted with regards to the contingencies of feminist activism and how it crosses and re-crosses representational boundaries. However, while this analysis celebrates the seizing of opportunities for progressive, pragmatic, political praxis, it is also cognizant of the intersection of choice and constraint. By documenting, exploring and analyzing this relationship with respect to the representational strategies of feminist organizations in the area of constitutionalism, my ultimate aspiration is to affirm and advance women's struggles, and to encourage emancipatory endeavours more generally.

END NOTES: CHAPTER 1

1. Using the term "the women's movement" in the singular is controversial given the diversity of the movement's constituent parts, its complexity and heterogeneity. Women's movements, in the plural, is more accurate. See, for instance, Phillips' network analysis of Canadian women's organizations. Susan Phillips, "Meaning and Structure in Social Movements: Mapping the Network of National Canadian Women's Organizations," Canadian Journal of Political Science 24:4 (December 1991). However, for the purposes of simplicity and clarity I will use the singular form with the implicit recognition that it denotes multiple components, and an array of interests and identities.

2. This term was coined by Smiley and he briefly defines it as: "the relations between elected and appointed officials of the two orders of government in federal-provincial interaction." See Donald V. Smiley, Canada in Question, 3rd ed. (Toronto: McGraw-Hill, Ryerson, 1980), 91.

3. In general, this is the treatment of feminist organizing around the constitution in mainstream political science. Leading constitutional scholars will note its relevance, but fail to provide a sustained examination. Women are typically "minor players." For example, Russell briefly mentions in reviewing the Meech Lake period, that the "major players in the constitutional process, the first ministers and their advisors, did not realize how much the conditions of constitutional politics in Canada were changing. They did not appreciate how seriously those groups of what Alan Cairns calls 'Charter Canadians,' especially women's groups, aboriginal groups, and the multicultural community, took their recent enfranchisement as constitutional players." See Peter Russell, Constitutional Odyssey: Can Canadians Become a Sovereign People? (Toronto: University of Toronto Press, 1993), 134.

4. Consider the following, mostly articles, in diverse studies and collections. On the early eighties experience, see Penney Kome, The Taking of 28: Women Challenge the Constitution (Toronto: Women's Press, 1983), and Chaviva Hosek, "Women and the Constitutional Process," in Keith Banting and Richard Simeon eds., And No One Cheered (Toronto: Methuen, 1983), as well as Sandra Burt, "The Charter of Rights and the Ad Hoc Lobby: The Limits of Success," Atlantis 14:1 (Fall 1988).

On Meech in particular, see Beverley Baines, "Gender and the Meech Lake Committee," Queen's Quarterly 94:9 (Winter 1987); Beverley Baines, "Women's Equality Rights and the Meech Lake Accord," Saskatchewan Law Review 52:2 (1988); Kathleen Mahoney, "Women's Rights," in Roger Gibbins ed., Meech Lake and Canada: Perspectives from the West (Edmonton: Academic Printing, 1988); Barbara Roberts, "Smooth Sailing or Storm Warning? Canadian and Quebec Women's Groups and the Meech Lake Accord," Feminist Perspectives (Ottawa: CRIA/ICREF, 1988); articles in Katherine Swinton and Carol Rogerson, eds., Competing Constitutional Visions: The Meech Lake Accord (Calgary: Carswell,

1988); Mary Eberts, "The Constitution, the Charter and the Distinct Society Clause: Why Are Women Being Ignored?" in Michael Behiels ed., The Meech Lake Primer: Conflicting Views of the 1987 Accord (Ottawa: University of Ottawa Press, 1989); and Mary Eberts, "The Charter and Meech Lake: A Negative View," in Gerald A. Beaudoin ed., As the Charter Evolves (Cowansville: Les éditions Yvon Blais, 1990).

Later studies include: Lise Gotell, "The Canadian Women's Movement, Equality Rights and the Charter," CRIAW/ICREF paper No.16 (Ottawa: CRIAW/ICREF, 1990); A. Anne McLellan, "Women and the Process of Constitutional Reform," A Discussion Paper Prepared for the Alberta Advisory Council on Women's Issues (May 1991); Beverley Baines, "The Ms/Representation of Gender in Scholarly Spaces," in David E. Smith, Peter MacKinnon and John C. Courtney eds., After Meech Lake: Lessons for the Future (Saskatoon: Fifth House, 1991); the articles in David Schneiderman ed., Conversations Among Friends/Entre Amis: Proceedings of an Interdisciplinary Conference on Women and Constitutional Reform (Edmonton: Centre for Constitutional Studies, 1991); and Melissa H. Haussman, "The Personal is Constitutional: Feminist Struggles for Equality Rights in the United States and Canada," in Jill M. Bystydzienski ed., Women Transforming Politics: Worldwide Strategies for Empowerment (Bloomington & Indianapolis: Indiana University Press, 1992).

The sole analysis of feminist activism from the early eighties to Charlottetown has been written by Vickers, and it only deals with Charlottetown very briefly. See Jill Vickers, "The Canadian Women's Movement and a Changing Constitutional Order," in International Journal of Canadian Studies/ Revue internationale d'études canadiennes 7-8 (Spring/Fall, 1993).

5. This will be discussed in more detail below in relation to the constitutional scholarship of Alan Cairns and Reg Whitaker. But these tendencies are also indicative of others. For example, Stevenson argues that Canadian constitutional politics "is managed and the outcomes determined by governments, not by academics, interest groups or opposition parties," and this, in spite of the fact (he notes once in a fleeting reference) that feminist and Native groups "lobbied strenuously" in the early eighties. See Garth Stevenson, Unfulfilled Union: Canadian Federalism and National Unity, 3rd ed., (Toronto: Gage, 1989), 262 and 258, respectively.

Russell discusses both political institutions and political culture, but ultimately it is the constitution, an institution, that changes our political temper. See, for example, Russell, Constitutional Odyssey, chapters 1 and 2. Moreover, Russell despite his support of the Charter for creating openings for "interest groups" (he writes the Charter "provides a new kind of opportunity for interest group activity" see Peter H. Russell, "The First Three Years in Charterland," Canadian Public Administration 28:3 (Fall 1985), 369) also has defended less open, traditional political mechanisms like executive federalism. See Peter H. Russell, "Meech Lake and the Supreme Court," in Katherine Swinton and Carol Rogerson eds., Competing Constitutional Visions (Agincourt: Carswell, 1988), 100. Therefore, with the Charlottetown experience, Russell points out that while progress made to get the people involved would "cheer" those "thoroughgoing democrats", but the "difficulty

with this kind of democratic rhetoric is that it is deceptively simplistic." He comments with a note of apprehension, "the genie is clearly out of the bottle, and it is most unlikely that this generation of political leaders can put it back." See Russell, Constitutional Odyssey, 6. Ultimately, Russell appears to defer to conventional political institutions and traditional political decision makers.

6. Staggenborg makes this point in relation to the pro-choice movement in the United States. However, she situates her analysis with respect to resource mobilization and political opportunity structure frameworks. Thus, for Staggenborg, organizational form and cycles of protest determine strategies, whereas my account is more complex. My conceptual positioning will be elucidated below. See Suzanne Staggenborg, The Pro-Choice Movement: Organization and Activism in the Abortion Conflict (New York: Oxford University Press, 1991).

7. While other social movement's may also pursue multiple paths to representation, this study exclusively examines the contributions of the women's movement.

8. Smith draws on Pitkin's critique of mirror representation in: Jennifer Smith, "Representation and Constitutional Reform in Canada," in David E. Smith, Peter MacKinnon, John C. Courtney eds., After Meech Lake: Lessons for the Future (Saskatoon: Fifth House, 1991). Kymlicka also considers Pitkin in relation to mirror representation. See Will Kymlicka, "Group Representation in Canadian Politics," in F. Leslie Seidle ed., Equity and Community: The Charter, Interest Advocacy and Representation (Montreal: Institute for Research on Public Policy, 1993), 66-69. Seidle refers to Pitkin's "brilliant book" in reference to Canadian disputes over representation. See F. Leslie Seidle, "The Angry Citizenry: Examining Representation and Responsiveness in Government," Policy Options (July-August, 1994), 76. Pitkin's conceptual framework has also been used in feminist accounts. See Jill Vickers, Pauline Rankin, Christine Appelle, Politics As If Women Mattered: A Political Analysis of the National Committee on the Status of Women (Toronto: University of Toronto, 1993), 194-196. For a sustained theoretical examination of Pitkin, see Anne Phillips, The Politics of Presence (Oxford: Clarendon Press, 1995).

9. See Hanna Pitkin, The Concept of Representation (Berkeley: University of California Press, 1967).

10. Mill grappled with trustee and delegate roles of representatives, and he too advanced notions beyond mirror representation. See J.S. Mill, "Considerations on Representative Government," in J. M. Robson, Collected Works of J.S. Mill, volume 19 (Toronto: University of Toronto Press, 1977).

11. Pitkin, 209.

12. Ibid., 240.

13. For a critique of the public/private assumptions in Mill and Pitkin, among other liberal democratic thinkers, see Alexandra Dobrowolsky, "Promises Unfulfilled: Women and the Theory and Practice of Representative Democracy in Canada," Masters thesis, Department of Political Science, Dalhousie University, March 1990.

14. See Jane Jenson, "Representations in Crisis: The Roots of Canada's Permeable Fordism," Canadian Journal of Political Science 23:4 (December 1990), 665.

15. Offe makes this institutional political/non-institutional political distinction and argues that social movements occupy the latter realm. See Claus Offe, "Challenging the Boundaries of Institutional Politics: Social Movements since the Sixties." in Charles S. Maier ed., Changing Boundaries of the Political (New York: Cambridge University Press, 1987).

16. Kymlicka, 63. To clarify, while Kymlicka is not referring to gender-based representation, the quotation reinforces my contention that the consideration of identity politics, in general, rather than merely interests, substantially enhances theories of representation.

17. See bell hooks, Yearning: Race, Gender and Cultural Politics (Boston: Southend Press, 1990), 19-20 and 28-29. Identities of gender, race, ethnicity, class, ability, sexual orientation, and so on, can vary within one individual, can be displaced and replaced. See, for example, Patti Lather, Getting Smart: Feminist Research and Pedagogy in the Post Modern (London: Routledge, 1991) 117-121.

18. Alberto Melucci, Nomads of the Present: Social Movements and Individual Needs in Contemporary Society (Philadelphia: Temple University Press, 1989), 34.

19. See Alberto Melucci, "The Process of Collective Identity," in Hank Johnston and Bert Klandermans eds., Social Movements and Culture (Minneapolis: University of Minnesota Press, 1995), 44-47. Jenson adds the power dimension. See Jane Jenson, "What's in a Name? Nationalist Movements and Public Discourse," in Johnston and Klandermans, 108.

20. To clarify, politics involve both identities and interests. However, while identity politics involve interest, not all interest politics necessitate the articulation of identity, for the invocation of collective identity is based on an articulated and shared definition.

21. Naomi Black, "Ripples in the Second Wave: Comparing the Contemporary Women's Movement in Canada and the United States," in Challenging Times: The Women's Movement in Canada and the United States, Constance Backhouse and David H. Flaherty, eds. (Montreal & Kingston: McGill-Queen's University Press, 1992), 97. Black comments, "Such dismissive analyses represent androcentrism at its most obvious...[for] the role of the women's movement as a political actor is accordingly minimized... ."

22. See Denis Smith, "Party Government, Representation and National Integration in Canada," in Peter Aucoin ed., Party Government and Regional Representation in Canada (Toronto: University of Toronto Press, 1985); Richard Van Loon and Michael Whittington, The Canadian Political System (Toronto: McGraw Hill Ryerson, 1987), 307, and the Royal Commission on Electoral Reform and Party Financing, Reforming Electoral Democracy, Volume 1, Final Report (Ottawa: Minister of Supply and Services, 1991), 207.

23. See Robert Presthus, Elite Accommodation in Canadian Politics (Toronto: MacMillan, 1973), 78. On interest groups, see Pross' works, for example, A. Paul Pross, Group Politics and Public Policy (Toronto: Oxford University Press, 1986), and A. Paul Pross ed., Pressure Group Behaviour in Canadian Politics (Toronto: McGraw-Hill, 1975).

24. A. Paul Pross, "The Pressure Group Conundrum," in James P. Bickerton and Alain G. Gagnon eds., Canadian Politics, 2nd ed., (Peterborough: Broadview Press, 1994), 173.

25. A. Paul Pross, "Pressure Groups: Talking Chameleons," in Michael S. Whittington and Glen Williams eds., Canadian Politics in the 1990's (Toronto: Nelson, 1995), 254.

26. Pross' "interest group" treatment of the women's movement provides the quintessential illustration. From his conceptualization of social reform women's groups at the turn of the century, right through to his depiction of women's organizations that challenged the constitutional order, Pross' categorizes these groups as pressure or interest groups. Pross, "Pressure Group Conundrum," 178-179.

As will become apparent, in studies influenced by sociological research, these same groups would be conceived of as social movements. See work in the Canadian context: William K. Carroll, ed., Organizing Dissent: Contemporary Social Movements in Theory and Practice (Canada: Garamond, 1992); Frank Cunningham et al., Social Movements, Social Change, The Politics and Practice of Organizing (Toronto: Between the Lines, 1988).

27. Pross, "Pressure Groups," 271-272.

28. Leslie A. Pal, "Advocacy Organizations and Legislative Politics: The Effect of the Charter of Rights and Freedoms on Interest Lobbying of Federal Legislation 1989-1991," in F. Leslie Seidle ed., Equity and Community: The Charter, Interest Advocacy and Representation (Montreal: Institute for Research on Public Policy, 1993), 123. See also Leslie A. Pal, Interests of State: The Politics of Language, Multiculturalism and Feminism in Canada (Montreal & Kingston: McGill-Queen's University Press, 1993).

29. Jane S. Jacquette, "Political Science- Whose Common Good?" in Cheris Kramarac and Dale Spender eds., The Knowledge Explosion: Generations of Feminist

Scholarship (New York: Teachers' College Press, 1992), 146.

30. Royal Commission on Electoral Reform and Party Financing, 222.

31. *Ibid.*, 207.

32. On the growing complaints of the harmful influences of organized interests, see A. Brian Tanguay and Barry J. Kay, "Political Activity of Local Interest Groups," in F. Leslie Seidle, ed., Interest Groups and Elections in Canada (Toronto: Dundurn, 1991), 77-78.

33. For an analysis of the Royal Commission's contribution to this discourse, see Alexandra Dobrowolsky and Jane Jenson, "Reforming the Parties: Prescriptions for Democracy," in Susan D. Phillips ed., How Ottawa Spends: A More Democratic Canada...? (Ottawa: Carleton University Press, 1993), 64-68.

In the realm of federalism and Charter politics, Rainer Knopff and F.L. Morton bemoan the rise of the "court party" that is, the so-called interest groups that stage Charter challenges. In their account, the Women's Legal Education and Action Fund (LEAF) is a direct target. They write: "the Charter's main beneficiaries are special interest groups who invoke it to persuade appointed judges to reverse the decisions of democratically elected representatives..." and "the best example of such interest-group activity is the Legal Education and Action Fund (LEAF)." See Rainer Knopff and F. L. Morton, Charter Politics (Scarborough: Nelson, 1992), 79, and 4, respectively.

Even Pross, who has championed the work of interest groups, has nuanced his position, and has shown some apprehension about the turn that so-called interest group activism has taken. He writes, "If the National Action Committee on the Status of Women, the Assembly of First Nations, and other groups speaking for the disadvantaged have aroused concern by the militant positions they have publicly taken, others have generated equally strong fears by the secretiveness of their behaviour." He acknowledges the growing criticisms of special interest groups and adds that this, "taken with the charge that interest groups exploited the constitutional debate for their own purposes...has led many to question the system of pressure group politics that has evolved in Canada in the last two decades." See Pross, "Pressure Group Conundrum," in Bickerton and Gagnon, 179-180.

34. Jacquette also emphasizes that in portraying the women's movement as a special interest, its "goals are trivialized and its motives questioned." Jacquette, 146.

35. Phillips makes these distinctions perfectly clear. She writes: "The political space of social movements is unique due to a number of inherent complexities in the style, dynamics and foci of movement politics. The enigmatic nature of their politics derives from the dynamic that movements are both political and social actors; at once radical and conventional in their tactics; non-partisan, but often vitriolic critics and occasional supporters of the parties; simultaneously local and international; and anti-

institutional, engaging in protest against the state, and yet dependent upon the state for financial support and opportunities to participate in public consultation on policy issues." See Susan D. Phillips, "New Social Movements in Canadian Politics: On Fighting and Starting Fires," in James P. Bickerton and Alain G. Gagnon eds., Canadian Politics, 2nd ed., (Peterborough: Broadview Press, 1994), 202.

36. See, for example, Warren Magnusson, "De-Centring the State or Looking for Politics," in William K. Carroll ed., Organizing Dissent: Contemporary Social Movements in Theory and Practice (Toronto: Garamond, 1992); and Warren Magnusson and Rob Walker, "De-centring the State: Political Theory and Canadian Political Economy," Studies in Political Economy 26 (Summer 1988). Galipeau provides a rare account where parties, interest groups and social movements are discussed. See, "Political Parties, Interest Groups and New Social Movements," in Alain G. Gagnon and A. Brian Tanguay eds., Canadian Parties in Transition: Discourse, Organization, Representation (Scarborough: Nelson, 1989). But in his efforts to distinguish parties and interest groups from social movements, he disparages parties and interest groups, and elevates social movements, thereby making it appear as if social movements are the only representational alternative. Cameron has similar tendencies. See Duncan Cameron, "Political Discourse in the Eighties," also in Gagnon and Tanguay. My account does not consider the lines between representational forms as rigid and fixed.

37. For an overview, see Alexandra Dobrowolsky, "The Charter and Mainstream Political Science: Waves of Practical Contestation and Changing Theoretical Currents," in David Schneiderman and Kate Sutherland eds., Charting the Consequences: The Impact of Charter Rights on Canadian Law and Politics, (forthcoming, University of Toronto Press). This article surveys the work of many political scientists who specialize in federalism and constitutionalism. In this present study, however, I will limit my analysis to Alan Cairns and Reg Whitaker. This choice is based upon the fact that both have concertedly focussed on the politics of identity, initially on territorially-based identities, and in the case of Whitaker, on class-based articulations, but later on more wide-ranging, non-territorial identities. Moreover, both political scientists are exemplars of two different constitutional streams. Cairns epitomizes the dominant institutionalist approach, and Whitaker's work is grounded in political economy and political cultural concerns (although he is also influenced by institutionalism).

38. Alan C. Cairns, "Citizens (Outsiders) and Governments (Insiders) in Constitution-Making: The Case of Meech Lake," Canadian Public Policy 14 (Supplement, 1988), 179.

39. The institution of federalism was the catalyst for battles between competing governmental elites, who in turn, determined the federal/constitutional agenda. See Alan C. Cairns, "The Other Crisis of Canadian Federalism," Canadian Public Administration 22:2 (Summer 1979), 175-195.

40. Cairns, "Citizens (Outsiders)...", *passim*.

41. Alan C. Cairns, Disruptions: Constitutional Struggles from the Charter to Meech Lake (Toronto: McClelland and Stewart, 1991), 125.

42. *Ibid.*, 134.

43. Alan C. Cairns, "The Charter, Interest Groups, Executive Federalism, and Constitutional Reform," in David E. Smith, Peter MacKinnon, John C. Courtney eds., After Meech Lake: Lessons for the Future (Saskatoon: Fifth House, 1991), 74. More recently, Cairns expresses his concern about the inclusion of First Nations' leadership in constitutional negotiations vis-à-vis its representational consequences. He writes: "This remarkable act of representational affirmation by government-funded Aboriginal organizations underlined Aboriginal alienation from the conventional practices of the Canadian state. Its accommodation by the first ministers leaves the conventional theory of parliamentary representation in disarray...If Aboriginal organizations are to displace the representational role of elected legislators and ministers, even if only in constitutional matters, then the role of Aboriginal voters in federal and provincial elections becomes problematic...If there is to be an ongoing division of representative labour between Aboriginal organizations and elected politicians in constitutional or other matters, the boundaries should be clearly drawn and publicly known, rather than be overlooked...." See Alan C. Cairns, "The Charlottetown Accord: Multinational Canada v. Federalism," in Curtis Cook ed., Constitutional Predicaments: Canada after the Referendum of 1992, (Montreal & Kingston: McGill-Queen's University Press, 1994), 43-44.

44. Alan C. Cairns, "Reflections on the Political Purposes of the Charter: the First Decade," in Gérald A. Beaudoin ed., The Charter Ten Years Later (Montréal: Les éditions Yvon Blais, 1993), 173.

45. Cairns, "Citizens (Outsiders)...", *passim*.

46. Alan C. Cairns, Charter versus Federalism: The Dilemmas of Constitutional Reform (Montreal & Kingston: McGill-Queen's University Press, 1992), 13-15.

47. Cairns still believes the institution of federalism is determinative: "[c]ontemporary Canadian citizens are still being drawn into provincial or national networks of policy and administration shaped by a nineteenth century division of powers." *Ibid.*, 55.

48. *Ibid.*, 59.

49. See Reginald Whitaker, A Sovereign Idea: Essays on Canada as a Democratic Community (Montreal & Kingston: McGill-Queen's University Press, 1992), 192-193. What is more, in Whitaker's early work, class and territorially-based identities were the primary consideration. Now Whitaker acknowledges the affects of more broadly-based mobilization and challenges to elite ensconced political institutional

structures.

50.Ibid., 278-279.

51.Although the left has always focused on identity, i.e. the class-based identity, this identity was prioritized to the exclusion of other identities. Only recently, has the left began to grapple with the implications of multiple identities. For a critique, see Dobrowolsky, "The Charter's Impact on the Discipline of Political Science."

52.Whitaker, 257-258, and 255.

53.Ibid., 255, see also the start of Chapter 9, and 286.

54.Ibid., 279.

55.Ibid., 299.

56.They also assume that white male politicians had no "identity" of their own.

57.This fits with what Phillips identifies as an attack on social movements, as social movements, or identity-based groups and "minority" groups in Cairns and Whitaker, become characterized: "as narrowly focused 'special interest groups' that are said to overload government, undermine the party system, and unduly complicate policy-making. But this view is based on a seriously flawed understanding of the role of social movements in Canadian politics that completely ignores their positive contributions." See Phillips, "New Social Movements," in Bickerton and Gagnon, 189.

58.See Jean Cohen, "Strategy or Identity?: New Theoretical Paradigms and Contemporary Social Movements," Social Research 52:4 (Winter 1985). See also, Bert Klandermans, "New Social Movements and Resource Mobilization: The European and the American Approach Revisited," in Dieter Rucht ed., Research on New Social movements (Boulder: Westview, 1991).

59.Touraine writes that social movements are "free from the tutelage of a political party" and that they break from the state and political actions. See Alain Touraine, "Beyond Social Movements," Theory, Culture and Society 9 (1992), 142. He makes this argument because he promotes a civil society free of the control and destructive effects of the state. Ibid., 135. See also, Melucci, "The Process of Collective Identity," in Johnston and Klandermans, 52-53.

60.See the following classic NSM works: Melucci, Nomads of the Present; Allan Touraine, Return of the Actor: Social Theory in Post Industrial Society (Minneapolis: University of Minnesota Press, 1988); and Claus Offe, "Challenging the Boundaries..." in Maier. For a Canadian perspective along NSM-lines, see Magnusson and Walker, "De-Centring the State," 63. For a biting critique of

Magnusson and Walker, see Jane Jenson and E. Fuat Keyman, "Must we all be post-modern?" Studies in Political Economy 31 (Spring 1990).

61. See Sidney Tarrow, Power in Movement: Social Movements, Collective Action and Politics (Cambridge: University of Cambridge Press, 1994), 4.

62. On RM, see Anthony Oberschall, Social Conflict and Social Movements (Englewood Cliffs: Prentice Hall, 1973); William Gamson, The Strategy of Social Protest (Homewood: Dorsey, 1975); John D. McCarthy and Mayer N. Zald, "Resource Mobilization and Social Movements: A Partial Theory," American Journal of Sociology 82:6 (1977); and Mayer N. Zald and John D. McCarthy eds., Social Movements in an Organization' Society (New Brunswick, NJ: Transaction Books, 1987). For a critique, see Herbert Kitschelt, "Resource Mobilization Theory: A Critique," in Dieter Rucht ed., Research on Social Movements (Boulder: Westview, 1991).

63. See, for example, Sidney Tarrow, "Struggle, Politics and Reform: Collective Action, Social Movements and Cycles of Protest: Western Societies paper No.21 (Cornell University, 1989); as well as Tarrow's "Comparing Social Movement Parties in Western Europe and United States: Problems, Uses and a Proposal for Synthesis," in Dieter Rucht ed., Research on Social Movements (Boulder: Westview Press, 1991). Beyond Tarrow, see Herbert Kitschelt, "Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies," British Journal of Political Science 16:1 (1986); and Hanspeter Kriesi, "The Political Opportunity Structure of New Social Movements: Its Impact on their Mobilization," in J. Craig Jenkins and Bert Klandermans eds., The Politics of Social Protest: Comparative Perspectives on the Status of Social Movements (Minneapolis: University of Minnesota Press, 1995), as well as Hanspeter Kriesi, "The Political Opportunity Structure of New Social Movements: Its Impact on their Mobilization," Discussion Paper FS III 91-103 (Berlin: Wissenschaftszentrum, 1991).

Women's movement studies have used POS including: Mary Fainsod Katzenstein, "Comparing the Feminist Movements of the United States and Western Europe: An Overview," in Mary Fainsod Katzenstein and Carol McClurg Mueller eds., The Women's Movements of the United States and Western Europe (Philadelphia: Temple University Press, 1987); Joyce Gelb, Feminism and Politics: A Comparative Perspective (Berkeley: University of California Press, 1989); Susanne Staggenborg, The Pro-choice Movement: Organization and Activism in the Abortion Conflict (New York: Oxford University Press, 1991); and Anne N. Costain, Inviting Women's Rebellion: A Political Process Interpretation of the Women's Movement (Baltimore and London: John Hopkins University Press, 1992).

64. Here, political opportunities are critical to the birth and growth of social movements, and "these opportunities are primarily structured by the state, the cohesion and alignments among political elites, and the structure, ideology and composition of political parties. In this sense, the state shapes the conflict and

alliance systems that shape social movement emergence and development." See J. Craig Jenkins and Bert Klandermans, "The Politics of Protest," in J. Craig Jenkins and Bert Klandermans eds., The Politics of Social Protest: Comparative Perspectives on States and Social Movements (Minneapolis: Minnesota Press, 1995), 4.

65. Tarrow has tried to overcome this tendency, but it is still apparent in his work. See Tarrow, Power in Movement, 1, 61, 77. Jenson also points out this limitation in relation to Kriesi's work. See Jenson, "What's in a Name?", 125, note 18.

66. Tarrow, Power in Movement, 5. On Tarrow's work on the ideational, see Sidney Tarrow, "Mentalities, Political Cultures and Collective Action Frames," in Aldon D. Morris and Carol McClurg Mueller, eds., Frontiers in Social Movement Theory (New Haven: Yale, 1992), 174-200.

67. Tarrow, Power in Movement, 81.

68. *Ibid.*, 6.

69. *Ibid.*, 99.

70. *Ibid.*, 85.

71. Here, for example, Swindler comments, that widely shared cultural accounts create "collective consistencies and resonances that the actors might not possess otherwise." Ann Swindler, "Cultural Power and Social Movements," in Hank Johnston and Bert Klandermans, Social Movements and Culture (Minneapolis: University of Minnesota Press, 1995), 37.

72. Gary Alan Fine, "Public Narration and Group Culture: Discerning Discourse in Social Movements," in Hank Johnston and Bert Klandermans, eds., Social Movements and Culture (Minneapolis: University of Minnesota Press, 1995), 127.

73. The construction of this analytic apparatus benefits from the efforts of Jane Jenson, Susan Phillips, and Jill Vickers, all of whom, despite their different theoretical and methodological preoccupations, attempt to synthesize many of these pivotal concerns. Jenson merges many of these issues in her numerous contributions to the structure/agency debate. See, for instance, Jane Jenson, "Paradigms and Political Discourse: Protective Legislation in France and the United States before 1914," Canadian Journal of Political Science 22 (1989), 236, 240, 245-258. Building on Jenson's work, Phillips employs network analysis to incorporate RM and NSM. Susan D. Phillips, "Meaning and Structure in Social Movements: Mapping the Network of National Canadian Women's Organizations," in Canadian Journal of Political Science 24:4 (December 1991), 755-782. The framework in Vickers, Rankin and Appelle represents an effort to refurbish the POS approach. However, where Jenson and Phillips see the utility of NSM foci, and in particular, the significance of identity politics, Vickers, Rankin and Appelle, are more critical of this

emphasis, and prefer instead to draw on a more traditional, political cultural approach which they add to POS considerations. See Jill Vickers, Pauline Rankin and Christine Appelle, Politics as if Women Mattered: A Political Analysis of the National Action Committee on the Status of Women (Toronto: University of Toronto Press, 1993). How my analysis, fits and is distinguished from their conceptualizations, will be discussed below.

74. This path is also taken by Jenson. See Jenson, "What's in a Name?" passim.

75. See Vickers, Rankin and Appelle who point to Gelb's characterization of interest group feminism, left-wing feminism, or state feminism. See Vickers, Rankin and Appelle, 69. See also, Joyce Gelb, Feminism and Politics: A Comparative Perspective (Berkeley: University of California Press), 4-5.

76. See Gelb, passim, as well as Joni Lovenduski and Vicky Randall, Contemporary Feminist Politics: Women and Power in Britain (Toronto: Oxford University Press, 1993) on the British context. On Australia, see Anna Yeatman, Bureaucrats, Technocrats, Femocrats (Sydney: Allen and Unwin, 1990), and Marian Sawer, Sisters in Suits: Women and Public Policy in Australia (Sydney: Allen and Unwin, 1990).

77. See Jill Vickers, "The Intellectual Origins of the Women's Movements in Canada," in Backhouse and Flaherty, 55-59.

78. See Sylvia B. Bashevkin, Toeing the Lines: Women and Party Politics in English Canada, 2nd ed., (Toronto: Oxford University Press, 1993).

79. For instance, key movement leaders also have taken on central party roles and vice versa. This will be elaborated upon in Chapter 2.

80. Thus, the American women's movement has been associated with interest group tactics. Gelb writes, "The most visible manifestation of American feminism is the traditional interest group." Gelb, 185.

81. Marjorie Griffin Cohen, "The Canadian Women's Movement," in Ruth Roach Pierson, Marjorie Griffin Cohen, Paula Bourne, Philinda Masters eds., Canadian Women's Issues: Volume 1: Strong Voices. Twenty-Five Years of Women's Activism in English Canada (Toronto: Lorimer, 1993), 20-21.

82. Furthermore, in recent years, the appellations "interest group" or "special interest group" have done the women's movement in Canada a great disservice, both marginalizing the movement's impact and casting its efforts and accomplishments in a less than democratic light. As Cohen suggests, the special interest group label is used to undermine the activism of women at a time when women's groups are on the defensive given the current economic agenda of social policy streamlining. See Cohen, "Social Policy and Social Services," in Pierson et al, 282.

83. Burt notes that women's groups, historically, made presentations to cabinet and lobbied successfully for reforms to areas such as labour and family law. See Sandra Burt, in "Organized Women's Groups and the State," in Policy Communities and Public Policy: A Structural Approach William Coleman and Grace Skogstad eds., (Mississauga: Copp, Clark, Pitman, 1990), 194. See also, Susan D. Phillips, "New Social Movements and Unequal Representation: The Challenge of Influencing Public Policy," in Alain G. Gagnon and Brian Tanguay eds., Democracy with Justice: Essays in Honour of Khayyam Zev Paltiel (Ottawa: Carleton University Press, 1992), 255-257.

84. Cohen, "The Canadian Women's Movement," in Pierson et al, 21.

85. In battles over abortion, Canadian feminists staged large-scale public events, co-ordinated coalitions of women, unionists, and other popular groups, plus forged alliances with the New Democratic Party, in addition to contesting abortion laws in the courts. See Janine Brodie, Shelley A.M. Gavigan, Jane Jenson, The Politics of Abortion (Toronto: Oxford University Press, 1992).

86. From the turn of the century, Burt describes how women's groups "carried out essential political functions by helping the state cope with the impact of industrial change." Sandra Burt, "Women's Issues and the Women's Movements in Canada," in The Politics of Gender, Ethnicity and Language in Canada, in Alan C. Cairns and Cynthia Williams eds., (Toronto: University of Toronto Press, 1986), 132.

87. Canadian feminist have not been as insistent on an "autonomous" women's movement as, for example, feminists in the United States and Britain. See Jeri Dawn Wine and Janice L. Ristock, "Introduction: Feminist Activism in Canada," in Jeri Dawn Wine and Janice L. Ristock eds., Women and Social Change: Feminist Activism in Canada (Toronto: Lorimer, 1991), 10.

88. Jill Vickers, "Bending the Iron Law of Oligarchy: Debates on the Feminization of Organization and Political Process in the English Canadian Women's Movement, 1970-1988" in Wine and Ristock, 79.

89. There are numerous critical examinations of feminists and the state in Canada, but few map out the complexities of femocracy. Findlay's work provides a notable exception. See Sue Findlay, "Problematizing Privilege: Another Look at Representation," in Linda Carty ed., And Still We Rise: Feminist Political Mobilizing in Contemporary Canada (Toronto: Women's Press, 1993); and Sue Findlay, "Facing the State the Politics of the Women's Movement Reconsidered," in Heather Jon Maroney and Meg Luxton eds., Feminism and Political Economy (Toronto: Methuen, 1987). See also, Alicia Schreder, "The State Funded Women's Movement: A Case of Two Political Agendas," in Roxana Ng, Gillian Walker and Jacob Miller eds., Community Organization and the Canadian State (Toronto: Garamond, 1990).

90. This provides a stark contrast to a perspective like that of Pal who, in essence, describes the Canadian women's movement as state-created. See Pal, Interests of State, passim.

91. See Gelb, chapter 5, who paints the picture of feminist state initiatives divorced from women's movement activism in Sweden. For a more nuanced perspective on women's movement/state interrelations in Norway, see Jill Bystydzienski, "Influence of Women's Culture on Public Politics in Norway," in Women Transforming Politics, 13-20.

92. See, for example, the extensive literature in the Australian context: Hester Eisenstein, Gender Shock: Practising Feminism on Two Continents (Sydney: Allen and Unwin, 1991); Yeatman, cited above; Gretchen Poiner, The Gifthorse (Sydney: Allen and Unwin, 1990); Suzanne Franzway et al, Staking a Claim: Feminist Bureaucracy and the State (London: Polity Press, 1989); Marian Sawer, "Women: The Long March Through Institutions," in Brian Head and Allen Patience, eds., From Fraser to Hawke (Melbourne: Longman, Cheshire, 1989); Marian Simms, Militant Public Servants: Politicization, Feminization and Selected Public Service Unions (Melbourne: MacMillan, 1987); Jocelyne Scutt, "United or Divided: Women 'Inside' and Women 'Outside' Against Lawmakers in Australia," Women's Studies International Forum 8:1 (1985).

93. See, for example, Linda Carty and Dionne Brand, "Visible Minority Women A Creation of the Canadian State," in Himani Bannerji ed., Returning the Gaze: Essays on Racism, Feminism and Politics (Toronto: Sister Vision Press, 1993), passim. In this instrumental Marxist account, the state represents the interests of capitalists. It is argued that any state-funded organization is similarly tainted as such organizations carry out the state's agenda. This leaves little room for agency for groups studied in the article from the National Organization of Immigrant and Visible Minority Women (NOIVM) to the National Action Committee on the Status of Women (NAC). For instance, the authors assert: "It is not farfetched...to conclude that NAC represents an arm of the state and is expected to endorse mainstream government policies regarding women." Carty and Brand, 179. Given NAC's oppositional position on issues as diverse as free trade, abortion and constitutionalism, this conclusion appears to be quite an overstatement. See Bashevkin on free trade, Sylvia Bashevkin, "Free Trade and Canadian Feminism: The Case of the National Action Committee on the Status of Women," Canadian Public Policy 15:4 (1989): 363-375. See also, Lise Gotell and Janine Brodie, "Women and Parties: More than an Issue of Numbers," in Hugh Thorburn, ed., Party Politics in Canada, 6th ed., (Scarborough: Prentice Hall, 1991), 64-68; and Cohen, "The Canadian Women's Movement," in Pierson et al, 20-21, for discussion on mobilizing against the Conservative government.

94. See Carty and Brand, 181.

95. See Nancy Adamson, Linda Briskin and Margaret McPhail, Feminist Organizing for Change: The Contemporary Women's Movement in Canada (Toronto: Oxford University Press, 1988). See also the discussion of institutionalized and disengaged feminist activism in Jeri Dawn Wine and Janice L. Ristock eds., "Introduction: Feminist Activism in Canada," in Jeri Dawn Wine and Janice L. Ristock, Women and Social Change: Feminist Activism in Canada (Toronto: Lorimer, 1991), 7.

96. Briskin elaborates on this dichotomy with respect to socialist feminist strategizing in Linda Briskin, "Socialist Feminism from the Standpoint of Practice,," Studies in Political Economy 30 (Autumn 1989), 87-114.

97. Adamson et al, 168.

98. Ibid., 167.

99. Burt makes the oft-cited distinction between equal rights, socialist and radical feminist streams in Canada. Sandra Burt, "The Women's Movement: Working to Transform Public Life," in Canadian Politics, James P. Bickerton and Alain G. Gagnon, eds., (Peterborough: Broadview Press, 1994) 215-216.

100. For instance, Vickers et al discuss several distinct elements of the movement: English Canadian women's organizing; the Quebec women's movement; First Nations' women's mobilization; and the organizing for change by a category of women Vickers et al labelled "new force" which encompasses immigrant women, women with disabilities, and lesbians. See Vickers, Rankin and Appelle, 3-11.

101. See, for example, Susan Lynn, Progressive Women in Conservative Times: Racial Justice, Peace and Feminism (New Brunswick, New Jersey: Rutgers, 1992), and Barbara Ryan, Feminism and the Women's Movement: Dynamics of Change in Social Movement Ideology and Activism (New York: Routledge, 1992), 44.

102. Vickers, "Bending the Iron Law of Oligarchy," in Wine and Ristock, 78-83.

103. Cohen, "The Canadian Women's Movement," in Canadian Women's Issues, 13.

104. Sherene Razack, Canadian Feminism and the Law: The Women's Legal Education and Action Fund and the Pursuit of Equality (Toronto: Second Story Press, 1991), 33.

105. In a published conversation among a number of lesbian activists, a few comments reveal this ambivalence about large-scale feminist organizations like NAC, and LEAF. One woman notes, "I look at an organization like NAC or LEAF and they seem like outer space..." and another states "Those organizations...they have an institution and an office and they have a budget and they are totally out of touch with reality now..." See Ann Decter ed., "Different Places we are Building: Lesbians Discuss Politics and Organizing," in Carty, 141.

106.Pross, "Pressure Group Conundrum," in Bickerton and Gagnon, 179.

107.Carty and Brand, 178-179.

108.At the NAC Annual General Meetings in Ottawa, women have been known to demand access to politicians and, failing that, have tried to force their entry into the Parliament buildings en masse.

109.Cohen offers a more contingent account where the contradictions with respect to an organization like NAC become apparent. She suggests that the government did attempt to control feminist organization via government bodies dedicated to women's issues, but women reacted against such efforts. For instance, at the "Strategy for Change" conferences which founded NAC: "the government saw the wisdom of containing this movement by direct control. Fortunately, women at this conference thought otherwise, and NAC became an independent organization. Nevertheless, throughout its history it has been largely funded by the federal government: this fact certainly has had mixed blessings for the organization and, at this point in its history, is presenting particularly alarming consequences." Marjorie Griffin Cohen, "The Canadian Women's Movement and its Efforts to Influence the Canadian Economy," in Backhouse and Flaherty, 215-216.

110.For instance, some feminists have worked in male-dominated left-wing organizations, feminist groups, and groups organized by and for lesbians, women of colour, people with disabilities et cetera. Identity based politics are multi-faceted and priorities can change over time depending on various circumstances.

111.For example, one feminist could be engaged in paid work and be a representative of a more "traditional" women's organization and be on the working collective and volunteer for another more "radical" feminist group. Furthermore, see the discussion between Mutriba and Ravida Din that documents shifting personal identities. See Mutriba Din and Ravida Din, "Sisters in the Movement" Awakening Thunder: Asian Canadian Women, special issue Fireweed: A Feminist Quarterly 30 (1990), 35-39.

112.Recent work has begun to address these issues. See the collected works in Najma Chowdhury and Barbara J. Nelson, Women and Politics Worldwide (New Haven: Yale University Press, 1994), passim. In Canadian studies, Vickers, Rankin and Appelle, as we shall see, strive to provide a more complex framework. Bashevkin assesses socio-economic and political variables. See Sylvia Bashevkin, "Confronting neo-conservatism: Anglo-American Women's Movement's under Thatcher, Reagan and Mulroney" International Political Science Review 15:3 (1994). Yet, Vickers et al, and Bashevkin, still place a lot of weight on political processes, and they do not interweave a concerted analysis of the impact of identity politics. More on this below. Thus, integrated analyses are difficult to find.

Lovenduski and Randall's work on British feminism comes close, as it examines socio-economic and political considerations as well as identity. See, Joni

Lovenduski and Vicky Randall, Contemporary Feminist Politics: Women and Power in Britain (Toronto: Oxford University Press, 1993). Yet, while they note the growing importance of identity politics, their analysis ultimately becomes a trashing job. That is, identity politics are described as a problematic feature of the women's movement. It is argued instead that socio-economics and the political opportunity structure best explain changes in the women's movement. See Lovenduski and Randall, 15.

113. Again, Findlay's work provides a notable exception. See, in particular, "Problematizing Privilege," in Carty, 207-220.

114. Bashevkin, "Confronting Neo-conservatism," *passim*.

115. Bashevkin writes: "identities and sub-identities that had emerged by 1990 ran the risk of competing with each other and fracturing or fragmenting the collectivity known as the women's movement." See Sylvia Bashevkin, "Building a Political Voice: Women's Participation and Policy Influence in Canada," in Chowdhury and Nelson, 149.

116. Vickers, Rankin, Appelle, 8.

117. *Ibid.*, 18.

118. In another piece, Vickers outlines her concept of "radical liberalism." She writes: "The anglophone women's movement in Canada inherited a set of ideas about how to do politics which I will label 'radical liberalism.' It embodied a commitment to the ordinary political process, a belief in the welfare state, a belief in the efficacy of state action in general to remedy injustices, a belief that change is possible, a belief that dialogue is useful and may help promote change, and a belief that service in terms of helping others is a valid contribution to the process of change. Some of these ideas were shared between anglophone and francophone women through much of the 1960's. It is less clear to what degree they remain shared. Some parts of the Native women's movement shared them in the 1960's, but a significant part does not share them now." Vickers then goes on to explain how this political culture of radical liberalism has shaped the development of the women's movement. See Jill Vickers, "The Intellectual Origins of the Women's Movements in Canada," in Backhouse and Flaherty, 40.

119. Vickers, Rankin, Appelle, 5.

120. *Ibid.*

121. See Jenson's oeuvre on working out these various influences. See, for example, Jane Jenson, "All the World's a Stage: Ideas, Spaces and Times in Canadian Political Economy," Studies in Political Economy 36 (Autumn 1991), 44-47. Susan Phillips has also considered this interplay of factors through the lens of network analysis. See Phillips, "Meaning and Structure," *passim*. Beyond the Canadian context, see Najma

Chowdhury and Barbara J. Nelson et al, "Research Design and Practice: Methodological Issues in Feminist Comparative Politics Research" in Chowdhury and Nelson, 33-35. See also, Esperanza Tunon Pablos, "Women's Struggles for Empowerment in Mexico: Accomplishments, Problems and Challenges," in Jill Bystydzienski ed., Women Transforming Politics: Worldwide Strategies for Empowerment (Bloomington: Indiana University Press, 1992), 95.

122. Jane Jenson, "Understanding Politics: Contested Concepts of Identity in Political Science," in James P. Bickerton and Alain G. Gagnon eds., Canadian Politics, 2nd ed., (Peterborough: Broadview Press, 1994), passim.

123. Jane Jenson, "Naming Nations: Nationalisms in Canadian Public Discourse," Canadian Review of Sociology and Anthropology, 30:2 (1993).

124. Drawing on the work of Prathiba Parmar, Agnew problematizes the notion of identity of "immigrant women." See Vijay Agnew, "South Asian Women in Ontario: The Experience of Race, Class and Gender," in Women Changing Academe: The Proceedings of the 1990 Canadian Women Studies Conference, Sandra Kirby et al eds., (Winnipeg: Sororal Publishing, 1991), 15-18. See also, Prathiba Parmar, "Other Kinds of Dreams," Feminist Review 31 (Spring 1989), 55-65.

125. Jenson, "Naming Nations," passim.

126. See Jenson, "Understanding Politics," 55-61.

127. Randall and Lovenduski also employ a combinatory approach which situates the contemporary British women movement in Britain in a changing social, economic and political environment. However, their interpretation of identity politics, overall, is condemnatory. At its best, they write that the political assertion of identity "has a certain resonance" but it "certainly [makes] everyday life difficult." However, the more typical, negative assessment is as follows, "It is the capacity to become an end in itself that makes the expression of identities a political problem. The affirmation of individual identities is a process that risks fragmentation. Because each individual has numerous identities...she cannot normally make each of these a basis of political action... ." See Lovenduski and Randall, 75 and 88.

128. For example, NSM's analysts' notions of identity tend to be divorced from conventional institutional political forms, thereby reinforcing the non-institutional/institutional political dichotomy. See, for instance, Offe, "Challenging the boundaries of institutional politics," passim. Interests are associated with the institutional political, and identities with the non-institutional political.

Some feminists put more of an identity politics "spin" on interests. Indeed, Pringle and Watson's conceptualization of interests is reminiscent of Jenson's notion of identity politics. Pringle and Watson maintain that interests have tended to presuppose a coherent entity "outside political and bureaucratic arenas which can be met, rather than recognizing that these interests are actively constructed...It is in the

process of engagement with the arenas of the state that interests are constructed. Through creating a framework of meanings, through the use of particular languages and discourses, certain possibilities for change emerge. Interests are produced by conscious and unwitting practices by the actors themselves in the processes of engagement." See Rosemary Pringle and Sophie Watson, "'Women's Interests' and the Post-Structuralist State," in Michele Barrett and Anne Phillips, eds., Destabilizing Theory: Contemporary Feminist Debates (Polity Press, 1992), 68-69.

129. Phillips, "New Social Movements," in Bickerton and Gagnon, 194.

130. Ibid., 203, and 109.

131. Bystydzienski emphasizes the fact that many of these non-traditional strategies are overlooked in mainstream political accounts. See Jill Bystydzienski, "Introduction," in Women Transforming Politics: Worldwide Strategies for Empowerment, Jill Bystydzienski, ed. (Bloomington: Indiana University Press, 1992), 3.

132. See Verta Taylor and Leila J. Rupp, "Researching the Women's Movement: We Make Our Own History, But Not Just As We Please," in Mary Margaret Fonow and Judith A. Cook eds., Beyond Methodology: Feminist Scholarship as Lived Research (Bloomington: Indiana University Press, 1991), 126.

133. Taylor and Rupp, 125-126. See also, Andrea Fontana and James H. Frey, Norman K. Denzin and Yvonna S. Lincoln eds., "Interviewing: The Art of Science," in Handbook of Qualitative Research (London: Sage, 1994), 370.

134. Fontana and Frey, 370.

135. This, of course, requires an acknowledgement of various parts of my own identity that affect my research: a white, straight, able-bodied feminist, of Ukrainian descent, from a working class background, but who currently lives a middle class existence, and who hopes to forge connections between the academy and activist struggles.

136. Fontana and Frey, 371.

137. Barnsley and Ellis' handbook provides practical assistance. See Jan Barnsley and Diana Ellis, Action Research for Women's Groups (Vancouver: Women's Research Centre, 1987).

138. Vickers, Rankin and Appelle, 105.

139. See, for example, Pauline Marie Rosenau, Postmodernism and the Social Sciences: Insights, Inroads and Intrusions (New Jersey: Princeton University Press, 1991), 92, and the chapter entitled, "Repudiating Representation," more generally.

Chapter 2

Positioning the Women's Movement

In lieu of providing a detailed history of the women's movement in Canada, the purpose of this chapter is not only to contextualize the feminist struggles that will be outlined and assessed in the subsequent chapters, but also to provide a basis for understanding how and why the contemporary Canadian women's movement could potentially become a transformative political force in the constitutional deliberations that follow. This involves grounding the movement vis-à-vis the analytical framework outlined in chapter one. Here, the women's movement is considered in relation to the following factors that shift over time: socio-economic conditions; political opportunity structures; organizational features and strategic emphases; ideas and identities.

At the same time, the central, national feminist organizations involved in the constitutional debates of the eighties and nineties are identified in this chapter.¹ Not all national feminist organizations will be dealt with, nor will the specific organizations examined below be studied in the same amount of detail. The intent, rather, is to situate the primary actors that become relevant in the succeeding chapters.

1 Contemporary Socio-economic Changes and the Women's Movement

Socio-economic change can be seen as one of many interconnected variables that comprise a web of structural opportunities and constraints that both shape and are shaped by women's movement struggles. To illustrate, a favourable socio-structural environment and in particular, changes to women's work and widened horizons with

respect to women's education, are key considerations in understanding the feminist resurgence of the sixties and seventies.²

The post-war economic boom was both short-lived and rife with contradictions, offering both potentials and pitfalls for women. With liberalized education, school and work opportunities expanded for some women. Yet, while larger numbers of women entered the paid work force, (for example the percentage of female labour force participation grew from 26.2% in 1950, to 60% by 1991³) the labour market continued to be segregated in terms of gender, race and class. Women were clustered in lower paid, non-unionized jobs, typically employed in clerical and service occupations,⁴ while men were more evenly distributed across occupations.⁵ Women's "pink collar" service sector employment grew, as did part-time work. From the seventies onward, as the number of part-time jobs doubled,⁶ women came to service the requisites for a more "flexible" workforce.⁷ They not only earned less than men, had less job prestige and security, but women also faced double and triple work days, working in and out of the home, and sometimes in volunteer capacities as well.⁸ These socio-economic conditions, among others, contributed to the feminization of poverty. In fact, between 1971 and 1986, the number of poor women grew by a staggering 110.3%.⁹

Clearly, the socio-economic scenario affected different women in different ways. For instance, women who headed single parent households, older women, disabled women, women of colour, immigrant women, and Aboriginal women faced additional hardships. For instance, while all women were likely to experience poverty

at some point in their lives, the odds were increased if they had children or lived to be old. They were raised substantially higher if they were disabled or Aboriginal.¹⁰

In the context of the sixties and seventies, then, it was mostly white, middle class and educated women who found themselves with greater educational credentials and related aspirations.¹¹ These women, in particular, and in spite of socio-economic hindrances, became part of a feminist "renaissance" of sorts. While there was never a clear break between what has been dubbed the first and second "waves" of the women's movement, the sixties and seventies period clearly involved a feminist resurgence. Alongside other social movements - from student new left and peace groups to Aboriginal and Quebec self-determination struggles - and often as a result of feelings of subservience from within them,¹² contemporary feminists struck their own women's liberation groups, pursued consciousness-raising exercises, and created various mechanisms and groups to aid women and meet their needs. These included, but were not limited to, the following: employment support and child care initiatives, counselling, self-help systems, bookstores and educational outreach, as well as shelters from violence and abuse. The spokespersons for the women's movement were those who benefitted from contemporary structural changes. They were mostly white, middle class, able-bodied, urban-based and university-educated women.¹³

Of course, versions of this type of activism had long since been practised by feminist foremothers; however, the scope and number of services created by post-sixties feminists grew considerably. Contemporary feminists profited from the pre-sixties activism on the part of women in professional organizations, in service groups, unions, farm organizations and, to a certain extent, even in political parties.¹⁴

Canadian women have a long history of working to improve socio-economic conditions, raising issues of equality, reconciling the dissonance between liberal rhetoric regarding promises of equality and opportunity and the realities of discrimination and oppression in the workplace and at home, and mobilizing to obtain a wide range of policies and services.¹⁵ As we shall see, while there were indeed connections between long-standing women's organizations and newer groups (in fact some key individuals overlapped), the sixties and seventies, nonetheless, saw a higher profile for a wide range of feminist interests and a proliferation of fora for their activism.

Women's experiences varied significantly given divergences with respect race, ethnicity, language, class, sexual orientation, age, ability, and so on. The interrelation of education and employment opportunities with gender, race and class, for example, translated into barriers for women of colour both in higher education and, relatedly, with regard to structural discrimination in the workforce. As a result, women from diverse backgrounds organized in ways that strove to overcome their particular forms of oppression and created their own context-specific opportunities.¹⁶

As a result, by the middle and certainly towards the end of the eighties, issues of equality in the workplace, reproductive control, child care, lesbian rights, violence against women and inadequate public policy, joined with concerns such as the plight of immigrant and Aboriginal women, the discrimination facing women of colour, and the various manifestations of ableism.¹⁷ Increasingly, women from an array of constituencies worked to re-direct the white, middle class, heterosexual, able-bodied course of the movement.¹⁸

From the sixties, into the seventies and eighties, the women's movement grew, and its constitutive interests expanded and diversified. In this time frame, the socio-economic climate was relatively favourable. To be sure, the Canadian government had grappled with stagflation and recession in the seventies and early eighties, and experimented with various economic policy instruments, but it was not until the mid eighties that there was a more decisive turn in economic and political policy.

In the early eighties, the Liberal government began to retreat from its economic nationalism and its interventionist post-Keynesianism. Gradually the decade's economic slump eased. Economic growth and expanded employment opportunities marked a mid eighties upswing. This coincided with the election of a new Conservative government, under Brian Mulroney, which explicitly promoted a neo-liberal ethos.¹⁹ Then, when the clouds of economic crisis and social vulnerability rolled in once again, prospects became gloomier as the political prioritization of unforgiving, market-driven economic forces over social welfare concerns and a "streamlined" state began to take their toll.

The installation of a neo-liberal regime, the accelerated pace and scope of globalization, the movement towards international standards and markets, free trade and de-regulation plus dwindling social safety standards and rights began to jeopardize Canada's social programmes.²⁰ Towards the end of the eighties, the Conservative government embarked on policy reversals in relation to universal, redistributive public policies. Existing social services were poorly funded and sometimes dismantled altogether.²¹ This came at a time when unemployment levels matched the Depression era.²²

This economic scenario intertwined with the politics of race and ethnicity. Changing immigration patterns contributed to growing Canadian racial diversity. Earlier immigration tended to flow from primarily European countries whereas between 1981 and 1991, a larger source of immigrants have come from: "'non-white' countries..[with only] 25 percent of immigrants born in countries of Europe, whereas almost half (48 percent) were born in the countries of Asia alone."²³ While economic turmoil obviously affected class positions, it also, more readily, exposed racist undercurrents, as well as sexist and homophobic tendencies. The growing discourse became one which decried any "special" treatment, and often incorporated racist, anti-immigration,²⁴ as well as anti-affirmative action, anti-feminist, and anti-gay and lesbian views. The seeds were sown for the castigation of "special interests" by mid decade. The discourse was cultivated carefully, and by the early nineties, it surfaced, fully-grown.

Hence, while the sixties and seventies for the women's movement could be characterized, in general, as:

a time of optimism about the possibility that new social programs could be developed that would meet some of the needs of women...since 1984, women's groups have been on the defensive and have struggled as hard to maintain the provision of social services as they originally worked to get them. The sense of possibility that characterized the 1970's was replaced by pessimism. Proposals for new programs seemed futile, considering the extent to which existing programs were being decimated.²⁵

At the same time, reductions were made to women's organizational funding. Feminist initiatives, organizations, programmes and networks also were jeopardized. To illustrate, in the late eighties and early nineties, dramatic cuts were instituted by

the Conservative federal government touching all feminist groups country-wide.²⁶ In May of 1990, funding for feminist and Aboriginal publications was withdrawn completely, as were grants for women's centres, although the latter was reinstated due to nation-wide opposition and outcry.²⁷

Various survival mechanisms emerged as women mobilized to protest cuts and achieved the reinstatement of some services. They also began to develop alternative funding sources. In other words, feminists did not sit idle in the midst of socio-economic-political upheaval. There was, no doubt, reactive organizing taking place, but there was also a co-ordinated response to socio-economic change.

For a start, feminist economic theories and practices grew in depth and scope. Marjorie Griffin Cohen argues that since the eighties the feminist movement became more sophisticated, expanding its focus with regard to macro economic policies from trade, and the federal budget to privatization and deregulation.²⁸ Thus, beyond activism against dwindling funds for their organizations and services, a more diversified agenda was developed and promoted which, in turn, ameliorated women's constitutional political analyses.

In sum, structural change provided both opportunities and constraints. Women were influenced by these deteriorating conditions but they also made their mark in their efforts to affect change, and not only be affected by it. These socio-economic factors do not operate in isolation. Political imperatives are enmeshed with this overview of socio-economic change and the women's movement and must now be fleshed out in more detail.

II Political Openings and Strategies

Canada's political system merges a British parliamentary tradition with federalism, and its political parties are meant to provide a representational channel that links civil society and state. These institutions have been marked by serious representational and, arguably, democratic deficiencies. Partly in response to these shortfalls, in 1982, the Canadian Charter of Rights and Freedoms was entrenched. It added another potential avenue to seek representational access, but one that has also been fraught with difficulty. The nature and complexity of women's forms of interaction with these political opportunity structures will be now be outlined.

II i) Parliamentary Manoeuvring

The parliamentary system in Canada, beyond being constructed and dominated by white males from relatively homogenous class, racial, ethnic, and professional positions,²⁹ is executive-centred, with the Prime Minister and cabinet members arguably wielding great power. The executive dominates in the House of Commons,³⁰ and it exercises considerable control given both the strictures of party discipline and the executive's role in filling a wide range of appointments from the Senate to the judiciary. Central authority is reinforced by a fusion of powers whereby the Prime Minister not only heads the executive but is a member of the legislature. This serves to limit openness and differentiates the Canadian political process from one with a separation of powers.³¹ In other words, it takes more effort to pry potential "openings" in the Canadian political opportunity structure.³²

Parliament poses a number of challenges for the women's movement, given the formal, numerical under-representation of women and the lack of priority given to

feminist concerns.³³ Moreover, in mobilizing, as mentioned in Chapter 1, the "interest group" model of the American women's movement is less propitious for Canadian feminists given the intensive, executive control in Parliament. Additional strategies must be advanced: those that combine inside/outside pressure.

Given the difficulty of raising feminist concerns in male dominated, executive-centred, traditional parliamentary institutions,³⁴ it was necessary for women's groups on the "outside" to mobilize in the sixties for a Royal Commission on the Status of Women (RCSW).³⁵ Women from 32 organizations met, Laura Sabia, then president of the Canadian Federation of University Women (CFUW), pressed the issue, and the Committee for Equality of Women (CEW) in Canada was founded, comprising a coalition of new and old women's groups (the Voice of Women (VOW); National Council of Women of Canada (NCWC); Imperial Order of Daughters of the Empire (IODE); the Young Women's Christian Association (YWCA) and the Business and Professional Women's Association (BPW)). While the CEW, along with the newly established Fédération des femmes du Québec (FFQ) pressured the government to set up a commission,³⁶ women did not sway the government of the day. These forms of mobilization required, as well, the threat of protest. Laura Sabia made news headlines with her melodramatic declaration that two million women would assemble on Parliament Hill, and that: "If we have to use violence, damn it, we will".³⁷ Furthermore, the few women politicians on the "inside" also provided support.³⁸ Thus, large-scale women's movement mobilization combined with the efforts of New Democrat Grace MacInnis, and the influential insistence of Liberal cabinet minister

Judy LaMarsh, finally persuaded the Liberal government to give in to women's demands.³⁹

Since the RCSW, there have been an array of commissions devoted to numerous issues from reproductive technologies and economic re-structuring, to electoral reform and Aboriginal affairs.⁴⁰ Feminist activism has not only put issues onto the state's agenda, as with, for instance, the federal government's Royal Commission on Reproductive Technology, an issue historically not conceived of in traditional "political" terms, but it also has had some affect on the form and substance of commissions. For instance, numerous feminist organizations opposed the Panel on Family Violence due to insufficient representation of Aboriginal women and women of colour.⁴¹

While the broader significance of the RCSW will be examined below, this experience illustrates the multi-faceted nature of women's movement activism. It combines multi-pronged, extra-parliamentary mobilization, with insider pressures. The Canadian women's movement has adopted strategies tailored to its particular political context: not only working outside of political institutions, but targeting the state (and not primarily lobbying the executive); and demanding and appearing before representational fora like governmental commissions and committees of inquiry. In these ways, feminists have experienced the constraints of the political system, but have also seized political opportunities to affect change, challenged the state, and mobilized from within and without.

II ii) Building Insider Networks and Installing Femocrats

The inside/outside connection is particularly revealing when one considers women's long-standing efforts to construct a challenge from within the state. Through pressure from women in organizations including the CFUW, BPW, and the NCWC,⁴² and key women with connections to groups such as the Young Women's Christian Association (YWCA), as well as to the Liberal party,⁴³ the Women's Bureau was established in Canada's Department of Labour in 1954. This agency wielded minimal political clout but it nonetheless constituted a foot in the door and performed an important role in collating and distributing information on women.⁴⁴ There would be more points of entry as the visibility and scope of feminist activity increased. For example, through women's efforts,⁴⁵ an issue like child care was on the agenda of the Women's Bureau in the 1950's,⁴⁶ but it was not until decades later, when older groups including the CFUW, and the National Council of Jewish Women (NCJW), joined newer groups such as NAC and the Canadian Congress for Learning Opportunities for Women (CCLOW), and specific daycare advocacy groups, namely, the Canadian Day Care Advocacy Association (CDCAA), and mobilized, that it would become a more integral and explicit government policy consideration.⁴⁷

Coinciding with the intensification of feminist activism from the late sixties onward, more attention was paid to women's issues within the state. Moreover, feminist pressure to create the RCSW and then to act on its recommendations directly contributed to the growth of a femocratic network. The RCSW Report made it clear that the numbers of women in the bureaucracy were few, and the lack of expertise with respect to feminist concerns was great.⁴⁸ Opportune socio-economic conditions,

and a thriving public sector, provided an hospitable climate for the growth of femocracy. The federal government designated a Minister Responsible for the Status of Women in 1971, appointed feminist advisors in various departments, established the semi-autonomous Canadian Advisory on the Status of Women (CACSW) in 1973, allocated resources for the Women's Program in the Department of the Secretary of State in 1974, and re-organized the Status of Women Canada in 1976.

Originally, according to Sue Findlay, there were substantial women's movement contributions to the building of the femocracy. The Women's Program, for instance, was "[o]rganized by feminists who had decided that the resources of the state could be used to support the development of the women's movement...."⁴⁹ In Findlay's estimation, however, it was not long before the feminist presence became co-opted and "insider" efforts were de-radicalized if not de-legitimized. In her critical assessment, ultimately, the women's movement input was reduced to token consultations and, in the end, the "actions of the liberal feminist wing of the movement were limited to relatively restrained periodic ministerial and bureaucratic lobbying...".⁵⁰ This strategy of ad hoc consultation and negotiation with government, Findlay suggests, was spear-headed by the leadership of NAC, "although some members thought it conflicted with NAC's responsibilities to regional and community-based groups."⁵¹ And, in Jill Vickers, Pauline Rankin and Christine Appelle's estimation, NAC had difficulties in establishing a lobbying framework due to insufficient resources. In their view, NAC failed to achieve any type of lobbying stature in Ottawa until the mid to late eighties.⁵²

For the women's movement in general, relations with the government in the eighties were particularly rocky. Sandra Burt notes that, overall, there was a "breakdown in friendly relations," alliances built in departments such as Labour and Health and Welfare were strained, and public officials grew increasingly hostile to feminist demands.⁵³ In part, this situation contributed to a re-evaluation of state funding for women's organizations. It also came as a result of a shift in the government's economic, social and political priorities.

In the context of hospitable political and economic conditions in the seventies and early eighties, many women's groups received governmental assistance, and increasingly came to rely on grants programmes like those issued by the Secretary of State Women's Program. By 1986, over 700 groups obtained core or project funding from this particular body.⁵⁴ Again, this created a situation of both opportunities and constraints. Through state funding many groups were able to mobilize, provide programmes and services for women, and educate the general public on a variety of issues concerning women and society as a whole. Notably, there were limitations in that there were often strings attached. The state exerted its power implicitly, creating a degree of dependence and vulnerability for women's groups with limited money and resources, and explicitly, through bureaucratic directives such as prohibiting the directing of funding towards abortion activism and issues related to sexual orientation.⁵⁵ Yet, this was rarely a case of complete dependency or cooptation. Many women's groups succeeded in working around restrictions, combining governmental grants with other sources of funding, and continued their activism on multiple fronts.⁵⁶

By the late eighties, with neo-liberalism ascendant, funding to women's organizations was drastically reduced. This resulted in loss of programmes, services, and publications for women. For those that survived the cuts, precious time had to be expended on fundraising rather than pursuing political activism. This meant a re-valuation of strategies. While lobbying tactics were still pursued, more coalitional work and confrontational approaches were favoured by groups like NAC, for example.

The foregoing, then, raises a number of issues. It recognizes the presence of a femocratic network with continuing tensions between state control and feminist resistance. Feminist tracks were laid into the state, but they were not uni-directional. In fact, inside/outside border traffic ran neither smoothly nor consistently. While the women's movement works to affect change and make gains under opportune conditions, it, no doubt, is also affected by state structures. Its strategies and tactics modify given these tensions.

II iii) The Constitution and the Charter

The patriated constitution and newly entrenched Charter, in Radha Jhappan's appraisal, "represented a watershed in terms of the power of citizens and courts vis-à-vis the power of governments...the Charter manacles governments in a manner unprecedented in Canadian constitutional history...[and it adds a] much wider scope for judicial review."⁵⁷ In light of this, and given the representational inadequacies of the parliamentary system and mixed responsiveness of the state with respect to women, some feminists "invested hard work and important hopes in Canada's new Constitution and the guarantees of equality in the Charter of Rights and Freedoms."⁵⁸

As the following chapters will attest, the existence of the Charter and the prevalence of women's Charter-directed activism contributed an important dimension to Canada's political opportunity structure.

Indeed, feminist organizations like the Women's Legal Education and Action Fund (LEAF, founded in 1985), were established to facilitate the pursuit of litigation as a means to bring about change for women. As will become evident, Charter-based tactics were not free of contradictions, constraints and controversies. While groups such as LEAF, the National Association of Women and the Law (NAWL) and the Native Women's Association of Canada (NWAC), in particular, pursued judicial routes, they required specialized expertise and significant financial resources. What is more, governmental assistance provided by the Court Challenges Program (established in 1985 to fund litigation on equality rights, multiculturalism and language issues) was not a given. The Program was dismantled by the Conservative government in 1991, but was later reinstated by the Liberal government. Nonetheless, most women's access to the courts has been and continues to be quite limited. Therefore, the strength of this representational strategy has been questioned by various Charter sceptics.⁵⁹

There are a number of very real dangers in using litigation as a form of feminist political activity. First of all, Charter successes for women have been few and far between. For instance, well over three times as many sexual equality cases have been brought forward by men than by women, and to women's detriment.⁶⁰ The scant Charter "gains" (such as the Morgentaler abortion decision⁶¹ or Schachter where parental benefits were extended to mothers and fathers⁶²) have tended to bring mixed

results.⁶³ What is more, while early Charter decisions were decided by an activist and liberal court, the move to a more conservative body is likely to produce less progressive decisions.

Nonetheless, the fact remains that the Charter and courts exist, and have the potential to provide a pragmatic alternative. While the courts are disparaged for being unrepresentative and undemocratic, women have not fared much better with their elected representatives in the parliamentary system. Thus, women continue to seek multiple routes to representation. As the subsequent chapters will attest, both judicial and political tactics have been employed, sometimes in concert, and at times, separately. The women's movement has engaged with the state and has pursued Charter and court challenges, and other representational fora, namely political parties, have not been discounted as terrains of struggle.

II iv) The Political Parties

Political parties have always been a site of contestation for women. The dual-edged nature of the party is clear: it constitutes an important instrument in the maintenance of executive parliamentary dominance with, for example, the enforcement of party discipline; yet, it also serves as a crucial representational vehicle, linking the state and civil society.⁶⁴

Canada has had a two-party system up until after World War I and from then on, a series of third parties surfaced, one becoming a permanent feature, the Cooperative Commonwealth Federation (CCF)/New Democratic Party (NDP), while others, such as the Progressives, have long since retreated from the electoral stage. Because the NDP has never gained federal office, the system has often been described

as a two-and-a-half party system.⁶⁵ Only recently, with the growing electoral success of so-called "parties of protest," or "regional" parties such as the Reform Party and the Bloc québécois (BQ), and the plummet in popularity of both the PC and NDP, has there been a substantial shift towards a multi-party model. While Canada has in fact had an array of alternative parties that have covered the political spectrum - and even a short-lived Feminist party⁶⁶ - few beyond the established three, until very recently, have made lasting impressions.

On the whole, centrist parties have governed at the national level. The Liberal Party held power for long periods of time, substantiating the claim that Canada has been ruled by a Liberal and liberal consensus.⁶⁷ The lack of a strong, electorally successful left party at the national level reinforces this lack of ideological distinctiveness. In its pursuit of electoral success, the leftist NDP moderated its position muting class-based articulations and socialist proclivities.⁶⁸

The women's movement, therefore, did not have to fashion its organizations, ideas and strategies in relation to a parliamentary left to the same degree as occurred in countries with strong, successful Communist, Socialist, and Labour parties.⁶⁹ As Nancy Adamson, Linda Briskin and Margaret McPhail explain:

Currently in Canada there is no large, popular, or legitimate communist or socialist party, and in fact Canadian traditions in this regard are weak. Consequently Canadian socialist feminism does not have to contend with clarifying its organizational, ideological, and strategic relationship to a parliamentary left. As a result socialist feminism here is not as polarized out of the women's movement as it is or has been in countries where socialist-feminist discourse has been dominated by discussions about its relationship to the left.⁷⁰

The Canadian party system also is characterized by brokerage politics. In brief, such parties' primary concern is to build an electoral coalition in order to gain electoral office.⁷¹ As a consequence, parties engage in the politics of moderation which minimize differences and suppress divisive tendencies. The parties provide little ideological choice and lack definitive, long-term programmes. In their brokering mode, they have been known for their policy reversals and tendency to undermine political ideas traditionally associated with them. Brokerage has been played to a large extent by the two leading political parties, but these tendencies have become more apparent even in third party strategies from New Democrats to Reform and the BQ.⁷²

Not all interests are accommodated, however.⁷³ In women's experiences with the party system marginalization has been the norm. That is, despite brokerage parties' attempts at integration, the "aggregation" of feminist issues has not been a priority.⁷⁴ This combination of Liberal/liberal dominance, the weak presence of left movement/parties, and brokerage politics has left its mark on feminist organizing.

Canadian feminists' relationships with the political parties are not easily reducible to binary inside/outside relations. Clearly and categorically, there has been a well-established pattern of exclusion, marginalization and under-representation of women in this party system.⁷⁵ Yet this seemingly barren environment has not deterred women from engaging in party politics. Feminists have been neither completely repelled nor seduced by partisan activism.

Lynn McDonald, among others, emphasizes the fact that Canadian feminists have demonstrated a long-standing commitment to working with the ordinary political

process and with existing parties.⁷⁶ Feminists have not been anti-partisan but, in fact, they have demonstrated multi-partisan allegiances, i.e. they have worked with parties of various stripes,⁷⁷ and the party/movement distinction, is not as rigid as it has often been portrayed.⁷⁸ Typically, in order to have their issues addressed, feminists have built strategic alliances with parties,⁷⁹ sometimes, depending on the particular conjuncture, with the party in power,⁸⁰ and often with the CCF/NDP. Numerous historical examples can be cited from women's early efforts in provincial parties,⁸¹ to the CCF's Toronto based Women's Joint Committee of the 1930's which attempted to bridge party affiliation and women's organizational autonomy.⁸²

In the contemporary period, feminist organizing continues to cross movement/party forms. For example, in spite of continuing efforts to divorce the women's movement from party organizing in the left of the sixties and early seventies, women's activism crossed representational boundaries. Even though some women abandoned the New Left and the NDP due to the intransigence of their male colleagues in relation to feminist issues, others "remained within the NDP, joined with VOW ...[with feminists] such as Kay Macpherson and Muriel Duckworth, and with union feminists, such as Shirley Carr and Grace Hartman, to achieve...policy goals and structural changes . . .".⁸³ Here, pivotal individual linkages demonstrate the party/movement nexus.

As Sylvia Bashevkin recounts, by the mid-seventies feminist activists made gains in the New Democratic and Liberal parties, "as task forces and new women's rights organizations were established (the NDP Participation of Women Committee and the Women's Liberal Commission were created in 1969 and 1973, respectively)

and as more women became visibly influential, particularly as holders of major party and public office."⁸⁴ Monique Bégin, one of the founders of the Fédération des femmes du Québec (FFQ),⁸⁵ executive secretary for the RCSW, and later Minister in the federal Liberal government provides a prime example of such intertwining.⁸⁶

Feminists in Canada have not only been multi-partisan, but they recognize the significance of both the women's movement and political parties.⁸⁷ At times, the feminist movement has worked in coalition with parties to bring about change. In the eighties and nineties, in the context of recession and an increasingly pro-business, neo-liberal, "pro-family", Tory agenda, NAC, particularly through their Action Canada Network (ACN) inter-movement connections, formed alliances with the NDP and the union movement to strategize on various issues from trade to social welfare.⁸⁸ Moreover, the support of the NDP for localized, feminist organizational efforts became apparent with, for example, the party's involvement in pro-choice coalitions to defeat the restrictive, Conservative abortion proposal.⁸⁹ As conditions worsened for women, and the fortunes of the party waned, coalition work and the notion of strength in numbers, became an important strategy for the women's movement and other social movements including labour and the left, as well as the NDP.⁹⁰

These brief examples serve to illustrate the long-standing tradition of overlapping strategies and multiple allegiances.⁹¹ The political party and the women's movement have not been diametrically opposed. Still, to heed a more cautionary note, of course, not everything is possible and circumstances change.⁹² As later chapters will relate, the parties can use women in their ranks and outside them to secure their own partisan ends. Nevertheless, while the weight of political institutional imperatives

is substantial, the history of feminist struggles attests to the fact that this burden has not proved debilitating.

II v) The Federal System

There are divergent views on the political opportunities afforded by the structure of federalism on representation. The federal system in Canada counterbalances and challenges the parliamentary and party system, dispersing power across two levels of government. As a result, some have advanced a "multiple crack hypothesis" i.e. that federalism contributes various access points, while others have criticized it for confounding and complicating strategies.⁹³ For parties, for example, Canadian federalism influences what Donald Smiley described as a confederal system, where provincial parties have been known to differ from their federal counterparts.⁹⁴ On the one hand, this confederal system potentially facilitates greater accessibility in that the lack of central party control and differing party platforms could create numerous entry points. However, it may also foster fragmentation and make it more difficult to co-ordinate consistent, coherent policies.

The federal system complicates feminist strategizing.⁹⁵ Some maintain that the federal system hinders effective lobbying, as the movement becomes provincially fragmented.⁹⁶ It can also contribute to both strained alliances and the siphoning of scarce resources. Yet, one can point to policy innovations that come as a result of the potential safety mechanism of having two orders of government to consider women's multiple interests and senses of identity. These various perspectives merit more careful consideration.

For a start, Canada's federal system may have contributed to the women's movement's unique form and its hybrid strategies. For instance, it clearly has influenced the women's movement's proclivity for distinctive umbrella organizations. The National Action Committee on the Status of Women (NAC) provides the obvious example. Many others have regional/provincial/ or local branches and representatives including early groups such as the BPW and the Fédération nationale des femmes canadiennes francaises (FNFCF), and later ones such as the National Association of Women and the Law (NAWL), the Canadian Research Institute for the Advancement of Women (CRIAOW), and the Women's Legal Education and Action Fund (LEAF).⁹⁷ While most of these organizations have head offices in centralized, urban centres, usually Ottawa or Toronto, they receive input from local groups and individuals. In theory, this provides centralized pressure and lobbying clout, combined with regional diversity and grassroots involvement, contributing to social movement concerns such as the promotion of communicative and educative networks.⁹⁸

Of course, in practice, there are often criticisms regarding this centralized focus and inadequate consultation and responsiveness at the margins.⁹⁹ Although a "wide range of [local] sympathizers" can be called upon they may be merely "included and not incorporated."¹⁰⁰ Various efforts have been made over the years made to grapple with these issues. NAC, for example, has engaged in perpetual processes of organizational review to diversify its personnel and improve its consultative mechanisms. The point, however, remains that the federal structure has encouraged the women's movement to adapt its form and strategies

The Canadian federal system has contributed to a ripple effect with regards to key policy changes, and this also affects women's lives, and therefore influences the priorities of the feminist movement. For instance, while women's early mobilization laid the foundations for health and welfare reforms, CCF initiatives at the provincial level set the stage, in turn, for national health and welfare programmes. Similarly, Quebec provincial state building in the sixties offered a model for state modernization and public sector expansion in the other provinces, as well as in the federal government. As a result, growing bureaucracy, and new programmes translated into the potential for more jobs and better services for women.

By the late eighties and nineties, in recessionary times, as the Conservative government promoted neo-liberal fiscal and social policies, many provinces followed suit, "rationalizing" and "streamlining." Eventually, even those NDP provincial governments in Ontario, Saskatchewan and British Columbia that were formerly wary of deficit-retentiveness weighed the costs and benefits of economic management over social programmes. When Alberta took more drastic measures than the federal government, slashing and burning programmes and services, federal politicians, from Reformers to Liberals, proved most interested in these initiatives. The implication is that the federal system can foster various forms of "innovation" at either level of government, and it tends to have mutually-reinforcing political repercussions. The women's movement, in turn, is influenced by these processes and may have to tailor its mobilizing strategies in accordance to bring about its preferred alternatives.¹⁰¹

The presence of two orders of government could conceivably create new opportunities and provide a safety mechanism, with the inadequacies of one level

bolstered by the other level. For instance, women in Quebec can turn to both provincial and federal Charters to ensure that their rights are not being infringed. In this way, a degree of overlap and duplication, while not cost effective, may prevent some women from falling through the cracks.

To be more accurate, most francophone feminists often put greater faith in their provincial governments over their national counterparts, and many Quebec feminist nationalists are highly critical of what they perceive to be federal impositions like the Charter. As a result, the federal system also can contribute to strained feminist alliances. On one hand, feminist organizations outside of Quebec have tended to be centralist in their demands and wary of dismantling national shared-cost programmes, given that women, in general, disproportionately depend upon them. With federal devolution, many fear the creation of a patchwork quilt of social programmes. On the other hand, most Quebec-based feminist groups are in favour of limiting federal powers and increasing provincial responsibilities in the areas of health, welfare, and education. Given Quebec's own history and nationalist aspirations, they have more faith in their provincial state for progressive and lasting social policies. In this way, the federal system undoubtedly complicates the strategies of the women's movement and, at times, strains feminist networks. However, as the following chapters will attest, this has encouraged the development of intra and inter-movement consultative mechanisms and some policy creativity on the part of the women's movement to accommodate these different positions.

Overall, then, despite the acknowledged difficulties, the "presence of federal institutions is...sometimes a resource...[because] a federal state with liberal-

democratic institutions provides a choice of routes."¹⁰² In other words, in spite of the constraints of a federal system, it does render alternative sites for political contestation and women are able to seek representation at different levels. As a result, women can, potentially, under the right circumstances, pursue a number of criss-crossing paths to bring about change.

III Organizational Considerations

Although social, economic and political factors have no doubt impelled the women's movement in Canada in particular directions, the shape of politics, economic and social relations have also been influenced by the presence of the women's movement. For this reason, it is important to examine the nature of the movement, its distinctive organizational features, and the networks that it created. The following discussion positions a number of key groups and identifies central themes, such as organizational continuity and co-operation, constituencies and interests, umbrella networks and coalitions, and strategies. With regard to the latter, it becomes apparent that strategies evolve in response to both changing structures and movement actions.

III i) Continuities and Cooperation

The first significant feature is the organizational continuity of the movement. The distinction between two "waves" of feminist organizing is difficult to sustain. For instance, in Micheline Dumont's account, the vibrancy of Quebec feminism from the seventies onward is traced to the social and political activism of women in 1940's and 1950's.¹⁰³ In addition, so-called "first wave" organizations often joined with newer organizations to bring about reforms, and engender state responsiveness.

As a result, the subsequent chapters will take note of the constitutional contributions of long-standing organizations like the Y'YCA (established in 1883),¹⁰⁴ the NCWC (1893), the CFUW (1919) and the BPW (1930).¹⁰⁵ Some have made distinctions between these groups, dividing them along maternal or social feminist, and equal rights feminist lines, but such lines of demarcation are seldom clear cut. The existence of a co-operative ethos provides a more enduring theme. Burt adds this subtlety to her original dichotomous framework, when she writes:

It would be a mistake to view the early philosophical divisions among English Canadian feminists as evidence of two distinct and competing streams in their activism. While some women undoubtedly saw the differences as irreconcilable, others worked in groups such as the National Council of Women where equal rights arguments and social feminist perspectives were able to coexist. Such a spirit of cooperation was an important part of the character of the early movement.¹⁰⁶

Another oft-cited feature of these early groups was that they were predominantly white, anglophone, Protestant, urban and middle class.¹⁰⁷ Peggy Bristow writes, for example:

At the turn of the twentieth century, the emphasis on 'maternal feminism' and the drive to create a white and Protestant nation, raised questions about the proper type of immigrants... Black women found themselves excluded from the debate by virtue of their race and class."¹⁰⁸

Yet, there were exceptions. Associations like the National Council of Jewish Women (NCJW 1894);¹⁰⁹ the FNFCE (1914);¹¹⁰ the Federated Women's Institutes (FWI established 1919) addressed concerns of race and class. There were also distinctive forms of organization for Quebec women,¹¹¹ dating from the Fédération nationale Saint-Jean-Baptiste established in 1907. And, there was, of course, the

presence of those exceptional feminists who battled against predominant classist and racist convictions.¹¹²

There were also many localized efforts that dealt with issues of gender, race and ethnicity. For instance, there was the Coloured Women Club in Quebec, created in 1902. Black, Baptist women in Nova Scotia, organized in 1914 as the "Women at the Well". The Ukrainian Women's Enlightenment Society was formed in 1916 by women in Manitoba.¹¹³ These are only a few examples but they do highlight the long-standing organizational efforts by women with multiple interests and intersecting senses of identity.

These foundational women's organizations served crucial, social, economic and political functions, from providing educational and welfare services to fighting for suffrage and equality rights and setting the stage for various reforms.¹¹⁴ They also served as training grounds for many women, increasing both their skills and confidence levels.

Mobilization continued across the decades. From the 1920's, women on the left mobilized country-wide for International Women's Day (IWD) celebrating the activism of Canadian women as well as promoting international solidarity.¹¹⁵ Numerous other examples from the post-WWI period can be cited, such as efforts of the NCJW to popularize birth control,¹¹⁶ and the achievements of groups like the CFUW and BPWs with respect to "a plethora of issues from unemployment and penal reform to education and child welfare."¹¹⁷ The NCWC and YWCA were influential in provoking state responsiveness from the Department of Labour. Women's occupational organizations such as nursing associations and the Federation of Women

Teachers Association of Ontario (FWTAO) also laboured on issues of women and work.¹¹⁸ Moreover, new groups continued to form between the "waves" such as the Canadian Negro Women Club, established in the fifties,¹¹⁹ and the first known support group for domestic workers and immigrant women from the Caribbean in Ontario, the Caribbean Club, formed in Toronto in 1958.¹²⁰ "Second-wave" groups, then, "did not rise out of the ashes of the traditional groups, but instead grew with the assistance and participation of [earlier] organizations."¹²¹

In the contemporary period, the Voice of Women (VOW), a peace and anti-nuclear organization established in 1960, is often referred to as the first of the "new" feminist groups.¹²² Again, this designation is not clear-cut. In Black's estimation:

Voice of Women showed a familiar [first wave] pattern of membership-married women with children- and motivation- concern for family well-being and therefore for a safe, peaceful, and now non-nuclear world. Initially, this group did not look like anything new, but over the years it steadily became more political and more feminist. Many of its members went on to be active in other second-wave groups and in mainstream politics."

VOW diversified its strategies from lobbying politicians (for example, the External Affairs department attributed Canada's cautious response in the Cuban Missile crisis, in part, to VOW's activism) and organizing conferences to mobilizing mass protests.¹²³ Here too, multiple party connections were in evidence as VOW members included prominent New Democrats such as Kay Macpherson, and high profile Liberals like Maryon Pearson.¹²⁴

Once more, VOW not only provided the skills and organizational experience for women who went on to form or be involved with other groups, but it also demonstrated the inter-connected nature of activists and the development of inter-

organizational alliances. For instance, Thérèse Casgrain, a leading Quebec suffragist and activist was the organizer of La Voix des femmes (the Quebec branch of VOW) and she, in turn, went on to play a central role in the establishment of the FFQ. Subsequently, the VOW and FFQ joined the 32 established groups that constituted the CEW in 1966, which led to the RCSW.¹²⁵

The FFQ becomes a pivotal player in later chapters and thus an examination of its origins and organizational features is in order. In April 1966, marking the 25th anniversary of full enfranchisement of women in Quebec, Casgrain called together representatives of 74 different women's groups, mostly francophone but also some anglophone, many former suffrage movement leaders, along with 130 individual women participants, who agreed to found a new coalition, the FFQ.¹²⁶ It became the first contemporary umbrella organization in Quebec to pronounce itself feminist.¹²⁷ The FFQ was not linked to the Church, distinguishing itself from earlier women's organizational efforts in the province,¹²⁸ but it did unite an array of women's groups from service organizations to cultural and union groups.¹²⁹

Inter-organizational linkages were forged within and outside of the province. For example, the FFQ worked with another newly formed coalition in Quebec, the more moderate, Association féminine d'éducation et d'action sociale (AFEAS), also established in 1966.¹³⁰ While AFEAS "consolidated and reactivated...older, more Catholic women's groups...the two large coalitions were in close and friendly contact."¹³¹ AFEAS' first president, Germaine Gaudreau was also a member of the FFQ.¹³² Both AFEAS and FFQ went on to join forces with national feminist organizations, like the VOW.¹³³

The FFQ worked on a wide range of issues from education, abortion, child care and maternity leave, to equal pay, pensions, pornography and prostitution. Moreover, it engaged the state and proved pivotal in the provincial government's decision to create the Conseil du statut de la femme (CSF) in 1974.¹³⁴ As Susan Phillips' research confirms, the FFQ also served a "bridging" function, linking francophone concerns with predominately anglophone, "national" feminist organizations.¹³⁵

In the sixties, women became involved in student, left, civil, rights and peace groups, as well as Aboriginal and Quebec- self determination struggles.¹³⁶ These provided not only movement experience and networking potential for women, but often the impetus for them to mobilize on their own. That is, women frequently experienced marginalization as only men in these groups held the reins of decision-making power and control.¹³⁷ Informed by various movement experiences, these women voiced their frustration in consciousness raising groups (CR) and went on to pursue various forms of feminist organizing.¹³⁸ The impetus for the CR groups tended to be the notion that the "personal is the political" and as Naomi Black notes, this women's liberation rallying cry "had close affinities to the views of nineteenth and twentieth century social feminists who thought politics should be cleaned up the way houses were."¹³⁹

With the tendency to link women with activist student and new left backgrounds to the rise of the more radical women's liberation movement, also comes the inclination to divorce these women from those who lobbied for the RCSW.¹⁴⁰ The argument often made is that while the former distrusted government and called for

revolutionary change, the other type of group reflected liberal, institutionalized, reformist feminism. Thus, an opposition arises between institutionalized versus grassroots feminism, reformist versus radical, and mainstream versus disengaged strategies.

The distinctions, in practice, were not so well-defined. The RCSW did spur the establishment of state posts and institutions for women, at both federal and provincial levels, some of which have been outlined above,¹⁴¹ and it did lead to the establishment of NAC, which will be examined in more detail below. Beyond this, however, the RCSW provided the spark for countless other individuals and groups with various mandates. Not only did they submit briefs to the Commission, but as it held meetings across the country, the RCSW reached large numbers of women, acting as a catalyst and inciting multiple forms of mobilization.¹⁴² Carole Anne Soong specifically identifies the RCSW as the impetus which put her "on the road to active involvement against sexism and racism."¹⁴³ In short, the RCSW had repercussions for both state and society-based organizing. At the same time, as Black recounts:

Women's caucuses and groups were revitalized within unions, religions, and political parties. More marginalized groups of women began to organize, including...groups of Indian and non-status Indian women focusing on the issues relation to women's status; black women who formed a national congress; lesbian mothers co-ordinating the legal tactics for retaining custody of their children; farm women voicing their concern about the survival of the family farm and their own status in it; and wives of armed services members claiming the right to speak out politically in their own interest.¹⁴⁴

Feminist activism crossed the institutional-non-institutional divide, as women struggled in various representational fora and employed an array of strategies.

To be sure, "front-line", community-based services often stemmed from the activities of women who "[s]elf-defined [as] liberationists [and] claimed the grass-roots label."¹⁴⁵ Many of these activists distinguished themselves from the larger more established groups typically headed by white, middle-class professional women, who they characterized, at best, as liberal feminists.¹⁴⁶ Yet, as Jill Vickers points out, this did not "prevent co-operation between women and groups from the two aspects."¹⁴⁷ The existence of umbrella organizations, coalition work, and the multiple allegiances of individual women, facilitated alliances. There were overlapping coalitions and strategies.¹⁴⁸

Being at the "grassroots" did not preclude institutional interaction. Strategies were not cast in stone, as self-identified, "radical," autonomous groups, at times, were compelled to engage with the state, and the more "institutionalized" organizations jeopardized their "insider" status or alliances by resorting to militant tactics.¹⁴⁹ "Grassroots" groups, then, not only co-existed with "mainstream" women's organizations, but they also joined in key lobbying campaigns.¹⁵⁰ What is more, it was the "radical" feminist groups that were central in organizing the Feminist Party in Canada, yet some members of the Party surfaced as part of the Ad Hoc Committee of Women on the Constitution (Ad Hoc), again confounding institutional compartmentalization.¹⁵¹

This is not to say that conflicts did not arise as strategies, visions, interests and identities collided. As will become increasingly apparent, the women's movement in Canada has never been unified. Rather, the point is that the movement can be characterized, overall, by its efforts at forging co-operative organizational linkages.

While strategies change in response to changing conditions, hybrid approaches were not uncommon for the women's movement.

An examination of the origins of NAC, and its organizational connections, reveals the extent of the overlap and the existence of multiple and shifting strategies. To ensure that the RCSW Report's recommendations would not be shelved, a group calling themselves the National Ad Hoc Committee on the Status of Women organized in 1972 a Strategy for Change Conference at the King Edward Hotel in Toronto. There were approximately 500 women in attendance and here again interrelated constituencies were evident. Despite the fact that the conference was held in English only, a number of women from Quebec attended, including the FFQ president at the time, Yvette Rousseau (who later went on to become the president of CACSW) as well as union activist, Madeleine Parent.¹⁵² While former RCSW chair Florence Bird pushed for the Report's suggestion to set up a federal advisory council, conference delegates opted instead for an "autonomous" organization and NAC was born. As we shall see, a year later, the CACSW was established as well, fulfilling both demands.¹⁵³

NAC soon dropped the ad hoc from its name, becoming the National Action Committee on the Status of Women, to reinforce permanence and ensure ongoing governmental funding. Despite its efforts to gain a national profile, its growing dependence on state grants, and its targeting of governmental policies - and hence, its "institutionalized" appellation - from its beginning, NAC attempted to co-operate with different women's organizations. Early member groups included the VOW, as well as the militant Toronto New Feminists,¹⁵⁴ considered to be one of Canada's first

"radical" women's liberation groups.¹⁵⁵ NAC eventually would encompass a range from United Church Women, as well as the Canadian Abortion Rights Action League (CARAL) and the Ontario Coalition of Abortion Clinics (OCAC) constituting member groups.¹⁵⁶ NAC also tried to accommodate regional considerations with affiliated groups that eventually spanned from the Manitoba Action Committee on the Status of Women (MACSW) and the Lunenburg County Women's Group, to the Multicultural Women's Association for Newfoundland and Labrador and the Yukon Status of Women Council.¹⁵⁷ In sum, while NAC's umbrella organizational form was not without its difficulties and serious internal political wrangling, it nonetheless represented the largest (eventually including over 500 groups) and most diversified feminist organization in the country.

NAC's organizational form as well as its tactical priorities makes problematic usual forms of categorization. Even though writers like Adamson et al. separate socialist feminist struggles from organizations like NAC, others point out that while socialist feminists did concentrate on workplace mobilization, this did not preclude participation in NAC.¹⁵⁸ What is more, especially through the activism of key women, links were forged between the union movement and NAC. For instance, textile union organizer Madeleine Parent, who helped establish the Canadian Confederation of Unions in 1969, and Grace Hartman, who became head of CUPE in 1985, were both actively involved in NAC. In fact, Hartman was NAC's first president in 1972,¹⁵⁹ and Parent became Quebec representative to NAC and co chair of its committee in support of Aboriginal women.¹⁶⁰ As chapters 5 and 6 will outline

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the NAC Executive of the late eighties and early nineties had particularly strong socialist feminist and union affiliations.

NAC also mirrored the multi-partisan nature of the women's movement. Women from the Conservative to the Communist Parties were part of NAC's membership. Although NAC was formally non-partisan, representatives with ties to the three established political parties became NAC presidents: Laura Sabia (PC), Lynn McDonald and Grace Hartmann (NDP), and Doris Anderson and Chaviva Hosek (Liberal).¹⁶¹

Additionally, NAC integrated multiple feminist positions.¹⁶² It was only in the late eighties and nineties however, that NAC gradually moved to address its deficient race and ethnicity analyses directly via internal re-structuring and by choosing a woman of colour, Sunera Thobani, to head the organization in May 1993 (she recently has stepped down, after three years as president).¹⁶³ The integration of women of colour, including Aboriginal women, remained a divisive issue for NAC, as had the accommodation of women with disabilities.¹⁶⁴ Still the organization persisted at forging linkages. As a result, while the Native Women's Association of Canada (NWAC) and the National Organization of Immigrant and Visible Minority Women (NOIVM) preferred to organize separately i.e. not as member groups of NAC, they nevertheless worked in coalition with NAC, and groups such as Women Working with Immigrant Women (WWIW) and the DisAbled Women's Network (DAWN) were to join under NAC's umbrella.¹⁶⁵

In sum, Vickers reviews NAC's past and future challenges as follows:

NAC's most crucial role has been to channel and manage conflict within the women's movement, to permit the building of coalitions. Whether it can incorporate in its processes black feminism, ethnic feminism, disabled women's feminism, etc. in the way it brought together traditional social feminism and liberal/reform feminism in the 1970's and further incorporated socialist and radical feminism in the 1980's remains the challenge for the future.¹⁶⁶

NAC exemplifies the point that there do not appear to be bright lines separating grassroots from institutionalized groups, and that relatively co-operative alliances tend to be the norm for the women's movement in Canada.

NAC also epitomizes the fact that strategies overlap and are not fixed over time. It has engaged in lobbying "with a difference". Each year NAC issued a list of its priorities, and initially, these were presented to the government, and then it proceeded to pressure for policies that responded to feminist demands. At the same time, NAC fostered informal linkages on the inside, with public officials, especially in the Status of Women Canada.¹⁶⁷ However, as tensions grew over the years, and circumstances changed, these "openings" became narrower so that even the formal presentation of NAC's agenda was terminated by the Conservative caucus in May of 1989.¹⁶⁸ NAC's approach grew more confrontational. In fact, Burt depicts NAC's opposition to the Conservative government, in relation to its constitutional agenda, as "particularly aggressive."¹⁶⁹ Lobbying combined with outright criticism of the government and mobilization, especially in the Mulroney years, in coalition with other movements to oppose what was perceived to be the Conservative's big business agendu...

Another central organization established a year after NAC's founding, in 1973, was the Canadian Advisory Council on the Status of Women (CACSW). The Council

was a federal government initiative, growing out of a RCSW recommendation. Its mandate was to engage in research and develop programs and legislative proposals in consultation with existing organizations. Its connection to, and power within, the government were not as great as the RCSW envisioned, for the RCSW recommended that this type of body should be directly responsible to Parliament. In contrast, the CACSW had to report to the Minister Responsible for the Status of Women.¹⁷⁰ This would create a number of problems, as will become evident in subsequent chapters. After consultations with women's organizations, the government appointed the CACSW's first, thirty member Council, and chair, sociologist Dr. Katie Cooke. Moreover, in consultation with and/or with the research of feminist activists, the CACSW, although state-created and tied, has provided significant data and resources in many areas, from reproductive health, violence against women and family law to studies on youth, economics and constitutionalism. For example, the Council's research contributed to public awareness with regards to the prevalence of wife assault,¹⁷¹ and became one of the first organizations to coordinate a response on Charter issues.¹⁷²

Depending upon the proclivities of its leadership, at both national and regional levels, the CACSW made efforts to work with and respond to the women's movement. At times, the CACSW shared its resources and co-ordinated its findings with other women's organizations. Still, the CACSW's initiatives were not free of criticism from feminist activists. For example, Laura Sabia, the woman who had been instrumental in bringing about the RCSW, later disparagingly commented on its spawning of advisory councils: "'From Royal Commission' to 'councils' we have

been kept busy pushing paper. 'Do advise us' say the astute politicians, 'we're such numbskulls; tell us what to do.' And we fell for it, God help us, hook, line and sinker."¹⁷³ Moreover, the CACSW, as with most national feminist organizations, fell short with respect to responding to women's diversity. As a recognition of its limitations with respect to accommodating a more inclusive feminism, in 1990, Glenda Simms, feminist, activist and educator, became the first Black woman appointed as CACSW President. Yet, scepticism over the CACSW role and that of other state-tied bodies persisted. As an appointed body, the CACSW was never free of state influence. Thus, in the assessment of some, such councils played a "necessarily limited role" and governments most likely saw them as "a means of channelling and controlling women's demands."¹⁷⁴ Nonetheless, subsequent chapters will illustrate that both constraints and opportunities have co-existed with respect to the CACSW in its contentious efforts to straddle state directives and pressure from the women's movement.

Beyond the development of umbrella organizations and multi-issue feminist organizations, a number of national feminist groups emerged with more specific foci. For instance, in 1968 Indian Rights for Indian Women (IRIW) was formed. Here, Mohawk wives of non-status husbands organized to regain their Indian status, revoked under the discriminatory provisions of the Indian Act.¹⁷⁵ By 1974, arising from the organization of local Anishinabeque groupings,¹⁷⁶ Aboriginal women founded the Native Women's Association of Canada (NWAC). This came as a response to the fact that they were not only excluded from negotiations between the government and male-dominated Native organizations, but also, from the women's movement.

Caroline Lachapelle outlines a number of fundamental issues that prevented some Aboriginal women from participating in national feminist organizations: class differences; lack of awareness or knowledge of the women's movement; the prevalence of white racism; and fear of dividing Aboriginal communities.¹⁷⁷ Over time, however, IRIW and NWAC mobilized around a variety of social, economic and political issues facing Aboriginal women,¹⁷⁸ and despite substantial tensions between the latter and the women's movement, collaborative projects were ventured. For example, IRIW worked in concert with the CACSW to document discrimination in the early eighties, and NWAC worked with NAC in relation to the Charlottetown Accord.¹⁷⁹

Also in 1974, the National Association of Women and the Law (NAWL) was established. Its objective was to improve the legal status of women in Canada through law reform advocacy, legal research, education and action.¹⁸⁰ Other national feminist research/educational networks developed as well, with for example, the establishment of the Canadian Research Institute for the Advancement of Women (CRIAW founded in 1976), and the Canadian Congress of Learning Opportunities for Women (CCLOW formed in 1981).

CRIAW again ties together many of the themes of this chapter. CRIAW originated in both Ottawa and Halifax, and it was set up to coordinate, promote and disperse feminist research.¹⁸¹ The intent was to forge "grassroots" and institutional connections with feminists in the movement and in the academy. The women who held positions as presidents of CRIAW, once more, reflected the prevalence of overlapping constituencies. For instance, Pauline Jewett, feminist, academic and later

New Democrat MP, served as CRIAW's first president,¹⁸² while Muriel Duckworth community activist, committed member of both VOW and the NDP, helped to set up the Halifax chapter, and also became a CRIAW president.

In the eighties, still other groups were formed, growing out of years of prior activism, such as the Congress of Black Women (CBA, 1980). The Congress developed out of the Canadian Negro Women's Club. The latter, established in the fifties, convened a series of conferences in the seventies, and this, plus intensified activism given the socio-economic-political context, led to the creation of a "new" organization, the Congress, by the eighties. The connections across time and circumstances repeatedly manifest themselves, and defy conventional attempts at periodization.¹⁸³

In many of these "newly" established groups, state/movement intersections prevailed. For instance, in 1985, a number of disabled women met with Secretary of State officials, which then led to a "Women with Disabilities Networking Meeting" where women with disabilities from each province and from the North West Territories (NWT) met and made the commitment to spread their own networks provincially. Soon after, a national organization was formed with the establishment of the DisAbled Women's Network (DAWN) in 1985.¹⁸⁴ Similarly, a Secretary of State sponsored a national conference on immigrant women, provided the spark for the Coalition of Visible Minority Women in Ontario, and then in 1986, the National Organization of Immigrant and Visible Minority Women of Canada (NOIVM) was formed. Long years of prior mobilization, plus inspiration from various other movement experiences, as well as the interconnection between activists and state

officials contributed to the emergence of these "new" national organizations. Contrary to accounts that portray these groups as springing out of the state,¹⁸⁵ the situation was again one of activism and seized opportunities in the context of constraints.

No visible pan-Canadian organization of lesbians developed despite extensive mobilization¹⁸⁶ and a series of national conferences in the mid 1970's.¹⁸⁷ In part, some would argue that this underlines the radical, grassroots, anti-institutional response of lesbian feminists.¹⁸⁸ However, it is also important to emphasize the multifaceted work of many lesbian activists who worked in lesbian only organizations, in the gay rights movement and in a myriad of feminist organizations. Lesbian feminists, have been central to the feminist "grassroots" initiatives discussed in this chapter, to the national organizations such as NAC and NAWL, and to their intersection.

Reflecting shifting terrains of political struggle, the growth of Charter-directed groups is particularly important to note. Many began on a local level but then broadened their appeals. This became the case for the Ad Hoc Committee of Canadian Women on the Constitution (Ad Hoc), which was formed in Toronto, in 1981. It constituted itself to push for women's equality rights, when other feminist organizations were involved in various imbroglios (see chapter 3), later reconstituted itself when it perceived equality rights to be at risk (see chapter 4), and then took on new directions, working under a new name, Equality Eve, in the post-Meech period (see chapters 5 and 6). The Ad Hoc Committee was self-appointed and unsupported by any organizational decision. As will become more apparent, this group combined

various tactics from pressure group strategies to movement inspired practices, for example, capitalizing on the use of personal, influential contacts, while at the same time, taking into consideration democratic leadership styles and coalition politics.¹⁸⁹ This pattern repeated itself with other locally based groups, such as the Westman Coalition on Equality Rights (WCER) from Brandon Manitoba. It came to prominence during the Meech Lake round of constitutional negotiations, gaining national notoriety, and it later provided a significant contribution to positions articulated in Charlottetown, as well.

Another leading Charter-focused group, the Women's Legal Education and Action Fund (LEAF) came into existence in 1985 after Section 15 of the Charter came into force. Sherene Razack provides a detailed examination of the work involved in establishing LEAF, and its litigation fund for women was achieved only after "every conceivable network was activated."¹⁹⁰ However, while the need for community input, and the integration of a diversity of women was expressed at the outset, LEAF initially could be characterized as a white, middle class, professional, organization which demonstrated more of an American, interest group orientation.¹⁹¹ This focus is not that surprising in that LEAF modelled itself on an American prototype. Although education was also part of its mandate,¹⁹² LEAF's strategy was primarily litigation-based. Yet LEAF's homogeneity and uni-dimensional approach proved problematic, for as Razack perceptively comments:

they may well have aided its early objectives, if at the cost of its image among other feminists, but these attributes also contributed to limiting the kind of community contact that is vital to selecting and researching appropriate issues of litigation."¹⁹³

Thus, after a few years, LEAF's priorities began to broaden to include more of a women's movement-informed agenda. The Charter did not provide the anticipated panacea, and LEAF gradually began responding to and interacting with activists and forging connections with feminists from more diverse constituencies. This was particularly evident with its coalition building on the controversial rape shield law issue.¹⁹⁴ Moreover, LEAF moved towards a more multi-racial consciousness,¹⁹⁵ and began working in association with, for instance, immigrant and Aboriginal women.¹⁹⁶

III ii) Coalitions and Connections

As a final organizational consideration, it is crucial to reiterate that intra-movement alliances often led to broader efforts at coalition-building. Again, feminists have drawn on an array of strategies and one of these has been to seek support and make alliances with various political institutions, from parties to unions and band councils.¹⁹⁷ Coalition work arises at key conjunctures. Alliances were forged between the women's movement, labour and the left in the recessionary, anti-left, anti-welfare state context of the late eighties and nineties. Mobilization against free trade provides one example,¹⁹⁸ as does the subsequent re-enlistment of the same coalition partners in broadly-based organizing against "streamlining" in state services.¹⁹⁹ Coalition work has not been easy, as the conflictual relations between feminists and unions and left parties,²⁰⁰ or the tensions between the IRIW and NIB,²⁰¹ or more recently between NAC, NWAC and the Assembly of First Nations (AFN) attest.²⁰² Women have encountered intransigency and resistance in all of these realms given, for example, the various forms of male leadership patterns in parties, unions and bands. Yet the forging of coalitional efforts across and between the movement and parties, unions

and bands, as well as from within the women's movement itself, exists as a strategy, as a seized opportunity, although one that changes over time.

By the nineties, a multitude of women's groups with wide-ranging concerns existed across the country. There were various currents, and through group and interpersonal networking and overlapping and shifting strategies, these various strands were interwoven to create a multi-layered and diversified women's movement, and one that was largely co-operative. This, however, is not to dismiss the prevalence of numerous, deeply divisive tendencies, which will be noted below. Rather, the point is that the inter-connected and often conjoined efforts of differing political elements in the Canadian women's movement, and the diversity and fluidity of intra and inter-movement strategies make it difficult to describe feminism in Canada according to standard forms of categorization. These organizational patterns, in all their complexity, combine to provide unique representational configurations that muddy various dichotomous conceptualizations. Moreover, changes in women's movement strategies are intertwined with shifting ideas and identity politics and it is to this final section that we must now turn.

IV Ideas and Identities

Ideas and identities have both affected the shape of the women's movement, just as the women's movement has, in turn, propagated ideas and mobilized on issues of identity politics. Moreover, themes of continuity and change, as well as intersection, are again apparent. For instance, a distinction between turn of the century "maternal" feminist notions which presumed that women, and mothers in particular, were morally superior and thus should work towards social and political

reform, and those groups committed to "role equality", based in the liberal belief in equality of persons, male and female, constituted an important historical source of ideas and an organizational impetus.²⁰³ As Lorraine Code points out, these ideas are not without resonance in contemporary debates between the ideas of "difference" and "equality".²⁰⁴ What is more, we have also noted how these ideas, when grounded in feminist practice, lost a lot of their binarity and more typically exposed various levels of contestation and contradiction.

Ideas have concrete, and sometimes, contradictory effects and organizational consequences. For example, through feminism's invocation and propagation of new ideas, concepts like sexism, the use of gender, the feminization of poverty, sexual harassment, marital rape, double-work day, sexual division of labour, double-discrimination, allowed women to name oppressive practices, understand them, and work to transform and transcend them.

Yet feminist articulations created their own predicaments, as will be discussed with the idea of "sisterhood", or for example, with the notion that "the personal is the political." With the latter, feminists pushed at the limits of conventional, narrow notions of what constituted "the political". They explored the construction of public/private distinctions and how they corresponded to a male/female sexual division of labour. Feminists then politicized, so-called "private" issues, such as reproductive choice, or battering and incest. However, especially when socio-economic-political circumstances became increasingly difficult, and in the context of feminist backlash, some women feared that the "personal is political" encouraged too much personal introspection, internalized politics, and detracted from collective

action. As Chris Gabriel and Katherine Scott point out, this over-emphasis on the "personal" part of the equation also could be used when resorting to narrow-minded, self-righteous politics that "hinder[ed] real efforts to integrate 'difference'".²⁰⁵ It became increasingly evident that many of these conceptualizations universalized white women's points of view. This charge was laid with, for example, public/private analyses that were based upon undifferentiated white women's experiences.

Ideas have the power to limit feminism's transformative project. In the post-war period, the idea that women's proper role was in the home helped to ensure that women who laboured in war-time industries would give up their paid work to free jobs for returning servicemen.²⁰⁶ In the eighties and nineties, with the rising discourse of family values, and concomitant backlash against progressive movements for change, feminism and many feminist projects were put on the defensive. No doubt responding to the traditional, family-values inspired Conservative caucus in the Mulroney government, the Secretary of State Women's Program drastically reduced funding for national feminist groups, services and shelters, and started funding Realistic Equal and Active for Life Women (REAL Women), a pro-family (read: "ideal", traditional, two-parent, white, middle-class) and vocally anti-choice, anti-affirmative action, anti-feminist, anti-gay/lesbian group.²⁰⁷ The growing ethos of "family values," as a result, circumscribed the feminist agenda. For REAL Women, as opposed to feminists, "[d]efence of the family involve[d]...the re-entry of women back into the family where [women] become subordinate, reproductive beings."²⁰⁸ As will become apparent, the government could then hold up this narrowly-based, anti-feminist group as an example of how more broadly-based and diversified feminist

organizations like NAC were not representing women. Once again, ideas can have tangible repercussions.

Identity politics are fluid and mutable because they are "given meaning and political importance through practice."²⁰⁹ With respect to the women's movement in Canada, this is why battles over identity politics provide a challenge to the assumptions of continuity and the cooperative ethos outlined above. That is, shifting, unequal power relations exist in the women's movement, given privileges based on race, class, sexual orientation, ability, age, language et cetera. Thus, a consideration of identity politics provides a more accurate picture of the intricacies of the movement. In short, it illustrates that Canadian feminism has not exactly been unified nor unifying,²¹⁰ in spite of continuing co-operative efforts, networking and alliances. This section, then, emphasizes the affects of transforming identities in relation to Canadian women's movement in recent years, and expands upon points that have been raised in preceding sections.

Bluntly put, the Canadian women's movement has encompassed many women's movements but, in general, the priorities of the contemporary Canadian women's movement were shaped by white, middle class, anglophone, able-bodied feminists. In turn, their visions, organizational responses and strategies, as well as their understandings of the nature of oppression, were influenced by their own particular experiences. Thus, it is important not to idealize the level of cooperation and "sisterhood" in the movement.

As one commentator explains:

That there is no such thing as 'women as women' has been a hard lesson for mainstream feminism to learn. The claim that we can or should take up women's issues in isolation from issues of race or class is usually made from a class- or race-dominant position that... suppresses the 'difference' of the dominant position and universalizes it as 'normal,'" ²¹¹

Hence, in both their ideas and their struggles, it took a long time for national feminist organizations to respond to the challenges of women's diversity and to build feminist theories and practices that recognized mutually-constitutive, multiple forms of oppression.

This transpired despite the presence of a highly heterogeneous movement. For example, one can point out the differences in the history and struggles of francophone and anglophone women's movements. For many Québécoises, feminist battles were set in the context of a nation fighting for self-determination.²¹²

Furthermore, as in the broader Canadian context, these kinds of "Two Nations" understandings were problematized by Aboriginal struggles. It has been noted that divisions between Aboriginal women and the women's movement were difficult to bridge.²¹³ Over time, Aboriginal women not only fought to have their issues addressed, but also, they shaped the agenda of national women's organizations.²¹⁴

This scenario was re-visited, time and again, as concerns of heterosexism, ableism, and increasingly racism were problematized in relation to the women's movement.²¹⁵ For example, women of colour rejected the gender essentialism of the white feminist movement and some questioned the basis of its preoccupations with issues such as abortion and pornography. Multiple forms of oppression came to be

acknowledged, but were often not acted upon. As Beverly Bain explains: "when it comes down to actually doing something, that is where the difficulty arises...where we are seeing some of the...defensive reaction. White women have to show that it's no longer words."²¹⁶

National organizations had to grapple with political strategies to reflect these diverse senses of identity, and to respond to a context where gender, race, class, sexual orientation, ability, age, language intersected and interrelated. In one woman of colour's assessment: "In the broader feminist community, a lot has been accomplished, and while it is important to acknowledge this, it is equally important to note that a great deal more needs to be done."²¹⁷

The point here, however, is that these structural inequalities and forms of oppression were not monolithic, and identity-politics organizing did change the form and direction of the women's movement in Canada. The challenges of women from these various, inter-connected constituencies gradually, but nevertheless profoundly, affected the ideas and practices of national women's organizations. Due to the charges of exclusivity, national organizations have re-evaluated their ideas and practices and have begun to work on strengthening alliances with previously marginalized groups. Despite the fact that many problems persist, it is important to note that there has been "a commitment on the part of feminists presently involved in these organizations and coalitions to insure that the voices and concerns of the diversity of Canadian women are represented."²¹⁸ Indeed, as it will become clear, this has had a significant influence on women's constitutional mobilization.

V Concluding Comments

In sum, the foregoing subverts numerous paradigms from uni-dimensional social science accounts to compartmentalized and dichotomous feminist theorizations as discussed in Chapter 1. With this approach, it becomes apparent that feminist organizing complicates representational categories. The women's movement brings together an array of interests and identity-based groups and challenges many representational institutions. Its activism problematizes the divisions between working from "within" and from "without," partisan as opposed to non-partisan activity, institutional versus non-institutional mobilization, as well as the forms and strategies of interest groups in contradistinction to social movement organizations. In assessing how multiple feminist strategies change over time given shifting socio-economic-political opportunities/constraints, and the mutability of ideas and identity politics, it becomes evident that women's movement struggles constitute an intricate and transformative representational hybrid.

Chapter 2, then, has situated key national women's organizations that become central actors in the empirical chapters that follow. It has stressed the fact that well before, as well as throughout, the eighties and nineties, strategies and identity politics evolved in response to both changing structures and opportunities, and to women's movement actions. It is clear that inside/outside tactics, predate the eighties' constitutional struggle. However, their respective emphases also shift over time. This will become even more apparent in the subsequent chapters. As a result, the rest of this work traces women's movement's strategies and how they change over time, in

relation to the transformation of constitutional politics in Canada. Chapter 3 begins this journey through a detailed contemplation of women's early eighties' mobilization.

END NOTES: CHAPTER 2

1. I will limit the analysis to national organizations and primarily those which have submitted briefs to various governmental bodies in order to facilitate my mapping of the institutional/non-institutional interaction.
2. See, for example, Alison Prentice, Paula Bourne, Gail Cuthbert Brandt, Beth Light, Wendy Mitchinson, and Naomi Black eds., Canadian Women: A History (Toronto: Harcourt Brace Jovanovich, 1988), 290-291; Patricia Marchak, "National Capitalism and Women as Labour," in Heather Jon Maroney and Meg Luxton, eds., The Political Economy of Women's Work (Toronto: Methuen, 1988), 211; Penny Kome, Women of Influence: Canadian Women and Politics (Toronto: Doubleday, 1985), 71.
3. See Isabella Bakker, "Women's Employment in Comparative Perspective," in Jane Jenson, Elisabeth Hagen and Ceallaigh Reddy eds., Feminization of the Labour Force: Paradoxes and Promises (New York: Oxford University Press, 1988), 18; and Canada, Statistics Canada, The Daily (Ottawa: March 2, 1993), 2.
4. See Anne Molgat, Expanding Our Horizons: The Work of the Canadian Advisory Council on the Status of Women and Its Context (Ottawa: CACSW, 1993), 73.
5. Sandra Burt, "Women's Issues and the Women's Movements in Canada," in Alan C. Cairns and Cynthia Williams eds., The Politics of Gender, Ethnicity and Language in Canada (Toronto: University of Toronto Press), 119.
6. Molgat, 73.
7. By 1992, 81% of part-time employees were women. See James J. Rice and Michael J. Prince, "Lowering the Safety Net and Weakening the Bonds of Nationhood: Social Policy in the Mulroney Years," in Susan D. Phillips ed., How Ottawa Spends: A More Democratic Canada? (Ottawa: Carleton University Press, 1993), 408.
8. See Marjorie Griffen Cohen, "The Canadian Women's Movement and its Efforts to Influence the Canadian Economy," in Constance Backhouse and David H. Flaherty eds., Challenging Times: The Canadian Women's Movement in Canada and the United States (Montreal & Kingston: McGill-Queen's University Press, 1992), 219. See also, Marjorie Griffin Cohen, "Social Policy and Social Services," in Ruth Roach Pierson, Marjorie Griffin Cohen, Paula Bourne, and Philinda Masters eds., Canadian Women's Issues: Volume 1: Strong Voices, Twenty-Five Years of Women's Activism in English Canada (Toronto: Lorimer, 1993), 268-269.
9. Molgat, 75.
10. Cohen, "Social Policy and Social Services," in Pierson et al, 268-269.

11. See Robert Brym and Bonnie Fox, From Culture to Power (Toronto: Oxford University Press, 1989), 121.

12. A lot of feminist activity stemmed from university new left organizing. Burt outlines: "Particularly strong in the early 1970s were the women within the new left on Canadian university campuses unhappy with their position as observers/girlfriends of the men involved in a student movement that promised an end to oppression but relegated these women to subservient and menial tasks. These university women created organizations within the student left that focused specifically on feminist issues within the context of either a radical feminist or socialist revolution." See Sandra Burt, "The Women's Movement: Working to Transform Public Life," in James P. Bickerton and Alain G. Gagnon, eds., Canadian Politics (Peterborough: Broadview Press, 1994), 214.

13. See Ruth Roach Pierson, "The Mainstream Women's Movement and the Politics of Difference," in Ruth Roach Pierson, Marjorie Griffin Cohen, Paula Bourne and Philinda Masters eds., Canadian Women's Issues: Volume 1: Strong Voices, Twenty-Five Years of Women's Activism in English Canada, (Toronto: Lorimer, 1993), 187.

14. See Marjorie Griffin Cohen, "The Canadian Women's Movement," in Ruth Roach Pierson, Marjorie Griffin Cohen, Paula Bourne and Philinda Masters eds., Canadian Women's Issues: Volume 1: Strong Voices, Twenty-Five Years of Women's Activism in English Canada (Toronto: Lorimer, 1993), 4.

15. See Cohen, "Social Policy and Social Services," in Pierson et al, 265.

16. See Linda Carty and Dionne Brand, "Visible Minority Women A Creation of the Canadian State," in Himani Bannerji ed., Returning the Gaze: Essays on Racism, Feminism and Politics (Toronto: Sister Vision Press, 1993), 175. For two historical case studies of how these issues came into play, see, Peggy Bristow, "The Hour-A-Day Study Club," in Linda Carty ed., And Still We Rise: Feminist Political Mobilizing in Contemporary Canada (Toronto: Women's Press, 1993), 186; and Sylvia Hamilton, "The Women at the Well: African Baptist Women Organize," in Carty, 189-203.

17. See the discussion that reviews the repercussions of this over time, in relation to the feminist press, in: Chris Gabriel and Katherine Scott, "Women's Press at Twenty: The Politics of Feminist Publishing," in Linda Carty ed., And Still We Rise: Feminist Political Mobilizing in Contemporary Canada (Toronto: Women's Press, 1993), 29-34.

18. Burt comments, "by the mid 1980s the movement was still predominantly white if not so apparently middle class...", but she then goes on to describe how mobilization by immigrant women and women of colour changed the face of the movement. See Burt, "The Women's Movement: Working to Transform Public Life," in James P. Bickerton and Alain G. Gagnon, Canadian Politics (Peterborough: Broadview Press,

1994), 220.

19. Stephen Brooks, Public Policy in Canada (Toronto: McClelland and Stewart, 1989), 166-170. Brooks discusses the change of paradigms from Keynesianism to monetarism drawing connections between Canada, the U.S. and the U.K.

20. For a discussion of the concrete impact of globalization, see, Robert M. Campbell and Leslie A. Pal, The Real Worlds of Canadian Politics: Cases in Process and Policy, 3rd. ed. (Peterborough: Broadview Press, 1994), 19-20.

21. Rice and Prince write, "Since 1984, social policy making in Ottawa has operated within a neo-conservative agenda: program spending restraints, tax increases, deficit reduction, debt management and the encouragement of private sector competitiveness... program spending has been constrained, frozen or reduced in social housing, legal aid, unemployment insurance, health care, social assistance and post-secondary education among other areas." See Rice and Prince, 382, and passim.

22. Cohen, "The Canadian Women's Movement and its Efforts to Influence the Canadian Economy," in Backhouse and Flaherty, 220.

23. Yasmeen Abu Laban, "The Politics of Race-Ethnicity: Multiculturalism as a Contested Arena," in James P. Bickerton and Alain G. Gagnon eds., Canadian Politics (Peterborough: Broadview Press, 1994), 247. Economic change and uncertainty conjoined with multiple forms of oppression. For instance, while some white women profited from feminist activism that exposed sexual inequalities in the workplace and were able to climb from the bottom rung of the socio-economic ladder, these low level positions then became filled by racial-ethnic women and Native women. Linda Carty, "Combining our Efforts," in Linda Carty ed., And Still We Rise: Feminist Political Mobilizing in Contemporary Canada (Toronto: Women's Press, 1993), 15.

24. The Conservative government of the eighties passed three immigration and refugee bills which restricted the numbers, and rights of immigrants and refugees. The subsequent Liberal government, despite campaign pledges to the contrary, succumbed to more restrictive policies as well. Throughout, anti-immigrant sentiments were vocalized by the Reform party and were often reinforced by the media. See Arif Noorani and Cynthia Wright, "They believed the hype," This Magazine (December/January 1995), 30.

25. Cohen, "Social Policy and Social Services," in Pierson et al, 266-267.

26. For instance, by the late eighties, the operating budgets of groups like the National Action Committee on the Status of Women and the Canadian Research Institute for the Advancement of Women were cut yearly by the federal government by 14 to 20%. See Jeri Dawn Wine and Janice L. Ristock, "Introduction: Feminist Activism in Canada," in Jeri Dawn Wine and Janice L. Ristock eds., Women and Social

Change (Toronto: Lorimer, 1991), 9.

27. Ibid., 9.

28. Cohen, "The Canadian Women's Movement and its Efforts to Influence the Canadian Economy," in Backhouse and Flaherty, 221-222.

29. 18 per cent of the Canadian House of Commons and only 14.4 per cent of the Senate is female, as of 1993. See Chantal Maillé, "Women and Political Representation," in James P. Bickerton and Alain G. Gagnon eds., Canadian Politics (Peterborough: Broadview Press, 1994), 156 and 165. Pippa Norris et al. provide a statistic on the number of "ethnic minorities" in the House of Commons in Canada which stands at 1.4 per cent. See Pippa Norris, R.K. Carty, Lynda Erickson, Joni Lovenduski, Marian Simms, "Party Selectorates in Australia, Britain and Canada: Prolegomena for Research in the 1990s," in Journal of Commonwealth and Comparative Politics 28:2 (July 1990), 241. Further, Stasiulis writes that the "severity of underrepresentation is greater for visible minorities than for ethnic minorities." See Daiva Stasiulis, "Deep Diversity: Race and Ethnicity in Canadian Politics," in Michael S. Whittington and Glen Williams, Canadian Politics in the 1990's (Scarborough: Nelson, 1995), 199.

30. Sharon L. Sutherland, "The Al-Mashat Affair: Administrative Accountability in Parliamentary Institutions," Canadian Public Administration 34:4 (1991), 577.

31. The obvious comparison is that of the American political system characterized by separate executive, legislative and judicial powers and minimal party discipline. See Jennifer Smith, "Legislatures," in T. C. Pocklington ed., Representative Democracy: An Introduction to Politics and Government (Toronto: Harcourt Brace and Company, 1994), 160-162. It has been argued that, in the U.S., politicians are more attuned to the concerns of constituents, and because individuals and groups have more potential "points of entry," interest groups have greater access to legislators. See David Kilgour and John Kirsner, "Discipline vs Democracy," in Mark Charlton and Paul Barker eds., Crosscurrents 1: Contemporary Political Issues (Scarborough: Nelson, 1991), 202-204.

32. See, for instance, Bashevkin's comments in this regard, Sylvia B. Bashevkin, Toeing the Lines: Women and Party Politics in English Canada, 2nd.ed (Toronto: Oxford University Press, 1993), 171-172.

33. For an elaboration, see Alexandra Dobrowolsky, "Promises Unfulfilled: Women and the Theory and Practice of Representative Democracy in Canada," Master's thesis, Department of Political Science, Dalhousie University, March 1990.

34. For example, Burt points out that while women's groups have a long history of meeting with and lobbying cabinet, connections with this executive level tended to be weak. See Sandra Burt, "Organized Women's Groups," in William Coleman and

Grace Skogstad eds., Policy Communities and Public Policy: A Structural Approach (Mississauga: Copp, Clark, Pitman, 1990), 194.

35. To be sure, Kennedy's commission of inquiry into the status of women in the United States also had an influence on the Canadian context. However, royal commissions hold a unique position in Canadian politics, not only in politicians' frequent recourse to them, but also, contrary to common notions that royal commissions seldom amount to much, they do have an impact in often unpredictable ways. The RCSW, for instance, became a catalyst for women's groups, and the Macdonald commission, despite the fact that it was established by the Liberal government, became a justification for Conservative economic policies such as free trade.

36. Cerise Morris, "Determination and Thoroughness: The Movement for a Royal Commission on the Status of Women in Canada," Atlantis 5:2 (Spring 1980); see also Monique Bégin, "The Royal Commission on the Status of Women in Canada: 20 Years Later," in Constance Backhouse and David H. Flaherty eds., Challenging Times (Montreal & Kingston: McGill-Queen's University Press, 1992), 21-38.

37. Laura Sabia as quoted in Cohen. See Cohen, "The Canadian Women's Movement," in Pierson et al, 5.

38. New Democratic MP Grace McInnis pushed for a women's commission using as leverage the fact that the Liberal government at the time did not have an absolute majority, while Liberal Judy LaMarsh brought her weight as a cabinet minister to bear on behalf of the movement. Naomi Black, "The Canadian Women's Movement: The Second Wave," in Sandra Burt, Lorraine Code and Lindsay Dorney eds., Changing Patterns: Women in Canada, (Toronto: McClelland and Stewart, 1988), 88.

39. See Cohen, "The Canadian Women's Movement," in Pierson et al, 5.

40. For example, for an overview of women's briefs presented to the Macdonald commission, (Royal Commission on the Economic Future and Development Prospects for Canada), see Burt, "Women's Issues," in Cairns and Williams, 137. For the impact of NAC's efforts regarding this particular commission, see Cohen, "The Canadian Women's Movement and Its Efforts to Influence the Canadian Economy," in Backhouse and Flaherty, 221-222.

41. See Sue Findlay, "Problematizing Privilege: Another Look at Representation," in Linda Carty ed., And Still We Rise: Feminist Political Mobilizing in Contemporary Canada (Toronto: Women's Press, 1993), 220.

42. Jill Vickers, "The Intellectual Origins of the Women's Movements in Canada," in Constance Backhouse and David H. Flaherty eds., Challenging Times: The Women's Movement in Canada and the United States (Montreal & Kingston: McGill-Queen's University Press, 1992), 53.

43. As Burt points out, the Women's Bureau's existence had a lot to do with the persistence of Dorothy Gregg, an active member of the Young Women's Christian Association (YWCA), the National Council of Women of Canada (NCWC), and the Women's Liberal Association. Burt, "The Women's Movement," in Bickerton and Gagnon, 213-214.

44. Burt, "Organized Women's Groups," in Coleman and Skogstad, 196.

45. Prentice describes the struggles of a broadly based coalition to expand child care services in Toronto. See Susan Prentice, "Workers, Mothers, Reds: Toronto's Postwar Daycare Fight," in M. Patricia Connelly and Pat Armstrong eds., Feminism in Action: Studies in Political Economy (Toronto: Canadian Scholars' Press, 1992), 175-200.

46. Ibid., 204-208.

47. See Susan D. Phillips, "Meaning and Structure in Social Movements: Mapping the Network of National Canadian Women's Organizations," Canadian Journal of Political Science 24:4 (December 1991), 771-772; and Burt, "Organized Women's Groups," in Coleman and Skogstad, 204-208.

48. Canada, Report of the Royal Commission on the Status of Women in Canada (Ottawa: Supply and Services, 1970).

49. Sue Findlay, "Facing the State The Politics of the Women's Movement Reconsidered," in Heather Jon Maroney and Meg Luxton eds., Feminism and Political Economy (Toronto: Methuen, 1987), 39.

50. Ibid., 48.

51. Ibid., 45.

52. Jill Vickers, Pauline Rankin and Christine Appelle, Politics As If Women Mattered: A Political Analysis of the National Action Committee on the Status of Women (Toronto: University of Toronto Press, 1993), 219.

53. Burt, "The Women's Movement," in Bickerton and Gagnon, 220.

54. Jill Vickers, "Bending the Iron Law of Oligarchy: Debates on the Feminization of Organization and Political Process in the English Canadian Women's Movement, 1970-1988," in Jeri Dawn Wine and Janice L. Ristock, Women and Social Change: Feminist Activism in Canada (Toronto: Lorimer, 1991), 87.

55. The Secretary of State would not fund work on pro-choice issues, and refused funding for: "those organizations, projects and recipients whose primary purposes is to promote a view on sexual orientation: (Fairness in Funding report 1987, 15)." See

Wine and Ristock, 14.

56. Vickers describes, for example, how some groups "have developed techniques for receiving government and private funding through a networking core, thereby minimizing the steering effects of such funding on their internal priorities." See Vickers, "Bending the Iron Law of Oligarchy," in Wine and Ristock, 85.

57. Radha Jhappan, "The Charter and the Courts," in Michael S. Whittington and Glen Williams eds., Canadian Politics in the 1990's (Scarborough: Nelson, 1995), 40.

58. Gwen Brodsky and Shelagh Day, Canadian Charter Equality Rights for Women: One Step Forward or Two Steps Back? (Ottawa: CAUSW, 1989), 3.

59. There are Charter cynics on the left and right, and among feminists and anti-feminists. On the left, see Joel Bakan, "Constitutional Interpretation and Social Change: You Can't Always Get What You Want (Or What You Need)," in Richard Devlin ed., Canadian Perspectives on Legal Theory (Toronto: Emond Montgomery, 1991). On the right, see, Rainer Knopff and F. L. Morton, Charter Politics (Scarborough: Nelson, 1992). In the subsequent chapters we will see how both left-wing feminists like Lynn McDonald, and anti-feminist groups like REAL Women would denounce the Charter.

60. See Brodsky and Day, 66 and 61; and Sherene Razack, Canadian Feminism and the Law: The Women's Legal Education and Action Fund and the Pursuit of Equality (Toronto: Second Story Press, 1991), 61.

61. R. v. Morgentaler (1988) 1 S. C. R..

62. Schachter v. Canada Employment and Immigration Commission (1988), 18, F. T. R. 199 (F.C.T.D.).

63. Bogart provides a stinging critique in relation to Morgentaler: "these judgements have directly resulted in backlash (particularly directed at access), and erosion of the ability to compromise, and a splintering of issues that need to be connected so that the barriers to women can be dismantled." See W.A. Bogart, Courts and Country: The Limits of Litigation and the Social and Political Life of Canada (Toronto: Oxford University Press, 1994), 151. He goes on to point out "the main political result of the Schachter decision is to include natural fathers in the unemployment insurance benefits after the baby is born, but at the price of having those benefits reduced from fifteen to ten weeks." Ibid., 153.

64. Despite having fallen quite short of representational expectations for women and Aboriginal people among others, parties nonetheless act as a barometer on issues of political openness. On the limits of parties and attempts at reform, see Alexandra Dobrowolsky and Jane Jenson, "Reforming the Parties: Prescriptions for Democracy," in Susan D. Phillips ed., How Ottawa Spends: A More Democratic Canada? (Ottawa:

Carleton University Press, 1993).

65. See Frederick Englemann and Mildred Schwartz, Political Parties and the Canadian Social Structure (Scarborough: Prentice Hall, 1967), 31-33.

66. The Feminist Party of Canada (FPC), was founded in 1979, and soon after disbanded. Dorothy Zaborsky, "Feminist Politics: The Feminist Party of Canada," in Peta Tancred-Sheriff ed., Feminist Research Prospect and Retrospect (Montreal & Kingston: McGill-Queen's University Press, 1988), 256.

67. Whitaker made the connection that the Canadian state and the Liberal party, for a significant period, were one and the same. Reginald Whitaker, The Government Party: Organizing and Financing the Liberal Party of Canada (Toronto: University of Toronto Press, 1977). Even those who have argued that the Canadian party system is more ideologically polarized, outline only limited variations from the ideas of welfare liberalism to those business liberalism. See William Christian and Colin Campbell, Political Parties and Ideologies in Canada (Toronto: McGraw Hill Ryerson, 1990).

68. Historically, the revolutionary left in Canada encountered popular resistance and state repression. The institutionalized left comprised both a Communist Party and a more socialist/social democratic, reformist, Cooperative Commonwealth Federation. The latter, non-Marxist, populist party was to gain wider acceptance as the CCF incorporated farmers, proponents of social gospel, Fabians and intellectuals into its ranks. The CCF was not rooted in the industrial working class, and when the party transformed into the NDP in 1962, although it forged ties with trade unions, class-based articulations were muted and earlier socialist commitments increasingly waned. See Neil Bradford and Jane Jenson, "Facing Economic Restructuring and Constitutional Renewal: Social Democracy Adrift in Canada," in Frances Fox Piven ed., Labour Parties in Postindustrial Societies (New York: Oxford University Press, 1991).

69. Of course, as many researchers have revealed, there is a distinguished, detailed history of Canadian women who worked in the NDP (and its precursor, the CCF) and who were committed socialists and feminists. Linda Kealey and Joan Sangster eds. Beyond the Vote: Canadian Women and Politics (Toronto: University of Toronto Press, 1989); Joan Sangster, Dreams of Equality: Women on the Canadian Left 1920-1950 (Toronto: McClelland and Stewart, 1989). See also, Nancy Adamson, Linda Briskin and Margaret McPhail, Feminist Organizing for Change: The Contemporary Women's Movement in Canada (Toronto: Oxford University Press, 1988), 97-128; and Vickers, "The Intellectual Origins of the Women's Movements in Canada," in Backhouse and Flaherty, 55-59.

Feminist relations to the left in Canada are evident from the 1910 endorsement of suffrage by the Woman's Labour League in Winnipeg, to the Toronto-based Women's Joint Committee in the 1930's, to women in the Waffle in the 1960's and to socialist feminist involvement with women organizing International Women's Day

IWD marches in the eighties and nineties. See Adamson et al, 34-35, and Vickers, "The Intellectual Origins of the Women's Movements in Canada," in Backhouse and Flaherty, 56. On building the International Women's Day coalition, see Carolyn Egan, Linda Lee Gardner and Judy Vasti Persad, "The Politics of Transformation: Struggles with Race, Class and Sexuality in the March 8th Coalition," in Frank Cunningham, Sue Findlay, M. Kadar, A. Lennon and E. Silva eds., Social Movements, Social Change: The Politics and Practice of Organizing (Toronto: Between the Lines, 1988), 20-47. Due to these experiences, and others, the left has been important in, for example, kindling and stoking socialist feminist fires in Canada.

70. Adamson et al, 123.

71. Harold D. Clarke, Lawrence Le Duc, Jane Jenson and Jon H. Pammett, Absent Mandate: Interpreting Change in Canadian Elections (Toronto: Gage, 1991), 9-10. See also, Dobrowolsky and Jenson, 48-50.

72. Tanguay considers the issues and changes at stake. See A. Brian Tanguay, "The Transformation of Canada's Party System in the 1990's," in James P. Bickerton and Alain G. Gagnon, Canadian Politics (Peterborough: Broadview Press, 1994).

73. According to Brodie and Jenson, for example, Canadian parties have capitalized on brokering regional and linguistic cleavages at the expense of class interests. Janine Brodie and Jane Jenson, Crisis Challenge and Change: Party and Class in Canada Revisited (Ottawa: Carleton University Press, 1988).

74. See Lise Gotell and Janine Brodie, "Women and Parties: More than an Issue of Numbers," in Hugh G. Thorburn, Party Politics in Canada (Scarborough: Prentice Hall, 1991), 60.

75. See Bashevkin, Toeing the Lines, 2nd ed., passim. See also, Janine Brodie with the assistance of Celia Chandler, "Women and the Electoral Process in Canada," in Kathy Megyery ed., Women in Canadian Politics: Toward Equity and Representation. (Toronto: Dundurn, 1991); and Janine Brodie, Women and Politics in Canada (Toronto: McGraw, Hill, 1985).

76. Lynn McDonald, "The Evolution of the Women's Movement in Canada," Branching Out 6:1 (1979), 39.

77. Vickers makes this observation on McDonald's assessment. See Vickers, "The Intellectual Origins of the Women's Movements in Canada," in Backhouse and Flaherty, 44.

78. Bashevkin, on the other hand, documents a highly ambivalent, problematic relationship between women and political parties in Canada. She structures her study on the basis of the tension between political partisanship and independence. In my

estimation, however, these modes of political mobilization are not diametrically opposed, but rather, there have been many points of intersection vis-à-vis working within the parties and feminist organizing from without. At times, Bashevkin recognizes the complexities in feminist political strategies. She writes: "The organized response of Canadian women...has been complex and at times conflictual, encompassing both politically independent and partisan strategies." See Bashevkin, Toeing the Lines, 2nd. ed., 24. However, overall, her book is structured in such a way as to highlight the two separate representational avenues: independence versus working from within a partisan, parliamentary system.

79. Similarly, suffragists forged alliances with the labour movement to bolster support for their cause. In a critical assessment of the predominately, middle-class-biased suffragists, Bacchi writes, "Despite their political cautiousness, suffragists courted the support of labour in order to win some powerful new allies and to increase their chances of success." See Carol Bacchi, "Divided Allegiances: The Response of Farm and Labour Women to Suffrage," in Linda Kealey ed., A Not Unreasonable Claim: Women and Reform in Canada, 1880's-1920's (Toronto: Women's Press, 1979), 96

80. To be sure, these strategic alliances were fraught with difficulties. The case of obtaining the federal franchise aptly illustrates this point. See Gloria Geller, "The War Time Elections Act of 1917, and the Canadian Women's Movement," Atlantis 2:1 (1976), 88. See also, Carol Bacchi, Liberation Deferred? The Ideas of English Canadian Suffragists, 1877-1918 (Toronto: University of Toronto Press, 1983), 145.

This party approach was the approach taken by such prominent early Canadian feminists as Emily Murphy and Nellie McClung who forged ties with the dominant Liberals. See Bashevkin, Toeing the Lines, 2nd. ed., 15. On Emily Murphy and the Persons case, see Rudy C. Marchildon, "The 'Persons' Controversy," Atlas 6:2 (Spring 1981) and Christine Mander, Emily Murphy: Rebel (Toronto: Simon and Pierre, 1985). On Nellie McClung, see: Nellie McClung, In Times Like These (Toronto: University of Toronto Press, 1972); Isabel Bassett, The Parlour Rebellion: Profiles in the Struggle for Women's Rights (Toronto: McClelland and Stewart, 1975); Veronica Strong-Boag, "Feminism in the 1920's: The Case of Nellie McClung," Journal of Canadian Studies 12:4 (Summer 1977); and Candace Savage, Our Nell (Saskatoon: Western Producers Prairie Books, 1979).

Furthermore, devoted partisan women founded auxiliaries to the established parties to press for suffrage and social reform, as well as to perform support functions. The founding of such groups dates back to the Toronto Women's Liberal Association, founded in 1913, and the Conservative Clubs for women in Vancouver in 1917, Quebec City in, 1918, and Montreal in 1920. Bashevkin, Toeing the Lines, 2nd. ed., 116-119.

The first token appointments of women to traditional positions of political power often rewarded women's partisan work. This was evident as the first women to become Senators, Cairine Wilson, (1930), and Iva Fallis (1935), were both party stalwarts, for the Liberal and Conservative parties, respectively.

81. Feminists in B.C. worked in concert with the first female cabinet minister in the British Empire (1921), Mary Ellen Smith. Bashevkin writes, "feminists outside the legislature began to channel their reformist concerns through Smith to the provincial government. Smith's position in the Liberal cabinet, combined with the success of BC social feminists in retaining some organizational continuity following enfranchisement, ensured the passage of significant reform measures, including mothers' pensions and a Minimum wage act." Bashevkin, Toeing the Lines, 2nd. ed., 11.

82. Vickers, "The Intellectual Origins of the Women's Movements in Canada," in Backhouse and Flaherty, 56.

83. Ibid., 59.

84. Bashevkin, Toeing the Lines, 2nd. ed., 25.

85. See Burt, "The Canadian Women's Movement," in Bickerton and Gagnon, 211.

86. Furthermore, in contrast to earlier practices, some women's appointments to traditional political positions went beyond repaying women for their committed partisan work, but also, recognized women's contributions to the women's movement. Thérèse Casgrain and Florence Bird, for instance, attained Senate nominations in the seventies "on the basis of their independent, non-partisan contributions to improving the status of women. This reflects party/movement recognition." Bashevkin, Toeing the Lines, 2nd. ed., 16.

87. In the late seventies, with the short-lived Feminist Party of Canada (FPC), it was stressed that "the aim was not to replace any existing women's groups, but to cooperate with them" and, what is more, the "emergence of the FPC as a political presence, and the grassroots organizing coincided, thus making for a complex experience." Zaborsky, 258 and 263.

88. See Bashevkin, "Free Trade and Canadian Feminism," *passim*.

89. See Patricia Antonyshyn, B. Lee and Alex Merrill, "Marching for Women's Lives: The Campaign for Free-Standing Abortion Clinics in Ontario," in Frank Cunningham et al eds., Social Movements Social Change (Toronto: Between the Lines, 1988), 140. This was also the case in Alberta, with, for example, the Calgary Pro-Choice Coalition, as the NDP formed part of the coalition and provided some practical assistance. Personal files.

90. On the urgency of coalition work, see Duncan Cameron, "Political Discourse in the 80's," in Alain G. Gagnon and Brian Tanguay eds., Canadian Parties in Transition (Scarborough: Nelson, 1989). See also, Peter Bleyer, "Coalitions of Social Movements as Agencies for Social Change: The Action Canada Network," in William K. Carroll ed., Organizing Dissent: Contemporary Social Movements in Theory and

Practice (Toronto: Garamond Press, 1992).

91. Adamson et al point to the fact that many socialist feminists have chosen to work with the NDP. See Adamson et al, 124.

92. To illustrate, Gotell and Brodie offer a more sceptical portrayal of the incremental gains of women in party politics. They argue that parties have not only historically marginalized women, but also, in recent years, as the numbers of women in party politics begins to grow, political parties, in general, and the Conservative government in particular, have pragmatically manipulated the gender card to their own advantages. Thus, formally, while the numbers of women in party politics rises, substantive regard for feminist concerns declines. See Gotell and Brodie, *passim*.

This is a valid point that acknowledges the presence of formidable political constraints. Yet institutional constraints are not all-determining, and women through their varied strategic repertoire continue to pursue change. Thus, it is important not to give short shrift to the creativity of women to seize political opportunities to make change. Otherwise, obstacles remain insurmountable, and women's efforts are undervalued.

93. In Schultz's brand of institutionalism, he disputes the multiple crack hypothesis and maintains that federalism allows governments a "crack at" interest groups. See Richard Schultz, Federalism, Bureaucracy and Public Policy (Montreal & Kingston: McGill-Queen's University Press, 1980), 172-173.

94. Donald V. Smiley, The Federal Condition in Canada (McGraw-Hill Ryerson, 1987), 117.

95. Historically, the federal system resulted in variegated gains with respect to suffrage: "regional divisions ...affected suffragist organizations in an especially damaging manner, since [they]...needed to operate on a region-by-region basis in order to secure the provincial franchise, while they also required an image of national influence in order to achieve the vote federally." Bashevkin, Toeing the Lines, 2nd. ed., 4. More positively, one could add that federalism meant that for some women provincial suffrage was achieved early (in the prairie provinces in 1916 and in B.C. and Ontario in 1917). Moreover, women's provincial gains contributed to the pressure placed on the national government to act on enfranchising women. To be sure, the federal system also meant that women in some provinces did not gain the vote until much later, as in Quebec (1940), and the federal government's disenfranchisement of Aboriginal people, the Japanese et cetera, meant that no single date signals enfranchisement for all Canadian women. Thus, the differential achievement of suffrage illustrates the mixed impact the federal system.

96. See Naomi Black, "Ripples in the Second Wave: Comparing the Contemporary Women's Movement in Canada and the United States," in Constance Backhouse David H. Flaherty eds., Challenging Times: The Women's Movement in Canada and

the United States (Kingston & Montreal: McGill-Queen's University Press, 1992), 107.

97. For instance, CRIAW's board of directors contains representatives from all the provinces/territories, plus six members at large, and at the minimum, one of these must be from Quebec. See Linda Christiansen-Ruffman, "Bridging the Gap between Activism and Academe: The Canadian Research Institute for the Advancement of Women," in Jeri Dawn Wine and Janice L. Ristock eds., Women and Social Change: Feminist Activism in Canada (Toronto: Lorimer, 1991), 273.

98. Consider for example, the groundwork for the establishment of LEAF. As Razack describes, in the early eighties, a core group of Toronto-based, legal feminists concerned with how the Charter would be used and interpreted, worked on building "a series of 'mini-coalitions' across the country, using the institutionalized women's groups as a base. The function of these coalitions was to 'bug' their governments ... and educate women about the Charter." These networks and tactics reflect the unique Canadian geo-political context of large, federal country. Razack, 40.

99. Ann Decter, "Different Places We Are Building: Lesbians Discuss Politics and Organizing," in Linda Carty ed., And Still We Rise: Feminist Political Mobilizing in Contemporary Canada (Toronto: Women's Press, 1993), 141.

100. Black, "Ripples in the Second Wave," in Backhouse and Flaherty, 107.

101. For example, feminist activists in Calgary have had to re-direct some of their energies to launch the coalitional effort, The Common Front, where social policy advocates, various identity based groups, the left and union allies campaigned against the provincial, neo-conservative, Ralph Klein government.

102. See Jane Jenson, "Citizenship Claims: Routes to Representation in a Federal System," paper prepared for Federalism and the Nation State Conference, Centre for International Studies, University of Toronto, June 4-6, 1992, 2.

103. Micheline Dumont, "The Origins of the Women's Movement in Quebec," in Constance Backhouse and David H. Flaherty eds., Challenging Times: The Women's Movement in Canada and the United States (Kingston & Montreal: McGill-Queen's University Press, 1982), passim.

104. Errington notes that first Canadian Branch of the British Young Women's Christian Association was set up in 1870. See Jane Errington, "Pioneers and Suffragists," in Sandra Burt, Lorraine Code and Lindsay Dorney eds., Changing Patterns: Women in Canada (Toronto: McClelland and Stewart, 1988), 66.

105. See Burt, "Women's Issues," in Cairns and Williams, 132-136; and Phillips, "Meaning and Structure," 762-763; and Bashevkin, Toeing the Lines, 2nd. ed., 17.

106.Burt, "The Canadian Women's Movement," in Bickerton and Gagnon, 209-210.

107.Phillips, "Meaning and Structure," 762.

108.Bristow, 148-149.

109.Paula Draper and Janice B. Karlinsky, "Abraham's Daughters: Women, Charity and Power in the Canadian Jewish Community," in Jean Burnet ed., Looking into my Sister's Eyes: An Exploration in Women's History (Toronto: Multicultural History Society, 1986), 78.

110.Jill Vickers, "The Canadian Women's Movement and a Changing Constitutional Order," International Journal of Canadian Studies/ Revue internationale d'études canadiennes 7-8 (Spring/Fall, 1993), 270.

111.See the Collectif Clio, L'histoire des femmes au Québec depuis quatre siècles (Québec: Le jour éditeur, 1992).

112. For example, Flora MacDonald Denison, leader of the Canadian Suffrage Association, had little sympathy for maternal feminist organizations, she opposed organized Christianity, was a pacifist, and wanted the vote for women, "because it was a symbol...of personhood." See Deborah Gorham, "Flora MacDonald Denison: Canadian Feminist," in A Not Unreasonable Claim: Women and Reform in Canada 1880's, Linda Kealey ed., (Toronto: Women's Press, 1979), 59. Furthermore, a key Manitoba suffragist, Francis Marion Beynon, came from a farming background, did not hold the prevalent racist tendencies of many of her Anglo Saxon contemporaries and was a staunch pacifist. See Ramsay Cook, "Frances Marion Beynon and the Crisis of Christian Reformism," in The West and the Nation, Carl Berger and Ramsay Cook, eds., (Toronto: McClelland and Stewart, 1976), 187-208. In fact, both Denison and Beynon voiced strong opposition to the ethnocentric and militaristic bases of the War Time Election Act of 1917, despite its endorsement by organizations like the WCTU and NCWC. See Geller, 100-105, and Bacchi, 139-140.

113.On the Black women's club, see Prentice 269-270. Hamilton, passim, on Women at the Well, and Swyripa, on Ukrainian women: Frances Swyripa, "Outside the Bloc Settlement: Ukrainian Women During the Formative Years of Community Consciousness," in Jean Burnet ed., Looking Into My Sister's Eyes: An Exploration of Women's History (Toronto: Multicultural History Society of Ontario, 1986).

114.Burt notes mobilization towards: "equal pay, improved educational opportunities... greater equality of opportunity in the job market...[and] improved economic policies for housewives such as survivor's benefits in pension plans." See Burt, "Women's Issues," in Cairns and Williams, 134. See also, Phillips, "Meaning and Structure," 763.

115.Sangster, 43

116.Black, "The Canadian Women's Movement," in Burt et al, 87.

117.Phillips, "Meaning and Structure," 763.

118.Errington, 75-76.

119.Prentice et al, 269-270.

120. See Tania Das Gupta, Learning from Our History: Community Development by Immigrant Women in Ontario 1958-1986 (Toronto: Cross Cultural Communication Centre, 1986), 17.

121.Phillips, "Meaning and Structure," 765. Black writes, "After enfranchisement, organized women were engaged in fewer concentrated campaigns, had less publicity and less success, but their activity never stopped." Black, "The Canadian Women's Movement," in Burt et al, 82. Thus, women's organizational presence spanned over the 20th century, across "the waves."

122.Ibid., 85.

123.Ibid. See Prentice et al, 335-337.

124.However, many Liberal women left VOW "when it openly criticized the government's policy, and the media increasingly insinuated that the organization was 'soft on Communism'." See Prentice et al, 336.

125.Ibid., 346.

126.Molgat, 9.

127.Chantal Maillé, Les Québécoises et la conquête du pouvoir politique, (Montréal: les éditions Saint Martin, 1990), 92.

128.Prentice et al, 343.

129.Ibid. See also, Maillé, Les Québécoises, 103.

130. See Maillé, Les Québécoises, 94. AFEAS brought together mostly rural women in Quebec, uniting two women's organizations: Union catholique des femmes rurales and Cercles d'économie domestique.

131.Black, "The Canadian Women's Movement," in Burt et al, 86.

132.Prentice et al, 344.

133.Errington notes that the FFQ was not part of drawing up the CEW presentation to PM, but Casgrain and Rejane Laberge Colas (the first president of the FFQ) joined in

the delegation to Ottawa. See Errington, 87-88.

134. Maillé, Les Québécoises, 92.

135. Phillips, "Meaning and Structure," 780. It also has been argued that the FFQ, although provincially-based, is more aptly characterized as a national organization, given "two nations" conceptualizations of Canada's origins, and its umbrella group form. See Micheline de Sève, "The Perspectives of Quebec Feminists," in Constance Backhouse and David H. Flaherty, Challenging Times: The Women's Movement in Canada and the United States (Montreal & Kingston: McGill-Queen's University Press, 1992), 115.

136. Adamson et al, 38-50.

137. For a more detailed overview, see Prentice et al, 264-271. To give one example, Bashevkin claims that a radical wing of the women's movement emerged partially due to women's experiences in the left and their treatment within such new left groups as the Student Union for Peace Action (SUPA). SUPA women rebelled against their continual assignment to the organization's housekeeping tasks. Many women with this background later espoused radical, Marxist and socialist feminist viewpoints. See Bashevkin, Toeing the Lines, 2nd. ed., 22. See also Burt, "Women's Issues," in Cairns and Williams, 134-135.

138. While some of these practices, CR and the building of small, non-hierarchical "cells," arguably provided distinctive "new" organizational forms for the women's movement, one can ponder the extent of the difference between this and the discussions that occurred between women, historically, around kitchen tables, in church basements and at quilting bees.

139. Black, "The Canadian Women's Movement," in Burt et al, 83.

140. Ibid.

141. See Wine and Ristock, 141.

142. Moreover, most women realized that the RCSW was just a start, and that "its recommendations were the impetus for women to organize to see that the momentum generated by the Report was not lost... ." See Cohen, "The Canadian Women's Movement," in Pierson et al, 6.

143. See Carole Anne Soong, "My Experience in the Women's Movement," in Arun Mukherjee ed., Sharing Our Experience (Ottawa: CACSW, 1993). Soong goes on to say that the RCSW Report "was the impetus for me to work with a group of women to organize a conference to develop strategies to ensure that some action would take place on implementing these 167 recommendations of the Report." Ibid., 230.

144.Black, "The Canadian Women's Movement," in Burt et al, 84.

145.Vickers, "The Intellectual Origins of the Women's Movements in Canada," in Backhouse and Flaherty, 41.

146. Given that these liberationists also tended to be white and university-educated, one could speculate on the extent of the difference, beyond the generational one, between them and the women in the established, white, middle-class and professional, feminist organizations.

147.Vickers, "The Intellectual Origins of the Women's Movements in Canada," Backhouse and Flaherty, 41.

148.Black, "The Canadian Women's Movement," Burt et al, 94-95.

149.Cohen comments, "Through the process of providing services, groups often found themselves pushed toward political action that focused on changing legislation, such as in the process of organizing abortion clinics." See Cohen, "The Canadian Women's Movement," in Pierson et al, 13.

150.For instance, these distinctions were blurred when women mobilized in the legislatures and on the streets in the struggle for reproductive choice. See Antonyshyn et al, passim.

151.Black, "The Canadian Women's Movement," in Burt et al, 94.

152.Molgat, 10.

153.Ibid.

154.Prentice et al, 350.

155.See Black, "The Canadian Women's Movement," Burt et al, 94.

156.Phillips, "Meaning and Structure," 763.

157.See Vickers, Rankin, and Appelle, Appendix B.

158.Prentice et al, 357.

159.Ibid., 386.

160.Madeleine Parent, "Fifty Years A Feminist, Trade Unionist: An Interview," in Patricia Connelly and Pat Armstrong eds., Feminism in Action: Studies in Political Economy (Toronto: Canadian Scholars' Press, 1992), 47-65.

161. Vickers, "The Intellectual Origins of the Women's Movements in Canada," in Backhouse and Flaherty, 44.

162. Bashevkin comments, that by the nineties, NAC "was influenced more strongly by socialist and radical feminism and the conflicts between them, than by the consensual liberal variants that had dominated in earlier periods." Bashevkin, Toeing the Lines, 2nd. ed., 30. It has been observed that "the organization managed to accommodate groups whose ideologies ran the gamut of feminist belief." Black, "The Canadian Women's Movement," in Burt et al, 97.

163. See Findlay, "Problematizing Privilege," in Carty, 218.

164. NAC and DAWN have worked at bridging these gaps. See Diane Driedger, "Discovering Disabled Women's History," in Linda Carty ed., And Still We Rise: Feminist Political Mobilizing in Contemporary Canada (Toronto: Women's Press, 1993), 180.

165. See Molgat, 13-14.

166. Vickers, "Bending the Iron Law of Oligarchy," in Wine and Ristock, 91.

167. Burt, "Organized Women's Groups," in Coleman and Skogstad, 195

168. Parent, 63.

169. Burt, "The Women's Movement," in Bickerton and Gagnon, 221.

170. Bashevkin, Toeing the Lines, 2nd. ed., 23.

171. See Molgat, 57. To be sure, some of its research has also been criticized, as with its study on immigrant women.

172. Beverley Baines, "Women and the Law," in Sandra Burt, Lorraine Code, Lindsay Dorney eds., Changing Patterns: Women in Canada (Toronto: McClelland and Stewart, 1988), 175.

173. Laura Sabia as quoted in Prentice et al, 352.

174. Ibid.

175. Prentice et al, 396-397. See Caroline Lachappelle, "Native Women and the Women's Movement," in Maureen Fitzgerald, Connie Guberman, and Margie Wolfe, eds., Still Ain't Satisfied! Canadian Feminism Today (Toronto: Women's Press, 1982), 258-260.

176. See Pierre-Aggamaway who makes the analogy between the Ashinabeque locales and CR groups. See Marlene Pierre-Aggamaway, "Native Women and the State," in

Joan Turner and Lois Emery eds., Perspectives of Women in the 1980's (Winnipeg: University of Manitoba, 1983), 67.

177.Lachappelle, 261.

178.Sally Weaver, "First Nations Women and Government Policy, 1970-1992; Discrimination and Conflict," in Sandra Burt, Lorraine Code and Lindsay Dorney eds., Changing Patterns: Women in Canada, 2nd ed., (Toronto: McClelland and Stewart, 1993), 101.

179.See Weaver, 204. See also Judy Rebick's comments, in Amy Gottlieb, "What About Us? Organizing Inclusively in the National Action Committee on the Status of Women," in Linda Carty ed., And Still We Rise: Feminist Political Mobilizing in Contemporary Canada (Toronto: Women's Press, 1993), 379-380.

180.National Association of Women in the Law, pamphlet.

181.Christiansen-Ruffman, 269.

182.Ibid., 271.

183.According to Pal, collective mobilization in terms of feminism, multiculturalism and language grows out of state policies put into place from the sixties on. See Leslie A. Pal, Interests of State: The Politics of Language, Multiculturalism and Feminism in Canada (Montreal & Kingston: McGill-Queen's University Press, 1993), passim.

184.See Driedger, 178-180. See also, Joanne Doucette, "The DisAbled Women's Network: A Fragile Success," in Jeri Dawn Wine and Janice L. Ristock eds., Women and Social Change: Feminist Activism in Canada (Toronto: Lorimer, 1991), 221-235.

185.See Pal, passim, or Bannerji and Carty, passim.

186.As early as 1973, Canada had its first lesbian journal, published out of Montreal, "Long Time Coming".

187.Molgat, 13.

188.See Adamson et al, and Decter, passim.

189.Sandra Burt, "Legislators, Women and Public Policy," in Burt et al, 149.

190.Razack, 46.

191.Ibid., 47.

192.Ibid., 45.

193.Ibid., 55.

194.Paula Bourne, "Women, Law, and the Justice System," in Ruth Roach Pierson, Marjorie Griffin Cohen, Paula Bourne, Philinda Masters eds., Canadian Women's Issues: Volume 1: Strong Voices. Twenty-Five Years of Women's Activism in English Canada (Toronto: Lorimer, 1993), 332.

195.This was necessary given sharp rebuke of LEAF from NOIVM, see Razack, 57.

196.Ibid., 132.

197.To demonstrate, when feminist activists in Ontario recount the efforts involved in mobilizing a campaign for choice, the heterogeneity of coalition partners becomes apparent: "We put a tremendous amount of time and energy into building alliances with labour, the women's community, gay and lesbian activists, midwives, progressive doctors and health care workers, the New Democratic Party, and groups." Antonyshyn et al, 133-134. Other groups, such as band councils also have proved to be an important site, particularly for First Nation's women's organizational connection, but also, to a certain extent with the women's movement as a whole, as chapters 4, 5, and 6 suggest. See also, Maillé, "Women and Political Representation," in Bickerton and Gagnon, 165.

198.Sylvia Bashevkin, "Free Trade and Canadian Feminism: The Case of the National Action Committee on the Status of Women," Canadian Public Policy 15:4 (1989).

199.Cohen, "The Canadian Women's Movement and Its Efforts to Influence the Canadian Economy," in Backhouse and Flaherty, 223.

200.Antonyshyn et al ask the following question in relation to choice activism and provide a subsequent response: "How important is ...support from labour and the NDP? We have seldom drawn out large union contingents to our actions...But key labour leaders...have often spoken at our events adding crucial legitimacy to our struggle. Many unions have contributed financial and material support...Strong formal commitments from labour have also been important in reinforcing the NDP's support for abortion rights...[This] has very much depended on the political situation...we cannot automatically rely on the NDP leadership...Nevertheless, the NDP has played a key role in pressing the government...". Antonyshyn et al, 140.

Moreover, overlapping movement/party allegiances are fraught with difficulties. For instance, Lynn McDonald, former president of NAC, and former NDP MP, spoke out against NAC's position on the Charlottetown Accord, deciding to follow the party line instead. See Bourne, 327. Moreover, a large rift developed between NAC, and the leadership of the NDP and major unions over Charlottetown. As Judy Rebick comments, "We didn't trash the NDP or anybody else, but some of them trashed us." Rebick in Gottlieb, 383.

201. Shirley Bear describes how organizations like the National Indian Brotherhood argued against Aboriginal women who opposed the sexist provisions in the Indian Act which denied Indian women rights should they marry non-status men. The NIB opposed the court cases pursued by Jeanette Lavell and Yvonne Bedard. Bear writes, the NIB "mounted a lobbying campaign against Lavalle [sic] and Bedard. Their argument was that it was necessary for the Indian Act to be kept intact for use as a bargaining lever with the federal government and any tampering...would play into the government's 1969 White Paper plan of doing away with special Indian status and assimilating Indians...." See Shirley Bear, "You Can't Change the Indian Act?" in Jeri Dawn Wine and Janice L. Ristock eds., Women and Social Change: Feminist Activism in Canada (Toronto: Lorimer, 1991), 205-206.

202. See, for example, Mary Ellen Turpel, "The Charlottetown Discord and Aboriginal Peoples' Struggle for Fundamental Political Change," in Kenneth McRoberts and Patrick Monahan eds., The Charlottetown Accord, the Referendum and the Future of Canada (Toronto: University of Toronto Press, 1993), 117-151.

203. Burt suggests that social or maternal feminists' "activism was fuelled by their commitment to bringing private sphere values to bear on public sphere decisions." and this characterized early organized feminist activity. Burt, "The Women's Movement," in Bickerton and Gagnon, 207. She then documents the rise of more "equal rights" groups that were considered with women's status in the "public sphere". However, Burt, at certain points, nuances this claim. See *ibid.*, 209. In groups like NCWC, for example, women with both goals worked side by side.

204. See Lorraine Code, "Feminist Theory," in Sandra Burt, Lorraine Code, and Lindsay Dorney, eds., Changing Patterns: Women in Canada (Toronto: McClelland and Stewart, 1988), 45-49.

205. Gabriel and Scott, in Carty, 37.

206. See Ruth Roach Pierson, They're Still Women After All: The Second World War and Canadian Womanhood (Toronto: McClelland and Stewart, 1986), *passim*.

207. REAL Women held its first press conference in 1984, and since then have articulated opposition to a variety of feminist concerns from universal child care to affirmative action. See Karen Dubinsky, "Lament for Patriarchy Lost? Anti-Feminism, Anti-Abortion and R.E.A.L. Women in Canada," Feminist Perspectives (March 1985), 30-31. See also, Cohen, "The Canadian Women's Movement," in Pierson et al, 27.

208. Dubinsky, 33.

209. Jane Jenson, "Understanding Politics: Contested Concepts of Identity in Political Science," in James P. Bickerton and Alain G. Gagnon eds., Canadian Politics (Peterborough: Broadview Press, 1994), 59.

210. See Himani Bannerji, "Returning the Gaze: An Introduction," in Himani Bannerji ed., Returning the Gaze: Essays on Racism, Feminism and Politics (Toronto: Sister Vision, 1993), xxiii.

211. Ruth Roach Pierson, "The Mainstream Women's Movement and the Politics of Difference," in Ruth Roach Pierson, Marjorie Griffin Cohen, Paula Bourne, and Philinda Masters eds., Canadian Women's Issues: Volume 1: Strong Voices, Twenty-Five Years of Women's Activism in English Canada (Toronto: Lorimer, 1983), 190-191.

212. Most Quebec feminists, then, considered anglophone, national women's organizations to be part of the problem, noting their English Canadian nationalist proclivities, centrism, or linguistic incompetence in French. This made communication difficult, literally and figuratively, and resulted in distinctive developments in the two communities. Some feminist activists and academics in and outside of Quebec therefore promoted a "Two Nations" conceptualization of the women's movement and referred to the existence of two movements, two literatures and two different political agendas. Barrett and Hamilton, 4-5. But then again, links were made between the two solitudes. For example, Monique Bégin writes that "there were channels that connected [the two movements, although] ...these have not been well documented. Bégin, 23.

213. Yet, here too, there are periods of collaboration between the movements. Mary Two-Axe Early, an early activist for Native women's status, and key organizer in IRIW, for instance, was present in the founding of both NAC and CRIAW, where she drew attention to First Nations' women's struggles. She also sat on CRIAW's board, and mobilized on behalf of Native women from this position. Pierson, "The Mainstream Women's Movement and the Politics of Difference," in Pierson et al. 199.

214. Judy Rebick's view was that, with regards to the Charlottetown Accord "Aboriginal women led the struggle... NAC had an analysis of the issues, but...[NWAC] was prepared to push issues much further than we were initially...if it hadn't been for NWAC, I'm not sure we would have come out for the No side." Judy Rebick as quoted in Gottlieb, 379.

215. In relation to the women's movement, "It has long been recognized but rarely been said that lesbians are hugely over-represented- relative to the percentage of lesbians in the general female population- in the forefront and in the grassroots of feminist organizing." Indeed it is suggested that their activism throughout the second wave has been "essential to the existence of the movement," See Decter, 118. Others agree "since its inception the statements and actions of the organized movement have, for the most part, been ... silent regarding lesbian experience and oppression." See Wine and Ristock, 13. Women with disabilities gathered momentum in their challenge to the women's movement in the eighties, exposing its

ableism and unresponsiveness to the fact that more than one million Canadian women were disabled. Diane Driedger comments, "While women with disabilities were active in disabled persons' organizations, women's groups did not see them as part of their constituency." Driedger, 176-177. When women with disabilities looked to national feminist organizations they noted that "the absence of disabled women [was] almost total." Doucette, 230.

216. Beverly Bain as quoted in Gottlieb, 382.

217. Carty, "Combining Our Efforts," in Carty, 8.

218. Wine and Ristock, 15.

Chapter 3

Earthquakes and Aftershocks: The Tremors of Early Eighties' Equality Struggles

Widely divergent assessments have been made about the significance of women's constitutional mobilization in the early eighties. Some have enthusiastically likened it to a "political earthquake...dramatically changing the foundation for government policy" or depicted it as a "thrilling national political battle."¹ Here, women are "generally perceived as having emerged among the winners"² in a process that would "patriate" the Canadian constitution, as well as entrench a new Charter of Rights and Freedoms. Others have been more sceptical, reminding us that non-feminist, official governmental accounts "give only the scantiest mention of the role of women"³ and that the "victories" of women and other "citizen groups" in general, appear "more as grudging concessions extracted from flinty-eyed opponents than rights and recognitions granted because of their indisputable justice."⁴

The "double-edged"⁵ nature of women's constitutional activism is clear. In no way is there a sense that women's procurement of constitutional equality guarantees represents a "narrative of inevitable progress".⁶ At the same time, however, women's constitutional organizing unquestionably disrupted and challenged territorially-based identities that dominated discussions of federalism and constitutionalism. Clearly, feminist mobilization confronted executive federalism. Feminist strategizing also was significant because it served to politicize large numbers of Canadian women. Third, women's acquisition of equality guarantees in sections 15 and 28 of the Charter constituted a significant symbolic gain. Although, in later years, the pitfalls of prescribed legal rights became all too apparent, there was still a sense that through

their own efforts, Canadian women had achieved constitutional recognition, something that women even in a liberal, rights-based society like that of the United States had failed to do.⁷ Finally, and concomitantly, women's organizations attempted to push at the limits of narrow conceptions of Charter equality rights to include more expansive concerns. Hence, the story that unfolds contains confrontations and concessions, along with contentious, albeit earnest, attempts to bring about change.

1 The Backdrop to Early Eighties Developments

To begin with, it is important to clarify that extra-parliamentary actors always have contributed to constitutional developments over time. In most accounts, early constitutional deliberations are depicted as entirely elite-led and executive dominated. They offer an apt illustration of what Donald Smiley called "executive federalism," as well as providing the material for Simeon's influential case study of "federal-provincial diplomacy."⁸ The focus has tended to be on elites, state/institutional dictates, and territorial identities. When non-territorial identities are examined they seem to materialize out of institutions.⁹

Yet collective activism for non-territorial identities pre-dates the Charter. Most Aboriginal organizations, as well as racial, ethnic and linguistic-based groups, along with the women's movement were contesting territorially-based mandates well before 1982. Contrary to dominant strains in the literature, then, federalism and constitutionalism were not solely the realms of First Ministers and/or territorially-based identities, and non-territorial identities did not simply materialize out of state institutions and imperatives.

There were other precursors to the politics of the 1980's. In what would

become a familiar scenario in relation to constitutional change, the 1972 Joint Parliamentary (Molgat-MacGuigan) Committee held meetings across the country in the early seventies. Peter Russell pegs this as "Canada's first attempt at popular participation in constitution-making"¹⁰ and after hearing from 13,000 citizens it came to the conclusion that Canadians approved of a new constitution. The Ppin-Robarts Task force was to do the same in the late seventies. Over the span of two years, up to and including the Hays-Joyal Committee of 1980, there would be five federal commissions of inquiry on the constitution.¹¹ Countless individual and organizational presentations and briefs, as well as statements and position papers were prepared by various non-governmental actors.¹² Thus, political involvement outside of traditional actors and institutions, constituting interference, at the very least, and, at most, influence, in a succession of commissions, task forces, and alternative publications, in addition to the deployment of less conventional, extra-parliamentary tactics, were already apparent prior to the eighties and nineties constitutional reform exercises.

I i) Setting the Stage for Feminist Constitutional Activism

Pre-Charter organizing on the part of Aboriginal women and feminist organizations is noteworthy. For example, work in relation to a number of decisive cases exposed the deficiencies of the 1960 Bill of Rights. These efforts would problematize discriminatory practices and, eventually, would lead to revised analyses of the limits of future equality guarantees. As a result, the early judicial setbacks, in effect, deepened women's resolve to reform politico-legal theories and practices and recast the constitutional status quo.

I ii) The Significance of Lavell and Bedard

Over a decade before the Charter was to come into existence, the Lavell and Bedard cases brought forward by Aboriginal women made manifest the inadequacies of the Canadian Bill of Rights. A series of interconnected events set the process in motion and demonstrate the early, crucial intra-movement connections.

In the late sixties, Mary Two Axe Early, a non-status Mohawk woman, appeared before the Royal Commission on the Status of Women (RCSW) and addressed the issue of sex discrimination in the Indian Act. In response, an end to such discrimination became one of the RCSW recommendations.¹³ At the same time, this strand of Aboriginal women's activism became interwoven with the larger women's movement. Mary Two-Axe Early's efforts, and her presence at the founding of NAC, resulted in NAC adopting a resolution, one of many that would follow, in support of Aboriginal women. NAC then endorsed the IRIW, inviting the latter to join NAC. Jeannette Corbière Lavell, whose court challenge of discriminatory practices in relation to women under the Indian Act, also attended the NAC conference and work was initiated in support of her case. These interactions led to the staging of the NAC workshop on the "Supreme Court Decision re. Native Women's Rights" in 1973.¹⁴ The issue of sexual discrimination under the Indian Act also was taken up, early on, at the second meeting of the CACSW.¹⁵ Thus, there were discussions between Aboriginal women activists and feminist organizations on the issues of discrimination and equality well in advance of the existence of the Charter.

The cases of Lavell and Bedard precipitated these interactions in that they highlighted the discriminatory provisions facing Aboriginal women and, for some,

reflected women's plight, in general, vis-à-vis white male principles and interpretations. Jeanette Corbière Lavell, a registered Ojibwa and band member, lost her Indian status upon marrying a non-Aboriginal man. Even before her marriage, Lavell announced that she would challenge the contentious sections 12(1)b and 14 of the Indian Act in court. The combination of the rescinded White Paper and the decision of the courts with respect to Drybones (the 1969 Supreme Court decision that overruled the Indian Act with the Bill of Rights on the grounds of racial discrimination, in a case involving an Indian man), as well as the RCSW recommendation in favour of Indian women's rights, may indeed have prompted Lavell to litigate.¹⁶

With Lavell, then, the courts were to decide whether it was discriminatory for an Indian woman marrying a non-Aboriginal to lose status given that an Indian man marrying a non-Aboriginal woman did not forgo his Indian status. Similar questions arose in the Bedard case. Here, Yvonne Bedard, an Iroquois woman, relinquished her status upon marriage to a non-Indian man. When they separated, Bedard moved into a house that she had inherited from her parents on a reserve, and subsequently was evicted by the band council because she was now a non-status Indian. The Supreme Court heard both cases together and in a 5-4 ruling against Lavell and Bedard held that there was no discrimination according to the "rule of law" principle. It declared that there was "equality before the law", in that the law was seen to apply, consistently, to all Aboriginal women.¹⁷ The Canadian Bill of Rights, therefore, was not considered powerful enough to counteract the limitations of the Indian Act and, therefore, was deemed ineffective by many.

Although these cases were brought forward by Aboriginal women, both received support from a number of feminist organizations. Aboriginal women's specific pursuits, then, were not disregarded by the broader women's movement, especially when they were grounded in rights-based reforms. For example, in research commissioned by the CACSW a number of years later, the Lavell and Bedard cases were cited as prime examples of the limitations of the Canadian Bill of Rights for women. Thus, the narrow, purely procedural, interpretations of Lavell and Bedard offered proof that there was a "need for a better legislative expression of the women's human right to equality."¹⁸

The work undertaken by Aboriginal women and the women's movement was complementary, but not without conflict. Complications arose for there was a lack of consensus on what was at stake. Feminist groups at the time were inclined to associate discrimination in the Indian Act with a limited equality-based claim. Indian sexual equality rights were largely discussed in relation to women's rights in general, and the specificities of Aboriginal experiences, the particular discrimination they experience as a result of the Indian Act, were not fully understood or appreciated.¹⁹ According to the IRIW, Native women "had never asked for equal rights with other Canadians but for equal rights with other Indians. 'We can't begin discussing universal women's rights because at this time we can't even get Indian rights for Indian women'."²⁰ While non-Aboriginal feminists focused on the matter of sexual equality per se, Aboriginal groups were concerned about other fundamental issues. For instance, they questioned whether the federal government should continue to determine Indian legal status at all.

Aboriginal organizations were not of one voice on how to proceed to dismantle oppressive structures and practices. For example, the NIB was opposed to Lavell's and Bedard's Indian Act challenges and even supported the Supreme Court's ruling on the matter. There was a very real concern that the tactics employed by some Native women would divide the community. Partly in response to these divisions and debates over strategy, Aboriginal women thought it best to establish the two separate organizations, NWAC and IRIW.²¹ Aboriginal women's strategies, then, were affected by their relations to the male-dominated Aboriginal organizations, as well as the Aboriginal community, and this, in turn, influenced their interactions with multi-issue feminist organizations.

At the same time, it was clear that Aboriginal women could gain from support from non-Aboriginal feminist support, in that the latter were able to mobilize larger numbers and to publicize the concerns of Aboriginal women more widely.²² Moreover, it has been pointed out that the women's movement "had a significant impact on the awareness of aboriginal women...and to a certain degree effectuated the establishment of NWAC. It shaped a climate in which aboriginal women could voice their griefs, and make them relevant to others."²³ Thus, relationships forged between Aboriginal women and the feminist community were at times tenuous and tension-ridden, but were present nonetheless. They also demonstrate the existence of intra-movement networking and certainly exhibit the presence of pre-Charter women's activism in relation to discrimination and equality-based claims. However, such tensions continued to be relevant in the relations between these various communities in the eighties and into the nineties.

I iii) The Relevance of Bliss

The foregoing indicates pre-Charter mobilization on the part of women which arose out of Aboriginal women's activism in relation to discriminatory provisions in the Indian Act. The Bill of Rights proved to be a blunt instrument for this purpose. A similar verdict, using the "equality before the law" reasoning, was arrived at in October 1978, through another key case, Bliss. Here, the Supreme Court deemed that Stella Bliss, a pregnant woman denied unemployment benefits, was not discriminated against, that there was "equality before the law". With seemingly warped logic, the Court ruled that "because not all women become pregnant, the distinction is not one based on sex. It overlooked the fact that only women become pregnant and laws that discriminate against those who are pregnant discriminate against women."²⁴

Not surprisingly, women's groups nation-wide reacted strongly against the Bliss ruling.²⁵ In fact, many had worked to help bring the case forward. The Vancouver Status of Women (VSW), for example, had established a Stella Bliss Appeal Fund, NAC had monitored the case, and other women's groups, especially in Quebec and Manitoba, along with unions such as the Service, Office and Retail Workers Union of Canada (SORWUC) and the British Columbia Federation of Labour had raised money for the fund.²⁶ The consensus was that this was an unjust legal decision that affected all working women. Thus, the Bliss case provided the incentive for many women's organizations to seek change not only in terms of social policy, but also in terms of stronger constitutional equality guarantees.

Hence, with Lavell and Bedard as well as Bliss, the courts used provisions in the Bill of Rights in such a way that the law simply was applied equally to women

and men, even though, in its substance it treated women and men unequally. These cases were pivotal in that they led the women's movement to mobilize against discriminatory practices and go on to demand stronger equality rights provisions in the Charter. Women's organizations were determined to forestall the type of unfair judicial reasoning highlighted in Lavell, Bedard, and Bliss. Thus, mobilization on these cases of the seventies lay the ground work for future modifications to Canada's constitutional landscape.

I iv) Vigilance Grows: Women, Equality and the Division of Powers

Beyond the inadequacies of the Bill of Rights, some women's groups began to be alerted to other areas of constitutional negotiation. The feeling was that without careful monitoring of what was taking place and without women's involvement, the government could practise grave acts of omission or commission that would negatively affect women's lives.

There was substance to these fears. For example, in June 1978, the federal government released its White Paper, A Time for Action, that outlined a plan for constitutional renewal. It marked a new shift of emphasis from redistribution of federal and provincial powers to Charter rights.²⁷ It contained a proposed Charter which protected the rights of French and English languages, Aboriginal peoples, and multicultural groups, among others. However, it did not include equality rights even though this provision was part of the federal Bill of Rights of 1960. This omission was subsequently corrected when the government added sex to equality provisions in the 1978 Constitution Bill in the House of Commons, but the Bill was defeated in 1979.

Through the fall of 1978, and again in February 1979, when First Ministers' meetings were held to work out a constitutional compromise, negotiations proved difficult, save for the consensus to transfer divorce jurisdiction to the provinces.²⁸ This proposition had already been made in the 1972 Molgat-MacGuigan Report, but as Martha Bowman warned, the new "transfer proposal...with its latest embellishment, offer[ed] obvious advantages to two groups of people only: provincial politicians whose nature it is to aggrandize power, and lawyers who [would] face more complex and lengthy legal disputes and [would]...charge accordingly."²⁹ As a consequence, many women, particularly those outside of Quebec, mobilized against the proposal pointing out the difficulties it would cause for women in terms of enforcing support and custody orders, for example.³⁰ Women in Manitoba were most effective in lobbying their Premier to oppose this change in the division of powers.

The feminist critique was not unanimous. For instance, many Quebec feminists considered their provincial government more progressive and thus the FFQ supported devolving family law concerns to the provinces.³¹ This dissenting Quebec feminist voice would have to be reckoned with in future constitutional rounds. In general, however, the sense was one of apprehension "that such an important decision could be characterized as a "carrot" to the provinces, without any consideration of the impact that this could have on women... [This] alerted women's groups to the dangers of being excluded from the process of Constitutional reform."³² From a personal standpoint, Mary Eberts recalls the significance of this event and its repercussions:

what really energized me in the direction of constitutionalism was...when Trudeau, just off the cuff...gave jurisdiction over marriage and divorce over to the provinces. And then, as was their habit, the

busy civil servants got going and they drafted 80 pounds of paper saying how this was all going to work out and it was kind of a done deal before we'd even turned around...my recollection is that it was women in Manitoba who really took after this and got going to try and roll that back...[Moreover,] all the networks were in place because 1978 was just the end of the decade of all the ...interprovincial support and custody orders, [a] fair bit of laws, legislation reforms in that area as well. All the legislative reform efforts in that area that women had come to understand was necessary for feminists, just got focussed on the constitution, because of all of sudden people thought, oh geez this may ruin all our work.³³

This reinforces the notion that feminist constitutional activism pre-dated the Charter and demonstrates the wide ranging concerns involved.

II Mobilizing Intensifies- The Late 1970's and Early 1980's

Given the foregoing experiences, some national feminist organizations recognized the need for a comprehensive, constitutional analysis. Lorene Clarke coordinated sessions for the 1979-1980 NAC Annual General Meeting, one of which included a constitutional workshop on issues of divorce, and Susan Ashley prepared an initial NAC brief on the Constitution.³⁴ At this AGM, it also was resolved that the NAC Executive would give priority in that year "to devising a strong and creative lobby strategy" in relation to constitutionalism.

In the spring of 1980, NAC sent a letter to the Prime Minister recommending a method whereby women could participate in the constitutional negotiations.³⁵ NAC then announced in its May/June Memo, that constitutional reform would be its main focus for that year. Moreover, it noted at least 15 items of relevance from the political representation of women, Native women's rights, the environment and communications, to health and welfare, income security, housing and immigration.³⁶ NAC's Constitutional Committee was formed in June 1980, and it worked on

gathering information and participating in numerous discussions. Jill Porter, a member of this Committee, coordinated research and wrote, with input from other groups and individuals, a paper on the repercussions of overlapping federal jurisdictions for women.³⁷ This work was passed on to the CACSW.

That summer, NAC advocated nation-wide consultations on the part of women's groups. For example, NAC Constitutional Committee members "encouraged member organizations to begin discussions, both formal and informal, in their own regions, and were involved in the planning of regional meetings (Halifax, St. John's, Toronto, Vancouver)."³⁸ NAC would co-sponsor a conference at Mount Saint Vincent University in Halifax, hold a meeting in Vancouver, and its St. John's member group would stage a conference, all to examine the impact of constitutional change on women.

At this time, the CACSW also began detailed studies into women and constitutionalism. Two legal specialists, Beverley Baines (of the Faculty of Law, Queen's University) and Mary Eberts (of the law firm Tory, Tory, DesLauriers and Binnington), had both, independently, contacted the CACSW in the spring of 1980 to express their concerns about women's lack of participation in constitutional renewal processes. As Baines recalls, "I was horrified at the way in which the Supreme Court had made its equality rights decisions under the Canadian Bill of Rights. I thought as a legal academic I had something to say about whatever they were going to do to the equality rights provisions... ."³⁹ The CACSW replied immediately, brought Baines and Eberts to Ottawa, and commissioned them to do research. Doris Anderson, President of the CACSW at the time, admits she was not enthused about the

constitution, and she had researchers working on various other issues from the poverty of older women to a report on wife assault, but she "still thought it was necessary to do it because the Advisory Council had some research money and women had to know what was at stake in any constitutional reform proposal."⁴⁰

Anderson made it clear that feminists should not merely react to what the government was doing, that they should consolidate their own research, formulate and articulate their own positions.

The constitutional research for the CACSW not only highlighted the limitations in the Bill of Rights, but also, it showed that the definition of equality used in the series of constitutional discussion papers and documents, from the 1968 Working Paper on a Canadian Human Rights and the Molgat-MacGuigan Report, to the Quebec Liberal Beige Paper, and the Ppin-Robart's 1979, A Future Together, with the mention of mere "equality before the law" would simply perpetuate the Bill of Rights' ineffectual language. Therefore, Baines and Eberts argued that stronger equality guarantees were necessary.

In total, the CACSW had 13 papers on the constitution prepared that summer. Anderson acknowledged that "[t]hese papers [were] widely used by women's groups to help them form their own positions and in preparation for conferences women have held on the constitution across the country and in preparation of briefs...".⁴¹ They also served as educational grounding in readiness for the upcoming First Ministers' Conference (FMC) in September 1980, and the CACSW's own conference on Women and the Constitution slated to take place on the morning before the FMC. While NAC helped with the planning of this CACSW conference,⁴² it also remained wary of

the latter's ties to the state. Both the FMC and the CACSW conference ultimately were postponed due to a translators' strike. In lieu of the conference, which it stressed was cancelled so as not to cross mostly women translators' picket lines,⁴³ the CACSW had a fact sheet prepared on the Charter with a detachable coupon asking for women's opinions on the CACSW's position regarding the constitution. This was distributed and copies were published in the feminist press.

Frustrated by the lack of constitutional consensus, Prime Minister Pierre Trudeau announced on October 2, 1979, that he would proceed unilaterally and produced the government's Constitutional Act which contained a Charter of Rights. This served to quicken the pace, heightened the concerns of many women, and hastened the response of a number of women's organizations. The Charter treated discrimination in the same way as the Bill of Rights. Anderson focussed on the weakness of this definition and immediately sent letters to Prime Minister Trudeau and Lloyd Axworthy, Minister Responsible for the Status of Women, stating that this Charter "was not going to help women at all," and issued press releases "alerting women that this was not a good beginning for a Charter of Rights."⁴⁴ Other groups beyond the CACSW also began to examine the limitations of the proposals.

III Women's October Constitutional Meeting

On October 18, 1980, commemorating Person's Day, N.A.C., the Ontario Committee on the Status of Women, and Women for Political Action (WPA) held a joint conference at Toronto City Hall. This served as NAC's mid-year gathering, and became a substitute for NAC's and the Manitoba Action Committee's on the Status of Women's (MACSW) plans to hold a meeting in Winnipeg. The theme, however,

remained the same: constitutional reform. At the Toronto event, approximately 200 feminist activists from various regions discussed the proposed Charter and clarified its legal ramifications with help from lawyers such as Mary Eberts.⁴⁵ Lynn McDonald of NAC addressed the conference, questioned the need for a Charter and stressed that consultation with women, notably Quebec and Aboriginal women, was crucial.⁴⁶ Other speakers included women with explicit state and party affiliations, such as Doris Anderson of the CACSW, and the vice-president of the Parti Québécois, Louise Harel. The issues raised ranged from the use of the law and protection of rights, to social and economic welfare.⁴⁷

With respect to the proposed Charter, the prospect of endless legal battles over faulty wording of constitutional equality guarantees was raised.⁴⁸ It was stressed that Section 1, tagged the "Mack Truck clause", had to be tightened; and the possibility that the Charter would endanger rather than protect women's rights became a crucial point of deliberation.⁴⁹

That evening, the Minister Responsible for the Status of Women, Lloyd Axworthy, addressed the conference. In what would become the first of a number of political gaffes in relation to his post, Axworthy's presentation was filled with condescension.⁵⁰ This compounded women's resolve to ensure that their issues would be acted upon. Marilou McPhedran remarks that after a caustic interchange between her and Axworthy at this session, she was even more determined to obtain a response to women's constitutional concerns: "it drove home to me that we could not let this thing stay in [the government's] hands...[Axworthy] was basically saying trust us, and I, [in] every fibre of my being, was saying that this is a very big mistake if we make

nice... ."51

The main virtue of the meeting, was that it provided an opportunity for some feminist groups and individuals to network and begin to formulate comprehensive positions vis-à-vis constitutional change.⁵² In fact, the recommendations from this meeting would form the basis of NAC's future submission to the Special Joint Committee on the Constitution.⁵³

IV Autumn 1980 and Hays-Joyal

Unilateralism precipitated provincial court challenges in Manitoba, Quebec and Newfoundland, and prompted the federal government to establish a Joint Senate House of Commons Parliamentary Committee, the Hays-Joyal Committee. The intent was to review the unilateralist resolutions and to deflect attention from provincialist confrontations by travelling nation-wide to hear from individuals and groups. The Committee began its hearings November 6, 1980 and by February 2, 1981 it had received written submissions from 294 groups and 914 individuals, while 104 individuals and groups appeared as witnesses.⁵⁴ The original deadline of December 9, 1980, in fact, was extended to allow for greater public participation. At first, only NAC and the CACSW were asked to prepare briefs, but by the end of three months of hearings, twenty women's groups had presented their views to the Committee.

Seven national women's organizations made submissions: CACSW, CARAL, CCLOW, IRIW, NAC, NAWL and NWAC.⁵⁵ There were numerous points of convergence in these briefs, and indeed NAC and the CACSW coordinated their presentations so as not to contradict one another.⁵⁶ Moreover, the Constitutional Committee of NAC reported that the presentations by CACSW, NAWL, CCLOW and

CARAL were supported and attended by NAC members.⁵⁷ Yet, it is important to point out that there were exceptions to the apparent cohesion displayed before the Committee: a significant umbrella group, like the FFQ, for instance, did not appear,⁵⁸ and there were differences in the degrees of the critiques put forth and the themes emphasized. For example, while the CACSW and NAWL were amenable to an entrenched Charter, NAC was more ambivalent. The CACSW, for instance, when pressed, admitted that it would let the proposed Charter stand, although with reluctance, whereas NAC, along with its qualified endorsement of the Charter, expressed its fear that it would do more harm than good for women. For CCLOW and CARAL, the focus was narrowed to specific issues, while for NWAC and IRIW, rights for Aboriginal women were the key, and these were understood in the larger context of Aboriginal rights more generally.

NAC was the first to deliver its brief, on November 20, 1980,⁵⁹ stating that it supported, in principle, the entrenchment of the Charter, but only if changes were made to: sections 1; 15(1) and (2); 24; and 19(2), and if a new section on the Supreme Court was added ensuring the appointment of a representative number of women.⁶⁰ Moreover, Jill Porter stressed that women could be "worse off" if changes were not made to the proposed Charter.⁶¹ NAC President Lynn McDonald specifically referred to the Bliss case as an example of the deficiencies of the "equality before the law" wording.⁶² Mention also was made of the status struggles of Aboriginal women, and the limitations of specific sections in this regard.⁶³ In addition, NAC called for an end to discrimination on the basis of marital status, sexual orientation and political belief. Finally, there was an expression of deep

concern about NAC's inability to engage in broader consultation due to both time constraints and lack of special funding for country-wide women's conferences.

After this initial presentation from a feminist organization, an ill-considered comment by Senator Harry Hays may have done more than any brief to demonstrate to the Committee, and to the country through wide media coverage of the quip,⁶⁴ why women were mobilizing, as he thanked the "girls" and asked them when they would have time to look after the babies and children.⁶⁵

That evening, the CACSW, (with CACSW President Doris Anderson, and Vice President Lucie Pépin, supported by Mary Eberts, Beverley Baines and Nicole Duplé, the latter of the University of Quebec,⁶⁶) presented its brief to the Committee. The CACSW had received over 12,000 favourable replies to its proposals from its coupon campaign. Thus, with a sense of some legitimacy, the CACSW proposed the following alterations to the Charter: a general statement of purpose that would include a guarantee of equality between men and women; tightened wording in section 1; the consistent use of the term "person" throughout the Charter; elimination of the three year moratorium on section 15; and a "two tier test" for section 15 where, aside from affirmative action programmes, "[s]ex, race, colour, national or ethnic origin and religion [would] never constitute a reasonable distinction".⁶⁷ The CACSW also called for equal rights for Native women and men, and fair representation of women on the Supreme Court.⁶⁸

When pressed, in contrast to NAC, CACSW representatives indicated that the Council would approve the Charter, even without changes to it. Anderson admitted, she would back the proposed Charter for it was important to Canada and because it

"is a principle all women would support", but only with "great sorrow", and then she reiterated that it had to be improved so that this would not become an "exercise in futility." ⁶⁹ Perhaps given this endorsement, and despite having to present after Hays' comments, there was a sense that the CACSW presentation was "very well received." ⁷⁰

Other organizations raised similar concerns and some broadened the field of inquiry. For instance, NAWL supported the entrenchment of rights and freedoms and, like NAC and the CACSW, focused on improvements to equality rights and raised the issue of women's representation on the Supreme Court.⁷¹ NAWL, moreover, pointed to ten substantive areas of concern, beyond the now familiar fears regarding section 1 and the wording of section 15, as well as the process of constitutional change. It held that: "the only legitimate way in which a new Constitution can be developed for all Canadians is through their own participation by way of a Constituent Assembly."⁷² NAWL modifying the Canadian Bar Association's (CBA) position that the Assembly should contain half elected federal and provincial politicians and half elected members from the public, suggesting that 50% of those elected at large should be women and that it should be "representative of Canadians in other respects as well- ethnic minorities, religions, handicaps, etc."⁷³ The NAWL presentation was graciously acknowledged, as Senator Duff Roblin made a point of personally expressing his "warm appreciation for the closely reasoned and well-supported document."⁷⁴

CCLOW also endorsed the concept of a Charter, but concentrated on the educational needs of women and requested an explicit provision enshrining the right to

learn and access to educational programs.⁷⁵ It, like NAC, CACSW and NAWL, supported affirmative action but recommended, along the lines of NAC and CACSW, an amendment to section 15 (2), which would name women "as a disadvantaged sector of our society."⁷⁶ Women who would be instrumental in the striking of the Ad Hoc Committee discussed below, were among the CCLOW representatives: Mary Corkery, Linda Ryan Nye and Monique Burchell.⁷⁷

CARAL also had a more specific focus advocating comprehensive abortion and contraceptive services. Representatives voiced concerns over the loose drafting of the proposed Charter, especially section 7, in relation to the right to life, liberty and security of the person. As a result, CARAL recommended a new section that would suggest that nothing in the Charter would "extend rights to the embryo or fetus nor to restrict in any manner the right of women to a medically safe abortion."⁷⁸

NWAC and the IRIW's reception by the Joint Committee was perceptibly less accommodating, given, for example, the tone of the questioning and the late acceptance of IRIW's appearance. This reticence may have stemmed from the broad nature of NWAC and IRIW's criticisms of the government's agenda. Representatives from both groups not only advocated for Native women and children, but also considered the implications of their positions in relation to the wider Aboriginal community.⁷⁹ NWAC insisted on the "fundamental right of native women to have access and participation in any decision-making process and full protection of the law without discrimination based on sex and marital status."⁸⁰ Moreover, it promoted equal access for Native women and children with respect to social, economic, health and educational opportunities. In addition, it supported Aboriginal rights for self-

determination and self government, in terms of a sovereign nation, a nation within a nation, with a third order of government. The IRIW engaged in a clause by clause analysis of the Charter, and ultimately criticized its provisions as being "vague and ambiguous or unacceptable in principle."⁸¹ Finally, Section 12 (1)(b) was the focus of fundamental critique. The Committee probed for possible differences in opinion in the Aboriginal community, even though this was not done to the non-Aboriginal women's groups, to which the response came that although there had been tensions, there were still alliances between NWAC, IRIW, the NIB and Inuit Indian women's groups.

Despite Hays' blunder, and some perceptible differences in the tone of questioning, overall the Committee was favourably disposed to women's groups. As Beverley Baines comments, "The feds were more open to the arguments we were making about change to the Charter because I think they wanted to make it appear that the Charter was important...and so we were probably being used, but we wanted to get a certain outcome so we did that."⁸² Others concur, concluding that Hays-Joyal was accommodative because it "served the strategic interests of the federal government."⁸³ Yet, women and other collective actors were not merely tactically accommodated by the government, and simply co-opted. Rather, the federal government was presented with some fundamental challenges to its position. It was compelled to act on some of the demands that were made at the Committee hearings. In this way, the Hays-Joyal "became a vehicle for extensive public input that significantly changed the Charter."⁸⁴

Upon completion of the Joint Committee deliberations, on January 12, Justice

Minister Jean Chrétien announced major revisions to the constitutional proposals. He also commended the work of women's organizations, the CACSW and NAWL in particular, for their excellent presentations.⁸⁵ When the reformulated Charter was brought to the House, it became evident that the changes answered some of women's serious concerns. For instance, section 1 was tightened; there were now numerous guarantees of equality: before, under and with "equal benefit and protection of the law", responding to the limitations of Lavell, Bedard, and Bliss; and the title for section 15 was changed to "Equality Rights" from "Non-Discrimination Rights."⁸⁶ Media accounts declared that the changes in relation to equality were made "in deference to the many women's groups."⁸⁷

Still, serious difficulties remained. In relation to the Charter, there had been no addition of a general statement of purpose, no two-tiered test and no guarantee of equal rights in Clause 1, no mention of increased numbers of women in the courts, nor had "person" been used consistently throughout, and there was still a 3 year moratorium on section 15. As Penney Kome tallies, "even with the revisions, the feminist scorecard showed thirteen areas where women could still slip through the cracks and be deprived of fundamental justice."⁸⁸

Before proceeding, it is important to acknowledge that feminists knew that the presentation of briefs was not enough to obtain governmental responsiveness and bring about change. Marilou McPhedran, who had networked with NAWL and NAC during the Committee hearing stage, noted in an interview published by Broadside:

If women don't convince this joint committee, we've had it. While specific women's groups have been guaranteed audience with this committee it is equally important that individual women from all walks

of life all over the country make their opinions known to the committee [e.g. via CACSW coupons]...It is vital that the Committee see broad-based concern among women in general, not just the lobbying activity that can be written off as "interest groups."⁸⁹ (my emphasis)

Feminists argued for the necessity of multiple, mutually reinforced, forms of organizing. Women constituted much more than an "interest group." There was an expression of the need for a synthesis of mass-based tactics that would engage Canadian women in addition to lobbying. As we shall see, at certain moments, political pragmatism would outweigh some of these aspirations, but still, activists were conscious of the need for movement mobilization.

While the suggestion has been made that women's groups were "allies" of the government at this point, feminist commitments, the diverse interests and collective identities that constituted the women's movement, meant that their demands exceeded what the federal government was prepared to concede. Even feminist alliances with state appointed women's organizations, as the following CACSW debacle will attest, were not fixed, at times, were highly attenuated, and overall, were typically utilitarian.

V The CACSW Crisis

In early January 1981, controversy in the CACSW created the spark for women's re-consolidated efforts to affect constitutional change. The full CACSW executive had met in November of 1980, and decided to re-schedule its constitutional conference. Everything was in place,⁹⁰ when on January 6 Doris Anderson was told that Axworthy, the Minister Responsible for the Status of Women, wished the conference cancelled. Anderson learned that CACSW Vice President and acting

president in Anderson's absence, Hellie Wilson,⁹¹ had put a hold on the conference after speaking to the Minister who had expressed a preference for a regional instead of national conference.⁹² A meeting with the other executive members followed, with the executive voting 5-1 against Anderson and with Axworthy.⁹³

This caused quite a stir in the CACSW, for the government, in the House of Commons, and in the feminist community. The media publicized accusations of political obstructionism that were articulated by Anderson and raised in the House of Commons.⁹⁴ Anderson publicly announced that the Minister had manipulated votes in order to cancel the CACSW conference and as a result, she threatened to resign as President.⁹⁵ In the House, Axworthy's actions were criticized by the New Democrat's women's issues critic, Pauline Jewett, as well as by Joe Clark and Flora MacDonald of the Conservative Opposition.⁹⁶ The Conservatives' critic for women's issues, Walter McLean, introduced a motion that denounced the Minister for "blatant interference", demanded Axworthy's resignation, and suggested that the CACSW be responsible directly to Parliament.⁹⁷

Anderson went on, in a number of speaking engagements, to admonish her CACSW colleagues for caving in to state directives, and she, in turn, was subject to criticism.⁹⁸ For example, fellow CACSW executive member Joanne Linzey provided her account of the incident in Kinesis:

The accusations made by Doris Anderson that we buckled to ministerial pressure are absurd. The executive requested that the minister meet with the full executive as we were no longer confident that Anderson would accurately represent the minister to us or us to the minister. The minister's parting sentence was "that it is your decision, it is your conference. I can live with it either way."⁹⁹

It was at this point, according to Linzey, that the vote was taken and Anderson was on the losing side. While Linzey put much of the blame on Anderson's leadership style, she also asserted that the CACSW felt that enough time had been spent on the Charter and other constitutional issues merited attention.¹⁰⁰

Other feminists stood behind Anderson. Jill Porter, of the NAC constitutional committee, wrote a response to Linzey's article. Porter maintained that under Anderson, the CACSW had begun "to gain contact and credibility in the women's movement."¹⁰¹ She commended the direction taken by the CACSW in organizing a conference and Porter noted its considerable impact in that hundreds of women wanted to attend and thousands had mailed in their coupons in response to the CACSW's campaign. Moreover, contrary to what Linzey had claimed, Porter argued that the Charter had not been sufficiently dealt with, for the proposed amendments continued to be inadequate.¹⁰²

On January 20 Anderson resigned as President. The CACSW was inundated with letters and calls to have its conference and there were requests for the resignation of the Minister Responsible for the Status of Women. A few months later, to fill the position made vacant by Anderson, the Minister would promote one of the CACSW VPs who had supported the conference cancellation, Lucie Pépin, to the position of interim President. This was done without consultation causing further consternation in the feminist community and beyond. The media reported that: Pépin had been "branded as a government patsy"; Pauline Jewett, stated that Pépin would be a good "agent for the Government"; and Lynn McDonald of NAC suggested that Axworthy should not have made the appointment "without first conducting a thorough review of

the Council".¹⁰³ The appointment was complicated in that it weighed several political considerations: not only did Pépin side with the Minister in the dispute with Anderson; she also, as a Québécoise, could be perceived to be filling a gap in the Council in relation to Quebec women's concerns.

VI Ad Hoc Mobilization

In response to the cancellation of the CACSW conference, a week after Anderson's resignation, a number of women in Toronto called a meeting to be held at the John Street Cow Café. From interviews, and an article published in Broadside, Kay Macpherson, Linda Ryan Nye, and Shelagh Wilkinson are identified as pivotal organizers of the January 27 meeting.¹⁰⁴ Macpherson describes the scene:

A noisy meeting was in progress when I arrived. Many of the women were experienced members of the women's movement: Moira Armour, Laura Sabia, WPA member Linda Ryan Nye. Nancy Jackman was there too. She had only recently come into contact with NAC in Toronto, but she became very involved with the conference and constitutional issues. She was to act as the continuity person for this ad hoc committee...¹⁰⁵

As Sherene Razack observes, the assembled group very much resembled the committee that pressured for RCSW, mostly white, middle class and with multiple women's movement connections. Indeed, some of the key women were the same, such as Laura Sabia of the CFUW, and Kay Macpherson of VOW, past president of NAC, and perpetual NDP candidate.¹⁰⁶ This gathering epitomizes the closely knit character of pockets of the movement, the crucial interconnections between a number of key, powerful, individual women, and their overlapping organizational affiliations - from the CFUW, NAC, VOW and WPA to CCLOW, the FWTAO and even the NDP - that would characterize much of the constitutional campaign. The team that was

assembled would call itself the Ad Hoc Committee of Women on the Constitution.

During the meeting, the suggestion of staging a public protest or demonstration of some kind was made, but it was rejected in favour of holding an alternative conference, and using the same time and space as had been allotted for the cancelled CACSW Ottawa conference.¹⁰⁷ When this was decided, as Macpherson points out, potential "insider" political allies were identified - MPs Flora MacDonald and Pauline Jewett - as well as Doris Anderson, and they were called on the spot to obtain feedback on the plans that had just materialized.¹⁰⁸

What started as a ripple with a group of women plotting over lunch in Toronto, became a wave that included an ever widening sphere of contacts across Toronto and in Ottawa.¹⁰⁹ Legal activist Marilou McPhedran was working in Ottawa, but commuting from Toronto, and she agreed to act as a liaison with women in the two cities. Other lawyers, such as Beverley Baines, later agreed to participate in the conference and to provide advice when needed. Baines quips, "Marilou McPhedran... was sort of my handler... She was the Ottawa activist who I suspect had the responsibility for bringing in the legal experts when they needed us."¹¹⁰ Contact women, including those in NAC, and women involved in Ottawa Women's Career Counselling, The Ottawa Women's Credit Union, the Ottawa Women's Lobby, and in NDP MP Margaret Mitchell's staff, energized broader networks of women.¹¹¹

Soon, phone trees were activated engaging women nation-wide.¹¹² This was facilitated by representatives of and resources from national umbrella organizations like CCLOW and NAC. For instance, Pat Hacker recalls using NAC's organizational lists to hook up with women across the country.¹¹³ Moreover, these umbrella groups

could obtain the assistance of member groups, which, in turn, enlisted support and encouraged endorsements and donations.¹¹⁴ Other organizations, like CRIAW and NAWL, followed suit.¹¹⁵

As the news of the conference spread, promotion for the conference came from various sources. For instance, Dawn Macdonald (editor of Toronto's City Woman publication, and an old friend of Anderson's from her days as editor of Chatelaine magazine), as well as former Conservative MP, Jean Pigott, started a campaign of selling and wearing butterfly buttons in support of the "Valentines Day" women's constitutional conference. Groups like the YWCA distributed and sold buttons, and even Air Canada flight attendants were asked to wear butterflies on the day of the conference.¹¹⁶

At the same time, the political parties appeared to lend their support, or rather, more accurately, those politicians who had been identified as sympathetic to feminism proved useful.¹¹⁷ The feminist press recounted that the new conference had:

the backing of the NDP and the Tories. Tory MP Flora MacDonald and NDP MP Pauline Jewett have been busy booking rooms in Ottawa...the mayor [Marion Dewar] has offered Ottawa City Hall for a follow-up meeting [as a non-partisan venue to discuss the status of CACSW] and...Maureen McTeer is preparing Stornoway for an evening gathering. More rumours have it that the NDP is paying for coffee and that the Liberals have leapt into the breach with offers of lunch.¹¹⁸

It is significant to note at this point that while registrations for the conference poured in, and the support of many individual women and groups was enlisted, the core of the Ad Hoc Committee remained "a very small, like-minded group" of political and legal feminist activists.¹¹⁹ These women had the connections and the

political expertise to facilitate work done on the "inside," to interact with officials in the state and in key departments like Justice.¹²⁰

Ad Hockers used "insider" governmental contacts in numerous ways. For instance, government phone lines and photocopiers were accessed to distribute conference information.¹²¹ Kome describes how "Mps and mandarins lent their offices overnight or over the weekend for phone calls...Ad Hockers began receiving sub rosa phone calls from within the CACSW, the PMO, the Minister's Office, and the Justice Department."¹²² Barbara Jean Perry also notes that the Department of Labour helped with resources, and that: "Women were thus working with the knowledge and support of at least some sectors and individuals within government."¹²³ Hence, a tightly knit, relatively homogenous, and, very well-connected group of women constituted the heart of the Ad Hoc Committee, and through contacts and concentrated focus, it was able to organize an event in a short period of time against great odds.

The Ad Hoc Committee served to fill a vacuum left by organizations like the CACSW and NAC. As Baines notes, it "was in many ways all there was when the Canadian Advisory Council broke down, or at least in my opinion, broke down. And the Ad Hoc Committee occupied all the space...".¹²⁴ The CACSW was in a state of disarray, and many felt that women at the Council were expected to toe the government line and not to make waves.¹²⁵ Internal organizational turmoil also hampered NAC's contributions. While this will be elaborated upon below, it must be acknowledged that many women in NAC were uneasy about the Charter strategy.¹²⁶ In her year-end speech, NAC President Lynn McDonald alluded to this and other points

of contention.¹²⁷ Thus, Anne Molgat writes:

preoccupied with and immobilized by internal conflict, NAC nearly missed the boat on...the debates leading up to the patriation of the Canadian Constitution...NAC endorsed the Ad Hoc Conference on women and the Constitution...[and while] many NAC women attended and were involved in the planning, the executive voted to send no official delegates.¹²⁸

Still, NAC stalwarts such as Rosemary Billings, Jill Porter and Kay Macpherson were members of the Ad Hoc Committee,¹²⁹ and thus, they could draw on NAC networks. However, while NAC continued to work on the issue, staging another Forum on Women and the Constitution in Vancouver on January 24, 1991,¹³⁰ it did appear that the Ad Hoc Committee stepped into the breach when NAC and other key organizations seemed to be stymied by different kinds of internal disputes.

The Ad Hoc Committee played a tactical role. Beyond the degree of homogeneity and shared outlook in the Ad Hoc group, there was a certain commitment to political utilitarianism, especially given the immediacy of the task at hand and the limits in terms of time and resources. Thus, although the Ad Hockers did work to contact and involve many women's groups, it mostly relied upon word-of-mouth, internal networking and inventive resourcefulness. Moreover, it did not have to deal with the bureaucratic impediments or organizational protocol of bodies like the CACSW or national feminist groups like NAC. At the same time, this meant that it also did not have the built-in requisites for regional consultations, and in the case of NAC, somewhat of an obligation to work on the basis of consensual decision-making. These commitments could stultify the quick manoeuvring required in this telescoped phase; however, they also would have helped to open up the process to

more women, and to a greater variety of women. The Ad Hoc Committee, nonetheless, did recognize the need to get grassroots women's involvement and to do so it tapped into umbrella, pan-Canadian group networks via the pivotal women involved in Ad Hoc. The February 14 conference represented an effort to open up the process and, for some, was seen as an expression of the concern for broadly-based women's participation.¹³¹

VII The February 14th Ad Hoc Conference

Numerically, the February 14 meeting was quite a success in that 1,300 women from every province and one territory took part. Participants included women who were involved with CARAL, CCLOW, CRIAW, NAC, NAWL, NWAC, WPA as well as with older organizations like the CFUW and the YWCA.¹³² In addition, there were women from professional groups and political parties, although the intent was to keep the event non-partisan.¹³³ As Chaviva Hosek explains, "[b]ecause the members of the Canadian Advisory Council were seen as having traded women's concerns for party loyalty, the ad-hoc committee was careful to ensure that its conference would not be used for purely partisan purposes."¹³⁴ It is interesting to note that while the parties were very much involved, in that welcoming speeches were made by Flora MacDonald and Pauline Jewett, and participants included women like Margaret Mitchell, Maureen McTeer and Pat Carney, none of these women was invited to speak on any panel.

In Kinesis, it was suggested that attention was first given to "corporate women's needs" then to the most disadvantaged.¹³⁵ There were attempts to make the conference accessible. Provisions were made for special rates on buses and trains, for

inexpensive lunches and for child care, so that participants could represent "a wide range of economic positions."¹³⁶ Taking all of this into consideration, Lise Gotell claims that the conference participants were regionally representative, were of a variety of socio-economic status, and were diverse in terms of their partisan and feminist viewpoints.¹³⁷

Nevertheless, the conference was still deficient in accommodating diversity in several respects. According to Razack, conference goers typified the mostly white, middle class women professionally connected to the women's movement.¹³⁸ What is more, while there is mention of both a "strong" francophone and Aboriginal women's presence in some accounts,¹³⁹ both descriptions must be qualified. The group was mostly anglophone. There was a francophone element in the presence of individual women from Quebec, to be sure, but minimal representation from Quebec women's groups.¹⁴⁰ Moreover, there was an ambivalent response to Aboriginal women's representatives, as will be discussed below. Thus, there appeared to be little more than tokenism,¹⁴¹ and these groups were not seen to be part of the conference's main agenda.

Most of the concerns raised were those that came from the briefs presented to the Joint Committee. For instance, Beverley Baines, as a panellist, reiterated the legal difficulties in the proposed amendments and Deborah Acheson of NAWL objected to the imprecise language of the Charter clauses. The conference also provided some space for a debate on the basic, underlying question of whether to have a Charter in the first place.¹⁴² Those who spoke for one expressed the need to protect citizens against arbitrary powers of state, and those against, criticized the fast

pace of change as well as the greater powers the Charter gave to courts.¹⁴³ There were still criticisms that there was not enough discussion, and Maureen McTeer (with a seemingly partisan outburst given the Conservatives' anti-Charter stance¹⁴⁴) along with some women from the west, among others, denounced the proposed Charter and were vocal in their opposition to entrenching rights of any kind.¹⁴⁵

Although Aboriginal women's issues constituted one of the proposed resolutions, there appeared to be limits placed on what would be addressed. The organizing committee had drafted a proposal in support of IRIW in relation to Section 12 (1)(b) of the Indian Act, but it was not prepared for a new resolution put forward by NWAC at the conference in favour of Native self-government. This caused controversy and, in the end, the additional plea was set aside because it was considered to be in support of "independent nationhood rather than for anything to do with issues of specific concern to Native women themselves."¹⁴⁶

On Sunday, the focus shifted to the CACSW. Here union women's involvement became particularly apparent. The feminist press claimed that at this session devoted to the status of CACSW, Shirley Carr of the Canadian Labour Congress "participated extensively" and mentioned the efforts of women from the labour movement to get a representative on the CACSW.¹⁴⁷ Similar interjections were made by Aboriginal women who argued in support of CACSW representation for Native or Inuit women.¹⁴⁸ The meeting resolved that there should be an independent review of the Council, that Axworthy and executive members that supported the conference cancellation should resign, and that future CACSW appointments should be nominated by women's groups.

The conference's final resolutions reiterated the approval of an entrenched Charter, called for a statement of purpose, a proviso on the limitations clause, and argued that "person" be used throughout. They also stated that section 7 should include rights to reproductive freedom and equality of economic opportunity. There was a demand for additions to the prohibited grounds of discrimination in section 15 (1) with respect to marital status, sexual orientation and political belief. Again, there was the stated preference for a two-tiered test. It was noted that affirmative action programs in 15 (2) should apply to groups and not individuals, multicultural rights in 27 should be dealt with in a preamble, and the 3 year moratorium on the Charter should be deleted. Significantly, support given to patriation of the Constitution and an entrenched Charter was qualified: "only if that Charter contains all the amendments listed above."¹⁴⁹ Beyond the Charter, there were criticisms of the speed of the constitutional negotiations, their lack of consideration of women, and the need for a full debate in Parliament. Finally, concerns were raised over access to social services, and a stand was taken on equitable representation throughout the political system, in the Senate, on Boards and Commissions, and throughout the judicial system.

VIII Outcome

After the conference, key Ad Hockers remained in Ottawa to keep the pressure on politicians.¹⁵⁰ Activists followed up the mobilization of the February 14 conference with straightforward lobbying. This is not to say that the lobbying came automatically or easily to the women involved. McPhedran maintains that Ad Hockers obtained pointers from political insiders on how to lobby effectively. She recalls, after the

conference:

I felt like I was completely depleted. But Margaret Mitchell's [NDP MP] then executive assistant...said "If you are not on Parliament Hill tomorrow morning with folders in hand with these resolutions from this conference, knocking on doors of each and everyone of the leaders of the parties and their house leaders, you will have completely blown this opportunity."

Therefore, according to McPhedran, Ad Hockers seized the opportunity before them.

She describes women, the next day:

charging off to go to these meetings on the Hill, and we had all these pieces of paper [and the same assistant once again intervened] and she said, "No, no, no. You do not go to meet...a house leader without folders." So she ran back to the office and got folders for all of us. She said, "Now you hand a folder to him," and... she kind of prepped us all the way there, as we plunged into our first experience of lobbying on Parliament Hill.¹⁵¹

In this way, women's lobbying "with a difference" began in earnest.

On February 17, the Ad Hoc Conference Resolutions were brought to Parliament by Flora MacDonald. It was suggested by the Minister of Justice, however, that should the Conservatives support the Charter, there would be little chance of amendments. Moreover, Lloyd Axworthy again made headlines. After inviting representatives from 14 women's groups (including CFUW, CRIAW, FFQ, NAC, NAWL, NWAC, VOW and YWCA) to meet with him, he then refused to consider the Ad Hoc Committee conference resolutions. In the weeks that followed, the Ad Hoc Committee would refrain from recognizing Axworthy as the Minister Responsible for the Status of Women, and Axworthy would openly exclaim that the Committee was "pretty tiresome" and that "he couldn't care less what the group says".¹⁵²

In spite of these setbacks, momentum developed. Women worked at contacting every MP and bureaucrat involved in the constitutional process to make the conference resolutions known. Kay Macpherson writes that this entailed "hours and hours of discussions with legal and political women and men, the drafting of statements, letters and press releases and endless journeys between Ottawa and Toronto."¹⁵³ There were efforts to indicate the presence of some regional input, as press releases carefully were crafted to include, in one instance, "quotes from Deborah Dungey in the Yukon, Susanne Boivin in Montreal and Madeleine LeBlanc in Moncton, as well as a central Canada rep."¹⁵⁴ Women's movement activism continued on various fronts. The extensive telephone network was put into commission once again. Some national organizations went on to discuss and endorse the conference resolutions at their annual meetings, as did NAWL on February 18 and NAC on March 13-14, 1981.¹⁵⁵ Intersecting institutional and non-institutional efforts took place in February, continued into March and stretched into April.

As women from the Ad Hoc Committee worked on meeting with members from all parties, "educating MPs about women's rights",¹⁵⁶ and strategizing with "NDP and Tory staffers",¹⁵⁷ the intent was to push for implementation of all the conference resolutions. However, Ad Hoc and NAWL women who managed to obtain a meeting with Justice Minister Chrétien, pragmatically focussed primarily on the purpose clause and the use of "person" in the Charter.¹⁵⁸

At this meeting with Justice department officials, on March 18, 1981, McPhedran enlisted Beverley Baines for legal advice, and the two, as well as Tamra Thomson and Suzanne Boivin worked with judicial officials to formulate an

overriding statement of equality.¹⁵⁹ This took the shape of a new clause, Section 28, that was similar to the actual section. The next day, this proposal was taken to Pauline Jewett who agreed to sponsor it in the House. It was approved, along with other NDP amendments, in a final round of Parliamentary debate on April 23, 1981.

In the end, women's groups had persuaded the federal government to rewrite non-discriminatory provisions and equality rights guarantees and to ascertain that equality would factor into laws and their application. Women from NAWL and Ad Hoc pushed further and obtained section 28, a statement of purpose that all rights in the Charter would apply equally to male and female persons. This was an achievement, but it is equally true, that concessions had been made. For instance, section 28 did not come at the beginning of the Charter which would indicate that it did not limit section 1, nor were governmental officials compelled to add to the wording of section 15. There was no movement on Aboriginal women's rights, reproductive, economic and lesbian and gay rights, nor were issues regarding equitable political representation addressed.¹⁶⁰

For some women's groups the focus had become too narrow. For example, consider the initial demands made by the Women's Research Centre and the VSW: control over reproductive lives; equal pay; guaranteed income; equal access to health care and to quality, free child care; protection from physical assault including within family; and parental leave of one year.¹⁶¹ These fundamental feminist issues had fallen off the constitutional political agenda.

Sandra Burt argues that the Ad Hockers were able to make inroads because they circumvented democratic processes. In her estimation, the Ad Hoc Committee

"gave up some of the consultative practices of women's groups, ignored the signs of discontent from Québécois [sic] feminists, silenced Western dissent, and set the agenda for the Conference discussion."¹⁶² One can add to this critique, the diminution of Aboriginal women's concerns, and the lack of analysis, more generally, of the diversity of women's needs.

Certainly, Quebec feminists were not pleased with what had transpired. For instance, at NAC's March AGM, the FFQ withdrew from the larger umbrella group over its support of the Ad Hoc resolutions and its call for the resignation of Axworthy and CACSW executive members.¹⁶³ Quebec feminist groups were internally divided on the issue of the constitution,¹⁶⁴ reflecting both federalist and sovereigntist inclinations on the part of their members. These tensions played out not only within their own organizations, but also in the pan-Canadian feminist organizations in which some of them also participated. Many did not want to split openly on a clearly stated constitutional policy. Furthermore, because the new president of the CACSW, Lucie Pépin, was a Québécoise, some Quebec feminists, especially the Liberal women, felt loyal to her and ambivalent about Doris Anderson and groups seeking a review of the CACSW and Axworthy's resignation. These were the types of contradictions and conflicts that had to be suspended or side-stepped in order for the Ad Hocers to steam ahead with their campaign.

Many of these criticisms of the Ad Hoc Committee's limitations are valid and merit careful consideration. However, it should also be noted that various strategies were used beyond the funnelled and channelled lobby. Gotell argues, in direct contrast to Burt and Black, that with the Ad Hoc stage mass mobilization had kicked

in, and the "the women's lobby had undergone a process of radicalization."¹⁶⁵ In Gotell's estimation, therefore, "[m]ass mobilization was certainly one of the most salient features of this period."¹⁶⁶

The argument in this chapter is more nuanced: while the intensive Ad Hoc push may be reminiscent of interest group pressure tactics, earlier contributions by feminist individuals and organizations, and certainly the February 14 conference, as well as the events that were to follow, have the character of more broadly-based mobilization. No doubt, the seizing of the opportune lobbying moment meant an abbreviated agenda. Yet, other tactics were used and women, in general, and even the Ad Hoc Committee, were not content with just Section 28. They wanted all of the Conference resolutions passed. Thus, after obtaining section 28, a number of Ad Hockers went on to present MPs with special butterfly embossed invitations inviting them to strengthen further the Charter with respect to women's equality and to support the Ad Hockers in all of their goals. Moreover, the events that followed indicated that even the acquisition of section 28 could not be considered a given.

IX Spring, Summer, Fall 1981

Aside from the changes made to the constitutional amendments in the spring of 1981, in May, the government-sponsored CACSW conference finally took place. Approximately 300 women attended.¹⁶⁷ There was no mention by the new CACSW President, Lucie Pépin, of the February 14 conference; however, one woman participant, Kathleen Ruff of BC, broke the silence by thanking the Ad Hoc Committee for its work.¹⁶⁸ Discussion of the implications of constitutional change for women was wide-ranging.¹⁶⁹ Moreover, the meeting was significant in that it

appeared to lay the foundation for work on what would become LEAF.¹⁷⁰

The summer was relatively quiet; women were exhausted and they had to wait, as did the government, for the Supreme Court's decisions. The Court ruled in September that constitutional convention, not the law, pointed to the requirement of provincial consent to amendments affecting the provinces. As a result, a federal-provincial conference was slated for November to try, one last time, to hammer out an agreement.

Women feared the possible outcome of this session and their apprehension was warranted. In the agreement reached between First Ministers in November, it was revealed that both section 28 and 15 would be subject to a new override clause, section 33. In fact, feminists received "insider" warnings that did not bode well. Edythe MacDonald who worked in the Justice Department was very helpful, for as Anderson recalls, "she phoned me...and told me they put this restraining notwithstanding clause on...section 15. And so everywhere I went I phoned people and [said] ...you better get the premier of the province to take that off."¹⁷¹

The analysis of this clause then became that it not only revoked women's earlier acquisitions, but also, according to NAC President Jean Wood, would result in future difficulties: "women who don't want their rights 'sold down the river' would have to scrutinize every piece of legislation the provinces pass...[and this would] require a vigilance and lobby power on behalf of women that they really don't have."¹⁷² This setback ignited the final and, in fact, most extensive, round of mobilization on the part of women.

To begin with, the Ad Hockers organized to free the equality rights section.

Ideally, they would have preferred to see both the more general section 15 and section 28 exempted from section 33, but once again, pragmatically, they narrowed their focus to that of section 28, alone, as this was the exclusive sexual equality section.¹⁷³ Feminist lawyers in Toronto, Marilou McPhedran, Beth Atcheson, Diana Majury, and Heather Mitchell, met to consider the legal ramifications, and a joint press conference, involving the Ad Hoc Committee, NAC and NAWL was organized to denounce section 33's application to the equality provision.¹⁷⁴

The Ad Hoc Committee took the lead, but once more drew on the resources of national umbrella groups. For instance, Ad Hockers were able to contribute to the NAC Memo that was sent out to all NAC members, providing a history of section 28 and details of a plan of action to restore what appeared to have been taken away from women. Beyond NAC, Ad Hockers encouraged organizations like CCLOW, CRIAW, and NAWL to activate provincial chapters. Many of these groups donated personal, organizational and financial assistance.¹⁷⁵

The national feminist organizations mentioned in the earlier stages mobilized again. In addition, more traditional women's groups who either limited their involvement or refrained from participating altogether, now began to organize, with groups like the Federated Women's Institutes (FWI), NCJW, Zonta club and women's church associations,¹⁷⁶ becoming active to ensure the protection of women's equality rights.

The CACSW seemed to be on board once more. Its members and its provincial and territorial counterparts passed a resolution to withdraw section 28 from the new override at the CACSW's semi-annual meeting in Vancouver. Moreover,

CACSW President Lucie Pépin and Madeleine LeBlanc of the New Brunswick Advisory Council at a national meeting of CCLOW in Halifax participated in CCLOW's efforts to set in motion further national linkages, coordinate information, and build-up the pressure by women from across the country.¹⁷⁷

Ad Hockers resumed work with and on politicians from all three parties, meeting with Judy Erola, now the Liberal Minister Responsible for the Status of Women, Conservative Opposition leader Joe Clark, and NDP leader Ed Broadbent, as well as with provincial officials.¹⁷⁸ The new Minister for the Status of Women, unlike Axworthy, proved more accommodating. Erola had assumed that section 28 would be untouched by the new agreement, and revealed that protection was lost by omission rather than commission.¹⁷⁹ She considered this an error and thus agreed to donate her office for the use of the Ad Hoc Committee.¹⁸⁰ Erola believed that the agreement of only three provinces was required to remove section 28 from the effect of the override. Consequently, Ad Hockers met with provincial officials still in Ottawa working on the agreement and tried to convince them to change their positions. Unfortunately, at this point the federal government required unanimous provincial agreement. Ad Hockers then exclusively targeted the Premiers.

The strategic amalgam worked as follows: Ad Hockers, representatives from national feminist organizations and representatives from their member groups contacted women across Canada and they were asked to send identical telegrams to their respective Premiers, as well as the federal government, outlining their concerns.¹⁸¹ Furthermore, NAC conducted a telephone campaign urging women to get in touch with their political leaders to protest the negotiation of their rights in the

Charter.¹⁸² Eventually, the telegram tactic and phone-tree system of networking was set up country-wide.¹⁸³

According to Kome, mass-based appeals were cultivated, drawing on homemakers, farm women, students, factory workers and old age pensioners.¹⁸⁴

Edward McWhinney describes this development as the:

genuine involvement, for the first time, of the general public. This time, it was not factitious ad hoc pressure groups and special interest lobbying...though some of that, of course, continued. Rather it was a seemingly quite spontaneous and at first quite unco-ordinated public reaction, which was communicated directly and pressingly to the premiers and their supporters."¹⁸⁵

More accurately, we see the combination of tactics mass mobilization and insider lobbying in a way that was less "spontaneous" and more strategic than in

McWhinney's estimation. One Ad Hocker recalls the distinctive lobby-like tactics:

"In every case people were thinking, who do I know? It was the first time I'd ever seen women thinking where can we reach out and pull a lever of power."¹⁸⁶

Therefore, the grassroots activism was combined with women's efforts to capitalize on any conceivable influential contacts.

In this way, the Premiers were bombarded by calls and telegrams from women and in succession they succumbed to the deluge of insistent persuasion.¹⁸⁷ As one commentator describes the process: women "shone a spotlight on each premier individually, and it is in that context that no premier dared to refuse."¹⁸⁸ Alberta was the first province to leave section 28 clear. Senators telephoned Premier Lougheed directly, Judy Erola called Alberta Conservatives, and other women contacted the leader of the NDP opposition.¹⁸⁹ Personal contacts combined with letters and calls

worked in other provinces as well, and soon Ontario and New Brunswick agreed to reinstate section 28, followed by British Columbia, with NAC and VSW's telegram campaign and women politicians such as Rosemary Brown addressing the issue in the BC legislature. Even in Quebec, the province that had refused to sign the constitutional agreement, Premier Lévesque was convinced by a network of women's groups to support the removal of the override from section 28.¹⁹⁰ With the election of Howard Pawley, Manitoba supported women, and then the Premiers of Prince Edward Island and Nova Scotia capitulated.

The last holdout, Premier Allen Blakeney of Saskatchewan was then pressured from all sides. The press describes the unusual scene in the House:

yesterday, politicians from all parties clambered to make an open motion urging Saskatchewan New Democrats to lobby Allen Blakeney...In an extraordinary performance that had speaker Jeanne Sauvé unable to contain her amusement, MP after MP rose to articulate a long standing support for women's rights....¹⁹¹

Blakeney was overwhelmed by calls from fellow New Democrats such as Jewett and Alexa McDonough, as well as Saskatchewan's Women's Labour Division, its Women's Action Committee and many other groups and individuals.¹⁹² Lobbying and mass activism were combined, as Saskatchewan women's groups planned protests for outside of the Regina legislature.¹⁹³ Blakeney's intransigence stemmed from his legitimate concerns over entrenching a Charter in the first place.¹⁹⁴ Nonetheless, in the face of such concerted effort, the Premier bowed to demands to secure section 28 free of any override.

The melding of strategies becomes apparent as both interest group-like lobbying as well as social movement, grassroots mobilization were central to the

struggle. Moreover, interpersonal and inter-organizational networking were in evidence, as well as the intermingling of "inside" and "outside" connections. As Hosek describes: "The personal connections would never have had the desired effect without the massive lobbying. However, the massive lobbying was given a human face by the intervention of women personally connected to the premiers."¹⁹⁵ The end result was that on November 25, 1981 Justice Minister Chrétien announced that section 28 would stand free of any override, and the next day, the House of Commons voted unanimously on this decision.

Most feminists, to be sure, were relieved at this outcome, but they also realized that their original demands had been much grander. In the end, there was tremendous support for a single, basic issue, women's equality, rather than a whole host of complex, equally fundamental feminist demands. What is more, the unanimity was not complete. For instance, many Quebec women felt that the equality rights provisions in their provincial Charter of Rights were sufficient and did not participate extensively in this struggle.¹⁹⁶ Moreover, NWAC did not collaborate with the feminist organizations that lobbied for the restoration of section 28. For although NWAC would not be opposed to this, the organization focussed on a sexual-equality guarantee that would relate to Aboriginal rights in section 34.¹⁹⁷

Aside from these and other notable exceptions which will be assessed later in the chapter, this final push on behalf of women still had the effect of strengthening certain feminist networks.¹⁹⁸ It, therefore, illustrates the interrelation between institutionalized and grassroots organizing and the combination of strategies that were utilized, particularly in this last round of mobilization.

In sum, women had affected constitutional change. Their activism, however, was situated in the unique context of the early eighties. Indeed, because the particular matrix of opportunities and constraints was not present in subsequent constitutional rounds, women's concerns were not responded to in the same way, and change became more difficult to achieve. As a result, this particular constellation of factors merits careful consideration.

X The Analysis: The Time Was Ripe

In the early eighties constitutional negotiation process a number of interrelated conditions point to the fact that, despite notable obstacles, this was an opportune moment for feminists to affect the constitutional status quo. There were ever-present hazards as state and party officials overlooked women's concerns and tried to manipulate positions or absorb feminist claims. Indeed, in the work of Sue Findlay or Gillian Walker, the latter tendency would present a classic example of de-radicalization and incorporation given the particular relations of ruling.¹⁹⁹ However, from my perspective, this reflects an excessively one-dimensional a view. Early eighties organizing demonstrates women's agency. Although there were clearly limits placed on women's efforts, through the use of multiple feminist strategies women were able to obtain a measure of responsiveness at a critical conjuncture in a concentrated time frame. Where some analyses would lead one to assume that the political institutional elite completely set the constitutional agenda, or that the state always and already has power over women, this account suggests that contexts and relationships shift over time. Through the mobilization of certain tactics, pursued in propitious circumstances, women have had some power to make change.

XI Macro and Micro Socio-economics

To begin with, the mid seventies and early eighties constituted a time of crisis for capital and state. This involved not only shifts in economic re-structuring, but disputes over the meaning of nationhood. Postwar economic development had begun to wind down by the seventies and by 1980, the country experienced deep recession.²⁰⁰ This was also a period de-industrialization, with a re-definition of labour markets and processes, and the re-direction of policy activities on the part of the state.²⁰¹ Post-Keynesian-influenced and resource-based economic policies had begun to run their course.²⁰² Ironically, socio-economic realignments and policy ambiguities were propitious for those who wished to advance alternative futures, for in this phase new economico-political directions had not yet taken shape. According to Jane Jenson, in this moment of indecision, there was an opportunity to act.²⁰³

This state of economic flux was tied to, and intensified by, controversies over national identity in the face of not only continentalist challenges and internationalist financial pressures, but growing provincialist claims. The contestation of non-territorially based identities compounded the matter. Given these socio-economic and political challenges, the federal government under Prime Minister Trudeau felt compelled to assert a nationalizing thrust, yet one with some space for particularist identities, via a patriated constitution and entrenched Charter of Rights and Freedoms. As a result, this "macro" socio-economic context was inextricably tied to political imperatives and would affect the endeavours of territorial and non-territorial identities alike. In turn, this provided a potential opening for collective actors. Feminists, among others, could also seize this opportunity and make their mark, influencing

changes and not simply being influenced by them.

In addition, on a more sectoral, "micro" socio-economic plane, financial resources for women's organizations were relatively stable at this point. State sponsorship of women's organizations had mostly come out of the post-RCSW seventies context and carried on into the early eighties.²⁰⁴ Leslie Pal notes the "Liberal government's largesse" in this period with, for example, a surge in Secretary of State Women's Programme funding from \$700,000 in 1980, to \$1.2 million in 1981, and \$3.2 million in 1982.²⁰⁵

Consider the case of the CACSW, an outgrowth of the seventies governmental initiatives in response to women's demands and an organization with great financial resources in comparison to other women's groups. The CACSW was able to commission studies like those written by Baines and Eberts, bring legal experts and political advisors to Ottawa, schedule countless meetings, network and organize a full-scale conference. The CACSW illustrates that the state, at this point, was still willing to fund a certain degree of potentially oppositional feminist research and organizing. Clearly, the CACSW crisis and other incidents discussed below also point to restrictions on governmental "generosity" and "good" intentions. The point here, however, is that the CACSW did have substantial financial resources at hand, it did use these to work on the issue of women and the constitution, and thus there was a measure of financial flexibility present.

To be sure, the CACSW's financial resources and infrastructure surpassed those of most feminist organizations.²⁰⁶ For example, the Ad Hoc Committee's conference was staged, on one level, through typical "grassroots" ingenuity and

beneficence, financed with donations, countless volunteer hours and payments in kind. Ad Hockers recall women like Vaughn Ieliffe, at home nursing children, spending the entire day making phone calls on behalf of Ad Hoc, and describe how press releases and telegrams were put together in various other women's homes.²⁰⁷ Scarce resources for women's organizations have meant that less "institutionalized" feminist organizing tends to be characterized by this type of creative accumulation of resources.

At the same time, however, Ad Hockers had planned the conference on a proposed budget of \$30,000, which was for most "grassroots" feminist groups a substantial amount for a single event, let alone one that had to be organized in weeks. Cumulatively, when volunteer hours and donations were factored into the equation, the Ad Hockers disclosed that the conference bill came to approximately \$180,000.²⁰⁸ The acquisition of these sorts of resources in a very short time period is quite remarkable. It entailed the collection of private donations, funds from charitable organizations, unions, especially the FWTAO, and even churches, as well as money received from button sales.²⁰⁹ Thus, it would appear that there was some fiscal space in comparison to other periods.

On another level, given the expense of the conference, a price tag that normally only a bigger-budget organization like the CACSW could afford (its initial conference budget was double the Ad Hoc's early estimates), Ad Hockers had to mobilize more "institutionalized" resources. In fact, "insider" political assistance contributed substantially to the Ad Hoc's funding base. Recall the donations of the political parties, Marion Dewar's offer of the use of Ottawa City Hall for the February 15 session, as well as the use of offices and resources of MPs, not only to

organize the Ottawa conference, but also, later to contribute to the final stage of mobilization. In the end, the use of "insider" facilities went beyond the use of Judy Erola's office and staff, and included, among other things, government photocopiers and telephone lines.²¹⁰ At this point, the state was more lax with its restrictions and looser with its resources. Thus, contributions from women in traditional political channels, sympathetic bureaucrats and politicians topped up the Ad Hockers coffers, adding a measure of institutionalized assistance to the grassroots efforts.

It is also important to reiterate that although the government continued to fulfil its commitments to funding women's organizations at this time, governmental assistance had its boundaries. Not only was the CACSW conference cancelled, but grants for other women's organizations were circumscribed as well. Records show, for example, that the Liberal government, even though it had sponsored the CACSW's research initiatives, was unwilling to support NAC's request for funding to do the same.²¹¹ This raises the question of whether the government felt more assured of managing the state-appointed CACSW's research directions than those of the more autonomous, although state-funded, NAC. What is more, NAC's Winnipeg meeting was re-located to Toronto because the federal government refused to support NAC's original conference proposal. According to Vickers, Rankin and Appelle's account of this incident, the subtext is as follows:

Given the fact that many of the opponents of an entrenched Charter were from Quebec and the West, this contraction to a Toronto meeting would have a contingent that was better disposed to the government's position and, hence, more vulnerable to potential attempts by representatives of government to influence it views.²¹²

Yet, despite these constraints, the Toronto conference was not without criticisms of

the government's agenda, and the condemnation of Lloyd Axworthy's performance at the event suggests that there was opposition to both explicit and implicit attempts by the government to sway feminist positions.

Similarly, in the summer lull before the Supreme Court decision was announced, Ottawa's Women's Career Counselling experienced an audit, as part of Canada Employment and Immigration Commission's annual review, whose timing and origins appeared more than coincidental. Jan Frizzell recalls: "Examiners were sent out from Winnipeg of all places...Winnipeg being Lloyd Axworthy's home riding. They went through our books exhaustively. They questioned us for months. In the end, we did get our funding renewed, but it was a pretty harrowing summer."²¹³ These examples illustrate, then, how manipulative funding practices affect women's organizing, but also, how feminists attempt to work around these limitations.

Both macro and micro socio-economic considerations influenced women's strategizing in this period. Macro socio-economic uncertainties contributed to the questioning of politico-economic futures and provided a potential opening for change. On a micro level, women's movement financial resources, beyond the perpetual shortfalls and governmental financial games, were limited, but not as attenuated as they could have been. There was still state funding to be had, and through a combination of both "institutionalized" and "grassroots" forms of organizing women's organizations were able to work around governmental obstacles and raise money for their constitutional endeavours over a short period. In more "lean" years there would be limits to these types of activities. Thus, the activists displayed agency in relation to a socio-economic environment that had an impact in providing opportunities as well

as constraints.

XII Political Possibilities

A number of fairly favourable political conditions conjoined in this period and also served women's constitutional struggles. As will become apparent, Parliament, with a Liberal majority and the presence of only 14 women MPs, nonetheless, offered some surprising political opportunities for women. Likewise, the federal system, in this specific context, although limiting in many respects, proved serviceable for feminists at key moments. At a certain point, women pressured the federal government and it, in turn, used women's claims to counteract provincial demands. At another, when the federal government conceded section 33 to the provinces, ignoring the impact that this would have on equality provisions, women were able to work on the provincial Premiers to sway the federal government. Given the massive efforts required to target each Premier, and the combination of strategies from interpersonal networking to mass-based appeals, it is not at all clear that the federal system would work to women's advantage in many cases. Indeed, it is doubtful that these types of resources could be marshalled on most occasions. However, in this instance, the federal system did provide some leverage for women.

From the start, as many political scientists have noted, constitutional repatriation and Charter building were in the interest of the federal Liberal government. Trudeau's brand of liberalism and pan-Canadianism countered Lévesque's Péquisme, as well as the vociferous demands of provincially-based players, from Premier Peckford at one end of the country to Premiers Lougheed and Bennett at the other. In Albert Breton's terms, this was an era of competitive

federalism marked more by intergovernmental confrontation than collusion.²¹⁴ As will become apparent, these conflictual relations meant that alliances could not be taken for granted and, indeed, were apt to change and become re-consolidated. This provided political access points as women worked both with and against the state, met with members of political parties and ultimately, tackled the provincial Premiers.

The specific Liberal government agenda contributed a potential aperture. Trudeau's nationalizing master plan not only justified the sponsorship of non-territorial identities, but also could accommodate certain feminist claims on the basis of its liberal egalitarianism. Indeed, there would be some tolerance of national feminist organizations given the federal Liberal government's commitment to "the principle of a just society."²¹⁵ It is important to clarify, however, as one commentator explains:

This is not to imply that the state under the control of the Liberal government of Pierre Elliot Trudeau was particularly sympathetic to feminism, but rather that it behaved pragmatically under extraordinary pressure from women to change....Nothing occurred without a struggle, but change was underway and the rhetoric of liberalism was used by women to [access] even meagre resources for improving women's conditions.²¹⁶

The two women in Trudeau's Liberal cabinet, Monique Bégin and Judy Erola, were particularly susceptible to these pressures. Indeed, it was these women Ministers who advocated an explicit definition of sexual discrimination, as well as a commitment to affirmative action be included in the Charter.²¹⁷

The Trudeau Liberals were impelled by non-territorial mobilization. Remember that the state in the seventies had responded to the latter by providing

funds and encouraging the development of either directly state-tied or indirectly state-dependent organizations. In the case of women, interrelated seventies initiatives meant that by the early eighties state and women's movement representatives overlapped. As Findlay's work outlines, the installation of feminist activists "inside" the state had taken place,²¹⁸ and thus there were feminist networks established in Ottawa by the time the government publicly announced its constitutional package. The assistance of sympathetic "insiders", from the Status of Women office to the Justice Department,²¹⁹ was crucial to the women's constitutional campaign and reinforces the claim of a more complicated movement/state nexus.

Relations were never fixed and nor were they completely state-determined. Doris Anderson, the former editor of Chatelaine magazine, for example, would not be considered to be a radical feminist opposed to conventional political manoeuvring. Rather, her appointment to the CACSW could be considered to be a partisan and moderate installation. Still, she appeared to side less with the government and more with elements of the women's movement. While Lloyd Axworthy assured the government that the CACSW would support its Charter proposal, Anderson went on to criticize the federal government's position and, of course, then she exposed what was perceived to be governmental orchestration of the Council. Later, Anderson would go on to become the President of NAC, the same organization that at the start of the whole constitutional process, was sceptical of the CACSW's role given its state affiliation. The foregoing suggests the intricacies of state/movement junctions - feminist alliances within government and between government and women's organizations - not their causal determination.

These types of shifting allegiances characterized feminists' constitutional drive at this time, and when one considers these intertwined and indeterminate relations, it is evident that there was more than state co-optation of feminism involved. To be sure, key women's organizations were not directly opposed to the government's agenda, and thus the former's approach tended not to be as condemnatory and confrontational as it would be in later phases. Nevertheless, women's organizations were neither trusted collaborators nor government dupes. Power did not run unidirectionally from the state into women's organizations. Rather, there was an array of relationships consisting of central women, with valuable insider connections, who also had commitments to and contacts with elements of the women's movement. In this period, then, there appear to have been "inside" routes to the state, and inside routes to parties, as well. Consequently, there was a greater reliance on inside/outside strategies at this time. To a degree, then, some feminist activists were able to harness state insiders, the political parties, and then the Premiers. This chapter demonstrates that the state was not monolithic and political elites were not all-determining, and that there were potential political openings that would allow feminists to influence the government agenda. Women seized opportunities, by using their contacts within the state, by targeting first federal then provincial officials, and by pragmatically drawing on their partisan connections.

The use of partisan connections is revealing. As Melissa Haussman maintains, Canada's party system contributed to the favourable political opportunity structure for women.²²⁰ She argues that Canada's multi-party system leads to specific ideological positions conducive to bringing about change. In contrast, I would point out that

Canada's brokerage system does not lend itself to distinctive platforms. Canadian parties typically arrive at short term policies that are subject to reversal. In this period, the parties' constitutional programmes were not fixed. The opportunity for women lay in the fact that the parties were jockeying for position, their members were divided, and thus, their constitutional policies were apt to change.

Trudeau's obdurate approach had its detractors. For instance, some Liberal parliamentarians breached party solidarity in opposition to Trudeau's unilateralism,²²¹ while other Liberal party activists were critical of the cabinet's behaviour around the resignation of Doris Anderson.²²² Both Opposition parties, PC and NDP, were wary of the Liberal government's agenda, despite the early Liberal-NDP alliance. Conservatives fundamentally disagreed with the form and substance of the Liberal's plans. Conflicts within the parties may in fact have been more intense than between them.²²³ These kinds of controversies contributed to assailable principles. Consider the Conservatives, who began with an anti-Charter stance. Then Joe Clark did a complete turn around as he went on to chastise the PM for watering down women's and Aboriginal rights with the override clause.²²⁴ Similarly, there were battles and shifting alliances within the NDP, as will be discussed in more detail below. For the moment, suffice it to say that although Ed Broadbent gave early endorsement to Trudeau, there were major wars within the NDP on the issue.²²⁵

The parties could certainly "use" women's groups and "channel women's energies in support for partisan positions."²²⁶ From the party in power's perspective, having women's organizations on board could detract from governmental opposition. From the Opposition parties' point of view, women could contribute to the critique of

the Liberal government. Still, feminists could gain assistance from the political parties as well. The lack of party consensus, cracks in party solidarity and evolving constitutional platforms made it easier for feminists to break through party ranks. What is more, the parties had feminist contingents and many women already straddled party/movement lines. Even if partisan manipulation of women was clear-cut, then it did not have the intended consequences, for inside/outside links were more complex, and women from "within" and "without" were not that easily accommodated given their multiple allegiances.

This combination of factors facilitated the forging of pragmatic relations with women like Bégin and Erola in the Liberal cabinet, MPs Jewett and Mitchell in the NDP, and MacDonald in the Conservative party. Liberal Lorna Marsden became the point woman between NAC and the government, and was even asked to try to set up a meeting between NAC and the Prime Minister.²²⁷ Assistance also was obtained from other prominent, party-identified women, among them, Liberals like Eberts, Anderson, and Pépin, as well as Conservatives and New Democrats, such as McFeet and Macpherson, respectively. By the final stages of this process, key Liberal Ministers, including Chénier, as well as the Opposition party leaders, Clark and Broadbent, had met with feminist organizations and the latter were vocal supporters of women's equality rights.

The general political atmosphere was agreeable in comparison to later rounds of constitutional struggle. From the start, some feminist organizations were commended on their presentations to the Joint Committee, and women acknowledged that they were fairly well received. To a certain extent, politicians were willing to

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communicate with feminist organizations, speaking at events, setting up meetings with women's movement representatives, as well as engaging in more one on one consultations, as with NAWL representatives or with Ad Hockers.

This is not to say that political structures were not limiting. Political ploys were used in ways that were exploitative and, at times, even coercive. The manipulation of funding provides a prime example. The point here, however, is to demonstrate that constitutional change was not merely a top down process, and that political concessions made to women amounted to something more than political co-optation. Feminist organizing affected constitutional outcomes. Many women strategically seized the foregoing political opportunities and worked around numerous constraints. At this juncture, then, the political opportunity structure was relatively tractable given how the federal system was used, the Trudeau agenda was harnessed, and unsettled relations inter-governmentally, intra-governmentally, between the parties, and within the parties, were pragmatically handled in ways that would further women's constitutional struggles.

XIII The Intricacies of Feminist Organizing

At the same time, it must be acknowledged that feminist organizing in this period was not without its complications and contradictions. Central feminist organizations were immobilized at key points and thus utilitarian tactics were used to make gains, but under questionable circumstances. There were numerous conflicts and internal controversies for national feminist groups that affected the nature of their constitutional activism and these must be examined.

To begin with, women were by no means entirely committed to pursuing a

legal, Charter-based strategy. Many feminists from western Canada and in Quebec, women in the Conservative and NDP parties, along with members of national women's organizations had major reservations. There was a great deal of ambivalence towards the Charter in that the women's movement, on one hand, promoted women's rights and, on the other, was very sceptical of the role of the courts.²²⁸ Yet many women jumped into the pool because they realized that these changes were inevitable.²²⁹ Still, controversies over entrenchment stultified some organizations. Groups like NAC and the FFQ feared divisions that would break apart their organizations. Yet, organizational developments unfolded in such a way that many of these concerns were circumvented.

NAC's experience provides insight. It demonstrates how the entrenchment dispute, among others, served to constrain the organization for much of the constitutional campaign, but that it, nonetheless, came to advocate women's Charter equality guarantees. With the expansion of NAC as an organization came the growth of its internal difficulties. During this constitutional round there were leadership wrangles and debilitating debates over issues like pension policy, and particularly important for our purposes, over the Charter and constitutional strategies. Anne Molgat's describes a situation where:

NAC entered the 80's with its executive mired in a conflict that saw [Lynn] McDonald endure a heretofore unheard of non-confidence vote and [Jean] Wood plagued by a campaign to have her removed from office. The campaign was eventually called off. Wood chose not to stand for a second one-year term, and returned to England.²³⁰

According to McDonald's Presidential Report of 1981, the most intensive period of constitutional change came at a bad time for the organization. Key

governmental decisions were arrived at quickly, just after NAC's last annual meeting, which made it difficult for NAC to formulate a position with adequate care and consultation. More problematically still, as McDonald was a vocal opponent of the Charter, there had been no vote in NAC on the issue of entrenchment. In her view, the resolution that was passed was a "straw vote" because it stated that entrenchment was acceptable only if amendments were approved. She noted that there was another version of the resolution, coming out of the October NAC meeting in Toronto, that clarified whether entrenchment was agreed upon in principle, and that that resolution had been changed "apparently at the request of the Assistant to the Minister Responsible for the Status of Women- on the grounds that a resolution more favourable to the government would be more credible."²³¹ This caused immense controversy and McDonald stressed, "In retrospect, I can only urge greater vigilance in following established procedures and the need to keep the boundaries clear between NAC and the government."²³²

The last two statements reflect the interconnection between state and movement representatives and also the tension in NAC between forces that considered governmental involvement inevitable and those like McDonald who wished to break from state dependency. Overall, NAC/state relations tended to be tactical and often ambivalent. For instance, while NAC received state funding and worked with the CACSW in preparing briefs and helping to organize the CACSW conference, some members were wary of the CACSW's government ties and critical of state affiliation, in general. This is evident in McDonald's negative appraisal of the CACSW conference cancellation and the induction of Pépin as President.

Other NAC members were appalled by the intimations of governmental interference in changing NAC's position on entrenchment. These accusations were flatly denied.²³³ In the end, McDonald concluded:

Altogether, I think we can take some of the credit for improving the Charter, but the issue tried our structure sorely. To our credit, we did raise public understanding of the issues. And, when the Advisory Council first postponed its conference on the Constitution, we did somewhat fill the breach.²³⁴

Added to these controversies, NAC had to try to accommodate its member groups and, because it was a "national" organization, deal with regional/and or provincial discrepancies and disagreements. Not all NAC affiliates were in agreement with the direction being taken with regard to women and the constitution. The FFQ provides a prime example as it withdrew from NAC due to the latter's endorsement of the Ad Hoc Conference resolutions. The continual pressures of accommodating member groups, plus fundamental disputes over organizational directions, illustrate how internal strife limited NAC's capacity to act.

Political upheavals with organizational consequences were not uncommon for other umbrella organizations. In the FFQ, nationalist debates tried the organization, making it difficult to come to a position before, during and after the constitutional "consensus", which excluded Quebec. Quebec women's groups, on the whole, were torn in their response to the constitutional saga. For example, although the FFQ resigned from NAC over its constitutional position, AFEAS remained. In the end, many Quebec feminist organizations would not participate in the constitutional debate for fear of being linked to either federalist or sovereignist camps, or the parties associated with the two positions.²³⁵

Similarly, for NWAC there were constant organizational challenges that came with balancing advocacy for Aboriginal women's rights with support for Aboriginal rights and a commitment to the sovereignty of Aboriginal sovereignty, more generally. This affected NWAC's relations with male-dominated Aboriginal organizations, and with the women's movement, as well as its commitments to the Aboriginal community. For example, by the early 1980's, NWAC had improved its relations with the Native Indian Brotherhood (NIB) since the contentious Lavell and Bedard period.²³⁶ The NIB now recognized NWAC and accepted Indian women's rights, but this affected NWAC's ties to the women's movement. Working more closely with the NIB meant that the NWAC felt compelled to curtail its relations with other feminist organizations, as the latter was seen to be promoting women's rights, but not necessarily Aboriginal rights.²³⁷ Here too, then, political considerations and internal agitation impeded certain forms of interaction.

In part, as a result of these restrictive pressures in key women's organizations, and due to controversies in the CACSW, the Ad Hoc Committee stepped into the fray. No other group was in a position to abandon all of their concerns and organize the constitutional conference, but individual activists from these national organizations and other volunteers under the auspices of Ad Hoc could. As a result, Ad Hockers were in a unique position in that through their key women's movement contacts, they could use umbrella networks, but also disentangle themselves from many of the organizational restraints of the other groups. This, in turn, made it easier for the Ad Hoc Committee to push past the controversies that plagued NAC, the FFQ, NWAC and the CACSW.

In Vickers, Rankin and Appelle's view, the Ad Hoc Committee did more than fill a gap, it "more or less hijacked the meetings of most national women's groups" and they go on to suggest that the Committee was formed "at least in part, to bypass NAC, because it was clear that NAC could not have reached a common position without a serious, and perhaps fatal rupture."²³⁸ This view requires qualification, for linkages could be made via its members on the Ad Hoc Committee with NAC connections.²³⁹ Other national organizations, from NAWL to CCLOW, also worked with Ad Hockers and key umbrella networks were mobilized. However, it is also clear that the Ad Hoc Committee could take more liberties and had more room to manoeuvre than many of the national organizations.

As Beverley Baines comments, there "were fewer of us in the 1980's, so it was easier to work out what our position was, but I think that the range of stuff just wasn't as big."²⁴⁰ The Ad Hoc Committee was a relatively small and insular group of women, but one with a number of important connections, not only in the women's movement, but in the state. Ad Hocker's effectively put pressure on the government. Burt criticizes these practices for their distance from the politics of the women's movement.²⁴¹ To be sure, some crucial work was done by a limited number of women, often behind closed doors, and decisions had to be made quickly, often with little consultation. Thus, although the Ad Hockers had a long list of demands originating from the more mass-based and open February 14 conference, they agreed to whittle down the scope of these resolutions. This decision came as a reaction to governmental initiatives regarding section 33. Still, tactical considerations were involved for the single issue of women's equality rights had the potential for a more

"unifying", rallying cry.

Somewhat paradoxically then, given profound intra organizational conflicts, this period includes a significant moment of consensus: ultimately, Ad Hockers helped to narrow the feminist agenda until only one issue remained, women's equality. Its basic premise was something most women could agree upon, and thus "unanimity" on women's equality rights helped to bring about governmental responsiveness. This is why Baines suggests that the range of issues was small. Clearly, concordance was more apparent than real, as will be discussed below, and the process through which it was achieved is not beyond criticism. The feminist "consensus" was more of a compromise and it reflected the fact that a number of profound debates within the women's movement had to be glossed over, and that major demands were diluted, if not disregarded, given strategic decisions in response to deteriorating political developments.

This also suggests, however, that "insider" pressure tactics by well-connected women were not sufficient to bring about change, as feminist demands were condensed due to a perceived threat to concessions made previously by the federal government. It is at this point that more extensive women's movement networks came into their own. For example, the interplay of old and new women's organizations was apparent. While older groups had been involved earlier, as for example the YWCA and CFUW, in the final push to free section 28 from the override, there was widespread mobilization of groups beyond the CACSW, CCLOW, CRIAW, NAC and NAWL to those like the NCJW and the FWI. Here, the insider lobbying, highlighted in Burt's account, merged with broader women's

movement, mass-based mobilization, as depicted in Gotell, Hosek, and Kome, to reinstate section 28. Lobby group strategies alone would not suffice and they had to be combined with movement protest to bring about change.

In comparison to later periods, broader coalitional politics involving "intra" and particularly "inter" movement alliances, forging linkages with diverse elements in the women's movement and between other movements, were not a concerted focus. As has been mentioned, there were tensions between Aboriginal peoples' movements and the women's movement. Further, the labour movement was not a pivotal actor in this period. The left was divided on the Charter and organized labour did not participate extensively in many of the discussions, as it did not, for instance, constitute a strong presence at the Joint Committee hearings. In part, this reflected labour's economic orientation, but it also indicated its confusion over Broadbent's support of Trudeau's constitutional resolutions, as well as reticence to cause rifts with Quebec union affiliates.²⁴² Of course, there were notable exceptions, from the participation of union women in the debate on the future of the CACSW, the indispensable work of the FWTAO on the Ad Hoc Committee, and, no doubt, the countless interpersonal connections and overlaps between union women and feminist activists.²⁴³ However, overall, organized labour failed to engage in the constitutional debate and link up in any concerted way with the women's movement.

In this case, the more important allies for women seemed to be those within the NDP. Here too there were deep divisions. NDP leader Ed Broadbent had endorsed Trudeau's unilateralism early on, without consulting his caucus, which resulted in the reproach of key members of the party. In fact, while Broadbent took a

moderate position vis-à-vis the Charter, in general, other New Democrats, including Margaret Mitchell, Pauline Jewett and Svend Robinson, as well as Saskatchewan's NDP Premier Allan Blakeney, were on record as opposing entrenchment.

Consequently, Michael Valpy describes the NDP federal caucus as having:

rupted publicly after months of trenchant, and enervating, internal dispute. By February, 1981, the three prairie provincial parties, led by the country's one NDP government at the time- Saskatchewan's- had parted ways with the federal leadership after a rude and bitter falling out.²⁴⁴

Again, this lack of consensus may have made it easier for feminist activists to make party linkages. Feminists could interconnect as they did not have to cut through taut party lines.

For feminists, having the NDP on side was quite beneficial. The NDP at this time had substantial numbers in the House, with 32 MPs, and thus it had a measure of traditional political clout. Svend Robinson posited that the influence of these members: "was stronger at that time in moving the government to improve its proposed Charter of Rights than the influence of the CCF or the NDP has ever been."²⁴⁵ In the end, the NDP pushed for both women's and Aboriginal rights, and helped to persuade Premier Blakeney to join ranks. In this period, then, feminists availed themselves of partisan alliances, gaining leverage on their constitutional demands.

The consequences of these shifting, combinatory strategies are mixed. Problematically, feminist concerns became funnelled and concentrated, and yet, at the same time, with the sole focus on women's equality, more individual women and women's groups would come on board for the final struggle. In later rounds, there

would be more issues, interests and, as we shall see, more interconnected identity-based groups involved. This would also increase the potential for divisions which would entail greater difficulties in gaining "unanimity" and thus political responsiveness from the state and society as a whole.

XIV The Intersections and Influences of Identities and Ideas

As a collectivity, key women's movement activists in the early eighties constituted a fairly closed group. Baines, upon reflection, admits:

we didn't have francophones being major role players, we didn't have Aboriginal women being involved, we didn't have anyone but elite white women being involved in the early eighties. Many of us were...either law pros or lawyers or clearly people who had been women's activists in other contexts...²⁴⁶

Echoing this viewpoint, Razack argues that "the lobby remained largely an initiative of the institutionalized feminist sector, drawing on middle-class white professional women who believed in the political process."²⁴⁷ Black, therefore, writes off women's constitutional activism in this period with the suggestion that it boiled down to little more than a "feminist elite [that] was able to demonstrate sufficient public support to imply future trouble, but without mobilizing a new or even a very large constituency."²⁴⁸

Given the foregoing detailed examination of the shifting nature of women's constitutional activism and the organizational and personal networks of women that ultimately engaged in the process, this "elite" label, and suggestion that women's mobilization was institutionalized and not extensive, presents rather an overstatement of the case. However, we have also noted the presence of a relatively homogenous, pivotal group of women, who, ultimately, had a uni-dimensional objective. These

mostly white, middle class women did not promote more intricate forms of identity-based politics. When pushed, their over-arching goal was to secure equality rights for women in general.

This is not to say that other forms of identity-based mobilization were not present at the time. Rather, the point is that, at this stage, the activism of leading feminist organizations was largely based upon essential, generalized notions of women that insufficiently recognized women's plural identities. While there were indeed passing mentions of Aboriginal women's rights, Quebec women, discrimination on the basis of sexual orientation, and economic disadvantage et cetera, and women's diverse concerns and needs arising out of these complex realities, there was little substantive consideration.

This was compounded by the fact that the image of equality promoted was primarily based upon ideas of sameness, not notions of difference. While Gotell notes, for example, that the general equality clause is open to definitions of different treatment,²⁴⁹ in this first campaign, feminist activists ultimately invoked more limited notions of equality as a result of a combination of political circumstances and political expediency.²⁵⁰

While Charter struggles and rights-based strategies, in their distinctively Canadian composite of both individualistic and collectivist variants, certainly were disputed by some feminists, in the end, it was assumed that all women would fight exclusively for "their" equality rights, and many women did. As Gotell explains, "feminist appropriation of liberal democratic discourse [may indeed have acted] to politicize many women who previously did not identify themselves as feminists and

adhere them to the women's movement."²⁵¹

The assumption was that women as a group had rights, as did other identity-based groups, but these group claims did not overlap. This becomes apparent when one considers the separate strands of mobilization and the different outcomes in relation to the evolution of section 15. McWhinney succinctly characterizes the progression as follows:

Women's rights, as the product of aggressive and articulate public pressure groups did well in the original draft of October 1980, and even better in the final draft of April 1981, capturing an additional section (28)...Homosexuals and the poor, neither as well organized nor as publicly persuasive, failed to be included in either the first or the final draft. Senior citizens, a rapidly increasing voting bloc, made both the first and the final draft with the outlawing of discrimination on account of 'age'. The handicapped didn't make the first draft, but lobbied hard in the interim and profited from favourable press and public opinion and entered the final draft under the rubric of discrimination on account of 'mental or physical disability.'²⁵²

The feminist claim was that women merited equality rights along with these other groups, but there was no extensive integration of, and interrelation between, these various forms of oppression in feminist strategizing.

The import of these multi-faceted concerns was known to feminist organizations. As has been noted, most supported Aboriginal women's rights, some discussed issues of representation in terms of race and ethnicity, and others were conscious of Quebec's women's differential position. Recall that the Ad Hoc Conference resolutions, for example, called for the end of discrimination on the basis of sexual orientation and there was an endorsement of "Indian rights" for non-status women. But, in the end, the overarching concern in this round of constitutional activism became simply women's equality.

As just one example, fissures between Aboriginal women and the women's movement affected the promulgation of more inclusive analyses. Debates between IRIW, NWAC and women's movement representatives disrupted the Ad Hoc conference. Then, many feminist organizations focused on "women's" equality sections, and ultimately section 28, whereas Aboriginal women were working on a sexual-equality guarantee for Aboriginal women, demanding equality in section 34 which applied to Aboriginal rights.²⁵³ For NWAC, sexual equality rights for Indian women were inextricably linked to Indian nationhood. Many feminist organizations could not come to terms with the nature of these cross-cutting identities and complex notions of equality, as is evident in NWAC's treatment at the Ad Hoc Conference. As Vickers points out, "[f]ew white feminists understood why some aboriginal women could believe that the rights of individual women couldn't be secured until the collective rights of their nations were secured...."²⁵⁴

In the early eighties context, then, differences among women, their cross cutting identities, various needs and goals, were not interrogated to the same extent as they would be later. Rather, many of these concerns were marginalized with the restricted focus on women's equality. The momentum was such that it became a question of women's equality full stop, to the exclusion of all else.

Women's issues and ideas unquestionably broadened the constitutional status quo. Yet, it is equally evident that, in the end, women's formal "gains" were limited as interests were contracted, ideas were confined to narrow conceptions of equality, and identity politics were constricted in that women's diversity did not yet constitute an organizational imperative for the individual women and groups at the forefront of

the constitutional struggle.

Given the foregoing, there is no doubt that feminist activism brought about change, but whether women were indeed "victorious" is open to dispute. There were substantial concessions and compromises. Still, through the efforts of key individuals and groups in the women's movement, feminist concerns were worked into a constitutional agenda that had hitherto excluded or disregarded them. Thus, although many women were dubious of the merits of formal equality rights, most recognized the symbolic significance of the acquisition of women's equality rights, however, narrowly conceived. In the next round, with the Meech Lake process, even these symbolic gains were uncertain as the configuration of socio-economic, political, organizational factors as well as ideas and identity-based groups, shifted.

END NOTES: CHAPTER 3

1. Penney Kome, The Taking of 28: Women Challenge the Constitution (Toronto: Women's Press, 1983), 23.

2. Hosek, then goes on to qualify this assessment. See Chaviva Hosek, "Women and Constitutional Process," in Keith Banting and Richard Simeon eds., And No One Cheered: Federalism, Democracy and the Constitution Act (Toronto: Methuen, 1983), 280.

3. Black points out that Jean Chrétien, "justice minister at the time and centrally responsible for the negotiations, has no reference whatsoever in his memoirs to the women's constitutional conference, and not a word about the development of sections 15 and 28....[Yet, he] does refer in passing to the abandonment of the women's guarantee...[and] notes with some amusement the way in which the women of Canada brought the premier of Saskatchewan to heel." See Naomi Black, "Ripples in the Second Wave: Comparing the Contemporary Women's Movement in Canada and the United States," in Constance Backhouse and David H. Flaherty, eds., Challenging Times: The Women's Movement in Canada and the United States (Montreal & Kingston: McGill-Queen's University Press, 1992), 105.

4. Alan C. Cairns, Charter versus Federalism: The Dilemmas of Constitutional Reform (Montreal-Kingston: McGill-Queen's, 1992), 65.

5. Gotell also uses this imagery. See Lise Gotell, "The Canadian Women's Movement, Equality Rights and the Charter," CRIAW/ICREF Paper No. 16 (Ottawa: CRIAW/ICREF, 1990), 2.

6. Kathryn Abrams, "Sex Wars Redux: Agency and Coercion in Feminist Legal Theory," Columbia Law Review 95:2 (March 1995), 350.

7. For a comparison of the two movements, see Black, "Ripples", passim. See also, Melissa H. Haussman, "The Personal is Constitutional: Feminist Struggles for Equality Rights in the United States and Canada," in Jill M. Bystydzienski ed., Women Transforming Politics: Worldwide Strategies for Empowerment (Bloomington & Indianapolis: Indiana University Press, 1992), 114.

8. See the classics: Donald V. Smiley, The Federal Condition in Canada (Toronto: McGraw-Hill, Ryerson, 1987), 91; and Richard Simeon, Federal Provincial Diplomacy (Toronto: University of Toronto 1972), passim.

9. See, for example, Alan C. Cairns, Disruptions: Constitutional Struggles from the Charter to Meech Lake (Toronto: McClelland and Stewart, 1991) and Leslie A. Pal, Interests of State: The Politics of Language, Multiculturalism and Feminism in Canada (Montreal & Kingston: McGill-Queen's University Press, 1993).

10. Peter Russell, Constitutional Odyssey: Can Canadians Become a Sovereign People? (Toronto: University of Toronto Press, 1993), 92.

11. Edward McWhinney, Canada and the Constitution, 1979-1982 (Toronto: University of Toronto Press, 1982), 49.

12. Mary Eberts, "Women and Constitutional Renewal," in Audrey Doerr and Micheline Carrier eds., Women and the Constitution in Canada (Ottawa: CACSW, 1981), 5.

13. Lilianne Ernestine Krosenbrink-Gelissen, Sexual Equality as an Aboriginal Right: The Native Women's Association of Canada and the Constitutional Process on Aboriginal Matters, 1982-1987 (Saarbrücken-Fort Lauderdale: Verlag breitenbach, 1991), 76-77.

14. Also in 1973, Jennie Margette, an Albertan Aboriginal woman, became a vice-president on the NAC executive. For these details, see Anne Molgat, "An Action That Will Not Be Allowed To Subside" NAC's First Twenty Years, NAC publication, n.d. It is also interesting to note that at the Hays-Joyal Committee phase, Jennie Margette was president of the IRIW, but could not attend the hearings.

15. Molgat, CACSW, 13.

16. Krosenbrink-Gelissen, 79.

17. See Re: Lavell and A-G Canada (1972), 22 D.L.R.; and Bedard v Isaac et al (1972), 22 D.L.R. (3d).

18. Baines, "Women, Human Rights and the Constitution," in Doerr and Carrier, 47. See also Mary Eberts, "Women and Constitutional Renewal: A Paper Prepared for the Canadian Advisory Council on the Status of Women As A Contribution to the Discussion on the Constitution, September 1980," (Ottawa: CACSW, 1980) 19-20.

19. Krosenbrink-Gelissen, 80. NWAC wrote, "Native women face a double bind. Not only is there no recognition of their rights as Native people, there is also no guarantee of their rights as women. Despite the advances made by women toward constitutional equality, Native women today still do not enjoy the full range of rights, privileges, and constitutional protection afforded non-Native women." See "Statement by Native Women's Association of Canada on Native Women's Rights," in Doerr and Carrier, 66.

20. IRIW, n.d., 15 as quoted in *ibid.*, 84.

21. *Ibid.*, 85.

22. Molgat, CACSW, 13.

23.Krosenbrink-Gelissen, 74-75.

24.Gwen Brodsky and Shelagh Day, Canadian Charter Equality Rights for Women: one Step Forward or Two Steps Back? (Ottawa: CACSW 1989), 15.

25."Cabinet to re-examine UIC maternity benefits," Globe and Mail [Toronto], November 1, 1978, 14.

26.See Leslie A. Pal and F.L. Morton, "Bliss v. Attorney General of Canada: From Legal Defeat to Political Victory" Osgoode Hall L.J. 24 (1986), passim.

27.Sandra Burt, "The Charter of Rights and the Ad Hoc Lobby: The Limits of Success," Atlantis 14:1 (Fall 1988), 75.

28.This had been mentioned in the Molgat-MacGuigan Report of 1972, as well as the Task Force on Canadian Unity. See Eberts' account, Eberts, "Women and Constitutional Renewal," in Doerr and Carrier, 17.

29.Martha Bowman, "From Bad to Worse in One Easy Step: Proposed Transfer of Divorce Jurisdiction: An Assessment," in Audrey Doerr and Micheline Carrier eds., Women and the Constitution in Canada (Ottawa: CACSW, 1981), 91.

30.Burt, "The Charter...", 75. Mary Eberts, "Sex-based Discrimination and the Charter," in Anne Bayefsky and Mary Eberts, eds., Equality Rights and the Canadian Charter of Rights and Freedoms (Toronto: Carswell, 1985), 187.

31.See Jill Vickers, Pauline Rankin and Christine Appelle, Politics As If Women Mattered: A Political Analysis of the National Action Committee on the Status of Women (Toronto: University of Toronto, 1993), 110-111.

32.Katherine de Jong, "Sexual Equality: Interpreting Section 28," in Anne Bayefsky and Mary Eberts eds., Equality Rights and the Canadian Charter of Rights and Freedoms (Toronto: Carswell, 1985), 498.

33.Mary Eberts, Ad Hoc Group Interview, November 16, 1995.

34.NAC Annual Meeting 1980, resolutions, as found in National Archives, file of Ruth M. Bell; MG31 K22, Vol.8. Hereinafter cited as Ruth Bell file.

35."Policy Workshop Committee- Area Constitution" report prepared by Committee Chairperson, Jill Porter, January 1981. In Ruth Bell file.

36.Eberts, "Women and Constitutional Renewal," in Doerr and Carrier, 6.

37.Porter Report, Ruth Bell file.

38.Ibid.

39. Beverley Baines interview, April 13, 1995.

40. Doris Anderson interview, November 15, 1995.

41. Anderson imparted this information in her presentation to the Joint Committee. See Canada, Special Joint Committee of the Senate and House of Commons on the Constitution of Canada, Minutes of Proceedings and Evidence, (November 20, 1980), 9:125.

42. Porter Report, Ruth Bell file.

43. Anderson recalls: "We were all set up and then the translators went on strike... They were all, almost all women, and they were on strike because they were being underpaid and they weren't being given maternity leave, and of course, the Council supported these objectives and we, the Executive was adamant that we couldn't cross the picket line. And not only could we not cross the picket line, and they were very determined that I couldn't talk to these women. It seemed strange to me... Looking back on it now I realize that the Executive was really getting cold feet about the conference. It thought the government might not like us having this conference." Doris Anderson interview, November 15, 1995.

44. Ibid.

45. Kay Macpherson, When in Doubt, Do Both: The Times of My Life (Toronto: University of Toronto Press, 1994), 206.

46. "Mothers of Confederation meet," The Varsity, October 22, 1980, 6. See also, Doris Anderson interview, November 15, 1995.

47. Kome, 33.

48. "If we allow the Constitution to be patriated with only the presently suggested amendments, women will have to become embroiled in endless legal battles in order to protect our rights." See, "Axworthy chopped up," by Judy Lawrence, Broadside vol.2, Nos.1-2 (October/November 1980), 13.

49. See Kome, 33-34. See also, National Association of Women and the Law, "Women's Human Right to Equality: A Promise Unfulfilled," Submitted to: The Special Joint Committee on the Constitution, November 1980, 5.

50. See Kome, 33-34. This was received with less than enthusiasm from an audience that demanded political responsiveness:

"The overall tone of the meeting was that women are tired of studies and commissions, and programs and enquiries, and when they have a chance to say so to a member of Government, they do so, loud and clear. Politeness seems to have flown out the window - and that's one message that Mr. Axworthy took back to

Ottawa with him." See "Axworthy chopped up," 13.

51. Marilou McPhedran interview, November 20, 1995.

52. Moreover, the interesting point of contrast to later developments is that, here, at this early stage, a government official, however half-heartedly, took the time to address a women's movement meeting. Of course, the intent was to sway women and bring them on board. Still, even this consideration was not matched in later years when the Minister Responsible for the Status of Women in the Mulroney government would decline to even hear from, let alone address, women's organizations like NAC.

53. NAC's position was formulated controversially. Lynn McDonald wrote that NAC's stance (it would endorse the Charter, but only if changes were made) was arrived at through suspicious means that amounted to interference from officials connected to the Minister Responsible to the Status of Women. See Lynn McDonald, "The Charter of Rights and the Subjection of Women," Canadian Forum 61:710 (June/July, 1981), 18. Others were incensed by these claims. This controversy will be addressed later in the chapter.

54. A. Anne McLellan, "Women and the Process of Constitutional Reform," A Discussion Paper Prepared for the Alberta Advisory Council on Women's Issues, May 1991, 11.

55. For the respective presentations, see the following selections in: Canada, Special Joint Committee of the Senate and the House of Commons on the Constitution of Canada, Minutes of Proceedings and Evidence: for the CACSW, (November 20, 1980) 9:123-152; CARAL, (December 11, 1980) 24:98-118; CCLOW, (December 11, 1980) 24:60-82; IRIW, (December 2, 1980) 17:83-103; NAC, (November 20, 1980) 9:57-75; NAWL, (December 9, 1980) 22:50-73; NWAC, (December 2, 1980) 17:63-81.

56. See Kome, 35. See also, Burt, "The Charter...", 76.

57. Porter Report in Ruth Bell file.

58. Burt notes that the FFQ, for example, would not follow NAC's lead, as it was opposed to the proposed Charter, and some western women's organizations were critical of the federal government's control of the situation and went on to voice criticisms of entrenching legal rights, as well. Burt, "The Charter...", 76. Baines also comments on strong opposition to an entrenched Charter from Saskatchewan women in particular. Beverley Baines interview, April 13, 1995.

59. The representatives for NAC were: Lynn McDonald, Jill Porter, Betsy Carr and Marilou McPhedran. It was noted that the latter was a member of NAWL, but appeared to be with NAC as a legal counsel. See, Minutes of Proceedings, (November 20, 1980) 9:57-73.

60. See de Jong, footnote 35, at 501. See also, Gotell, 44. Marilou McPhedran, although not affiliated with NAC, and who would later become pivotal in Ad Hoc, through a number of fortuitous events, would come to assist NAC in its legal analysis at this point. She recounts that she called Kay Macpherson to say that she would be in Ottawa, and Macpherson recommended that McPhedran: "'call Jill Porter because NAC is putting together its proposal and ...they were just frantic wanting to talk with a lawyer and you've done human rights work and not many lawyers have...' So I called Jill Porter and she said...meet me in Ottawa...we're going over the thing tonight. So I show up at the NAC hotel room, meeting with the NAC women, going over their presentation. And at that stage, Lynn McDonald was the head of NAC, and she opposed a Charter. And there was some real difference of opinion... I mean people were finding their way, and I hadn't clearly made up my mind [about the Charter] at that point either. And so I helped them with some of the wording and some of the analysis." Marilou McPhedran interview, November, 20, 1995.

61. Minutes of Proceedings and Evidence, (November 20, 1980), 9:57.

62. *Ibid.*, 9:59.

63. *Ibid.*, 9:60.

64. "Hays views out of date, women told," Globe and Mail, December 4, 1980, T2.

65. Minutes of Proceedings and Evidence, (November 20, 1980), 9: 75.

66. Beverley Baines interview, April 13, 1995. See also, Kome, 37.

67. See Canadian Advisory Council on the Status of Women, "Women, Human Rights and the Constitution: Submission to the Special Joint Committee on the Constitution," November 18, 1980. See de Jong for excerpts of the CACSW brief, 502-504.

68. Gotell, 44.

69. Minutes of Proceedings and Evidence, (November 20, 1980), 9: 113.

70. Beverley Baines interview, April 13, 1995.

71. See National Association of Women and the Law, "Women's Human Right To Equality: A Promise Unfulfilled," Submitted to the Special Joint Committee on the Constitution, November 1980, 2-3. See also Kome 36; De Jong 501; and Gotell, 44-45.

The representatives for NAWL were: Deborah Acheson, Monique Charlebois, Tamra Thomson and Pamela Medjuck. See Minutes of Proceedings and Evidence, (December 9, 1980), 22: 50-73.

72. NAWL brief, 18.

73.Ibid.

74.Minutes of Proceedings and Evidence, (December 9, 1980). 22:62.

75.The Canadian Congress for Learning Opportunities with the Support of the Canadian Association for Adult Education, "The Freedom to Learn: Comments on the Proposed Charter of Rights and Freedoms," Presented to the Special Joint Committee on the Constitution of Canada, December 11, 1980, 5 and 1.

76.Ibid., 1.

77.Minutes of Proceedings and Evidence, (December 11, 1980) 24: 60-82.

97.Ibid., 24:101.

79.Marlene Pierre Aggamaway and Donna Phillips, President and Treasurer for NWAC, respectively, appeared on behalf of NWAC; while the following IRIW members made appearances: Nellie Carlson, Western VP; Rose Charlie, Board Member, and Barbara Wyss, Treasurer. IRIW President Jennie Margette was unable to attend.

80.Minutes of Proceedings and Evidence, (December 2, 1980), 17:64-65.

81.Ibid., 17:87.

82.Beverley Baines interview, April 13, 1995.

83.Cairns, Charter versus Federalism, 67

84.Ibid.

85."Will Make "major changes" Chretien says in BNA Statement," Globe and Mail, Tuesday, January 13, 1981, 10.

86.Ibid. See also, "Ottawa revises constitutional proposal," Globe and Mail, Tuesday, January 13, 1981, 11; Kome, 43; and de Jong, 504. See also, Kenneth Fogarty, Equality Rights and their Limitations in the Charter (Toronto: Carswell, 1987), 99-112.

87."Ottawa revises constitutional proposal," 11.

88.Kome, 41.

89.Interview with Marilou McPhedran in "Bill of Rights: One Predisposition for All," by Judith Lawrence and Jane Hastings, Broadside 2:3 (December 1980/January 1981), 7.

90. Rooms had been booked, meals ordered, and press releases were ready, and in some cases they had been already sent out. Doris Anderson interview, November 15, 1995.

91. Wilson had been appointed to the CACSW straight from the Prime Minister's Office (PMO), and her Liberal party ties were strong.

92. Doris Anderson interview, November 15, 1995. See also de Jong who cites the CACSW's noteworthy efforts on women's behalf read out by Flora MacDonald in the House of Commons. See de Jong, footnote 47.

93. Anderson recalls: "I knew I was in trouble the night before when we met for dinner and I realized that they [the members of the executive] had been meeting before and I argued like a school teacher at them that we had to go in, listen to the Minister, present our position that this would be a disaster for the Council if we cancelled this conference... [Later] [i]nstead of that, he had hardly opened his mouth, and said that this would be difficult for the government because they were still debating the Charter in the House and it would be difficult for the government to have this conference going on and the Opposition would be using it. Well there's no doubt about that, but that's too bad. There were lots of people saying the Charter wasn't right and our little conference would have been a minor irritation, but not a major disaster for them. And so instead of doing what we, they'd said they would do, and promised they would do the night before, they all said...like robots, we have to cancel the conference..." Doris Anderson interview, November 15, 1995.

94. "Axworthy clawed in Commons for arm-twisting," Globe and Mail, Wednesday, January 24, 1981, 8.

95. "Minister 'manipulated' votes to halt meeting, women's head charges," Globe and Mail, Tuesday, January 13, 1981, 9.

96. Anderson notes, "Flora McDonald and Pauline Jewett were both in the Opposition...[and] hammered Lloyd Axworthy to a pulp. And he didn't stand up very well at all because he didn't have any excuse he kept saying he had not directly approached the Council. Well he didn't directly approach the Council but his assistant did." Doris Anderson interview, November 15, 1995.

97. This had been the recommendation of the RCSW and would be the position taken after the, as yet unrealized, Ad Hoc Conference. See Burt, "The Charter...", 77.

98. It was noted in the feminist press that Anderson had "blasted" her CACSW colleagues at the NAC-sponsored forum on Women and the Constitution; and other members of the Council, such as Norrie Preston, a member from Victoria, accused Anderson of starting a "smear campaign". See "Anderson Affair causes ACSW uproar and Operation Butterfly," Kinesis (February 1981), 8.

99. See "ACSW member tells the other side of the Doris Anderson Story," by Joanne Linzey, Kinesis (April 1981). Linzey described the structure of the CACSW, that there were appointed members across Canada, along with 1 full time President, 3 Vice Presidents and 2 volunteer member representatives elected by the membership, and noted that she was one of the latter. She then went on to critique Anderson for expecting the CACSW to operate in concert with her personal preferences. Linzey's suggestion was that the Charter constituted only one aspect of the constitutional agenda; indeed, NAC listed 15 issues at stake. Thus, according to Linzey, the CACSW executive was in agreement to postpone the conference since, in their view, it was no longer crucial to formulate a Charter position, and it was time to deal with other issues like family law and overlapping jurisdictions. Moreover, she mentioned that CACSW members wanted a book being prepared on constitutional issues to be available and mailed to women before the conference and this was impossible to do before the February deadline.

100. Ibid.

101. "Issue was not Anderson's leadership by right to representations" by Jill Porter, Kinesis (June 1981), 12

102. Ibid.

103. "Women's council appointment criticized," Globe and Mail, Saturday, March 7, 1981, 11.

104. Kay Macpherson, "Women Make it Happen," Broadside 2:5 (March 1981), 5. Also, Ad Hoc Group interview, November 16, 1995.

105. Macpherson, When in Doubt..., 208. Jackman, now Nancy Ruth, was also "largely responsible for laying the groundwork for, and then promoting, the Women's Legal Education and Action Fund (LEAF)." Ibid.

106. Attendees included: Linda Ryan-Nye who was involved with CCLOW. She and Margaret Bryce, were on the steering committee of WPA; also from CCLOW, Mary Corkery and Susan VanderVoet; the director of the Federation of Women's Teacher's Associations of Ontario (FWTAO), Ada Hill; Illa Driever, from Women's Halton Action Movement; and from Canadian Women's Studies Journal, Shelagh Wilkinson; plus, Janka Seydegart, and Nancy Jackman. See Sherene Razack, "Feminism Applied to Law: The Women's Legal Education and Action Fund," Ph.D thesis, Department of Education, OISE, 1990, 61. See also, her book, Sherene Razack, Canadian Feminism and the Law: The Women's Legal Education and Action Fund and the Pursuit of Equality (Toronto: Second Story Press, 1991), 33, as well as Kome, 43.

107. Kome, 44.

108. Macpherson writes, "The telephoners returned. 'Flora thinks it's a terrific idea and she's going to talk to Pauline to see what they can do. Now let's try Doris. 'Why not?' came Doris'...[reply] 'Sounds like a great idea to me.'" Macpherson, When in Doubt..., 208-209. See also, Doris Anderson interview, November 15, 1995.

109. For instance, two days later, through organizing done by Pat Hacker, via Ottawa's Women's Career Counselling Services, thirty women in Ottawa met to handle the logistics of the conference. Pat Hacker, Ad Hoc group interview, November 16, 1995.

110. Beverley Baines interview, April 13, 1995. Mary Eberts declined given her well-known Liberal connections. Baines noted that "Mary [Eberts] was by far a more political animal, meaning in the big sort of P political sense." In other words, "Mary had Liberal affiliation as well as being an academic at the time, but her Liberal affiliation was well known. I didn't have any affiliation so it was like really useful to keep it that way."

111. See Kome, 44-45. See also the Vancouver Status of Women's newspaper articles, in particular, "One thousand women gather in Ottawa to discuss constitution," Marg Cunningham, Kinesis (March 1981), 5.

112. de Jong, 506.

113. Hacker also commented, "it was marvellously exciting...subversive...there were those places you knew where you could find feminists. And feminists were very raw and radical and going for change. So that's how some women in Toronto would have known someone in Winnipeg, Calgary, Charlottetown, Ottawa, with those kinds of connections." Pat Hacker, Ad Hoc group interview, November 16, 1995.

114. Kome, 49.

115. Razack, 33.

116. Macpherson, When in Doubt..., 209.

117. Baines notes that Flora MacDonald, "was one of the... women politicians. I know the Ad Hoc Committee would report to me about these women in the different parties and it was Flora this and Flora that." Beverley Baines, interview, April 13, 1995.

118. "Anderson affair causes ACSW Uproar and Operation Butterfly," Kinesis (February 1981), 8.

119. Beverley Baines interview, April 13, 1995.

120. Ibid.

121. In Nancy Ruth's personal files there are letters thanking various people on the "inside" from Flora MacDonald, to Mr. Dick Miles in the NDP Head office for a last minute printing job. Insider connections were apparent in a number of departments from Justice to the Status of Women Canada. Hacker recalls that some one had received a government code from the Status of Women of Canada, "and their phone bill was usually, I don't know, \$800 or \$900, and in one month it was something like \$7000 or something...I had all these women who were using the codes but it was necessary." Pat Hacker, Ad Hoc Group interview, November 16, 1995.

122. Kome, 50.

123. Barbara Jean Perry, "The Charter of Rights and Hegemonic Politics in Canada," Ph.D thesis, Department of Sociology, Carleton University, 1992, 128-129.

124. Beverley Baines interview, April 13, 1995.

125. Marilou McPhedran interview, November 20, 1995.

126. Burt, "The Charter...", 77.

127. Lynn McDonald, "President's Report- NAC Annual General Meeting 1981," Ottawa, Ruth Bell file.

128. Molgat, NAC document, 9.

129. Kome, 51.

130. At this forum, many of the same concerns were raised. For example, Deborah Acheson of NAWL pointed to the problems in s.15 regarding "before and under the law" terminology, and the need to change "individual" to "persons", while Audrey Doerr discussed the implications federal-provincial wrangles in relation to child care. See "NAC Forum Focuses on Constitution, Anderson and Axworthy," in Kinesis (February 1981), 8.

131. Beverley Baines interview, April 13, 1995.

132. See "One Thousand Women Gather in Ottawa to Discuss Constitution," by Marg Cunningham, in Kinesis, (March 1981), 5; "Valentines Day Revenge," by Jane Hastings and Judith Lawrence, Broadside 2:5 (March 1981), 4. Linda Ryan Nye remembers mobilization of many of these networks. See Sherene Razack, "Feminism Applied to Law: The Women's Legal Education and Action Fund," Doctoral thesis, Department of Education, Ontario Institute for Studies in Education, 1990, 63. Notably, while the NAC executive participated in the conference, "NAC as an organization gave only qualified endorsement of that meeting." See McDonald's speech in Ruth M. Bell File, 4. This again reflects the internal struggles taking place within NAC.

A very long list of women's organizations and a few social movement allies endorsed the conference. The groups range from the Alberta Status of Women Action Committee, the Canadian Association of Unions and the Canadian Council for Social Development, to the Feminist Party of Canada, the Réseau d'action et d'information pour des femmes-Québec, and the Newfoundland Advisory Council on the Status of Women. See, "Women on the Constitution: Conference Endorsements," Nancy Ruth personal files.

133. Billings notes, "political parties made some efforts to channel women's energies into support for partisan positions. These efforts failed however... "Establishment" takeover was further hindered by the fact that the majority of women identifying with feminism do not strongly align themselves with the establishment political organizations, and those who do, can normally be relied upon to subordinate this to their prior commitment to women (although given the marginality of women's concerns to most parties, such challenges rarely come). See Billings, "Introduction," in Kome, 17.

134. Hosek, 290.

135. "One thousand women gather in Ottawa to discuss constitution," Marg Cunningham, Kinesis (March 1981), 5

136. See "Valentines Day Revenge," by Jane Hastings and Judith Lawrence, Broadside 2:5 (March 1981), 4.

137. Gotell, 14-15.

138. Razack, thesis, 62.

139. See de Jong in relation to a "strong" francophone presence, 506. See also, Kome, with respect to NWAC's participation, 58.

140. For instance, there were Quebec women lawyers, Edith Deleury and Sylvia Borenstein, who made presentations on family law and expressed their concern that Quebec's family law provisions would be overridden by the federal government. See Kome, 59.

141. Beverley Baines interview, April 13, 1995. She contrasts this with the Meech experience.

142. Many feminists were wary of this whole constitutional thrust. Mary O'Brien noted that while groups like NAC had presented their briefs, and the feminist press raised the issue, there still seemed to be little discussion on the purposes of a constitution and who needs it. She argued for an examination of the broader context: "We must put all these issues each one so important, in a wider context which appreciates that the debate on the Constitution and the Bill of Rights is politically

screwed up, that the feminist political imagination has to produce alternatives...No political movement can survive on partial issues, vital though each may be. We must not only be able to say what's wrong, but what would be better...."

Mary O'Brien, "The Constitution in Context," Broadside 2:4 (February 1981), 6-7;

143. "One thousand women gather in Ottawa to discuss constitution," Marg Cunningham, Kinesis (March 1981), 5.

144. See Kome, 59.

145. Beverley Baines interview.

146. "Valentines day Revenge," 4.

147. Ibid.

148. Kome, 64.

149. The Ad Hoc Committee of Canadian Women Conference on Canadian Women and the Constitution, February 14-15, 1981, "Resolutions Adopted at the Conference on Canadian Women and the Constitution." From the Ruth Bell file.

150. The lobbying was extensive, according to McPhedran's diary, cited in Razack, thesis, 64.

151. Marilou McPhedran interview, November 20, 1995.

152. "Women's Committee 'tiresome': Axworthy," Globe and Mail, Thursday, March 5, 1981.

153. Macpherson, When in Doubt..., 213.

154. Kome, 102.

155. de Jong, 508. At the NAC AGM, 1981, the Charter was opposed without having amendments made. In addition, there was a vote in support of the Ad Hoc Conference resolutions, including the call for the resignation of the Minister Responsible for the Status of Women. See NAC AGM 1981 materials, Ruth Bell File.

156. Kome, 88.

157. Ibid., 68.

158. de Jong, 507.

159. Pat Hacker, Ad Hoc group interview, November 16, 1995; Beverley Baines interview, April 13, 1995. See also Kome, 75-76.

160.Burt, "The Charter...", 79.

161."What constitutional rights we women want -and won't get," in Kinesis (March 1981), 3.

162.Burt, "The Charter...", 79.

163.Kome, 72.

164.Quebec feminist groups tended to be wary of law-based strategies to begin with, but beyond this: "[I]es Québécoises sont peu présentées dans ce mouvement, ce qui reflète la méfiance de la province à l'égard des débats constitutionnels." Le collectif Clio, L'histoire des femmes au Québec depuis quatre siècles (Québec: Le jour éditeur, 1992), 595-596.

165.Gotell, 15.

166.Ibid., 13.

167.Molgat, CACSW document, 35.

168."Conference Reconstituted," Nancy Jackman, Broadside 2:9 (July 1981), 5.

169.Ibid. The issues included the following:

- i)need for money for research, for strong positions
- ii)federal/provincial jurisdictions re: social services
- iii)representation of women on Supreme Court
- iv)Marlene Pierre Aggamaway, President of NWAC on native women's issues who said Indian women may sue Indian governments, i.e. Brotherhoods for not protecting Indian women's rights
- v)implications of marketing boards
- vi)presentations at provincial task forces
- vii)assist provinces in making laws that conform with s 15
- viii)pick laws we want to fight
- ix)tax deductible defence
- x)family law
- xi)Muriel Duckworth of VOW on issue of violence
- xii)Louise Dulude for the CACSW on pensions
- xiii)medical concerns.

170.In a speech by Beth Atcheson, prepared in collaboration with Marilou McPhedran and Mary Eberts, there was mention of an idea of a Canadian litigation fund. Molgat, CACSW document, 35. In Mary Eberts and Kathleen Ruff's summation of the conference, they noted the need to prepare a research paper on the feasibility such a fund which would look at the U.S. model, and they pointed to the need for guides and bibliographies, as well as conferences with other women's groups. While no specific

resolutions were made at this conference, the CACSW subsequently commissioned Eberts, Atcheson, and Beth Symes to examine the implications of such a fund. This would lead to the establishment of LEAF, and indeed, all of these legal women would become important players in the organization. Razack, thesis, 64.

171. See Doris Anderson interview, November 13, 1995. See also Ad Hoc Group interview, November 16, 1995.

172. "Women fearful of provincial override," Globe and Mail, Thursday, November 19, 1981, 8.

173. Molgat, CACSW document, 36.

174. "Women, Natives critics of watered-down resolution," Globe and Mail, November 19, 1981, 14.

175. Pat Hacker comments that Mary Corkery the Director of CCLOW said, "spend the money, we'll find it.... And there was... sort of an attitude like do it, we'll figure out later what's what." See Pat Hacker, Ad Hoc group interview, November 16, 1995.

176. Kome, 89.

177. Ibid., 85-87. In addition, Pat Hacker, Ad Hoc group interview, November 16, 1995.

178. The press reported that the Opposition parties stood behind women's and First Nations demands. "NDP, Tories vow to fight for rights," Globe and Mail, November 20, 1981, 1.

179. She recounted, "I did have it from one person who attended the provincial-Cabinet meeting, that 28 was never discussed there. I thought... we were protected... that's why when it went poof! I was almost physically ill." Erola quoted in Kome, 85.

180. Erola also "paid tribute" to feminist organizing noting how they "silently, swiftly and very efficiently brought their views to the premiers of Canada." See Erola quoted in "Charter likely to include women's rights," Globe and Mail, Tuesday, November 17, 1981, 1.

181. For a copy of the telegram, see de Jong, 510-511, note 64.

182. "Women fearful of provincial override," Globe and Mail, Wednesday, November 18, 1981, 14.

183. "Intensified lobbying may reshape Charter," Globe and Mail, Saturday, November 21, 1981, 14.

184. Kome, 18.

185. Edward McWhinney, Canada and the Constitution 1979-1982 (Toronto: University of Toronto Press, 1982), 102-103.

186. Pat Hacker, Ad Hoc Committee member, as quoted in Burt, 78.

187. By November 18, six provinces were persuaded in favour of the change. See "3 hold-outs on women's rights delay constitutional resolution," Globe and Mail, Wednesday, November 18, 1981.

188. Hosek, 293.

189. See Kome, 90-93.

190. Hosek, 293.

191. "Fight for rights promised," Globe and Mail, November 20, 1981, 2.

192. Kome, 94.

193. "Intensified lobbying may reshape Charter," Globe and Mail, Saturday, November 21, 1981, 14.

194. According to Russell, Blakeney considered the Charter, "an imprudent modification of parliamentary government." Russell, Constitutional Odyssey, 120. What is more, McWhinney writes, Blakeney "ended up by offering to bargain his own acceptance of women's rights against an acceptance by the other premiers of aboriginal rights. Loughheed suggested that he was not opposed to aboriginal rights, as such, but would want them to be defined before they should be included in the constitution." McWhinney, Canada and the Constitution, 103-104. The national Aboriginal organizations were opposed to the latest changes as formal constitutional recognition of Aboriginal rights had been dropped from the constitutional agreement, but through Aboriginal activism, the premiers were persuaded to reverse this decision. See Russell, 122-123.

195. Hosek, 294.

196. Le collectif Clio, 595.

197. Kroesenbrink-Gelissen, 101.

198. Kome, 99.

199. See, for example, Sue Findlay, "Making Sense of Pay Equity: Issues for A Feminist Political Practice," in Judy Fudge and Patricia McDermott eds., Just Wages: A Feminist Assessment of Pay Equity (Toronto: University of Toronto Press, 1991); and Gillian Walker, Family Violence and the Women's Movement: The Conceptual Politics of Struggle (Toronto: University of Toronto, 1991).

200. Janine Brodie, "Regions and Regionalism," in James P. Bickerton and Alain G. Gagnon eds., Canadian Politics (Peterborough: Broadview Press, 1994), 419-421.

201. Perry, ii-iii.

202. See McWhinney, Canada and the Constitution, 7; and Brodie, 420.

203. Jane Jenson, "All the World's A Stage: Ideas, Spaces and Time in Canadian Political Economy," Studies in Political Economy 36 (Fall 1991), 63.

204. For example, the Women's Program, Secretary of State was established and provided grants to women's organization. Its initial budget of \$223,000 in 1973 continued to grow until 1987, when it reached its highest point, \$12.4 million and then began its decline. See Sandra Burt, "The Women's Movement: Working to Transform Public Life," in James P. Bickerton and Alain G. Gagnon, Canadian Politics (Peterborough: Broadview Press, 1994), 216.

205. Pal, 143.

206. Hosek notes, "The Canadian Advisory Council on the Status of Women has traditionally had a bigger budget than any other such group, and significant resources for researching policy areas of concern to women." Hosek, 282.

207. Ad Hoc group interview, November 16, 1995.

208. Kome, 53.

209. The Ad Hoc Conference Financial Statement, January 1, 1981 to November 23, 1981. Nancy Ruth personal files. The breakdown given is as follows: \$12,235.10 from private donations; \$400 from charitable organizations; \$3,270 from the Women's Teacher's Fund; \$1,124 from churches; \$850 from unions, and \$2,500 from button and tape sales.

210. Ad Hoc Committee group interview, November 16, 1995.

211. Vickers, Rankin and Appelle, 111.

212. Ibid., 112.

213. Kome, 79.

214. See Albert Breton, "Supplementary Statement", Report of the Royal Commission on the Economic Union and Development Prospects for Canada, Volume 3 (Ottawa: Supply and Services, 1985).

215. Burt, "The Women's Movement," 218.

216. See Marjorie Griffin Cohen, "Social Policy and Social Services," in Ruth Roach Pierson, Marjorie Griffin Cohen, Paula Bourne, and Philinda Masters eds., Canadian Women's Issues: Volume I: Strong Voices, (Toronto: Lorimer, 1993), 266.

217. Robert Sheppard and Michael Valpy, The National Deal: The Fight for a Canadian Constitution (Toronto: Fleet Books, 1982), 74.

218. Sue Findlay, "Facing the State: The Politics of the Women's Movement Reconsidered," in Feminism and Political Economy, Heather Jon Maroney and Meg Luxton eds., (Toronto: Methuen, 1987).

219. Doris Anderson interview, November 15, 1995. Ad Hoc Group interview, November 16, 1995. Marilou McPhedran interview, November 20, 1995.

220. Haussman, 114.

221. For example, Liberal MP Louis Duclos along with four Liberal Senators spoke out against Trudeau's strategy. See Milne, 119.

222. Sylvia Bashevkin, Toeing the Lines: Women and Party Politics in English Canada, 2nd. ed., (Toronto: University of Toronto Press, 1993), 27.

223. See Sheppard and Valpy, Chapters 5 and 6.

224. Ronald Zukowsky, "Struggle over the Constitution from the Quebec Referendum to the Supreme Court," in Intergovernmental Relations in Canada: The Year in Review, 1980, (Kingston: Institute of Intergovernmental Relations, Queen's University, 1981).

225. See Milne, 105 and 119. See also Valpy, 111, and his chapter, "Grit in the Pure Left," more generally. See also, Svend Robinson, "The NDP, the Charter and the Constitution," Canadian Forum 61:710 (June/July 1981), 14-16.

226. Billings, "Introduction," in Kome, 17.

227. "Which Way to Ottawa?" City Woman, 28, in Nancy Ruth's personal files.

228. Black, 106

229. From Anderson's perspective: "There was a strong faction that didn't want a Charter of Rights at all. They wanted the final decisions to be made in Parliament not

in the courts, and that's a legitimate argument. But, the fact was the government had a majority in the House of Commons and Trudeau wanted it so it was going to happen. It was a waste of time going around the country arguing, telling people we'd be better off without a Charter of Rights." Doris Anderson interview, November 15, 1995.

230. See Molgat, NAC document, 7-8.

231. Lynn McDonald Report, Ruth Bell file.

232. Ibid. These allegations also were made in an article written by McDonald in the Canadian Forum. Here she wrote that the October conference "was the occasion of one of the worst abuses of the democratic process I've seen in organizational politics. After the conference, an assistant to the Minister Responsible for the Status of Women suggested that NAC would be more credible if its resolution on the Charter were more favourable to the government. The chairperson of the session accordingly asked both the official recorder, and the then president (myself) to re-word the resolution. When this was refused she submitted her own version. It was subsequently adopted by the National Action Committee Constitution committee and executive, an action that raises even more questions." See McDonald, "The Charter of Rights and the Subjection of Women," 18.

233. Vickers, Rankin, and Appelle, 113.

234. Lynn McDonald Report, Ruth Bell file.

235. Ginette Busque, "Why Women Should Care About Constitutional Reform," in Conversations Among Friends, Proceedings of an Interdisciplinary Conference on Women and Constitutional Reform, David Schneiderman ed., (Edmonton: Centre for Constitutional Studies, n.d.) 14.

236. Minutes and Proceedings of Evidence (December 2, 1990) 17:70.

237. Kroesenbrink-Gelissen, 101-102.

238. Vickers, Rankin, Appelle, 115.

239. Although, for Vickers, Rankin and Appelle, "NAC lost control of the process, being supplanted by the ad hoc group, which used NAC networks but operated independently of the executive." Vickers, Rankin, and Appelle, 188.

240. Beverley Baines interview, April 13, 1995.

241. Burt, "The Charter...", passim.

242. See Norman Penner, "The Left and the Constitution," Canadian Forum 61: 710 (June/July 1981), 10. Moreover, Whitaker writes, See also, Reg Whitaker, A Sovereign Idea: Essays on Canada as a Democratic Community, (Montreal-Kingston: McGill-Queen's, 1992), 223.

243. For instance, according to Kome teacher's associations raised \$15,000 for the Ad Hoc Conference. Kome, 81.

244. See Valpy, 111, and the chapter, "Grit in the Pure Left" more generally. See also, Svend Robinson, "The NDP, the Charter and the Constitution," Canadian Forum 61:710 (June/July 1981), 14-16.

245. Robinson, 15.

246. Beverley Baines interview, April 13, 1995.

247. Razack, 35.

248. Black, 107.

249. Gotell, 21.

250. McPhedran comments, "We were only in a position to try and protect our interests as strongly as possible within what was a largely, cavalier political environment to women's rights." She goes on to explain later in the interview, that: "Because Ad Hoc is just that, because its ad hoc, it doesn't have staff, it doesn't have all that stuff, it doesn't work in the same way that established organizations do...the call goes out and people show up and you try to get the work done...From my own perspective, I didn't ever set out to diversify Ad Hoc. What I supported and what I tried to do, personally, was to get the word out as much as possible and then to basically work with whoever was prepared to plug in." Marilou McPhedran interview, November 20, 1995.

251. Ibid., 3.

252. McWhinney, 58-59.

253. Krosenbrink-Gelissen, 101.

254. Jill Vickers, "The Canadian Women's Movement and a Changing Constitutional Order," International Journal of Canadian Studies/ Revue internationale d'études canadiennes 7-8 (Spring/Fall, 1993), 275.

Chapter 4

A Case of Sink or Swim: Feminist Mobilization Against The Meech Lake Accord

According to leading accounts, the Meech Lake round of constitutional negotiations and the Accord's ultimate demise represented a new wave of citizen-based constitutional activism. Alan Cairns encapsulates this perspective in his depiction of a novel citizens' constitution, embodied in the 1982 Charter, pitted against a government's constitution tied to intergovernmental constitutional precedents and modes of operation.¹ In Cairns' estimation, the battle between the two explains the Meech Lake débâcle and foreshadows a future of constitutional strife and stalemate. For Reg Whitaker and others, Meech Lake signals a turning point, where conventional forms of federal-provincial decision-making, namely executive federalism and elite accommodation, are contested, and considered to be inappropriate, if not illegitimate and undemocratic.²

Richard Simeon astutely observes that Meech represented a step back from the early eighties experience and a return to sixties and early seventies principles in terms of both a provincialist-directed agenda and exclusivist, executive federalist modes of decision making. He concedes that this volte face is opposed by "alternative identities" that are based not only on language and region. For Simeon:

the new identities in the current discussion... [represent] the rise of newer concerns. Politically, the most significant is the politicization of gender. Women's groups have become the most articulate and most thorough going of all the Meech Lake critics.³

As a result, traditional political science wisdom describes the scenario as the

citizenry, or the "new" Charter inspired collective actors, such as women's groups, challenging "old" territorially-based ones and thereby problematizing processes of constitutional reform and renewal. Whether this shift is portrayed positively or negatively depends on one's perspective.⁴ Unfortunately, rarely in these oft-cited chronicles is there a detailed analysis of the nature and nuances of these challenges.

The present study clarifies the situation. The women's movement, as well as other collective actors grouped by Cairns and others under the term "Charter Canadians,"⁵ did not spring forth from the Charter but had deep historical precedents. More often than not, they drew on multiple strategies that neither stemmed from, nor revolved around, the Charter alone.⁶ Feminist pre-Charter activism had laid the groundwork for the amendments achieved in 1980-1981. Moreover, women's movement efforts in the early eighties not only helped to mobilize large numbers of women but also raised their consciousness, and heightened public awareness more generally, to the nature of constitutional political reform processes. Through their work to make change, then, women grounded constitutionalism and demonstrated that it was not to be relegated to the realm of high politics beyond the reach of the citizenry.

As a result, sequestered constitutional exercises that involved limited numbers of political players were no longer deemed appropriate or democratically legitimate. In this way, the feminist discourse that would decry constitutional decision-making made by "eleven white men in suits" in the Meech Lake Round would grow and gain resonance for Canadians. This, in turn, would serve to frustrate governmental

initiatives.

For its part, the Conservative government (which had come to power in 1984) was caught up with neo-liberal initiatives. It followed market imperatives, applied business techniques to government, and moved to downsize programmes, privatize and deregulate. In this context, non-business, extra-parliamentary contributions were not likely to be valued, or welcomed. As Chapter 2 noted, they would be labelled "special interest group" interventions, in the case of government-funded groups, deemed costly, and increasingly portrayed as constituting an interference: at best, a nuisance; at worst, a detriment to democracy.

In this chapter, through a careful examination of the socio-economic, political and cultural conjuncture in which the Meech Lake process unfolds, the intricacies of feminist strategizing for constitutional regard and representational recognition become apparent. A focus on feminist organizing reveals that while conventional tactics were undertaken at first, these had to be adapted given the transformed context. With Meech Lake, many women's groups outside of Quebec felt an acute sense of betrayal. It appeared to them that, only five years after achieving formal equality rights, their rights were put at risk by the new Accord. However, early eighties institutional political "access points" now seemed tightly sealed. As a result, contrary to 1980-1981, attempts at "interest group" type lobbying were rebuffed and rejected. In fact, women who opposed the agreement were not only shut out of the constitutional negotiations, but shut down in constitutional hearings, and basically told to shut up altogether. Their concerns were marginalized and trivialized. This chapter explores

why, how, when and where this transformation took place.

I The Meech Context

The impetus for the Meech Lake Accord was Quebec's estrangement from the constitutional order. The Constitution Act 1982 was finalized without Quebec's participation and failed to recognize its "distinctiveness" either symbolically or practically. From Quebec's perspective, it offered less than what was proffered in the rejected 1971 Victoria Charter, as the 1982 agreement's amending formula ruled out a Quebec veto and contained a Charter that many Quebecers considered to be a "time bomb".⁷ With the retirement of Quebec Premier René Lévesque, and upon his successor's (Pierre-Marc Johnson) defeat by Robert Bourassa's Liberals, the Quebec Liberal party honed its constitutional position and formulated five terms that had to be met in order for the province to accept the constitution.⁸

Gil Rémillard, Quebec's Inter-governmental Affairs Minister, put forward five conditions in May 1986. This acted as a catalyst for further discussions that would eventually lead to Meech. The mood of both the Quebec government and the federal government was conciliatory. Consequently, urged by Prime Minister Brian Mulroney,⁹ the provincial Premiers, despite their province-specific preoccupations, agreed to begin federal-provincial negotiations with Quebec's demands at the forefront. In what was called the "Edmonton Declaration," made at a First Minister Conference on August 10-12, 1986, the Premiers concurred that this would be the "Quebec round" of constitutional reform.

Private inter-governmental exchanges on this issue had taken place for well

over a year and the telescoped process whereby the federal and provincial governments came to an agreement was in Russell's terms "a classic exercise in elite accommodation this time more secret than ever."¹⁰ Such background, backroom work was undoubtedly exclusionary yet proved efficient from the government's perspective. When the First Ministers and a handful of advisors and aides¹¹ met at Meech Lake on April 30, 1987, after a nine-hour meeting, a settlement was reached. Mulroney proudly announced in the House of Commons on May 1, 1987 that a position on constitutional change had been formulated and agreed upon. The proposals were tabled and a second conference was scheduled to finalize the details of the deal.

This second, twenty-hour, meeting at the Langevin Block began on June 2, 1987 and ended at 5:30 the next morning. The Prime Minister made it clear that his intention was to closet First Ministers in Langevin's fourth-floor boardroom "until we either got an agreement, or didn't."¹² While an earlier framework drafted by Senator and Minister of State for Federal-Provincial Relations, Lowell Murray, (arrived at through bilateral discussions arranged by Murray and Norman Spector, Secretary to the Cabinet for Federal Provincial relations) provided the guiding principles for this meeting, there were some significant changes and additions, notably a new section which protected Aboriginal peoples and multicultural groups, but not sexual equality guarantees, from Meech's distinct society clause.¹³

The process seemingly offered a textbook example of both federal-provincial diplomacy, and elite accommodation. Rosemary McCarney's evocative, highly

publicized quip encapsulated many women's sentiments with respect to the haste and secrecy of the process, as well as the narrow composition of the group of decision-makers. She suggested that Meech Lake was an "illegitimate exercise of power where eleven men met...in the night while their limousines waited...engines running."¹⁴ Moreover, a growing awareness of the interconnection of gender, race, class, among other forms of oppression, meant that critics would point to the insularity of the parties involved. Beyond being confined to First Ministers, negotiations were undertaken by a handful of political leaders and their aides, most of whom were male, white, middle-aged, affluent, able-bodied and of similar racial and ethnic backgrounds.

The emergence of this critique of the constitutional process is noteworthy.¹⁵ It is argued here that long-standing forms of collective mobilization contributed to the articulation of this critical discourse that condemned constitution-making by an exclusive "white male gentleman's club".¹⁶ Women's movement mobilization, along with other collective actors, exposed the limitations of closed constitutional processes. Feminists' early eighties efforts, in particular, exhibited that a more open and accessible process was feasible and, in the view of feminist activists, was indispensable to a more inclusive, representative democracy.

Even after an agreement was reached, public debate was discouraged. Although Manitoba Premier Howard Pawley pushed for legislative hearings, Quebec Premier Robert Bourassa stated that any new resolutions stemming from provincial hearings would not be considered. Similarly, in spite of the June 3, 1987

announcement that there would be joint parliamentary committee hearings, it became abundantly clear that no amendments would be entertained as they could cause the consensus to crumble. Lowell Murray explained: "The Meech Lake Accord [was] a seamless web...if the accord were opened for one change, there would be irresistible pressures to open it up for more and the accord would unravel."¹⁷ Public consultation was accused of being little more than "window dressing,"¹⁸ as government leaders made it clear that ratification meant an all or nothing acceptance of the Accord.

The political opportunity structure had constricted considerably. In contrast to the early eighties, dissent was muffled even within the confines of traditionally adversarial political institutions. With some exceptions, like the stinging invectives slung by former Liberal Prime Minister Pierre Trudeau,¹⁹ the initial all-party consensus made it very difficult for opponents of the agreement to make any headway. For instance, in Parliament, both opposition party leaders, Liberal John Turner and New Democrat Ed Broadbent, although they had some concerns about Meech Lake,²⁰ ultimately congratulated and supported the First Ministers' achievement. In Turner's words, the agreement was "a good one for Quebecers and a good one for all Canadians."²¹ Broadbent concurred that Meech Lake was "a remarkable document" one that "should be endorsed by all Canadians in all regions..."²²

These positions made sense if the goal was to reconcile Quebec. Aside from the legitimacy of Quebec's demands, both opposition parties also recognized the electoral advantage in accommodating Quebec. In contrast to the pan-Canadian

theories and practices of Trudeau when the Liberal party was in power, Turner, out of office, and defeated by a Tory landslide, would need to pay more heed to Quebec's province-specific claims. Thus, he encouraged reconciliation with Quebec and was one of the first leaders to support the Quebec Liberal government's five conditions.²³ Not surprisingly, when twelve Liberal MPs came to voice their apprehensions about the Accord, Turner was determined to diffuse their criticisms and stifle dissent within the party.²⁴

Similarly, the NDP had a lot at stake with respect to Quebec. The party was trying to make electoral headway in the province. By January 1987, the Quebec NDP explicitly promoted Quebec's nationalist aspirations. While the federal party would not go this far in its support, it did affirm the need for constitutional provisions that would recognize Quebec as a distinct society and that would grant it a veto.²⁵ At this time, the NDP was riding high in the opinion polls. In May 1987, Broadbent registered higher approval ratings as a leader than either Mulroney or Turner and the NDP party was running neck and neck with the Liberals ahead of the Tories with respect to public support.²⁶ The NDP did not want to undercut this position by alienating Quebec voters. In this context, the NDP's endorsement of Meech almost was inevitable.

With this all-party parliamentary support, and given the strictures of party discipline, it became very difficult to criticize the Accord. The usual oppositional parliamentary channels were not a viable option for those who contested Meech.

Inter-governmentally, some Premiers were wary about the arrangement. For

example, Howard Pawley harboured reservations and intervened on matters of process.²⁷ The Manitoba Premier along with Ontario Premier David Peterson, had some doubts about Meech's affect on shared-cost programmes.²⁸ Nevertheless, initially, there were few serious threats to the Accord. It was not until the election of Premiers Frank McKenna, Gary Filmon and Clyde Wells (elections were held in New Brunswick, October 1987; Manitoba, April 1988; and Newfoundland, April 1989) that more fundamental challenges were made manifest by First Ministers.

This was no longer the "competitive federalism," with intergovernmental rivalries and governments jostling for position, of the first years of the 1980's. Meech Lake fit more aptly into Breton's conception of "co-operative federalism" which featured, at best, conciliation and consensus, and, at worst, collusion and conspiracy among the principal intergovernmental actors.²⁹ Accordingly, it became substantially more difficult for inside/outside interaction to take place. Bilateral bargaining, bartering, and back-scratching yielded few opportunities for broader political networking.

In sum, the early stages of Meech, with the way in which the agreement was hatched, the apparent all party consensus, as well as the First Ministers' seemingly unbreakable compact, left critics of the Accord scrambling. Indeed, opponents have been described in this period as "disorganized...scattered," and lacking in broadly based networks.³⁰ As will become apparent, this description overstates the case. However, it is also true that collective actors were taken aback by what had transpired and, contrary to 1981-1982, were compelled to mobilize in more of a reactive rather

than pro-active manner. There was very little time for preparation and consultation.

Nevertheless, opposition emerged even before the Langevin meeting. As early as April 24th, four national Aboriginal leaders wrote to the Prime Minister requesting that they be part of the negotiations at Meech Lake.³¹ In Quebec, the Fédération des travailleurs et travailleuses du Québec (FTQ), the Centrale de l'enseignement du Québec (CEQ), and Mouvement Nationale des Québécoises et Québécois (MNQ), expressed dissatisfaction with the settlement. Outside of Quebec, the Canadian Ethnocultural Council (CEC) voiced its concerns and the Assembly of First Nations (AFN) condemned what had transpired.³² Still other groups began articulating their fears in relation to the Accord's impact on national social programs, including the Canadian Council for Social Development (CCSD), the Canadian Council on Children and Youth (CCCY), the Canadian Day Care Advocacy Association (CDCAA), the Canadian Institute of Child Health (CICH), the National Anti-Poverty Association (NAPO), the National Council of Welfare (NCW), as well as the National Action Committee on the Status of Women (NAC).³³

Soon, more traditional political actors would display their dissatisfaction. Both Alliance Québec and the Parti Québécois disparaged the Accord and the Quebec NDP broke from the federal party's position with a critique of its substance and process. Former Prime Minister Trudeau's criticisms planted the seeds of doubt in the minds of a number of Liberals. Furthermore, government officials in the Territories were outraged. Tony Penikett, Government Leader of the Yukon, would call the process "Kafkaesque" given that the Territories were "condemned...to constitutional limbo

without a trial."³⁴

By the June 2 meeting, there were demonstrations by Aboriginal people outside the Langevin block in protest.³⁵ However, cries of dissent did not deter the First Ministers from forging ahead with their plans, formalizing and promoting the Meech Lake Accord.

In Andrew Cohen's view, politicians proceeded apparently oblivious to the concerns of Aboriginal peoples women, and others, because these opponents were considered to be "mere interest groups."³⁶ Evidently, in comparison to the early eighties, the climate for "interest groups" had turned substantially colder. Given the Conservative government's neo-liberal priorities, there was little time or use for and less and less money allocated to, advocacy groups. At the same time, broadly-based activism was viewed, more generally, as a hindrance to making amends to Quebec. To add constitutional players and issues would complicate the constitutional scenario at this point. Hence, First Ministers were apt to depict oppositional mobilization as merely the antics of "special interests" that were creating impediments to the political task at hand.

The Meech Lake Accord incorporated three documents: 1) commitments made by the Premiers which would not be part of the constitution; 2) a resolution that each legislature had to pass; 3) a list of amendments which would become part of the constitution, should all legislatures pass the resolution found in the second document. This third document sparked the uproar over the Accord. It comprised seventeen sections with sixteen amendments pertaining to the following: linguistic duality,

distinct society, composition of the Senate, immigration agreements, composition of the Supreme Court, national shared-cost programs or spending power, annual economic conferences, constitutional amending processes, annual constitutional conferences and Aboriginal and multicultural rights.³⁷

The Accord required ratification by both Parliament and the ten provincial legislatures, in what has been called the "tyranny of unanimity".³⁸ There was no scheduled time frame beyond the maximum three year period outlined in the new amending formula, which meant that governments had until June 1990 to pass the agreement. The federal and Quebec governments were keen on pushing through the ratification process as quickly as possible. Mechanisms were put into place promptly. Quebec Liberals, foreseeing growing opposition to the agreement, rushed the ratification process and the Accord was passed in Quebec's National Assembly as early as June 23, 1987. Ontario and New Brunswick announced that they would have public hearings. By July, the Special Joint Committee on the House of Commons and Senate was established and it began sitting in August. The Liberal-dominated Senate also agreed to hold hearings, but they did not begin until later that year and into the next.

Nonetheless, the process led to criticisms by activists and academics alike. Bryan Schwartz wrote that this approach to constitutional reform was an "affront to cabinet democracy", as First Ministers agreed upon constitutional reform without consulting their cabinets.³⁹ What is more, it was seen to be:

demeaning to the role of the legislature for elected members to have no opportunity to debate the merits of an accord...contemptuous of the

right of the people to be consulted, for most first ministers to eschew public hearings, and for all but the Premier of Quebec to postpone public input until after the formulation of a practically final draft.⁴⁰

Women's response to these closed constitutional practices, as well as to the substance of the agreement, must now be examined.

II Feminist Reaction

Women's groups were caught off-guard by the secrecy and speed with which the agreement was made. Typical representational shortfalls, plus the exclusive, executive and closeted nature of the negotiations, meant that Canadian women had little indication that the agreement which would "welcome Quebec back into the constitutional family"⁴¹ could conceivably tamper with their rights. Sylvia Gold, President of the CACSW, admitted that her organization had at no time been consulted on the Meech proposal. In fact, the CACSW's interest was not "flagged" until section 16 was added in the Langevin meeting in June.⁴²

In Patrick Monahan's account, women's groups did not register a response until after the Langevin Accord.⁴³ This portrayal is not entirely accurate for, as has been noted, NAC registered its disapproval with the April Accord's implications vis-à-vis social programmes. In fact, at its May 1987 AGM, NAC formed a committee to study the constitutional proposal, half of which was comprised of representatives from Quebec.⁴⁴ Moreover, after the April announcement, the FFQ sent letters to the Prime Minister and Premier Bourassa in which it "deplored the fact that the concept of a distinct society [had] not been defined."⁴⁵ Immediately after the Langevin gathering, NAC, as well as the CACSW, CEC, CDCAA and NAPO, expressed their

dissatisfaction and pressed for revisions.⁴⁶

Still, crucial inter-personal feminist networking did not take place until the June release of the Accord. Both Marilou McPhedran and Mary Eberts, for example, recall being called by Beverley Baines who apprised them of the latest developments. Since 1981, McPhedran had had two children and was living in Manhattan, but was persuaded by Baines to return to Toronto to organize around Meech. McPhedran recalls that she questioned Baines:

Why are you calling me?[Baines replied] "Because of the way you mobilize people, because you understand the issues and people will respond if you sound the alarm." And I said, send me the stuff...So she sent me the stuff and I read through it and of course I went bananas. And I called, I think I maybe called Eberts, I called Jackman, now Ruth, and [asked] what are people doing...And I actually brought my babies up to and lived on Toronto island that summer, the Meech summer. So by July I was ensconced in a friend's cottage ...working on Meech.⁴⁷

Eberts remembers the telephone call from Baines:

I think it was about the 13th or 14th call she had made when the text of the Meech Lake Accord was published in the Globe and Mail after the second meeting, after the Langevin block meeting...She just sat around one weekend on the phone and phoned everybody. She must have phoned about 50 people. And then all the networks got up in arms again, just over the course of the weekend.⁴⁸

Baines personally contacted other members of the Ad Hoc Committee, feminists in the legal community, women in NAWL and LEAF, as well as Tina Head legal advisor to the CACSW,⁴⁹ after the contents of the deal were published in the press.

Women's organizations certainly began concerted efforts to co-ordinate their responses for the rest of June and into July and August. The CACSW, for instance, began internal investigations with executive and regional members and initiated

telephone consultations and meetings with other women's groups after apprehensively observing section 16.⁵⁰ Lobbying was under way by the end of June.

The newly established Women's Legal Education and Action Fund (LEAF) began lobbying early, sending a telegram to each First Minister on June 22, 1987. LEAF stated that it welcomed the fact that the Accord recognized "Quebec as a distinct society and the importance of all the provinces in mutual decision making." Moreover, LEAF underscored that "as a national organization [it had] worked closely with Quebec women to safeguard their rights under the Charter." However, it then proceeded to argue that the equality rights of women and minorities had been neglected. Section 16 was considered to be particularly problematic. LEAF wrote: "While we applaud the recognition given to Aboriginal Peoples and to the Multicultural heritage of Canadians in the Accord, the omission of similar recognition of women and minorities jeopardizes our hard won constitutional rights."⁵¹

Although LEAF received letters from the Prime Minister and Premiers in reply, its concerns were rebuffed and rejected. Mulroney's letter assured LEAF that "nothing [in the Accord] affects the equality rights [in the Charter] or the application of those rights to male and female persons."⁵² Premier Joe Ghiz of PEI went as far as to write that LEAF's mention of the word "injustice" was inappropriate in that: "no existing rights are threatened. In fact, the opposite argument can be made. With Quebec as a full partner ... [the Constitution's] provisions for women and minority groups are greatly legitimized and strengthened."⁵³ These comments are indicative of most political leaders' rejoinders, at the time, to queries about Meech's merits. For

many Canadian women, and men, these kinds of responses were both paternalistic and patronizing.⁵⁴

Lobbying continued. McPhedran, who was now working with both Ad Hoc and LEAF, recalls travelling to Ottawa, meeting first with members of the CACSW and then with the Ad Hoc Committee's early eighties' political ally, MP Margaret Mitchell. She recounts the modified circumstances:

The assistants had all changed...I expected it to be...old home week and I got a very cold reception. Then, I proceeded to ...try to make my way for one of my blitz lobbying efforts where I made no appointment...I would go in the back door...breeze through, and I would hit...19-20 offices...chatting, leaving notes...and head back out. Well, I couldn't get through, they wouldn't allow me to make any calls, they wondered if I had an appointment... the difference was incredible from a lobbying perspective, which is basically what I did in the early eighties efforts.⁵⁵

"Insider" support had tapered off and lobbying became substantially more difficult.

After preparing its position, members of the CACSW met with government officials, the Minister Responsible for the Status of Women, Barbara McDougall, and the key Meech planner, Senator Lowell Murray.⁵⁶ Not only the CACSW, but also, FFQ, LEAF, NAWL, and Ad Hoc Committee representatives were in attendance.⁵⁷ However, this meeting and others of its kind proved inconsequential. While little progress was made at the meeting, women's groups attempted to make gains through media coverage. LEAF issued a press release which publicized that it had joined with NAWL and the Ad Hoc Committee of Women in putting forward their complaints about the Accord. Their rendezvous with government officials was followed by a press conference.

Consultation among organizations took place but LEAF, NAWL and the Ad Hoc Committee still constituted only a limited number of organizations given the diversity of the women's movement. What is more, many of the main representatives of these groups overlapped, constituting a closely-knit network. For example, McPhedran reports she was involved in articulating the analyses for both Ad Hoc and LEAF.⁵⁸ This is not surprising given that many of the women who fought for equality rights in the early eighties went on to found LEAF. In addition, Baines, who had previously researched for the CACSW, was now a key player in NAWL. When asked if NAWL, in turn, had contacts with the Ad Hoc Committee, Baines replies "Yes. You could never escape the Ad Hoc Committee."⁵⁹ Although NAC did not have the same legal focus as LEAF and NAWL and the equality rights preoccupation of the Ad Hoc Committee, Louise Dulude, president of NAC at the time, was a lawyer from Ottawa and was sympathetic to the arguments of legal feminist organizations.⁶⁰

In short, while networking was apparent from the start, feminist organizational interaction began with a small circle of women, most of whom were legally trained and were primarily based outside of Quebec, in Ottawa and Toronto. There were exceptions. For example, as was noted earlier, NAC made certain that half of its constitutional committee included Quebec representatives; moreover, it cautiously engaged in consultations with the FFQ. In addition, Lucie Lamarche, a lawyer from Montreal, was active in LEAF, presented at the joint committee hearings, and her name strategically appeared on LEAF documents suggesting not only a Quebec

feminist presence, but one that agreed with LEAF's Meech analysis. The same could be said of Suzanne Boivin of NAWL.⁶¹ Overall, however, the early feminist anti-Meech mobilization revolved around a number of feminist lawyers unfamiliar with Quebec feminist perspectives.⁶² These women proffered legal interpretations of Meech's implications vis-à-vis women's equality rights and, initially, relied upon interest group-like tactics to have their positions recognized. This circle would widen, however, and its strategic energies would relocate over time.

The initial, "reactive" stage predominated when five national women's organizations, as well as two broadly based Quebec feminist groups, made preparations for an appearance before the Special Joint Committee Hearings of the Senate and House of Commons. Here core feminist arguments centred on the impact that Meech might have on equality rights. Sections 2 and 16, clauses that were meant to endorse distinct society claims, and clarify Meech's impact on multicultural and Aboriginal rights, respectively, tended to be identified as problem areas. In this early phase, there was little time to mobilize broad networks and more "micro" networking, with a reliance upon legal feminist communities and consultation between a few large feminist organizations, predominated. Here, a limited number of national women's organizations hastened to act in formalized channels by, for instance, preparing briefs that were legalistic in tone and substance, sending telegrams to politicians, issuing press releases, and making efforts to meet with officials. These tactics, not far removed from behaviour indicative of interest groups, did not seem to work, for conventional avenues for political intervention appeared blocked.

A second stage was also emerging which was more "pro-active." In this dynamic there was more time to re-consider positions and to engage in "macro" networking. Women's organizations intensified their intra-movement and inter-movement interactions. As a result, conventional interest group responses were combined with more social movement forms of organizing that involved broadly-based public education and mobilization. The resulting shifts in strategies will be addressed below, but first the experiences of feminist organizations before the Joint Committee hearings, in the first stage, must be assessed.

III The Joint Committee Stonewall

The Special Joint Committee Hearings of the Senate and House of Commons were controversial. First, the notice of submissions was publicized very late, providing less than adequate time to assemble briefs. Groups, on the whole, did not have sufficient time for good quality analysis, while time constraints were particularly problematic for feminist organizations, as they preferred to pool opinions from women across the country and worked on the basis of consensus. The consultative and inter-relational aspects of women's organizing were impeded.

Furthermore, the hearings were held in the middle of the summer. They commenced on August 4, a period not known for its intensive political activity. This was an inopportune moment for women's organizations. Many worked with minimal personnel and some closed their offices entirely in the summer due to staff vacations and financial economizing. Moreover, August hearings were especially inconvenient for women with young children, as they tended to have more complicated child care

responsibilities.

The hearings were held in Ottawa only and this weighed heavily against those who lived at a distance and lacked the time, resources or ability to travel to the nation's capital. DAWN, for instance, was unable to appear before the Committee as a result of transportation and communication difficulties.⁶³ As a result, only certain national women's groups centrally located, and/or with relatively healthy budgets, could present. In total, the duration of the hearings was five and a half weeks and the Committee heard from just 131 witnesses, although 301 submissions were received. This provided a marked contrast to the early eighties constitutional roadshow which toured the country, extended its time limit for hearings from one to three months, and therefore heard from substantial numbers of concerned Canadians across the country.

The national women's organizations that appeared before the Joint Committee, and that took a stand against Meech were: the Ad Hoc Committee of Women on the Constitution, CACSW, NAC, NAWL, and LEAF.⁶⁴ Representatives from two Quebec feminist organizations, the FFQ and the CSF, also testified, but they spoke in favour of the Accord.

In all, twenty-six women represented the various organizations and twenty-three spoke at the hearings, although this is not evident from the Committee Report which rarely acknowledges the presence of women dissenters.⁶⁵ NAWL presented first, on August 4, with the following representatives in attendance: Beverley Baines, Patricia File, France Houle, Brigitte Mornault, and Helena Orton. The next day, Lucie Lamarche, Marilou McPhedran and Beth Symes presented on behalf of LEAF.

The Committee then heard from the CACSW, whose representatives- Sylvia Gold, Tina Head, Judith Nottle and Anne-Marie Smart- appeared before the Committee on August 20. NAC representatives, Louise Dulude, Noelle-Dominique Willems, and Wendy Williams, put forth their brief on August 26, and the Ad Hoc Committee presented on August 31, with Akua Benjamin, Mary Eberts, Pat Hacker, Linda Nye and Nancy Purdy. Claire Bonenfant, Ginette Busque, and Charlotte Thibault spoke on behalf of the FFQ and Francine McKenzie, Jocelyne Olivier, and Marie Rinfret for the CSF. The FFQ appeared on August 26, on the same day of NAC's presentation, and the CSF on August 31, 1987.

NAWL began by commending the amends made to Quebec. It went on to discuss each of the items contained in the Meech Lake proposal, although certain provisions appeared to be particularly disconcerting. For instance, NAWL was apprehensive about the Charter's equality guarantees. In its view, the distinct society clause cast doubt on their status.⁶⁶ The fear was that in preserving and promoting a distinct society, governments could infringe women's equality rights. NAWL provided a number of hypothetical scenarios where such practices might be justified. To take one example, when weighing concerns of population control vis-à-vis distinct society and reproduction issues, the former could conceivably be prioritized over the latter. Abortion rights, for instance, could be restricted in the name of preserving or promoting particular distinct societies.⁶⁷

NAWL also took issue with section 16 of Meech, in which multicultural and Native rights were specified as not being affected by Meech's distinct society clause

and its principle of linguistic duality. For many women, this meant that everything else in the Constitution and the Charter must then be affected by these Meech amendments. NAWL noted that "the exclusion of the sexual equality rights provisions of the Charter may mean that they will not apply to clause one." If other sections do not specify that the Charter applies to them, "then the Charter as a whole or all other Charter rights as the case may be will not apply."⁶⁸ In NAWL's estimation, this would create a hierarchy of rights. NAWL, therefore recommended, as would LEAF, to include sections 15 and 28 or their equivalents in section 16 of Meech.

Although much of NAWL's concern was directed towards potential threats to the equality rights provisions, it also discussed the apparent loopholes in relation to the spending power and the servicing of shared-cost programmes. Thus, it recommended that clause 7 of Meech be amended to provide for high quality universal standards in social programmes across the country.⁶⁹ What is more, the theme of representational deficiencies and limits to process were apparent in its presentation. NAWL made it abundantly clear that the agreement was only among eleven people, all of whom were male.⁷⁰ It also suggested that national women's groups as well as provincial governments submit names for Supreme Court justices, with a view to creating gender parity on the bench, and called for equal numbers of women in the Senate.⁷¹

LEAF appeared before the Joint Committee the next day and the focus again was on how Meech affected women's equality rights. Meech's section 16 was

considered to be problematic and once more the notion of a "hierarchy of rights" was used. The LEAF brief stated:

this preference for aboriginal and multicultural rights, may likely weight these preferred rights over sex equality rights in cases of conflict, may restrict the progressive use of analogies between adjudications on these issues and sex equality issues, and may affect the comparative attitude of gravity toward sex equality cases across the board."⁷²

In relation to the distinct society and linguistic duality provisions, LEAF argued that these concepts would be taken up into section 1 of the Charter; thus, section 16, the qualifier, would also apply and so the "special reservation" of section 16 groups "arguably informs section 1 analysis under the Charter, to the detriment of all those whose rights do not have such pride of place." (page 11).

LEAF also examined the ambiguous wording in relation to Meech's provisions concerning the spending power and shared-cost programmes in detail. Provinces would be able to opt out of federal/provincial cost-sharing programs if they could offer compatible ones which met a "national objectives" test. LEAF pointed to the open-ended nature of the key terms: "national shared-cost program" and "national objectives," as well as "compatible with" in this clause. Since these pivotal terms were unclear, LEAF requested an assurance of "universal coverage of high standard throughout Canada." (page 14). Here the notion of diversity entered into LEAF's argument as it noted that:

the existence of and access to these programs is of particular importance to women who are doubly disadvantaged by their race, national or ethnic origin, colour, religion, age or mental or physical disability, as these women tend to be the poorest in Canada and the most in need of these programs and services. (page 12)

In general, NAWL and LEAF's positions were complementary and their approaches were scholarly, technical and legalistic. LEAF, for example, concluded its brief by saying its reason for appearing before the Special Joint Committee was "to give a legal analysis ; based on our expertise in equality rights litigation." (page 15). What is more, it attached detailed opinions from constitutional law professors, Robin Elliot and Catharine MacKinnon, in support of their claims. Although all aspects of the Accord were addressed by LEAF, and by NAWL, equality rights, and the legal ramifications and remedies related to perceived threats to their continued existence, provided depth and breadth to their critiques.

The next organization that appeared, the CACSW, after welcoming Quebec as a "full partner in the Canadian Constitution," began by addressing issues of process and public input. Sylvia Gold emphasized the fact that women had been completely disregarded in the constitutional negotiations. The CACSW recommended that the hearings be extended and encouraged provincial governments to organize hearings as well.⁷³ NAWL had also made this suggestion earlier, and later, organizations like NAC emphatically agreed.⁷⁴ In addition, like the feminist organizations that had already appeared, the Council argued that the Accord jeopardized equality rights,⁷⁵ but its primary concern was clause 16.⁷⁶ The CACSW made it known that it echoed the concerns raised by NAWL and LEAF in relation to section 16,⁷⁷ and therefore it also argued that this section, which was meant to clarify the accord, would instead contribute to a "hierarchy of rights".⁷⁸ Its brief stated:

because section 16 of the 1987 Constitutional Amendment expressly singles out aboriginal and multicultural rights for protection, other

Charter rights, including women's constitutional guarantees of equality will be excluded.(page 6).

In contrast to NAWL and LEAF, however, the Council hoped to alleviate the problem by completely deleting section 16, as it confused rather than clarified the already vague agreement.

The CACSW had additional concerns about equality rights. It was perturbed by the designation of Quebec as a "distinct society" with a right to promote its identity in areas such as language and culture. The Council feared that this may be interpreted in such a way that would detract from equality rights. Here, NAWL and LEAF wanted to have a guarantee that the distinct society designation would not affect equality rights. The CACSW's recommendation, however, was that a clause should be placed in the Constitution Act 1867 which ensured that the Constitution of Canada is interpreted in "a manner consistent with the Canadian Charter of Rights and Freedoms and section 35 of the Constitution Act, 1982 and clause 24 of section 91 of the Constitution Act 1867." (page 12).

A final concern of the CACSW was that of the potential for negative repercussions arising from section 7 of the Accord, the ambiguously-worded and open-ended discussion of federal-provincial spending powers. Since many of the existing programs were of direct relevance to women, the fear was that changes to them may result in their becoming less effective, comprehensive and consistent.

Therefore, the CACSW claimed that the federal government:

has limited its ability to be creative and to provide the necessary flexibility in policy development...women in Canada have looked to the federal government to exercise leadership so that a comparable range of

services and opportunities is available throughout the country. This requires clarity and a commitment to provide comparability in both the quality and quantity of social programs....(page 23).

Moreover, the danger was that the creation of new programmes such as the establishment of a national child care system could be circumscribed and/or curtailed as a result of lack of clarity in section 7.(page 23). Consequently, the Council hoped to see section 7 revised and reworded in such a way that all access to a good quality of services established by federal-provincial shared-cost programs would be ensured.

Given its relations with the FFQ, and based on a compromise reached with this Quebec feminist umbrella group,⁷⁹ NAC was very clear about endorsing Quebec as a distinct society and indeed, NAC's Quebec representatives contended that the women would not be affected by the distinct society clause.⁸⁰ Nonetheless, it then went on to highlight many of the same points that the CACSW had raised. NAC argued that five broad areas of the Accord needed to be addressed: its lack of clarity; its impact on the equality rights of women; its problems regarding the spending power; its difficulties concerning the status of the territories; and the essentially undemocratic process of the Accord's formulation.

The main divergence between NAC and the CACSW came in their proposed remedies in the equality rights subject area. NAC, like the CACSW, maintained that difficulties would ensue with equality rights, particularly when section 16 included the rights of multicultural groups and Aboriginal peoples but not those of women. Louise Dulude, NAC's first francophone president, criticized section 16, as had NAWL and LEAF. In light of section 16, NAC opined, equality rights must have been

"purposefully excluded".⁸¹ The response to this accusation by members of the hearing panel was that the two Charter sections included were "interpretive clauses". NAC countered with the claim that section 28 could also be considered to be an interpretive clause. As a result, it suggested that "[a]t the very minimum... section 28 of the Charter should also be expressly mentioned in section 16 of the Accord"⁸² and thus, it differed from the CACSW's recommendation to delete section 16 entirely. NAC's position, based on earlier negotiations with the FFQ,⁸³ was that section 28 should be added to Meech's clause 16.

NAC also addressed a number of broader constitutional concerns such as: the repeal of section 33; an amendment that would ensure that all rights of Aboriginal peoples would include both men and women equally; more consultation and study on issues of immigration; as well as wider input into appointments to the Senate and Supreme Court.⁸⁴ Finally, it stressed that ordinary Canadians should be able to understand the constitution "without need of advanced legal expertise and that the rights protected in the Constitution have the same meaning for everyone."⁸⁵

The Ad Hoc Committee of Canadian Women on the Constitution (along with the Federation of Women Teachers) had Mary Eberts and John Laskin prepare an opinion on their behalf, thereby retaining the law firm Tory, Tory, DesLauriers and Binnington. This, again, contributed to a legalistic focus. On what was the second last day of hearings, the Ad Hoc Committee stressed that equality rights were at risk with Meech. The main message from Eberts was that there was nothing in legal theory or in practice which would suggest that equality rights were not jeopardized.

The Ad Hoc Committee went on to concur with NAWL and LEAF's position regarding the deleterious effects of the distinct society clause on equality rights, as well as the fact that reference to only multicultural and Aboriginal rights in section 16 would contribute to a hierarchy of rights.⁸⁶ Thus, the Ad Hoc Committee, as well as NAWL and LEAF, argued for a guarantee that the distinct society designation would not affect equality rights.

Generally, most feminist organizations opposed to Meech drew attention to the same concerns; however, there were notable variations in focus and in the recommendations for change. Divergent responses were most evident in relation to revising the Accord so as to protect equality rights. For instance, NAC made the following comparison: NAWL, LEAF and the CACSW recommended that amendments be made which would be consistent with women's equality rights (CACSW) or could not detract from women's equality rights (NAWL, LEAF) or all equality rights (LEAF) or all Charter rights (CACSW).⁸⁷ However, while NAC supported all of these organizations, when it consulted with the FFQ, it decided to recommend a more modest change of solely including section 28 of the Charter in section 16 of the Accord.

This brings us to the crucial factor of the Quebec women's groups. The Meech Lake Accord's primary purpose was to integrate Quebec's demands into the constitution from which it felt excluded. Thus, many Quebecers, women and men, applauded the efforts of the First Ministers. Women outside of Quebec were acutely aware of this situation and therefore almost every brief by predominately anglophone

national women's groups began by welcoming Quebec and congratulating the Premiers and the Prime Minister for their efforts at restitution. Nevertheless, serious conflicts developed, particularly with respect to the contention of feminist organizations outside of Quebec that the "distinct society" designation could be detrimental to women. In part, the misunderstanding arose due to time constraints which impeded consultative processes within and between women's groups. At the same time, some groups like NAC appeared more accommodative, and others like the Ad Hoc Committee, found it more difficult to reconcile their point of view with the perspective of many Quebec feminists.⁸⁸ Thus, Quebec women were offended by some of the feminist interpretations.⁸⁹ For them: "De tels scénarios alarmistes ne semblent guère possibles... [parce qu'elles étaient] plus confiantes dans leur pouvoir d'influencer leur Etat provinciale plutôt que l'Etat fédéral."⁹⁰

The FFQ, in its presentation to the Committee, bluntly stated that the Accord did not "pose an explicit nor even a potential threat to Quebec women's rights"⁹¹ because the province of Quebec already had a strong tradition of respecting those rights. For the FFQ, section 2 was an interpretive clause, and while there was a remote possibility that distinct society and linguistic duality could affect gender equality, gender equality as part of Quebec political culture should be interpreted as part of the distinct society clause.⁹² The view of many Quebec women was that "the progress made in the last couple of decades in the status of women in Quebec [was] linked to the distinctiveness of Quebec society."⁹³ Consequently, the CSF also pointed out that the Quebec government had set the precedent for putting in place

rights for women.⁹⁴

On the surface, it would appear from these claims that Quebec feminist organizations were at odds with the national feminist organizations. While this was true, the reality was even more complex. To begin with, there were divergences among the Quebec feminist organizations.⁹⁵ Both the FFQ and CSF endorsed the distinct society clause and emphatically maintained that distinct society did not pose a threat to women's equality rights. However, the FFQ "deplored the fact that the concept of distinct society had not been defined," while the CSF believed "that an attempt to define it could restrict its scope."⁹⁶ The FFQ worried about the ambiguity of the distinct clause, i.e. its meaning depended upon who defined it and how it was operationalized. What is more, although the FFQ did not object to including a reference to women's equality rights in section 16 of the Accord, the CSF was opposed.⁹⁷ The FFQ considered section 16 to be "clumsy"⁹⁸ and agreed with NAC to include section 28 in the Accord's section 16.

As a result, the FFQ concurred with feminist organizations outside of Quebec on a number of key issues. It saw the need for the clarification of section 2, and acknowledged that a section 16 amendment was necessary "in the interests of consistency, rather than to reassure certain groups."⁹⁹ That is, there was agreement that women should be treated with the same regard as Aboriginal and multicultural groups, thereby emphasizing that certain claims were not more important than others.

Lastly, like most other national feminist organizations, the FFQ raised objections to the Accord's spending power provisions.¹⁰⁰ Sympathetic to concerns

raised in its discussions with NAC, the FFQ called for the clarification of key terms such as "national objectives", "initiative", and "compatible", and stated that it thought "it essential that the extent of federal involvement in areas of exclusive provincial jurisdiction be specified, and that the meaning of certain terms be better defined."¹⁰¹ Therefore, the FFQ, though it saw no need for some of its provisions, was in agreement with NAC's proposal.

Evidently, feminist organizations were far from unanimous in their views on Meech.¹⁰² Feminists from outside of Quebec, including some NAC members, still had difficulty understanding why many Quebec women supported aspects of the Accord.¹⁰³ However, it seemed as if players outside the women's groups were making this particular division greater than it actually was. The joint commissioners' replies, for instance, probed the distinct society fractures and placed weight on the strains in feminist solidarity.

Yet there was agreement on the part of all the women's groups that presented on some issues even though these concessions tended to be overlooked by the Joint Committee and other politicians. For example, all the feminist organizations welcomed amends made to Quebec. They also made it clear that a more open and inclusive process was required and that women had to play a part in the negotiations. What is more, "there was consistent and clear testimony from all presenting women's groups (and many other groups) on the need to define national objectives and clarify ambiguity on shared cost programs...."¹⁰⁴ Unfortunately, the Committee chose not to explore these aspects of women's organizations' submissions.

Finally, commissioners were not even affected by governmental strategists' revelations during the hearings that tended to confirm women's fears and reinforce women's contentions. For example, on the last day of hearings, Lowell Murray and Norman Spector admitted that First Ministers had indeed considered the inclusion of women's equality guarantees but that they were consciously rejected as they were too contentious. Spector testified that the longest debate involved the relationship between distinct society and the Charter. It was decided that the addition of section 15 would jeopardize the deal.¹⁰⁵ Even though it appeared that women's rights had been bartered away, the Joint Committee continued to refuse to lend credence to feminist testimonies and it proceeded to ignore or inaccurately re-interpret their presentations.

IV The Committee's Response

The Special Joint Committee's response reveals that the political opportunity structure had dramatically altered. As André Ouellette admitted, the Committee did not amount to much more than a "public relations exercise for the government."¹⁰⁶ In contrast to the early eighties, the hearings were a mere formality. The political leaders insisted that the Accord was a *fait accompli*. Thus, the joint commissioners would only recommend a change if an "egregious error" was to be discovered. In this political context, it was not surprising that the Committee failed to find one. The futility of the exercise became apparent in the Joint Committee Report, released on Monday, September 21, 1987. It contained some criticisms, but its overall tone and substance gave little credibility to critics of the Accord. The Report's conclusions received support by both Conservative and New Democratic parties, although the

Liberal party abstained from giving its approval.¹⁰⁷

Put simply, the Committee dealt badly with women. Whereas in the early eighties women were commended on their efforts, with Meech women's group representatives were treated with derision and their concerns were disregarded or distorted in the Committee's final report.¹⁰⁸ In Michael Behiels' estimation: "The Report cavalierly dismissed the women's organizations' strong contention, backed by sound legal advice, that the Accord placed the gender equality rights of the Charter at risk."¹⁰⁹ Joint commissioners responded to women in ways that were often curt, uncompromising and paternalistic. In the face of testimony to the contrary, the Committee declared women's fears were "not justified."¹¹⁰ With respect to worries about equality rights in relation to distinct society claims, or the adverse effects of a hierarchy of rights, commissioners stated flatly that "the sort of discrimination...feared by some of the women's groups would have little if anything to do with preservation of linguistic duality and the promotion of distinct society."¹¹¹ What is more, commissioners commented, "[W]e cannot foresee all the circumstances in which these values may come into conflict...[and] we believe that the courts will be able to work out the interplay of concepts..."¹¹² When it came to the issues raised about the dangers of losing consistent shared-cost programmes, committee members suggested that a checkerboard Canada "can be countenanced, and...should even be encouraged."¹¹³

In the end, the Committee refused to acknowledge feminist concerns beyond the acceptance that the process could have been more open and dismissed the

testimony of women's group representatives, save for those by the Quebec feminist organizations that supported the Accord. What is worse, it misrepresented the positions of women who criticized the agreement. One commentator has suggested that the joint committee took women's testimonies and evidence and "twisted [them] beyond recognition."¹¹⁴ The joint committee concluded that women's groups maintained the following: a) distinct society should not be entrenched; b) gender equality should be treated as a special case; c) gender equality should have a guarantee of paramountcy. It is evident from the discussion above that none of these statements, in any way, reflects the position of feminist organizations. Given these distortions, in Mary Eberts's view, the government was trying to discredit women.¹¹⁵

The false portrayal of their claims compelled many women's organizations to make presentations to the Senate Committee-of-the Whole, this time in order to rectify earlier misperceptions. When Sylvia Gold began her presentation before the Senate, she stated that CACSW had to appear, once again, in order "to correct the record of inattention to, and misunderstanding of, women's arguments on the Meech Lake Accord."¹¹⁶ But before we turn to the next set of hearings, it is important to note the beginnings of a change in the thrust of feminist organizing.

V Strategic Twists and Turns

When it became apparent that the government was refusing to behave as it had in 1982, and that amendments would not be entertained, national women's organizations, beyond those that appeared before the Joint Committee, engaged in diversified forms of constitutional activism. There was an escalation in networking

within and between "old" and "new" organizations encouraged, in part, by the national feminist organizations discussed above. In particular, groups that played a key role in the early eighties, such as Ad Hoc, the CACSW and CCLOW worked on activating these more extensive intra-movement connections.¹¹⁷

Barbara Roberts provides an overview of many of the activities scheduled by women's groups in the late summer and into the fall of 1987.¹¹⁸ Most efforts involved mobilizing members and lobbying politicians to amend the Meech agreement. Among the more established women's organizations, for example, the BPW had representatives attend a meeting organized by the CACSW and a briefing with Barbara McDougall where they urged the Minister Responsible for the Status of Women to ensure that the Accord did not jeopardize women's equality. Similarly, women from the FWI were present at the CACSW meeting and afterwards letters were sent on behalf of the Women's Institutes to Brian Mulroney, Lowell Murray and Barbara McDougall endorsing the stance taken by the CACSW. The NCWC sent out a press release in late August which supported the CACSW position and posted letters to executive, provincial, local and national member groups with Ad Hoc information materials.

The CFUW came to the position that, while it welcomed reconciliation with Quebec, and the recognition of Aboriginal and multicultural claims, it requested that an amendment be made to the Accord which would clarify that s.15 of the Charter had not fallen from consideration. The CFUW collaborated with other feminist organizations, sending out information provided by the Ad Hoc Committee to its

member groups and attending meetings convened by other national women's groups in Ottawa.

CLOW dispatched telegrams to the Prime Minister, Minister Responsible for the Status of Women and Minister Responsible for Federal/Provincial Relations urging that women's equality rights be protected, and the Accord be amended to include Charter guarantees. It also sent letters to women on the "inside" who were helpful in the early eighties, from Flora Macdonald and Lucie Pépin to Margaret Mitchell and Pauline Jewett. Finally, CLOW published a lobby letter in its newsletter with a tear-off sheet asking members to send letters of protest to Brian Mulroney, Barbara McDougall and to the provincial Premiers.¹¹⁹

Organizations that were more recently established also took part. DAWN prepared a position paper that concurred with many of the criticisms contained in the CACSW brief, as well as with NAWL's recommendations in relation to section 7 of Meech. DAWN's primary focus, however, lay in the double discrimination faced by women with disabilities and, given their situation, the negative consequences of any diminution of the spending power on women with disabilities. NOIVM's major concern was the Accord's deleterious effects vis-à-vis immigrant women and women of colour. It held the view that Meech's item 16 would not protect immigrant and visible minority women; therefore, sections 28 and 15 of the Charter should be included in clause 16 of Meech. In short, by the end of the summer, groups that represented a more diverse women's movement joined the drive to amend Meech.

At the same time, a shift in strategies became apparent. Micro-networking,

lobbying, and attempts to foster "insider" recognition and regard were not working. As Baines explains, "At Meech, we were frozen out... both on the part of the politicians and the media."¹²⁰ Since the political opportunity structure had contracted, broader coalitions were forged along with what could be termed "interest group" techniques. In turn, adjustments had to be made to the technical, legal jargon to include broader principles of democracy and social justice, as well as concrete and more comprehensible explanations of how the Meech Lake proposal would affect women and men in their everyday lives.

Accordingly, by the end of August, in an open letter sent by LEAF to the First Ministers, it was obvious that more expansive networks had been mobilized in opposition to the Accord. A lengthy and diversified list of groups signed the notice, including the Canadian Association for Community Living; the Canadian Ethnocultural Council; the Canadian Human Rights Advocate; Canadian Rights and Liberties Federation; the Coalition of Provincial Organizations of the Handicapped; La Ligue des droits et des libertés du Québec; and the National Union of Provincial Government Employees; along with feminist organizations oriented towards equality rights issues such as the Ad Hoc Committee and, of course, LEAF.

The discourse also had modified. Beyond the legalistic arguments and concerns about equality rights, the letter emphasized the potential threat posed by the Accord to national programmes, as well as the "undemocratic process" that had been implemented.¹²¹ This indicates a variation in emphasis that both concretized and popularized the Meech critique. Additionally, terms were invoked that reinforced

coalitional imperatives, as well as efforts to integrate difference. For example, LEAF stressed that it had contacted "widely diverse community organizations" and "grassroots organizations".¹²² Here, not only women, but people with disabilities, human rights advocates, workers, and racial minorities were specifically mentioned. In fact, LEAF had initiated telephone consultations with a cross-section of organizations.¹²³ The social movement base had widened and there was more depth of focus that spanned from arguments about women's formal equality provisions to the affects of changes to national programmes on various constituencies. Larger communities contributed to the form and content of the campaign.

By the end of the summer and into the fall, national organizations engaged in not only lobbying, but also took part in discussions, debates and promoted political, educational outreach. For example, when Ad Hoc determined that PEI Premier Ghiz might be willing to put women's equality on the table at the First Ministers' Conference scheduled for August 25, 1987, in Saint John, New Brunswick, it issued a bulletin to women encouraging them to phone their Premiers to request support for Ghiz's initiative, and asking women to call the PEI Premier to thank him for his efforts.¹²⁴ At the same time, NAC sent telegrams to the Premiers requesting them to consider the Accord's impact on women's equality and then sent its brief to the participants of the First Ministers' meeting. NAC representatives also engaged in media work, they were involved with many meetings at both national and local levels, and the organization contributed speakers and resource people on numerous occasions.¹²⁵

The Ad Hoc Committee organized a nation-wide campaign to encourage women to contact their political leaders and urge them to clarify the Accord so as not to jeopardize women's rights.¹²⁶ Press reports described the trend as follows:

"Having failed to convince federal and provincial politicians...the national women's movement is preparing a long campaign to win the hearts and minds of the public."¹²⁷

Throughout this period, Ad Hoc continued to discuss the deletion of section 16 of the Accord with the CFUW, FFQ, LEAF, NAC, and the YWCA,¹²⁸ and it forged connections with diverse groups from DAWN to the B'Nai Brith, the Coalition for Better Childcare and the Union culturelle francophone Ontarienne, among others. Therefore, by the spring of 1988, it had established an "Equality Coalition."¹²⁹

Even though energies were directed towards more extensive intra- and inter-movement networking, and there was a growing emphasis on grassroots mobilization, traditional political and parliamentary channels were not abandoned. Once again, a number of feminist organizations prepared to appear before another government Committee, the Senate Committee on the Meech Lake Accord.

VI Senate Hearings: A Crack Appears

The Senate Committee-of-the-Whole Hearings began in the fall of 1987 and went into the spring of 1988. By this point, national feminist organizations had had more time to consult, coordinate their analyses and network. However, time constraints continued to be a problem for smaller groups that, for example, lacked resources and engaged in protracted collective forms of decision-making. For instance, while the Ad Hoc Committee of Manitoba Women's Equality Seeking

Groups had made connections with the Manitoba Indigenous Women's Collective, and it wanted to present both briefs to the Senate Committee, the Indigenous Women's Collective was unable to meet the deadline as it was still engaged in discussions with its members.¹³⁰

Organizations that were unable to address the Joint Committee appeared before the Senate Committee, while some now familiar group representatives, such as Beverley Baines (NAWL), Louise Dulude (NAC) and Sylvia Gold (CACSW) presented both times. Thus, the following national women's organizations made submissions: CACSW, DAWN, LEAF, NAC, NAWL, NCWC, as well as the National Federation of Women's Nurses, and references were made to the FFQ and FRAPPE (Femmes regroupées pour l'accessibilité au pouvoir politique et économique) from Quebec. More localized coalitions, the Ad Hoc Committee of Manitoba Women's Equality Seeking Groups Concerned About the Meech Lake Accord, and the Charter of Rights Coalition (CORC) also presented.

Concerns raised earlier were reiterated and clarified, and will not be examined in detail. However, two points should be made here. First, the feminist groups that appeared for the second time had benefited from more consultation. Therefore, their concerns were grounded and there was more discretion in the equality rights critique. The LEAF brief to the Senate is instructive in this regard. In it there is a discussion of equality rights as well as an equally detailed explanation of LEAF's position with respect to threats to national shared cost programmes. There also is more subtlety with regard to the legalistic tenor of its argument. Here, LEAF not only stated that:

"Broadly-stated legal guarantees are the beginning, not the end...[they] must be tested against real-life situations and found useful or wanting",¹³¹ but it also cautioned about relying "exclusively on political or on judicial remedies: the accessibility and the dynamics of both change over time and the two spheres are interactive, not isolated."¹³² LEAF went on to remark on the differences among women with respect to race, national or ethnic origin, colour, religion, age or mental or physical disability. This point was made both with an allusion to the Lavell case and in relation to the divergent effects of national shared cost programs for different women.

LEAF also expressed distaste for the notion of competing "interests". This indicates that feminists were taking issue with the federal government's discourse in terms of the prioritization of interests. This had resulted, in effect, if not intent, in the gains of certain groups being obtained at the cost of others. Thus, the LEAF brief contains the following observation:

A "round" for one set of interests and then a "round" for another set of interests and so on will simply ensure that equality seeking groups will spend their energies addressing shifting political agendas set by others. In reality, protection of equality rights is not divisible into "rounds".¹³³

Moreover, as will become apparent, interests and identity politics intersected and overlapped and further complicated the matter. In sum, LEAF's position paper for the Senate reflects a more nuanced consideration of the issues, one that contextualizes legal efforts and contains a greater consideration of Meech's concrete effects on various communities.

The second point to be emphasized is that official parliamentary channels continued to be used in the midst of the more extensive extra-parliamentary

mobilizing even though feminists were not averse to other tactics, including engaging in protest. In a provocative and enlightening interchange between Senator Macquarrie and representatives of NAC during the Senate hearings, the former pursued a line of questioning which raised the issue of the appropriateness of women engaging in protest to oppose the Accord. NAC representatives replied that if it were not for protest, women may not have received the vote or be persons under law. Senator Macquarrie retorted: "It is your business, of course, if you prefer storming and demonstrating to dialogue and the ballot, but personally I would not be moved by it, nor would I recommend it."¹³⁴ Louise Dulude replied by both affirming the utility of protest, and reminding the Senator that NAC's very appearance before the Senate displayed its belief in dialogue.¹³⁵ Clearly, both parliamentary and extra-parliamentary means were used, and both were justifiable in eyes of feminist activists.

VII The Co-ordination of Multiple Strategies

Throughout the spring and summer of 1988, lobbying efforts continued and mass-based appeals were intensified. To illustrate, in the spring, Ad Hoc mapped out a plan that identified key members of cabinet and the NDP and Liberal caucuses, as well as Parliamentary assistants as lobbying priorities. Then, when efforts at the federal level continued to fall short, Ad Hoc shifted its focus to members of the provincial legislatures. For instance, as hearings were held in Ontario to examine the Accord, the Ad Hoc Committee orchestrated a response to Ontario's Select Committee on the Constitution,¹³⁶ targetted Committee members and met with its Chair, Charles Beer. Ad Hoc also cultivated its media presence, by sending out press

releases after every presentation before the Committee by a feminist, or by a women's group.¹³⁷

Ad Hoc worked to keep movement networks humming and also developed grassroots appeals. With the help of FWTAO offices and telephones, volunteers staffed a "Meech line" to provide information and engage in public outreach.¹³⁸ In June, a round table discussion was held to discuss the impact of Ad Hoc's position in relation to Quebec.¹³⁹ By the summer, a large, detailed kit was assembled and distributed by Ad Hoc. It included a summary of concerns with Meech; background on the issues; the full text of the relevant sections; tips on how to proceed; and a sample brief.¹⁴⁰ In short, Ad Hoc's efforts aptly demonstrate feminists' varied strategic repertoire, and the tactical shift in emphasis that took place.

VIII Political Developments: Growing Splits and Splinters

Critics of the Accord received reinforcement with the elections of three new premiers, Frank McKenna, Gary Filmon, and Clyde Wells, who were less than enthusiastic about, if not entirely opposed to, the Accord as it stood. The intergovernmental consensus had broken, which meant the potential expansion of entry points for oppositional mobilization. What is more, parliamentary and party concordance faltered. To begin with, Senate deliberations revealed fissures in the Meech political compact. First, the Senate Task Force on the Meech Lake Constitutional Accord and the Yukon and Northwest Territories released its report in March 1988, and here amendments to Meech were proposed in relation to the territories and the designation of Aboriginal people as a distinct society. As Russell

explains, "Although the northerners were fewer than a hundred thousand in number, their rough treatment contributed to the accord's aura of injustice in English Canada."¹⁴¹ The Senate acquiesced and recommended some changes to the agreement.

Second, the Senate Committee-of-the-Whole had finished its work by the end of March and in early April it sent the constitutional bill back to the House of Commons with a recommendation of six amendments. The Senate at this time had a Trudeau-appointed Liberal contingent and its criticisms reflected a growing divide between pro and anti Meech forces in the Liberal party.¹⁴² Even though the House of Commons later voted against these Senate amendments, the change in political climate was perceptible.¹⁴³

The ratification process proceeded, although not as smoothly as some political leaders would have hoped. Activists put pressure to bear on politicians through both conventional and unconventional means. That spring, PEI became the second province to hold hearings (the first being Ontario), and subsequently became the fourth province to approve the Accord. Nova Scotia's ratification soon followed. Ontario's Select Committee issued its report in June.¹⁴⁴ Despite four months of hearings that featured mostly critics of the Accord, including a strong and vocal contingent of women's groups and Aboriginal organizations among others, the Ontario government deemed that such concerns would have to be addressed at a later date, after the Accord had been approved.¹⁴⁵ The endorsement of Meech incited a demonstration as women from the Ad Hoc Committee assembled in the Ontario legislature and

disrupted the vote by singing protest songs.¹⁴⁶

Although the Ontario legislative committee's support was unanimous, it was also reluctant. MPPs had reservations. The fact that several Liberal MPPs, including Chaviva Hosek (former NAC president), were absent on voting day indicated that "the Premier gave very specific marching orders to renegade caucus members to abstain from voting."¹⁴⁷ Thus, four Liberal members were not present, and seven New Democrats and six Conservative MPs broke party ranks. In spite of these various forms of dissent, Ontario joined the status of the other provinces that had ratified the Accord, while its actions were decried as "undemocratic".¹⁴⁸

In July (1988), Newfoundland ratified the Accord under Premier Peckford's leadership. Now, only Manitoba and New Brunswick remained. This succession of ratification votes was stalled in December of 1988. At this time, the Supreme Court ruled against Quebec's sign law, Bill 101, which, in turn, prompted Premier Bourassa to use the notwithstanding clause, section 33, to override the court's decision.¹⁴⁹ This act precipitated a nasty backlash in the rest of Canada. Premier Filmon, for example, put a stop to the Meech resolution in the Manitoba legislature.

In early 1989, Manitoba and New Brunswick held public hearings and opposition to Meech predominated. By April of 1989, the newly elected Newfoundland Premier, Clyde Wells, made the decision to revoke his province's support even though it had ratified Meech in July 1988. That fall, when Manitoba and New Brunswick released their committee reports, the fate of Meech was unclear.¹⁵⁰ The Manitoba Report, for example, unlike the Ontario Report, stated that

all three parties had objections to the Accord and that they all subscribed to the Report's recommendations to amend Meech.¹⁵¹

To review, Alberta, British Columbia, Newfoundland, Nova Scotia, and Saskatchewan did not hold public hearings, and Ontario, Manitoba, New Brunswick, Ontario, and PEI did. Quebec had held hearings, but on the Meech principles and before the Langevin meeting.¹⁵² The most extensive hearings occurred in Manitoba, New Brunswick and Ontario, and these provinces experienced substantial grassroots oppositional mobilization.¹⁵³ However, while the other provinces, with the exception of Newfoundland, ratified Meech as it stood, both Manitoba and New Brunswick's hearing reports called for amendments and these specifically related to the concerns of women and Aboriginal peoples.¹⁵⁴ To respond to the objections of women in New Brunswick, for instance, the Select Committee on the 1987 Constitutional Accord called for a guarantee of women's rights with respect to the distinct society clause and recommended that section 28 of the Charter be added to Section 16 of the Accord. The Manitoba Committee recommended a "Canada clause" to reflect diversity in Canadian society with respect to Aboriginal and multicultural groups and, in light of women's concerns, called for the primacy of the Charter and suggested the deletion of the spending power provisions.¹⁵⁵

Women in both Manitoba and New Brunswick had engaged in significant anti-Meech activism.¹⁵⁶ For example, the Ad Hoc Committee of Manitoba Women's Equality Seeking Groups (which included groups that ranged from MACSW and Manitoba LEAF, to the Ukrainian Women's Association of Canada (Manitoba), the

WCTU and the YWCA) testified before both the Senate hearings and Manitoba's legislative hearings.¹⁵⁷ Moreover, the Brandon-based, Westman Coalition for Equality Rights in the Canadian Constitution (WCER) was formed to ensure that equality rights were paramount in the Canadian Constitution.

The WCER's strong, uncompromising position, would clash with the more cautious approaches taken by organizations such as NAC. WCER put aside consideration of the fragile relations with Quebec, as it focussed on the perceived conflict between the Accord's distinct society provisions and equality rights. With NAC in the background, a group like WCER could take the media spotlight. Indeed, during the Manitoban hearings, the press honed in on women's efforts noting that "outraged" women's groups (and Native groups) were "gearing up for a fierce lobbying campaign."¹⁵⁸ Yet, lobbying was not the only strategy and groups would engage in public outreach as well. WCER, for instance, distributed information about the Accord to rural women in Manitoba.¹⁵⁹

Manitoban women's groups also interfaced with some like-minded feminist organizations, especially those in Ontario and New Brunswick. Here the Ad Hoc Committee became pivotal, as it geared itself towards the political opportunities that developed in Manitoba and New Brunswick. Paula Mallea provided a crucial link.¹⁶⁰ She and Gladys Worthington, of WCER, were in close contact with Ad Hoc Committee member Marilou McPhedran, and in turn, Nancy Jackman. The latter provided funds to WCER that enabled it to engage in outreach to ensure that more women could participate in the Manitoba public hearings.¹⁶¹ Ad Hockers also

arranged for Mallea to be able to meet with Lowell Murray and provided funds for her to travel to New Brunswick to connect with critics of the Accord in that province.¹⁶²

Beyond WCER, Ad Hoc also had made contact with: Jeri Bjornson of the Ad Hoc Committee on Meech Lake, Manitoba; Mona Brown of the Manitoba Charter of Rights Coalition; as well as, Bev Sueck and Marilyn Gault of MACSW in Winnipeg.¹⁶³ Sueck would help to make connections between Ad Hoc and the Manitoba Métis Women's Alliance.¹⁶⁴ Alongside the networking, Ad Hoc lobbied to reinforce the Manitoban women's efforts, writing letters to the Premier of Manitoba and the leaders of the provincial Liberal and NDP parties, Sharon Carstairs and Gary Doer, respectively.

In New Brunswick, women also were encouraged to lobby their politicians directly, by writing or phoning their elected representatives. Further, they were urged to organize public appeals by sending out press releases, writing letters to the editor, and staging public events.¹⁶⁵ A New Brunswick Meech Lake Committee was formed and it also forged networks with Ad Hoc.

Ad Hoc had struck a strategy group to determine how best to support women in New Brunswick, exchange information and build connections with other equality seeking groups.¹⁶⁶ Ad Hoc memos elicited support for women in the province as well as in Manitoba, and a financial contribution of \$2,000 was donated by Nancy Jackman to New Brunswick women engaged in organizing against the Accord.¹⁶⁷ Anne Crocker and Elaine Wright of the New Brunswick Meech Lake Committee, as

well as Sherron Hughes and Gayle MacDonald became important contacts for Ad Hoc. MacDonald identified sympathetic people in New Brunswick, in provincial branches of women's organizations such as LEAF and NOIVM, as well as in local political parties and unions.¹⁶⁸ Ad Hoc also planned linkages with Acadian women's groups and equality seekers such as immigrant and disabled women's groups in New Brunswick. Moreover, it considered ways of obtaining media attention in the province, discussed gaining grassroots support by initiating chain letters, and worked on ways to target the Premier Frank McKenna.¹⁶⁹ Thus, movement networking, public outreach and lobbying went on, as Ad Hoc joined with New Brunswick as well as Manitoban women to express its concerns about Meech.

As a result, when the November 9-10, 1989 First Ministers' Conference was held in Ottawa, the Ad Hoc Committee was there with women representatives from Manitoba, New Brunswick, Newfoundland and Ontario. Here they presented a detailed memorandum to the First Ministers and worked on their media strategy. The media was encouraged to meet with Marilou McPhedran (Ontario), Paula Mallea (Manitoba), and Ann Crocker (New Brunswick), for interviews.¹⁷⁰ At subsequent meetings between the First Ministers, members of Ad Hoc continued to send out detailed press releases in an effort to publicize their views while the political leaders met behind closed doors.¹⁷¹

In part due to these swelling waves of dissent and to assess New Brunswick's new "Proposed Companion Resolution to the Meech Lake Accord," the federal government established another committee in April 1990, the Charest Committee.

Once again, women, child care advocates, and representatives from multicultural and Aboriginal organizations presented their criticisms of Meech's process and substance. In contrast to the Special Joint Committee, however, the Charest Committee travelled from Ottawa to St. John's, Vancouver, Whitehorse, Winnipeg and Yellowknife, received 800 submissions and heard from 160 witnesses.¹⁷²

Also in contrast to the Joint Committee, the Charest Committee Report, tabled on May 17, 1990, recommended numerous changes. Many of the amendments corresponded to New Brunswick's companion resolution, but it also included Manitoba's idea of a Canada clause.¹⁷³ Notably and arguably in response to continuous feminist criticisms, the Charest Committee recommended a major change to Meech where a new clause would be added that would specify that linguistic duality and distinct society would not compromise the Charter.¹⁷⁴ However, this perceived capitulation resulted in the defection of Quebec Conservatives from the Conservative caucus, including Lucien Bouchard, who considered the document a betrayal. The Charest Report served to alienate Quebec, as even Premier Bourassa denounced the document. It also did not appear to satisfy either Manitoba or Newfoundland.

As a result, the federal government shelved the Report and astounded many by reverting to its earlier position that the Accord would have to be ratified first and then changes would be made later. Then, the Mulroney style of pressure-cooker constitution-making resumed with negotiations in May 1990 with key First Ministers, followed by another First Ministers Conference in June 1990.

Books and articles have been written that chronicle the tortuous political wrangling that took place in this period.¹⁷⁵ The process boiled down to a seven day closed door session, the longest in Canadian history. This reversion to secrecy and heavy-handed politicking infuriated women and wider anti-Meech forces, especially given that some concessions had been made in earlier Reports only to be disregarded. Judy Rebick of NAC articulated what was plain to see: that women, Aboriginals, and people of different backgrounds had been excluded once again, and that, "The decisions are still being made by middle-class, white men in Ottawa."¹⁷⁶ Nevertheless, another agreement was struck, and it set aside public concerns with process once more.

In brief, the deal was that, after Meech was ratified, a new set of constitutional discussions and hearings would take place. Public hearings were to take place on the Canada clause in response to public outcry with respect to the closed Meech process; there would be meetings on the constitution with Aboriginal peoples, as a result of their organizing; and amendments were to be made to strengthen sexual equality rights, and to respond to minority language and northern claims, which came about as a result of mobilization by women, minority language groups and northerners.¹⁷⁷ Still, Meech would have to be passed as is, and these processes would be put into place later. Hence, the agreement was denounced, and once more, women's and Aboriginal peoples' organizations were at the forefront pointing out the inappropriateness of these proceedings and, ultimately, their substance.¹⁷⁸

In this final stretch, Clyde Wells tends to be credited with Meech's final

downward plunge. Certainly the Newfoundland Premier's opposition was central to its demise. At first, both Manitoba Premier, Gary Filmon and Wells, refused to sign the June draft. Then, Filmon approved it and Wells signed the June communiqué, but with an asterisk. When he realized that promised principles were not included in the frantic agreement of last resort, Wells would bring the Accord before the Newfoundland legislature, but would not succumb to federal government time constraints, nor to the political pressures.

Although Mulroney placed most of the blame for Meech's failure squarely on Premier Well's shoulders, Elijah Harper was also a crucial actor. This Ojibway-Cree MLA's role became that of stalling the Manitoba government on a technicality. Unanimous consent was required to consider the Meech proposal without the usual two day's notice. Holding a grey and white eagle feather, and stating a simple no, Harper was able to postpone debate in the legislature until ratification of the Accord before the deadline became impossible.¹⁷⁹ Harper maintained his stance despite the fact that, in the week that followed, the federal government cobbled together a plan of action to respond to Aboriginal constitutional concerns. Although federal advisors scampered to meet with the Manitoba chiefs to try to negotiate a deal, the "resolve of aboriginal leaders put to an abrupt end expectations that the opposition could be bought off."¹⁸⁰

This strikingly singular figure, the only Aboriginal Manitoba MLA, represented both an evocative and effective symbol of Aboriginal peoples' refusal to be ignored any longer. He was considered to be speaking "out against centuries of

oppression and neglect of his people."¹⁸¹ Moreover, Harper's act would signify that Aboriginal people could alter the course of Canadian constitution making. In his words, "it is about time that aboriginal peoples be recognized. We need to let Canadians know we have been shoved aside. We are saying that aboriginal issues should be put on a priority list."¹⁸² Indeed, through his action, and key events that will be discussed in the next chapter, Aboriginal constitutional concerns would achieve "insider" status.

Yet, it is also to be remembered that although Elijah Harper acted alone, behind him stood Aboriginal organizations, and many groups and citizens across the country.¹⁸³ In other words, this was not an individual, legislative campaign. For example, three thousand Aboriginal and non-Aboriginal people signed up to appear before the Manitoba provincial legislature, thereby stalling the process even longer.¹⁸⁴ What is more, Harper recounts that his position came about through consultation with constituents, and with the 61 chiefs of the Assembly of Manitoba chiefs, as well as from his legal counsel. Harper specifically mentions the assistance of Chiefs Phil Fontaine and Ovide Mercredi, and their legal advisors, the Winnipeg lawyer and professor from the University of Manitoba, Jack London, and University of Saskatchewan law professor, Donna Greschner.¹⁸⁵ In fact, Greschner, could bridge legal feminist organizational positions with Aboriginal concerns.¹⁸⁶

By this point, feminists had taken some steps to work in coalition with Aboriginal organizations. Once again, interpersonal and inter-organizational interaction made for fortuitous connections. Liz Stimpson of DAWN and Ad Hoc

recalls meeting with Georges Erasmus, Grand Chief of the AFN, and Ovide Mercredi in Ottawa, as Ad Hoc engaged in discussions with the AFN.¹⁸⁷ In McPhedran's words, the intent was to "facilitate a discussion/process/solution to amending the Constitution in a democratic way."¹⁸⁸ Earlier, MACSW had encouraged Ad Hoc to get in touch with Sandra Delaronde of the Métis Women's Alliance of Manitoba. Then, with the Harper action, Delaronde asked the new President of NAC, Judy Rebick, to speak at the Manitoba rally in support of the MLA. As a result, Rebick became the only non-Aboriginal speaker on the stage on what was called Solidarity Day. As the next chapter will attest, this would serve to build stronger women's movement/Aboriginal alliances. The point here, however, is that Elijah Harper's stance, and the work done behind the scenes by Aboriginal organizations was supported by feminist critics of the Accord; there were also some connections being forged.

Hence, the rejection of Meech involved the combination of internal and extra-governmental opposition. Women's activism proved significant, cumulatively, over the long haul, in gradually building opposition to the agreement, through difficult networking and coalition work, and through lobbying, educational outreach and protest. The development of women's strategies and their changing emphases relates to a particular, socio-economic and political conjuncture as well as to modified identity politics relations and changing ideas. It is to these issues that we will now turn.

IX The Analysis: Socio-economics and Constitutional Politics

Critical socio-economic developments that took place between 1987-1990 informed the constitutional struggle. This was a period of socio-economic decline, where both neo-liberal and neo-conservative forces were on the rise. On the one hand, this produced a barren environment for feminist organizing but, on the other, it offered ripe conditions for coalition building.

To begin with, the Meech Lake saga unfolded as the Mulroney government consolidated its neo-liberal economic position. Its negotiation of the Free Trade Agreement (FTA) epitomized this thrust. The 1988 election, dubbed the free trade election, occurred in the middle of the Meech Lake ratification period. Despite Mulroney's best efforts to divorce these economic and constitutional concerns, the two were intertwined. In fact, both the issues and the actors overlapped.

In the election, the Prime Minister made efforts to separate economic issues like the goods and services tax (GST), interprovincial trade barriers, deficit reduction, interest rates, and free trade from the Meech agreement, but politics and economics could not easily be disentangled. In fact, these were economic considerations that could topple the earlier intergovernmental consensus on Meech.¹⁸⁹ For instance, all the provinces opposed the GST, and one provincial official related the unilateralism of the GST to Meech, as "Meech Lake in reverse".¹⁹⁰ Although there was no substantial provincial resistance to free trade, and only three provinces opposed it, economics and constitutionalism conjoined when Manitoba's NDP Premier Pawley, who initially approved of Meech, later withdrew his support in reaction against Mulroney's free

trade programme.¹⁹¹

As will be discussed below, while the Tory's economic outlook proved contentious for Canadian nationalists, the NDP, and the left in general, it complemented other aspirations, among them Robert Bourassa's. The Quebec leader's market-oriented approach and drive to augment the province's political powers were in tune with both the Meech Lake and free trade initiatives. To be sure, the Prime Minister's and Quebec Premier's economic like-mindedness not only had made for smoother political, constitutional negotiations, it also had ensured concordance on Meech's provincializing aspects and spending power provisions. Passing off political powers to the provinces could assist in streamlining and cost-cutting for the federal government and therefore, could harmonize with the latter's neo-liberal economic imperatives.

Further, Mulroney's free trade agenda suited Bourassa and received support from Quebec. For many Quebecers, the FTA was considered to be a means of curtailing Quebec's economic and political dependence on Canada. In this way, Mulroney obtained both free trade and electoral endorsement from Quebec.¹⁹² By winning the election and arguably the free trade mandate, Mulroney could then counteract Canadian nationalists, opponents of free trade and Meech Lake.

Others supported Mulroney's plans and economics and constitutionalism intersected, once again, with respect to monied, neo-liberal forces. Powerful free trade advocates, such as members of the Business Council on National Issues (BCNI), for example, would also throw their support behind the Meech Lake Accord.¹⁹³ With

their free market approach and predisposition to deficit-cutting, these elements would not object to Meech's de-centralizing potential, off-loading financing of social programmes onto the provinces and its conceivable weakening of the federal government's ability to get involved in the economy. Indeed, when First Ministers reached the last minute deal to save Meech Lake, Thomas d'Aquino of the BCNI was quoted as saying: "The outcome was exactly what the country needed."¹⁹⁴

In contrast, for many Canadian nationalists, labour and the left, FTA represented the acceleration of destructive continentalist trends, not just with respect to reinforcing American regulation of the Canadian economy, but also in terms of surrendering socio-cultural, political and territorial sovereignty.¹⁹⁵ Meech Lake was viewed as compounding the free trade threat in that it also appeared to jeopardize the federal government's authority: while free trade opened the doors to American control, Meech limited the federal government's ability to act. Once again, the argument went that Meech's spending power clause made it difficult for the central government to uphold, let alone create new, comprehensive, national, social programmes.

For this contingent, the combination of both FTA and Meech could constitute the downfall of Canada.¹⁹⁶ Philip Resnick wrote that "Canada could not suffer the twin blows of free trade, with its opening of our economy and society to greater American influence, and Meech Lake, with its weakening of the federal government."¹⁹⁷ When free trade came to pass, therefore, these left-liberal sympathizers in English Canada would rally with feminist organizations against the

Accord.

It soon becomes apparent that the socio-economic situation had multiple effects on the Meech Lake round of constitutional negotiation. It also had a specific impact on the women's movement. As has become evident, in this time of socio-economic decline, both neo-liberal and neo-conservative forces were on the rise, and this in turn, produced an inhospitable climate for feminist organizing.

In terms of state funding, women's organizations had been relatively propitious in the years that led up to Meech. With the combination of governmental and non-governmental financial assistance, the eighties saw the establishment of national organizations such as LEAF, DAWN and NOIVM. Healthier funding levels for NAC aided it in its "heady" enterprises of the mid eighties.¹⁹⁸ However, the Meech period marked the end of what could be considered, in retrospect, "good" financial times. Core funding to women's organizations was cut.¹⁹⁹ From 1989 to 1990, the Conservatives reduced funding to the Secretary of State Women's Program by 30 per cent.²⁰⁰ On the surface, dramatic cutbacks to organizations like NAC (between 1988 and 1992, NAC lost 50% of its government grant²⁰¹) obviously corresponded to the federal government's fiscal conservatism, and its down-sizing of the Status of Women came as a response to attempts to streamline the state. More insidiously, it would not be inappropriate to suggest that some feminist organizations' mobilization against free trade,²⁰² and their vocal opposition to Meech was not conducive to governmental financial beneficence.

More positively, this socio-economic environment provided opportunities for

networking, as social movement coalition-building became a necessity. To illustrate, many women's movement organizations, mainly those outside Quebec, believed in strong central governments that could maintain universal, accessible social programmes that women disproportionately depended on. Thus, as we have seen, most feminist groups opposed Meech's spending power provisions. It would follow, then, that many would also be wary of the FTA, with its potential to diminish the control of central government. Therefore, Ad Hoc, for example, would identify the "double danger" if both FTA and Meech were implemented.²⁰³ What is more, given the predictions of free trade induced job losses in industries that traditionally employed women, as in textile production, feminists would mobilize in coalition with nationalists, leftists and trade unionists against FTA. These networks could be re-consolidated in the Meech struggle.

At the same time, by loading the agenda with concerns that stemmed from the free trade debate, and from revitalized social policy networks, there was the real possibility that these multiple socio-economic issues could overwhelm feminist demands in relation to the protection of equality rights. This provides a contrast to the early eighties, where multiple concerns were siphoned off until the central issue became women's equality. With Meech, however, greater inter-movement networking meant more players and more issues. As a result, coalition-building could conceivably have hindered women's chances to gain a Meech amendment. There were, no doubt, pros and cons to forging more extensive inter-movement alliances.

At any rate, it becomes evident that economics and politics intertwined and

help to explain women's strategies. In the early eighties, more substantially and securely funded feminist organizations could try to draw on governmental contacts and follow governmental channels. However, in times of fiscal restraint and hostile government relations, these routes would not prove to be propitious. Consequently, oppositional mobilization escalated. Given similar concerns around free trade/Meech Lake with respect to decentralization and threats to social programmes, nationalist, anti-free trade forces became logical coalition partners for some feminist organizations.

X Political Connections

The foregoing scenario, of course, is permeated with political considerations. This constitutional affair can be characterized mostly in terms of political constraints, although political opportunities revealed themselves, especially over time. In the beginning, however, the configuration of political officials involved, and the political processes they pursued, contributed to the restrictive Meech setting.

At the start of this round of constitutional negotiation, the conflict and confrontation of the eighties appeared to give way to intergovernmental collaboration. It would seem that, initially, the presence of new and different First Ministers was conducive to the mood of flexibility and compromise. The earlier personalised battles between Trudeau and Lévesque, the rigidity, ideological and intellectual polarization, were replaced by the political pragmatism, bartering and bargaining of Mulroney and Bourassa. Mulroney and Bourassa were not antagonistic. As has been noted, despite their political party differences, the two had a similar economic agenda. Moreover,

the political fortunes of both Mulroney and Bourassa lay in Quebec. In fact, much of Mulroney's Conservative's electoral success lay in shoring up support from his province of origin. Finally, the two men were close friends.²⁰⁴ All this fostered a more congenial atmosphere and notions of reciprocity.

With respect to the other provincial premiers, few remained from the earlier constitutional round. With new political blood came a greater willingness to diverge from earlier positions. Moreover, the provincial leaders did not have fully developed constitutional platforms. Ontario Premier David Peterson had not articulated a constitutional agenda with respect to Quebec, and the positions of Premiers Howard Pawley, Grant Devine and William VanderZalm, as well as Premier Joe Ghiz were similarly not elucidated. There were some exceptions. Premier Donald Getty of Alberta, like Premier Peter Lougheed before him, advocated for the west and Senate reform. Getty had to appear one step ahead of the more conservative forces biting at his heels in the form of the Reform Party. Although Newfoundland's Premier Brian Peckford did not elaborate upon his constitutional position, he continued to promote the cause of provincial rights.²⁰⁵ On the whole, however, the group presented a somewhat blank slate. Consequently, Bourassa's Liberals, Mulroney and his constitutional lieutenants like Lowell Murray, were able to come to an understanding, draft proposals, and then work on the other Premiers so that official agreements could be produced.

As has been described above, this particular group of First Ministers, with the coaxing of the Prime Minister and his allies, engaged in cloistered, executive

federalist negotiations that brought about Meech. In contrast to the early eighties, described by Cohen as a "carnival of participatory democracy", Meech Lake produced a context in which the premiers were "virtually alone."²⁰⁶ The isolation and exclusive membership of the club, and the careful constitutional compromises that were made, all contributed to the way in which the First Ministers emerged united in their resolution and unyielding in their positions. The Meech pact appeared, apparently, signed, sealed and delivered. As a result, the First Ministers instigated a dynamic which would quash opposition in Parliament and outside it.

Political influence took various forms. Critics were censured and proponents of Meech compensated, for patronage played a role in Meech. Prominent advocates of the Meech agreement were rewarded by Prime Minister Mulroney.²⁰⁷ Thus, politicians made use of political carrots and sticks. Even the Opposition parties succumbed to the idea that any changes to the deal would bring about its downfall. With party discipline it is often difficult for dissenters to come forward, but with Meech the stakes were high and the pressure to conform and act in concert was extreme. For example, when Liberals such as John Nunziata, Sheila Finestone, Sergio Marchi and Don Johnson, among others, expressed their reservations about Meech, John Turner organized a lunch to offset opposition and impose party unanimity.²⁰⁸ Threats were made that back bench dissidents would be stripped of their shadow cabinet posts if they did not support the Accord.²⁰⁹

Whereas the NDP had played a role in women's early eighties constitutional struggles, during Meech, the party never quite became an ally. Broadbent had

supported both constitutional proposals, the Liberal's plans in the early eighties, and the Conservatives Meech Lake efforts, but there was a marked difference in the degree of tolerance for opposing views. In the altered Meech context, the popular NDP leader was described as being "preoccupied" with the Quebec question and thus he went as far as to threaten to divest NDP MP's of shadow cabinet posts if they opposed the Accord.²¹⁰ In relation to feminist organizing, McPhedran speculates that after the early eighties experience, "Ed Broadbent had anticipated what we were going to do and had put out the word...[i.e. he made it known that the NDP was] going to take a very clear line on this and it was party line time."²¹¹ This helps to explain why New Democrats who had contributed support to women in the early eighties dismissed feminist arguments critical of Meech.

Nonetheless, the party found itself increasingly torn on Meech.²¹² Historically, members were concerned about national standards and social programmes and as such supported strong central government. The Meech agreement which arguably tested such principles, would arouse scepticism if not scorn. However, the NDP also wanted to demonstrate its support for Quebec and so it was compelled to endorse the Accord. In light of these tensions, it is to be expected that Baines would comment that she "didn't notice...until quite late in the game, the NDP doing anything for us in the Meech context."²¹³ Although feminists made efforts to tap all possible sources, the NDP included, this connection proved faulty.

The Meech Lake round produced a political context for women politicians which made it difficult for them to assume the roles that were played in the Charter

4

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drama. Recall that in the early eighties, women of all parties appeared to cross party/movement lines in support of feminist mobilization for women's equality rights. With Meech, when many feminists believed these rights to be at risk, this explicit activity on behalf of women politicians was not as discernible.

A few women politicians did speak out against the deal and others displayed ambivalence. Audrey McLaughlin's anti-Meech by-election victory,²¹⁴ and Manitoba Liberal Opposition leader, Sharon Carstairs' vocal Meech critique, provide two obvious examples.²¹⁵ Yet, feminist claims tended not to be in the forefront of these disputes with Meech.²¹⁶ Although McLaughlin was sympathetic to feminist anti-Meech positions, her criticisms stemmed more from the Yukon's exclusion from the deal, while Carstairs fought against Meech on the basis of Trudeau-Liberal-inspired arguments (e.g. no single province should receive extended powers over others) against the Accord. A number of other women politicians also displayed their reservations. For example, Liberal MP Sheila Finestone, a former president of the FFQ, became one of the dissenters with whom Turner had to contend, and Ontario Liberal MPP, Chaviva Hosek, was absent from the legislature when Ontario voted to ratify the agreement. There were also some contacts made with Liberal Senator Lorna Marsden.²¹⁷ Yet these instances provided more of the exception rather than the rule.

Overall, women politicians who previously had shown either sympathy or support for women's movement claims were more reluctant to advocate for critical feminist positions in the context of Meech. For example, Conservative MP Flora

Macdonald had been considered an "insider" ally in the earlier constitutional round but with Meech, when her party was in power, Macdonald would not respond to feminist entreaties.²¹⁸ In addition, whereas in 1981, the Liberal government's Minister Responsible for the Status of Women, Judy Erola, provided office space and resources for feminist constitutional activists, the Minister Responsible for the Status of Women, Barbara McDougall, in the Conservative government during the Meech Lake ordeal, was not as accommodating.

To illustrate, in a letter written to Nancy Jackman on October 14, 1987, McDougall placated: "Let me assure you that the women of Canada were not forgotten in the negotiations surrounding the Accord."²¹⁹ Then, when McDougall and Lowell Murray met with members of the Ad Hoc Committee among others, McDougall was not helpful. Ad Hockers recall the meeting in McDougall's office:

Pat Hacker: she smoked a cigar at the huge oval table...

Nancy Ruth: And she left us with Senator Lowell Murray...and he refused to listen...

Mary Eberts: And there was a lawyer from the Ministry of Justice... a woman....We had gone to ask her to exert her influence, just to add or delete. We had little combinations, you could add these words, or you could delete these words, whatever, not many, just four, five... [Then, McDougall,]...at one point, actually turned her chair around so the back of her chair was facing the group and all you could see was smoke...

Nancy Ruth: I just remember being furious that they didn't want to listen to us, we were there to listen to them.²²⁰

In addition, no doubt in response to Ed Broadbent's strict directives, Margaret Mitchell's office did not encourage feminist lobbying efforts as it had in the past. Perhaps more surprisingly, Pauline Jewett of the NDP, who subscribed to feminist positions in and beyond the early eighties constitutional saga, also spoke in support of

the Meech Accord. Moreover, as a member of the Joint Committee, Jewett voted to ratify the agreement, as is. In a radio interview, Jewett made the following ambiguous remark:

While we have a few things that we feel could have been achieved in this first round, and we're still urging the First Ministers to achieve them, particularly a clear statement on the equality rights of women...those things we feel can be achieved by First Ministers in the present phase of constitutional development and should be achieved ²²¹

Given this ambivalence, potential political allies such as Jewett and Mitchell could not be enlisted by feminist strategists as had been done in 1981-1982. On the whole, then, in contrast to the early eighties, the political situation afforded few political access points for feminist activists critical of Meech.

This of course begs the question, why the change? Consider, first, the fact that a federal election campaign took place in the midst of the Meech Lake ratification process. Political parties had to appear unified in their positions to give the impression of being strong, organized and cohesive. Moreover, few would want to alienate Quebec voters given the significant electoral weight of the province. Thus, support of Quebec, through Meech endorsement, was critical, and party unanimity would be rigidly enforced.

After the federal election of 1988, a slight gender gap became apparent. Here, 10 per cent more men voted for the Conservative Party than women.²²² This discrepancy could reflect numerous tendencies including women's negative response to a series of Tory policies from the party's economic agenda and free trade, and its neo-liberal streamlining and cutbacks, to its role in the process and substance of

Meech. For our purposes, however, it is important to recognize that this negative electoral reaction and, arguably, women's critical response to Conservative policies, contributed to an oppositional environment.

To illustrate, national feminist umbrella organizations like NAC were pragmatically non-partisan. However, because they mobilized against the Conservative party's free trade mandate and the process and substance of Meech, feminist organizations would appear to be aligned against the party in the 1988 election. This would substantially contribute to the confrontational climate. It also indicates a progression away from the greater party/movement fluidity and cooperation in the early eighties and it had numerous, broader political consequences.

Changes within the state also contributed to the growing state/movement tensions. From 1978-1984, a number of bureaucrats, femocrats in the Status of Women for example, were more open to women's movement organizing.²²³ Indeed, as Maureen O'Neil claims, they were more loyal to the movement than to the Minister Responsible to the Status of Women or to the government.²²⁴ These contacts had helped feminists make inroads in their constitutional lobby. However, by the time of Meech, the Status of Women's community connections and initiatives had been curtailed,²²⁵ and the "insider" support had waned.

The early eighties' access points were systematically sealed. Women on the "inside" were warned off and some had even experienced retribution for their early eighties' activities. As McPhedran explains, "some had been investigated by the RCMP for supporting us in the early eighties. You know, they were really

spooked."²²⁶ The new Conservative government was more distrustful of the civil service, plus it was keen on streamlining the state.²²⁷ In this context of fear and potential for retribution, bureaucrats were less willing to make waves.

In fact, the government was the source of many of these changed relations. In Behiels' words, the women's movement had lost "enormous ground in Ottawa with the political watershed that brought the Mulroney Conservative government to power in 1984."²²⁸ The Conservative caucus constituted a major impediment as powerful elements in it espoused not only neo-liberal, but small "c" conservative, traditional, moralistic, "family values" that would diametrically oppose feminist views. Proponents of the New Right, like members of the anti-feminist group REAL Women, had strong support in the Conservative caucus²²⁹ and this would further alienate feminists and distance feminist organizations. It follows then, as Burt writes, that feminist/state connections would be "strained in the context of the neo-conservative and pro-family agenda of the Conservative administration in the late eighties."²³⁰

With governmental intransigence, the women's movement became more confrontational and, in turn, the government responded by castigating women's movement efforts as troublesome, special interest group behaviour. The Mulroney government was simply not interested in hearing from the women's movement. For example, by 1989, Barbara McDougall, Minister Responsible for the Status of Women and members of the Conservative caucus terminated the practice of meeting once a year with NAC representatives as part of NAC's AGM.²³¹ Evidently, the

state, party, movement linkages were not as fluent as in the past.

In concert, these political developments translated into minimal political openings through which feminists could squeeze their agendas. However, opportunities did arise over time. Through continual mobilization, both within and outside parliamentary and legislative corridors, the arguments made by feminists critical of Meech began to infiltrate various political fora. For example, while women were virtually silenced in the joint committee hearings, through sheer persistence on their part, slightly more responsiveness to their concerns became apparent in the Senate Committee-of-the-Whole Report. Certainly, more weight was given to feminist critiques in the successive provincial hearings, particularly in Manitoba and New Brunswick. Finally, feminists who opposed Meech clearly had made an impact by the time the Charest Report was released and, of course, in the final communiqué released by the First Ministers on June 9, where there was a commitment to strengthen the entrenchment of the Charter's sexual equality provisions.

Political shifts occurred, in part, due to the length of the ratification process. Federal and provincial elections intervened, changing the faces of First Ministers. Premiers McKenna, Filmon, and Wells were not subject to the initial pressure-cooker pact and with this critical distance they were more likely to view the Meech agreement with greater scepticism. They would also be more aware of, if not more open to, the arguments made by feminist organizations and other groups mobilized in opposition to the Accord, than would the original signatories of the deal.

Moreover, political parties became increasingly torn by the Meech Lake issue.

Turner had a difficult time quelling opposition in his Liberal caucus, especially after losing another election. He had to reconcile the apparent inconsistency of his position, given reservations and rebukes expressed by prominent Liberal politicians, new and old, from McKenna, Wells and Carstairs, to Trudeau and his supporters, along with Turner's own caucus members, Liberal MPs and Senators. The NDP was not only challenged by positions taken by its Quebec and Yukon contingents, but also found itself in a difficult position with respect to labour and leftist ambivalence with regard to Meech. This no doubt sent mixed messages to the public on the integrity of the Meech process and the interpretation of the contents of the agreement. Indeed, by May of 1990, 59 per cent of Canadians opposed the deal.²³² These doubts and misgivings contributed more political leverage for critics of the Accord.

In numerous respects, then, the political opportunity structure was not static, and various political developments would help to loosen the ties that bound the constitutional package. Women contributed to this process and with a pragmatic shift in feminist organizing, women helped to unravel the Meech Lake Accord.

XI Feminist Mobilization

Women's movement strategies responded to this modified socio-economic and political setting. When lobbying at the federal level did not produce results, tactics altered and there was a certain amount of realignment in terms of strategic alliances. Gradually, intra-movement mobilization expanded and inter-movement coalition-building became increasingly apparent.

With the surprise nature of the deal and unreasonable time constraints allotted

to the "debate" on Meech, a few, mostly legally-trained, feminists worked together to fashion a response. There was collaboration between women from NAWL and LEAF and the reconstituted Ad Hoc Committee, as well as the CACSW and NAC. As will become apparent, NAC found it difficult to jump into the Meech fray but, nonetheless, NAC's president, Louise Dulude, worked with like-minded feminist lawyers in NAWL.²³³ Thus, the early work on Meech consisted of "micro" networking among a number of feminists, most of whom were lawyers.

Given the advent of the Charter, the establishment of LEAF in 1985, efforts to employ Charter provisions on behalf of women and the growth of feminist legal jurisprudence through the eighties, the articulation of highly legalized, technical arguments as the first response on the part of national feminist organizations was not surprising. Positions put forth on Meech were sophisticated and often complex. There was speculation over the relevance of the Charter and the relationship between various clauses in Meech, as well as conceptually complicated notions like "hierarchies of rights." These arguments were difficult to relay to non-legal women and men. What is more, in effect if not intent, they were considered to be derogatory to many people in Quebec. Finally, despite these jurisprudentially informed opinions and their scholarly substantiation, these kinds of feminist analyses did not seem to persuade parliamentary commissioners.

The initial strategy, crafted by a limited number of women, was not only legalized, but professionalized. The large feminist organizations prepared technical briefs and then rushed to arrange meetings with government officials, party members

and potentially sympathetic premiers such as David Peterson, Joe Ghiz and Howard Pawley, but to no avail. There was scant time for grassroots mobilization, to build outside pressure. Lacking the perception of a strong, united and vocal presence from "without," detracted from the work done by feminists to make gains from "within."

The limited, impromptu nature of "micro" networking meant that diverse elements of the women's movement were not sufficiently consulted in the early stages. The legal feminists' critique of the distinct society clause incensed many Quebec women's organizations. In Judy Rebick's view, the "obscure, legal interpretations...[ignored] the political reality which was that...this would be seen in Quebec as totally patronizing [and] offensive."²³⁴ Divergences arose between those feminists who feared the consequences of the distinct society clause and those who were willing to concede to its presence in the Accord in light of Quebec's demands and desires.

Some efforts were made to accommodate different views from the start of the Meech process. For example, early on, NAC engaged in consultations with the FFQ. However, there were divisions within NAC as some members subscribed to the legalistic arguments based upon notions of threats to equality rights provisions, vis-à-vis Meech's distinct society clause, while others believed that this type of approach repudiated many Quebec feminists' positive assessment of Meech and the progressive potential of Quebec state and society. NAC's constitutional committee, nonetheless, devised a compromise with the FFQ, in support of the distinct clause but critical of social policy issues.²³⁵

Still, NAC was torn on the issue. To try to prevent a split between it and its Quebec member groups, NAC did not take a high profile on Meech. While NAC denounced the Meech process, and mobilized against the spending power provisions, the issue of distinct society divided the organization. Initially, groups that included Ad Hoc, LEAF and NAWL, and increasingly women's groups outside of Quebec, such as Manitoba's WCER and the Ad Hoc groupings in New Brunswick, considered the distinct society clause to be detrimental to women's equality rights and they mobilized on this basis.

The resolution of these contentious debates would take time, if indeed they could be resolved at all, given the way the analyses had been framed, and organizations were hard-pressed to deal with these issues prior to the Joint Committee Hearings. The first reaction had its limitations. The "micro" networks that predominated were insufficient in and of themselves as they did not accommodate the diversity of the women's movement. The technical, legal arguments were not going to inspire mass action. Without substantial mobilization, lobbying alone would not produce results, especially in the inhospitable socio-economic-political environment. Finally, fundamental political disagreements within the women's movement, and political intransigence outside it, necessitated reparative measures.

Therefore, strategies shifted and work began on gaining mass-based support. For example, by November of 1987, the Ad Hoc Committee initiated its telegram campaign, akin to that used in 1981-82, encouraging women across the country to send in the following declaration: "I believe equality rights are at risk. Please clarify

the accord's language to ensure our rights."²³⁶ The message was simplified and the plea was publicized widely. Regional offshoots of national organizations mobilized and momentum for action on the Accord grew across the country.²³⁷

It was not long before women began, very definitely, coalition building.²³⁸ At first, the focus was on intra-movement networks but, then, inter-movement alliances were forged. Given NAC's decision to lay low, the Ad Hoc Committee worked on developing more of an umbrella organizational form. By June of 1988, it enlisted support from women's organizations that included the B'Nai Brith Women of Canada, the Congress of Black Women, BPW, DAWN, LEAF, Réseau d'action et d'information pour les femmes (RAIF), VOW and the YWCA. It also received endorsement from ethno-cultural organizations such as the CEC, the Canadian Jewish Congress, the Canadian Polish Congress, the Chinese Canadian National Council and the Union culturelle Franco-Ontariennes.²³⁹ In November 1989, Ad Hoc wrote in a press release that women from New Brunswick, Manitoba, Ontario and Newfoundland were working together to ensure the inclusion of equality in the Accord and that they represented "groups from across the country, under the umbrella of the Ad Hoc Committee of Canadian Women on the Constitution."²⁴⁰ By February of 1990, Ad Hoc made note of contact people in the familiar feminist organizations - NAWL, CACSW, and NAC, and the New Brunswick Ad Hoc Committee - but also La ligue des droits et libertés, Action Travail, and the National Anti-Poverty Organization (NAPO).²⁴¹

The move to "macro" networking and coalition-building made sense, but it

required more of an emphasis on issues of broader injustice and democracy. In response, the focus of the legalistic feminist analysis Meech began to widen beyond equality rights for women, to Charter rights for other groups, and social policy concerns. Thus, more attention was paid to undemocratic processes and the impact that jeopardized social programmes would have on different communities.

The Ad Hoc Committee, LEAF, NAC, NAWL among others forged linkages with groups of women with disabilities, women from visible minorities and immigrant women. Since the common bond became the fear of weakening the federal powers and federal system of social services, alliances could be made between women's organizations, multicultural groups, nurses associations, daycare advocates, and Aboriginal organizations. What is more, the move to concentrate on the spending power provisions facilitated much more interaction with the left and trade unions, particularly the CLC.²⁴² At the same time, with this shift in focus, ruffled relations between organizations inside and outside Quebec could be smoothed: Quebec women "eventually began to realize...that, maybe more than distinct society, it was the structuring of shared-cost programs which caused profound apprehension."²⁴³

With an expanded focus, the affinities between various concerns were observed. For instance, prior to Meech, in 1986, through its work on economic issues, NAC had extended its networking beyond feminist organizations to advocacy coalitions like NAPO, CLC, Conference of Catholic Bishops and Canadian Council on Children and Youth.²⁴⁴ NAC also made important linkages with child care coalitions on Meech, due to the fact that its policy position on child care was at

articulated in the same time (1988) period.²⁴⁵ Plus, the perceived threats to social spending in Meech Lake Accord compounded concerns about inadequate child care

Further, free trade coalition partners were also engaged. The interrelations between feminists, nationalists, unionists, and leftists on both free trade and Meech Lake were noteworthy. For various reasons outlined above, many feminists were critical of the FTA, and there were the parallels between threats to governmental control and the implementation of social programmes in the FTA and in the Meech Lake Accord's spending power provisions. Through the correlation of such issues, feminist organizations could draw on more extensive inter-movement alliances in their Meech campaign.

This strategic turn was not without its risks. As noted earlier, adding social policy concerns lengthened the list of changes to be made to Meech, making equality rights simply one of many issues. The focus was no longer so prominently on women as it was in the early eighties. Moreover, the nature of both the broader concerns involved, and the coalition partners enlisted, meant that many feminist organizations were more at odds with the government than in their earlier constitutional struggles of 1981-1982. Consider the case of NAC. As it contested the Conservative government's neo-liberal, free trade stance, oppositional mobilization escalated,²⁴⁶ and conventional political alliances were significantly strained.

Nevertheless, the new emphasis was more user-friendly with respect to community organizing. By concretizing abstract legal arguments, grounding concerns, and broadly-based networking, feminists could more easily engage in the

social movement work of educating the public on the Accord and uncovering its democratic deficiencies. In short, the grassroots mobilization that was lacking at the beginning of the operation was cultivated over time.

Despite this different tactical emphasis, and in spite of experiencing the cold shoulder from politicians and bureaucrats, it is important to point out that feminist organizations did not shun traditional political institutional channels, as their continued presence at various hearings attested. In addition, in the 1988 election campaign, women tried to use the election to their advantage, gearing the Meech campaign towards not only "educating the public, particularly women...[but also] turning them into a voting bloc."²⁴⁷ The gender gap discussed above suggests that feminists may have made some gains in this respect, even though the Conservatives won the election and FTA was passed. The point, however, is that while social movement orientations grew, activities that clearly transgressed theoretical institutional/non-institutional political divides continued.

In brief, feminists critical of Meech combined both social movement forms of organizing and traditional politicking. Ultimately, by gaining grassroots momentum, feminist activists could lend more force in terms of credibility, legitimacy and the sheer power of numbers, to the arguments pursued in the more formalized political channels. This combination of representational strategies proved effective in mobilizing support from various constituencies.

XII Challenges

Intra- and inter- movement alliances were not problem-free, and therefore they

should be examined in more detail. The second leg of the campaign still constituted an uphill contest, and the much needed efforts to broaden the base of feminist support faced significant hurdles.

National feminist organizations' quandary regarding the accommodation of Quebec feminists provides a prime example. The predominately anglophone national women's groups critical of the Accord continued to grapple with the opposing views of many Quebec women. While it is true that NAC, for example, had reached a cautious compromise with the FFQ, and its position presented before the joint committee was accepted by both the FFQ and NAC's national executive, the agreement was fragile and tensions remained. As will be discussed below, some feminists wanted NAC to reject the Meech Lake Accord in its entirety, something NAC refused to do.

Moreover, politicians consciously fanned the temporarily contained flames of feminist dissension. For instance, in the House of Commons, Prime Minister Mulroney quoted an article written by newspaper columnist Lysiane Gagnon who said she was enraged by the "insulting" scenarios of anglo women's groups on the distinct society versus equality rights issue.²⁴⁸ The intent, no doubt, was to de-legitimize feminist critiques and foster disarray within the women's movement. The Prime Minister, as well as some of the joint commissioners who had resorted to similar tactics, evidently thought that women posed enough of a threat to justify the employment of divide and conquer manoeuvres.

These tactics met with some success for there was a wide range of interests

and multiple senses of identity involved, complicating the attainment of consensus. From the perspective of many Quebec women, the rejection of Meech by feminists in the rest of Canada stemmed from anti-Quebec sentiments. At the same time, there was the inclination on the part of some feminists outside of Quebec to feel that Quebec women "had let their nationalism get in the way of their commitment to equality".²⁴⁹

In response, pressure was placed on NAC by groups like the Ad Hoc Committee to intensify its Meech critique.²⁵⁰ Ad Hockers' main priority was to defend the gains of 1982. For NAC, the problem became consolidating concerns over equality rights with what Quebec women wanted.²⁵¹ Yet, women from these groups and others also had to take into consideration the perspectives of Aboriginal women, women of colour, immigrant women, women with disabilities, and so on.²⁵²

For instance, tempers boiled over at NAC's 1988 AGM, when Ad Hockers, women of colour, immigrant women and women with disabilities challenged NAC's mediated position, and urged it to reject the Accord. Vickers, Rankin and Appelle describe the situation as follows:

In a painful session in which ad hoc activists marshalled minority women and women with disabilities as speakers, the compromise that had been struck in 1987 began to unravel. Newly mobilized groups of women presented reasons for their concern about the Accord's potential decentralizing effects, especially in terms of immigration policy and services and facilities for people with disabilities. They voiced anger at the fact that a compromise between the old established groups (French and English) should interfere with their right to express their own concerns to government.²⁵³

McPhedran recalls Ad Hoc and allies, such as women of colour activist Eunatic

Johnson, at that time from Thompson, Manitoba, speaking out. She explains:

we decided that we had to do it, and there was no way to do it backroom, because the NAC Executive was of one mind, or seemed to be. So we decided to fight it out on the floor. And you know, we churned out resolutions and paper flying, but what it really boiled down to was a whole bunch of women and organizations from across Canada weren't sure what to make of it with the FFQ women being very clearly pro-Meech and with the Ad Hoc, with disabled women, Aboriginal women, women of colour, ...saying well what about us? Why do we have to bear this risk?²⁵⁴

According to Barbara Cameron, who was on the NAC Executive at the beginning and end of the Meech period, NAC had started with a low profile on the Meech issue because it was trying to avoid a break. It had come to an understanding between women of Quebec and English Canada but then it had to accommodate the concerns of women of colour and immigrant women who were frustrated at the French/English focus.²⁵⁵ A diverse group of women wanted their concerns addressed with respect to issues such as immigration policy and facilities and services for the physically challenged. NAC responded by forming another special committee and reaching yet another compromise.²⁵⁶ In Cameron's recollection, it was here that Eunadie Johnson "used her authority to say that there should be a compromise that is inclusive for Quebec women."²⁵⁷

Nonetheless, the FFQ left NAC in 1989, explicitly due to disputes over simultaneous translation and voting rights but also, implicitly, because of the Meech Lake controversy.

By the end of the ratification period, Quebec feminists were exasperated and exhausted by the ordeal. Resentment over the entire process no doubt helped to

convince the FFQ in May of 1991 to approve a resolution in favour of Quebec separation.²⁵⁸ Consequently, many Quebec feminist organizations formally supported separation for the first time.

For multicultural organizations, Aboriginal groups and others, Meech's designation of distinct society and linguistic duality appeared to subordinate their concerns to Quebec. For example, Meech completely postponed the debate on Aboriginal self government. Similarly, immigrant women, women with disabilities, lesbians, northern women et cetera were off the Meech agenda. While Quebec wanted to ensure that its provincial powers were not dissipated further, francophones outside Quebec feared the consequences of a distinct Quebec. Given the diversity of the women's movement, feminist organizations had to consider all of these points of view and others. Women's interests included and intersected with these various collective identities.

To illustrate, let us consider the complexity of Aboriginal claims. As was the case for many feminists, the Meech Lake Accord surprised and angered many Aboriginal people.²⁵⁹ Upon Meech's release, the national aboriginal organizations, AFN, ITC, MNC and NCC rejected the agreement. Like women's groups critical of the Accord, Aboriginal organizations argued that Meech endangered their rights. Therefore, AFN, ITC, MNC and NCC, as well as NWAC argued that sections 25 and 35 of the earlier constitutional agreement should not be jeopardized with Meech. They also feared the weakening of federal responsibility with respect to social programmes. What is more, for Aboriginal peoples, Meech's distinct society

affirmation for Quebec was particularly problematic. Given that the provinces had stalled on Aboriginal sovereignty and self government due to the ambiguity and political indeterminacy of such terms, Meech's inclusion of the undefined "distinct society" for Quebec appeared inconsistent and unfair.

Aboriginal women agreed with the foregoing analysis but they also were concerned about the impact of Meech on their rights as both Aboriginal people and women.²⁶⁰ According to Lilianne Krosenbrink-Gelissen, Aboriginal women were apprehensive that Meech would "diminish the strength of constitutional rights of women...that the courts will have culture rights prevail over sexual equality rights."²⁶¹ Thus, they advocated autonomy and self determination of their peoples but also wanted their rights as women protected within the context of collective Aboriginal rights. Aboriginal women prompted the reopening of Meech to include adequate Aboriginal rights provisions²⁶² and to have their rights as women safeguarded. Otherwise, they made it perfectly clear that Meech was not their constitution.

National women's organizations, as a result, had to be very careful in their arguments and in their strategies. They could not appear to be speaking on behalf of a certain group of women, such as just Quebec or just Aboriginal women. Thus, intra-movement alliance building was akin to tight-rope walking as national feminist organizations had to consider the diversity of the women's movement and what was at stake for different women.

Inter-movement coalitions were not without their challenges either. Relations with potential alliance partners such as unions, the left and, relatedly, with members

of the NDP, were highly charged politically and often precarious. For example, the labour movement found itself in an awkward position vis-à-vis the NDP support of the Accord. In addition, like the women's movement, labour was divided given that it had representatives from both Quebec and the rest of Canada. As Jeremy Webber recounts, at first, few unions would bring together contingents from both in and outside of Quebec to discuss the Accord.²⁶³ Over time, some unions publicly denounced the document as flawed.²⁶⁴ In spite of these complicating factors, the CLC did present a brief to the joint committee and it did produce a critique of the Meech process. The unionist critique became most evident when the focus shifted to the federal spending power and national shared-cost programmes and when free trade issues became intertwined in the anti-Meech campaign. Thus, while feminist organizations had taken the initiative on the Meech, with greater emphasis on the spending clause, elements of labour and left rallied around, with women at the forefront of the campaign.²⁶⁵

The move to build intra- and inter-movement linkages was not easily accomplished. The number of actors and the range of issues had expanded. In fact, numerous, large women's movement and broader social movement meetings had to take place and in them discussions were both arduous and lengthy. Substantially more time was spent trying to work out positions than in the early eighties, given the expansion of concerns. It took time to reconcile positions, bridge rifts within the women's movement and activate broader social movement alliances. As a result of having to resolve these logistical problems, as well as deal with governmental

inflexibility, it took a while for feminist critiques to take hold.

However, the three year ratification period meant that oppositional mobilization could consolidate and would advance. For example, Cameron comments that Quebec feminists in NAC came to realize that anti-Meech feminist perspectives were not based on anti-Quebec feelings and that women outside Quebec had different relations to their federal governments than Quebec women.²⁶⁶ This became an important basis upon which to build greater understanding and future agreements. With a measure of consensus reached regarding the detrimental spending power provisions, there was movement from "micro" to "macro" networking. Then, inroads were made both in terms of reaching women at their kitchen tables, as well as politicians around their negotiating tables.

XIII The Implications of Ideas and Identities

Both identity politics and the promotion of ideas played a significant role in the Meech process. Politicians consistently invoked the idea that this was the "Quebec round," and in turn, it seemed that they explicitly prioritized the identity of Quebec. For many, this was problematic. In Raymond Breton's estimation, Meech Lake stressed a certain provincial level of politics, culture, society and economics, thereby "selectively reaffirm[ing] certain realities, objectives, and governmental responsibilities but ignor[ing] others".²⁶⁷ Donna Greschner argued that the government's role was indefensible because it was supposed to foster multiple identities and interests, not promote selective ones.²⁶⁸ For some feminist organizations also, the problem of designated "rounds" and particularized interests

was seen as contentious, as was noted above, in LEAF's brief to the Senate.

Since the motivation for Meech was the accommodation of Quebec, the affirmation of issues such as its distinctiveness and linguistic duality were central to the agreement. With such a singular focus the idea of two founding nations was reinforced. This failed to recognize that Aboriginal peoples were also a founding nation. Therefore, while Meech attempted to redress the territorially-based identity claims of Quebec, many other, both territorial and non-territorial, collective identities considered their needs and concerns disregarded or de-legitimized. In fact, the limits of dualism in Meech would lead feminist organizations like NAC, NAWL and Ad Hoc to consider more of a Three Nations perspective in the next constitutional round.

Although a response to Quebec's demands was certainly appropriate, the way in which the reply was formulated and how it was promoted detracted from the merits of Meech. The First Ministers appeared with a "done deal", failed to modify their positions, and propagated the discourse that any opposition to the agreement reflected an anti-Quebec stance. Thus, various political leaders, from joint commissioners to the Prime Minister, condemned Canadian women calling them anti-Quebec "while portraying Quebec women's organizations as the only voices that count."²⁶⁹ Name-calling spiralled to the point that the Prime Minister, in the House of Commons, defamed anglophone feminists, branding them "racists".²⁷⁰

The federal government's strategy was to disseminate ideas that would threaten intra-movement coalitions between feminists in and outside of Quebec. Political officials not only baited women, but set up a "lose-lose" scenario where

women were to support "Quebec" period, or support "women" period. According to Eberts:

the federal government and its closest allies among the provinces have said that no woman can be both- they have, by their manipulation of the issue told all Canadian women, wherever they live,...[if] they are for Quebec, they will drop their complaints about Meech; if they are for women they will persist with the complaints and run the risk of wrecking Confederation. To tell women across Canada, who have worked together for years to improve the status of women, that they must make these choices is insulting and totally unrealistic.²⁷¹

In addition, as Webber points out, the government took the approach that Meech had to be "sold".²⁷² Politicians aggressively pedalled the idea of Meech, a "product" that would appeal to Quebec and one that should be purchased by the rest of Canada, at any cost. Along with this was the idea that Meech had to be bought, lock, stock and barrel. With the government's reassurances, there was an underlying, condescending assumption that Meech (and the FTA as well) was too complex for ordinary people to understand. Citizens simply had to have confidence in, or be convinced of, the fact that the First Ministers had devised a good constitutional arrangement. However, this "sell job" was not enough for many Canadian women and men who had little reason to trust the representative and political capacities of their political leaders.

As the ratification time clock ticked on, the stakes were raised even higher, and loaded language increasingly was invoked.²⁷³ Pro-Meech politicians asserted that there would be disastrous consequences if Meech failed, and that the agreement was the key to keeping Canada together. Ironically, these dire predictions had the opposite effect. In this context of threat and reprobation, negativity with respect to

ideas like "distinct society" magnified, and there was a growing sense that Quebec had received special treatment. Then, when Premier Bourassa's used the notwithstanding clause, the rest of Canada grew indignant, and support for the Accord plummeted.

Clearly these ideas and identity politics issues affected the women's movement. To begin with, when feminist organizations entered into the Meech Lake debate, they had to react to the government's agenda and, to a degree, succumbed to its "elitist jurisdictional discourse."²⁷⁴ This contributed to the schism between Quebec women's groups and groups outside of Quebec. Moreover, it is not unrealistic to suggest that the discourse promulgated by politicians and the turn in public sympathy influenced both those feminists who had difficulty understanding the views of Quebec feminists and who supported distinct society claims, as well as those who supported the Meech effort as a whole.

Yet, while the government refused to deal with a plurality of issues, ideas and group identities when it came to Meech, the women's movement could no longer ignore diversity and the implications of intersecting identity politics. In fact, feminist organizations had little choice but to grapple with numerous cross-cutting identity politics issues. National organizations contained women from across the country, including francophone women from inside and outside of Quebec, and some Quebec feminists who supported Meech and others who did not. There were also white women, Aboriginal women, women of colour, immigrant women, able-bodied and women with disabilities, poor and rich, straight and gay, and so on, to consider. In

word, if often not in deed, feminist organizations had to consider diversity, as many of the briefs examined earlier attest.

What is more, collective identity-based groups and their multiple interests complexly intertwined. For example, consider the various allegiances of Aboriginal women from Quebec. These women did not take issue with the FFQ position in so far as they did not consider women's rights threatened in the Quebec context; however, they were worried as Aboriginal women with respect to section 16 of the Accord and its failure to protect their Aboriginal rights.²⁷⁵ At some point, these kinds of identity politics issues had to be dealt with in the feminist response to Meech.

By the late eighties, national women's organizations were being criticized for being led by primarily white, able-bodied, anglo, middle-class women. Thus, feminist organizations were compelled to be more sensitive to the perspectives of less privileged women. When these concerns were not addressed, or certain concerns seemed to be prioritized over others, there was conflict, as the NAC AGM illustrates. Hence, when the Meech campaign unfolded in this context, in contrast to the early eighties struggle, numerous meetings between various elements of the women's movement to contend with the multiple, inter-connected identities and issues became a necessity.

The relevance of neo-liberal ideas in relation to the women's movement must also be addressed. Their rise corresponded to the 1984 election of Brian Mulroney. In, for example, promoting free trade and beginning to advocate the "streamlining" of both government and government services, Prime Minister Mulroney's Conservative

government employed the discourse of neo-liberalism akin to that used in Britain and in the U.S. While Bashevkin has noted some differences between for example, Mulroney and Thatcher, with the former being more ideologically flexible and employing a more brokered approach,²⁷⁶ still Mulroney, Thatcher, as well as Reagan, were all "apostles of the New Right" and shared common ideas in terms of reducing the scope of government and size of public services.²⁷⁷

These ideas had practical repercussions. For example, not only did the Conservative government begin cutting core funding to feminist organizations in 1988, but it also began funding REAL Women. This group was committed to maintaining traditional family values and adamantly against feminist positions. While feminist organizations found themselves increasingly opposed to the government's neo-liberal plans and policies, and distanced from potential allies within the government and in the state, New Right groups like REAL women found allies in the Conservative's family caucus. Feminist organizations, therefore, mobilized with reduced resources and in a climate of anti-feminist backlash. Thus, here again it becomes clear that the promotion of certain ideas, and the de-legitimation of others had material consequences.

Relatedly, the discourse of "special interest" is noteworthy. The government used this notion to promote the view that extra-parliamentary opposition to Meech merely constituted a hindrance to the business of elected politicians. The assumption was not only that "special interests" had limited claims but also that their democratic credentials were in disrepute. This point was driven home when the government made

headway on its divide and conquer tactics that challenged the consensus in various communities. Women's groups fought back and created alliances. Nonetheless, through the frequent use of special interest group labelling, the government could delegitimize the views of feminist organizations and their allies. The special interest idea would also prove useful given the government's neo-liberal agenda. For instance, when the government had to justify cut backs to funding of such groups, it could write them off as special interests not worthy of governmental assistance. The idea of special interests, then, contributed to a chilly climate for feminist organizing. As the next chapter will attest, the temperature would drop even lower.

END NOTES: CHAPTER 4

1. The classic article which outlines this point of view: Alan C. Cairns, "Citizens (Outsiders) and Governments (Insiders) in Constitution-Making: The Case of Meech Lake," Canadian Public Policy 14 (Supplement 1988).

2. See Reginald Whitaker, A Sovereign Idea: Essays on Canada as a Democratic Community (Montreal & Kingston: McGill-Queen's University Press, 1992). See also, Richard Simeon, "Meech Lake and Shifting Conceptions of Canadian Federalism," Canadian Public Policy (Supplement 1988), as well as Robert Campbell and Leslie A. Pal, The Real Worlds of Canadian Politics: Cases in Process and Policy, 3rd ed. (Peterborough: Broadview Press, 1994), 143-144.

3. Simeon, 20.

4. Knopff and Morton, as well as Monahan long for an earlier constitutional status quo. Both criticize non-governmental constitutional activism. Knopff and Morton problematize Charter politics and what they call the "court party" i.e. groups that use the Charter as a vehicle for change. See Rainer Knopff and Ted Morton, Charter Politics (Calgary: Nelson, 1992). Monahan's work has become an apologia for elite accommodation as he chronicles the pitfalls of opening up the constitutional process and digressing from executive federalism. He concludes, "we should reinstate the boundary between constitutional and ordinary politics." See Patrick Monahan, Meech Lake: the Inside Story (Toronto: University of Toronto Press, 1991), 277. On the other hand, Coyne takes on Monahan noting that Meech Lake highlights the flaws in the elitist intergovernmental approach. See Deborah Coyne, Roll of the Dice (Toronto: Lorimer, 1992), 1-2. Similarly, Simeon questions the status quo: "elite accommodation - and the public deference it implies- seem increasingly at odds with the temper of modern democracy" Simeon, "Meech Lake," S22, and Whitaker recognizes Charter and constitutional-directed citizen activism for its democratic potential. See, for example, Reginald Whitaker, "Rights in a Free and Democratic Society: Abortion," in David Shugarman and Reginald Whitaker eds., Federalism and Political Community (Peterborough: Broadview Press, 1989). In more recent work, however, Whitaker has succumbed to the prevalent idea (echoing Cairns, for example) that these "new identities" may be more problematic given their fragmenting potential. See Whitaker, A Sovereign Idea, 279.

5. See Peter Russell, Constitutional Odyssey: Can Canadians Become a Sovereign People? 2nd ed., (Toronto: University of Toronto, 1993), 134.

6. Simeon follows Cairns presenting an institutionalist position. He explicitly writes, "The Charter enacted in 1982, with its guarantee of equality rights, has become the primary instrument- symbolically and legally- for the advance of women's interests." Simeon, "Meech Lake," S20.

7. Pierre Fournier, A Meech Lake Post-Mortem: Is Quebec Sovereignty Inevitable? (Montreal-Kingston: McGill-Queen's, 1991), 11.

8. The Quebec Liberal Party's basic requests were introduced in a policy paper, Mastering our Future, released before the provincial Quebec election. The five conditions were as follows: recognition as a "distinct society"; greater control of immigration; limitations on the federal spending power; three civil law justices on the Supreme Court; and a Quebec veto. See Russell, 134. See also, Campbell and Pal, (1994), 146; and Robert M. Campbell and Leslie A. Pal, The Real Worlds of Canadian Politics: Cases in Process and Policy (Peterborough: Broadview Press, 1989), 238.

Soon after the Liberals election victory, the new Intergovernmental Affairs Minister Gil Rémillard, made overtures to the federal government with respect to constitutional reconciliation. See Campbell and Pal, (1989), 239. Then, in a speech at Mont Gabriel, Rémillard set out Quebec's conditions based on the earlier Liberal policy paper. See Monahan, 44 and 57. See also, Andrew Cohen, A Deal Undone: The Making and Breaking of the Meech Lake Accord (Toronto: Douglas and McIntyre, 1990), 72.

9. Campbell and Pal, (1989), 241.

10. Russell, 135.

11. Cohen lists the key officials and advisors employed, but notes that at the actual meeting the Premiers were on their own, save for two public servants, the secretary to cabinet for federal-provincial relations, Norman Spector, and the assistant deputy minister for Alberta, Oryssia Lennie. According to Cohen, the two took notes. See Andrew Cohen, A Deal Undone: The Making and Breaking of the Meech Lake Accord (Toronto: Douglas and McIntyre, 1990), 5. Campbell and Pal note that each leader had a small "team". For instance, on behalf of the federal government, beyond Senator Lowell Murray and Spector, Mulroney brought along his personal secretary Bernard Roy, the deputy minister of justice (now Supreme Court judge) Frank Iacobucci, and constitutional specialist and Quebec Senator Arthur Tremblay. See Campbell and Pal, (1989), 244.

12. "Canada's New Deal," Maclean's, 100:24 (June 15, 1987), 9. The procedure consisted of the Prime Minister and Premiers drafting a tentative proposal. Each political leader would then leave the room to discuss the text with their respective delegations, and return to the meeting with a formal response.

13. These concessions came as a response to demands by Premiers Peterson and Hatfield. Peterson felt pressured by multicultural groups, and Hatfield by First Nations organizations. See "Gruelling search for words ran 19 hours," Globe and Mail, Thursday, June 4, 1987, A14.

14. Rosemary McCarney quoted in "Critics want chance to press for revisions," Globe and Mail, Thursday, June 4, 1987, 11.

15. The discourse of eleven (white) men in suits gained great resonance. Even Campbell and Pal note, "the sight of exhausted politicians emerging from their marathon sessions generated the image of eleven men in suits remaking the constitution under duress behind closed doors." Campbell and Pal, (1994), 146.

16. Cohen also notes that although Premier Ghiz was of Lebanese descent, he did not self-identify in this way. See Cohen, 53. To be sure, some key advisors and aides were women, Oryssia Lennie, as already has been noted, as well as Diane Wilhelmy who worked closely with Premier Bourassa. However, ultimately, decisions were made by a closed, select group of politicians and strategists.

17. Senator Lowell Murray, Telegraph Journal, September 2, 1987, as quoted in New Brunswick Advisory Council on the Status of Women, "Equality Rights and The Meech Lake Accord: Keep the Charter Strong," (December 8, 1987), pamphlet.

18. This was the fear expressed in A. Wayne Mackay's presentation, "Constitutional Vision or Legal Nightmare," Submission to the Special Joint Committee on the 1987 Constitutional Accord (Ottawa, August 5, 1989), 2.

19. "Canada's New Deal," 9-10.

20. Monahan suggests they were most concerned about curtailing the federal spending power. See Monahan, 101-102.

21. As quoted in "Canada's New Deal," 8.

22. As quoted in Campbell and Pal, (1989), 255.

23. Campbell and Pal, (1989), 239-240.

24. See "Dissidents keep silent after talk with Turner," Globe and Mail, Thursday, June 4, 1987, A11. See also, "Canada's New Deal," 10.

25. Campbell and Pal, (1989), 242. Despite the NDP's accommodative efforts, there were tensions, particularly between the federal leader, Broadbent, and the Quebec NDP leader Jean-Paul Harney. The latter promptly registered disapproval of the Accord on behalf of the Quebec-NDP. The federal party, however, maintained its pro-Meech position. This led to the eventual Quebec-NDP break from the federal NDP ranks.

26. See "NDP ties Liberals at 38% poll says," Globe and Mail, Saturday, May 30, 1987, A5.

27. Consider the piece he wrote for the press later on in the process, Howard Pawley, "Meech Lake; Equality the key to future unity: Compromise, goodwill crucial, writes an ex-premier," Globe and Mail, Thursday, November 9, 1989, A7.
28. "Canada's New Deal," 9.
29. Albert Breton, Supplementary Statement, Report of the Royal Commission on the Economic Union and Development Prospects for Canada, Vol.3 (Ottawa: Minister of Supply and Services Canada, 1985), 493.
30. Monahan, 119.
31. "Native chiefs demand role at meeting on Quebec," Globe and Mail, Saturday, April 25, 1987, A2.
32. See, "Women, natives, legal experts working for Meech Lake delay," Globe and Mail, Friday, May 29, 1987, A5. See also, Monahan, 119.
33. See "Women, natives, legal experts," A5. See also, "Social welfare groups join Trudeau attack on Meech," Globe and Mail, Saturday, May 30, 1987, A6.
34. Penikett quoted in Cohen, 275. See also, Penikett in Cairns, "Citizens (Outsiders)...", S126.
35. "Indians demonstrate outside talks to press self-government demand," Globe and Mail, Wednesday, June 1, 1987, A9.
36. Cohen, 100.
37. See Government of Canada, A Guide to the Constitutional Accord, June 3, 1987 (Ottawa: Supply and Services, 1987). Also printed in its entirety, Globe and Mail, Thursday, June 4, 1987.
38. Peter Russell, "Towards a New Constitutional Process," 141.
39. Bryan Schwartz, Fathoming Meech Lake (Winnipeg: Legal Research Institute of the University of Manitoba, 1987), 4.
40. Ibid. See also, "Constitutional process criticized," Globe and Mail, Wednesday, February 3, 1988, 5, where Peter Hogg, is quoted as saying, "The Meech Lake process is terrible because it is just first ministers sitting around a table reaching agreements."
41. This was Mulroney's emotive plea. See "Accord Welcomes back Quebec," Globe and Mail, Thursday, June 4, 1987, 1.

42. Gold provides this information in response to questions raised before the Senate hearings. See Senate of Canada, "Proceedings of the Senate Submissions Group on the Meech Lake Constitutional Accord," (1986-87-88), 5:38-39.

43. Monahan, 141.

44. Barbara Roberts, "Smooth Sailing or Storm Warning? Canadian and Quebec Women's Groups and the Meech Lake Accord," Feminist Perspectives, Canadian Research Institute for the Advancement of Women (Ottawa, 1988), 40.

45. Fédération des femmes du Québec, "Presentation of the Fédération des Femmes du Québec to the Joint Committee of the Senate and the House of Commons," (Montreal: August 26, 1987), as contained in Roberts, 27.

46. The CACSW, NAC and CDCAA registered their dissatisfaction with respect to threats to national standards on social programmes like day care. See "Day care called testing ground for new policy," Globe and Mail, Thursday, June 4, 1987, A9. NAC, CEC and NAPO demanded changes to the agreement. See "Critics want chance to press for revisions," Globe and Mail, Thursday, June 4, 1987, A11.

47. Marilou McPhedran interview, November 20, 1995.

48. Mary Eberts, Ad Hoc group interview, November 16, 1995.

49. Ad Hoc Committee meeting minutes, July 30, 1987, Nancy Ruth personal files.

50. Gold, "Senate Proceedings," 5:39.

51. Telegram to First Ministers and Responses, Appendix A, LEAF brief. The contact people here are listed as: Beth Atcheson, VP; Christie Jefferson, Director General; and in Montreal Lucie Lamarche.

52. Brian Mulroney, letter to LEAF, dated July 31, 1987.

53. Premier Joseph Ghiz, letter to LEAF, dated June 26, 1987.

54. In a letter to the editor, one woman wrote: "The Globe and Mail uses the same paternalistic sales pitch as the fellows who threw this thing together out in the garage one night after supper: just sign here and don't worry about a thing. Sorry, but we would like to read the fine print and think things over and maybe make some changes before we sign anything." Letter written by Marian Fraser, Letters to the Editor, Globe and Mail, May 4, 1987.

55. Marilou McPhedran interview, November 20, 1995.

56. Gold, "Senate Proceedings," 5:39.

57. The meeting took place on July 30, 1987. See Roberts, 35-36.

58. McPhedran recalls. "I was involved in two of the presentations. I was involved in the LEAF analysis and I was also involved in Ad Hoc. And the LEAF analysis was originally done by Lucie Lamarche, Beth Symes, myself, I think it was the three of us who actually ended up on Parliament Hill." Marilou McPhedran interview, November 20, 1995.

59. Beverley Baines interview, April 13, 1995.

60. Barbara Cameron interview, April 12, 1995.

61. Marilou McPhedran interview, November 20, 1995.

62. As will become apparent, when women like Lucie Lamarche returned to Montreal, however, the anti-Meech positions they articulated were received with hostility from feminist organizations in Quebec.

63. Jillian Riddington, DAWN-BC, expressed this before the Senate Committee. See Senate of Canada, "Proceedings of the Senate Submissions Group on the Meech Lake Constitutional Accord," (1986-87-88), 3:82-83.

64. Three other organizations, the Canadian Day Care Advocacy Association, Canadian Nurses Association and Freedom of Choice also appeared but will not be examined as they are geared to single issues of concern to many women, and not to a multiplicity of status of women issues like the other national women's organizations focused on thus far. For a comment on these groups, see Campbell and Pal, (1989), 268-270. It is important to point out however, these groups had linkages with many of the multi-issue feminist organizations, with, for instance, the CDCAA work with NAC. These groups had a similar focus with respect to Meech. For example, the CDCAA's main dispute was with section 7. This was also the primary issue for the Canadian Nurses Association which feared the impact the Accord would have on the Canadian health care system given the section 7 clause. See The Canadian Day Care Advocacy Association, "Brief submitted to the Special Joint committee on the 1987 Constitutional Accord," (August 13, 1987. See also, Roberts, 37-38.

65. See Baines on this point: Beverley Baines, "Gender and the Meech Lake Committee," Queen's Quarterly 94:9 (Winter 1987), 809.

Further, see the following issues of Government of Canada, Special Joint Committee of the Senate and the House of Commons on the 1987 Constitutional Accord, Minutes and Proceedings and Evidence (Ottawa: 1987): Ad Hoc (August 31, 1987), 15:127-156; CACSW (August 20, 1987), 10:82-106; LEAF (August 5, 1987), 3:110-137; NAC (August 26, 1987), 13:21-42; NAWL (August 4, 1987), 2:79-97. In addition, the CSF (August 31, 1987), 15:79-91 and the FFQ (August 26, 1987), 13.

66. It stated, "NAWL does not wish to overstate the potential for conflict between 'distinct society' and 'sexual equality', or imply that it will happen. However, the potential conflict does exist." See National Association of Women and the Law, "Brief to the Special Joint Committee on the 1987 Constitutional Accord," July 24, 1987, 9.

67. See A. Anne McLellan, "Women and the Process of Constitutional Reform," A Discussion Paper Prepared for the Alberta Advisory Council on Women's Issues (May 1991), 19, note 25; see also, Beverley Baines, "Women's Equality and the Meech Lake Accord," Saskatchewan Law Review 52: 2 (1988), 272.

68. See National Association of Women and the Law, "Brief to the Special Joint Committee on the 1987 Constitutional Accord," July 24, 1987; see also, NAWL brief quoted in Baines, "Women's Equality," 280.

69. LEAF notes its accord with NAWL on this issue in its brief, See, Women's Legal Education and Action Fund Inc., "Brief to the Joint Committee of the Senate and of the House of Commons on the 1987 Constitutional Accord," (September 1987), 14. (Note, although LEAF appeared before the Special Committee August 5, 1987, it did not submit its brief until September).

NAWL urged that the criteria found in the Canada Health Act (with respect to public administration on a non-profit basis; comprehensiveness; universality; portability; accessibility; information on the programme) be part of what was considered to be "national objectives" in section 7. See McLellan, 21.

70. This issue is raised in relation to First Nation's claims as well. Cairns emphasizes that Georges Erasmus, National Chief of the AFN, "categorically rejected the statement of the Special Joint Committee Report that aboriginal First Nations were appropriately represented by the first ministers aboriginal voters helped to elect. 'This bland assertion,' Erasmus retorted, 'that First Nations and their governments are represented by non-aboriginal politicians who have no interest, demonstrated or latent, in advocating our rights is bogus and is without foundation in fact or action.'" Erasmus as quoted in Cairns, "Citizen's (Outsiders) and Governments (Insiders)," S125.

71. NAWL brief, 14. See also, Roberts, 13-14.

72. LEAF, "Joint Committee Brief," 11. For subsequent citations, see page numbers in text.

73. Canadian Advisory Council on the Status of Women, "Brief to the Special Joint Committee on the 1987 Accord," i.

74. National Action Committee on the Status of Women, "Brief on the 1987 Constitutional Accord," (Ottawa: August 26, 1987), 16, and NAWL, Joint

Committee Brief, 21.

75. This point and many others had been raised earlier in a presentation by NAWL, and later echoed by LEAF.

76. "Women say equality issues unquestionably at risk in Accord," Globe and Mail, Thursday, August 27, 1987.

77. Canadian Advisory Council, "Brief to the Special Joint Committee on the 1987 Accord," (Ottawa: August 20, 1987), 6.

78. Ibid. See page numbers in text.

79. See Roberts, 14-15.

80. Jill Vickers, Pauline Rankin, Christine Appelle, Politics As If Women Mattered: A Political Analysis of the National Action Committee on the Status of Women (Toronto: University of Toronto Press, 1993), 275.

81. NAC, "Joint Committee Brief", 4.

82. Ibid.

83. Vickers, Rankin, Appelle, 276.

84. Roberts, 39-40.

85. This point made by NAC is highlighted in the following pamphlet: New Brunswick Advisory Council on the Status of Women, "Equality Rights and The Meech Lake Accord: Keep the Charter Strong," (December 8, 1987).

86. Roberts, 42.

87. NAC, "Joint Committee brief," 10.

88. At the NAC AGM, the Ad Hoc Committee women "sought to disrupt NAC's compromise and to persuade the AGM to adopt a position that rejected the accord." Vickers, Rankin, Appelle, 276.

89. Ginette Busque, "Why Women Should Care About Constitutional Reform," in David Schneiderman ed., Conversations Among Friends/ Entre Amis: Proceedings of an Interdisciplinary Conference on Women and Constitutional Reform (Edmonton: Centre for Constitutional Studies, 1991), 15.

90. Le collectif Clio, L'histoire des femmes au Québec depuis quatre siècles (Quebec: Le jour éditeur, 1992), 596.

91. See Fédération des femmes du Québec, "Presentation of the Fédération des Femmes du Québec to the Joint Committee of the Senate and the House of Commons," (Montreal: August 26, 1987), translation of full text found in the Robert's Appendix, 27. The brief is also reprinted in Michael D. Behiels, The Meech Lake Primer (Ottawa: University of Ottawa Press, 1989), 296.

92. FFQ position as summarized in Lynn Smith, "The Distinct Society Clause in the Meech Lake Accord: Could it Affect Equality Rights for Women?" in Katherine Swinton and Carol Rogerson, eds., Competing Constitutional Visions: The Meech Lake Accord (Calgary: Carswell, 1988), 46. For a critique of the FFQ's position from a Quebec feminist involved with LEAF, see Lucie Lamarche, "Perspective féministe d'une certaine société distincte: Les Québécoises et l'accord du lac Meech," in Swinton and Rogerson, 21-33.

93. Roberts, 4.

94. Quebec Council on the Status of Women's testimony, Government of Canada, Special Joint Committee of the Senate and the House of Commons on the 1987 Constitutional Accord, Minutes of Proceedings and Evidence, August 31, 1987 Issue 15: 79-91.

95. According to Smith, FRAPPE, Femmes regroupées pour l'accessibilité au pouvoir politique et économique, supported NAWL's position. See Smith, 40, note 17.

96. Baines points out these differences in the two presentations. See Baines, "Gender and Meech," 812. Monahan also notes that Francine McKenzie of the Quebec Council on the Status of Women declared that distinct society would not be detrimental to women's equality rights. See Monahan, 142.

97. Thus, the CSF's presentation revolved around the distinct society clause and how it did not affect the equality rights of women in Quebec. Moreover, in relation to section 16, the CSF did not believe that women could make a parallel argument to First Nations and multicultural rights. See Roberts, 41-42.

98. FFQ, "Brief to the Joint Committee," in Roberts, 28.

99. Ibid. See also Baines, "Gender and Meech," 812-813.

100. McLellan, 16, note 19.

101. FFQ "Brief to the Joint Committee," in Roberts, 29.

102. The feminist press pointed to the lack of consensus on Meech between women's groups. See Susan Cole, "Meech Lake: Troubled Waters," Broadside 9:2 (November 1987), 3.

103. Vickers, Rankin and Appelle, 9.

104. Roberts, 19.

105. Ultimately, the ministers "were motivated by 'political reasons' as they believed that a distinct society subject to review of the Charter would be 'meaningless'". These are comments made in a letter written by Maude Barlow, published under the title: "Deliberate Decision," in Broadside 9:3 (December 1987/January 1988), 3.

106. André Ouellette quoted in Cohen, 149.

107. Four of the five Liberal members issued an addendum which recommended amendments to the Accord, but John Turner announced that the party would support the Accord in the House of Commons even if these changes were not made.

108. Eberts notes that on reading the Report, "finding that the points made on behalf of women and other equality seekers in our written briefs were misquoted in order to make us look like a bunch of ninnyes and Confederation wreckers." See Mary Eberts, "The Charter and Meech Lake: A Negative View," in Gerald A. Beaudoin, As the Charter Evolves (Cowansville: Les éditions Yvon Blais, 1990), 274.

109. Behiels, 289.

110. See Baines detailed discussion on this issue in Baines, "Gender and Meech," 807-814.

111. See Special Joint Committee on the Senate and the House of Commons, The 1987 Constitutional Accord Hearing's Report (Ottawa, August 1987), 53.

112. Ibid., 68 and 73. This position was maintained even though Louise Dulude of NAC replied that, given the Courts' patchy record with regards to women, they "cannot leave something so basic to the courts." "Women plan public campaign for accord changes," Globe and Mail, Wednesday, September 23, 1987, A3.

113. Ibid., 76.

114. Beverley Baines, "Consider, Sir...On what does your constitution rest? Representational and Institutional Reform," in David Schneiderman ed., Conversations Among Friends/ Entre Amis. Proceedings of an Interdisciplinary Conference on Women and Constitutional Reform (Edmonton: Centre for Constitutional Studies, 1991), 56.

115. Eberts suggests, for example: "when the federal committee put out its report, they trashed me personally, and I knew the people who wrote that report and I knew that they personally did not think that I was an idiot, so they must have been asked to say something to discredit us." Mary Eberts, Ad Hoc group interview, November 16,

1995.

116. Gold, "Senate Proceedings," 5: 34.

117. For example by the end of August, Ad Hoc had drawn up a contact sheet that included a long list of groups that ranged from the Elizabeth Fry Society and Soroptimist, to the Labrador West Status of Women and the Junior Leagues. Nancy Ruth personal files.

118. Roberts, 43-45.

119. Letter from CCLOW to Nancy Jackman, dated August 31, 1987. Nancy Ruth personal files.

120. Beverley Baines interview, April 13, 1995.

121. Cole wrote that some feminists had criticized LEAF for its abstract arguments. Cole, 3. Judy Rebick who would later become president of NAC, also had problems with what she considered to be "obscure, legal interpretations" of the distinct society critique taken by groups like Ad Hoc. Judy Rebick interview, November 15, 1995.

122. See LEAF telegram sent to First Ministers at Hilton International Hotel, Saint John, dated August 28, 1987.

123. Women's Legal Education and Action Fund, "Statement to the Senate of Canada Committee of the Whole on the Meech Lake Constitutional Accord," (March 16, 1988), 2.

124. Bulletin, no date, Nancy Ruth personal files.

125. Roberts, 40.

126. Ad Hoc Committee on the Meech Lake Accord and Women, "Memo to Ad Hoc members," November 17, 1987.

127. "Women prepare campaign on Accord," Globe and Mail, Wednesday, September 23, 1987, 15.

128. Ad Hoc meeting notes, November 24, 1987; Nancy Ruth personal files.

129. Much of this was coordinated by Linda Nye and Pat Hacker. See Ad Hoc Steering Committee Minutes, April 22, 1988; Marilou McPhedran personal files.

130. See, Jeri Bjornson, Ad Hoc Committee of Manitoba Women's Equality Seeking Groups, Senate of Canada, "Proceedings of the Senate Submissions Group on the Meech Lake Constitutional Accord," (1986-87-88) 1:104.

131. LEAF, "Statement to the Senate," 5.

132. Ibid.

133. Ibid., 13.

134. Senator Macquarrie, in Senate of Canada, "Proceedings of the Senate Submissions Group on the Meech Lake Constitutional Accord," (1986-87-88), 1:91.

135. Ibid., 1:92.

136. For example, Ad Hoc arranged for letters in support of its position to be sent to the Committee from a variety of women's groups. These included letters from groups like the BPW, FWTAO, Elizabeth Fry Society, and VOW, as well as from individuals like Paula Bourne, Acting Head of the Centre for Women's Studies in Education, at the Ontario Institute for Studies in Education. Marilou McPhedran, personal files.

137. Memorandum from Beth Atcheson of Ad Hoc to LEAF, dated February 19, 1988; Marilou McPhedran personal files.

138. Nancy Ruth, Ad Hoc group interview, November 16, 1995.

139. This round table discussion took place on June 3, with Beth Atcheson, Beverley Baines, Anne Bayefsky, Ramsay Cook, Mary Eberts, Robin Elliot, Nancy Jackman, Lucie Lamarche and Marilou McPhedran. Nancy Ruth personal files.

140. This kit was distributed to women's groups in Ontario and to the provincial branches of LEAF.

141. Russell, 143.

142. These rifts were in the party from the beginning. See, "Liberals try to avoid split over accord," Globe and Mail, Friday, May 29, 1987, A1; and "Turner aides revolt over Meech Lake support: Liberal dissent fuelled by critics of leadership," Globe and Mail, Monday, June 1, 1987, A5. However, Turner's hard line against members of the Liberal parliamentary caucus softened over time. See, "Dissidents keep silent after talk with Turner," Globe and Mail, Thursday, June 4, 1987, A11.

143. Campbell and Pai write,: "On 23 June 1988, the House of Commons voted 200 to 7 to override the Senate amendments...four Liberals voted against (Caccia, Penner, Berger, Finestone), while eight were absent and two abstained. Two NDP members abstained (McCurdy, Robinson) and one voted against (Audrey McLaughlin). conservative David Nickerson voted against." See Campbell and Pai, (1989), 281.

144. Ontario, Legislative Assembly, Select Committee on Constitutional Reform (1987-1988), "Report on the Constitution Amendment 1987."

145. See, for example, Mary Eberts' Brief to the Ontario Select Committee on Constitutional Reform, 1987 Accord, published as: Mary Eberts, "The Constitution, The Charter and the Distinct Society Clause: Why Are Women Being Ignored?" in Behiels, 302-320. See also, Committee of Persons with Disabilities on the Constitution, "Brief to the Select Committee on Ontario in Confederation," August 1, 1991. For a detailed analysis of the Select Committee Reports, see Ad Hoc Committee of Women on the Constitution, "Critique of the Report of the Select Committee on Constitutional Reform," February 1989.

146. See "Ontario, B.C. pass pact," Globe and Mail, Thursday, June 30, 1988, A2. See also, "Ontario, B.C. vote to approve Meech," Globe and Mail, Thursday, June 30, 1988, A1.

147. Ibid., A2.

148. "Stage set for Ontario to back pact," Globe and Mail, Friday, June 24, 1988, A4.

149. See Bogart's review of the literature on this issue. W.A. Bogart, Courts and Country: The Limits of Litigation and the Social and Political Life of Canada (Toronto: Oxford University Press, 1994), 283.

150. See, for example, Legislative Assembly of New Brunswick, Select Committee on the 1987 Constitutional Accord, "Final Report on the Constitution Amendment 1987," Second Session, Fifty-First Legislature.

151. See Manitoba Task Force on Meech Lake, "Report on the 1987 Constitutional Accord," (October 21, 1989). See also, Monahan, 175-176.

152. Campbell and Pal write: "The Quebec government was the only one that offered hearings on the Meech Lake principles, before they were translated into constitutional terms at the Langevin meeting in June. The hearings were televised and were open to the public. They were nonetheless fairly constrained: they would last for but six days, five of which were devoted to hearing experts and witnesses." Campbell and Pal, (1989) 255.

153. See McLellan, 18.

154. On the Manitoba hearings, see Kathy Brock, A Mandate Fulfilled: Constitutional Reform and the Manitoba Task Force on Meech Lake. A Project sponsored by the University of Manitoba Outreach Fund, December 1990.

155. Russell, 147.

156. Consider the extensive participation by women's organizations in the legislative hearings. For example, in Manitoba, a very large number of representatives from women's organizations appeared, including: the Ad Hoc Committee of Women's Equality Seeking Groups on the Meech Lake Accord; Immigrant Women's Association; Indigenous Women's Collective of Manitoba Indians; Manitoba Advisory Council on the Status of Women; Manitoba Association of Women and the Law; Manitoba Métis Women's Alliance; Manitoba Women's Agenda; Manitoba Women's Institute; Provincial Council of Women; Status of Women Equality in Education; Thompson Action Committee on the Status of Women, University Women's Club; and the YWCA, among others. In New Brunswick, presentations were made by the following women's organizations: Association des femmes collaboratrices francophones du Nouveau Brunswick; Association nationale de la femme et le droit; Business and Professional Women's Club of New Brunswick; Canadian Federation of University Women; Cercle des dames d'Acadie de Dieppe; Cercle des dames d'Acadie de Shippagan; Fédération des dames d'Acadie; Fredericton University Women's Club; Jemseg Women's Institute; Le réseau national de l'action éducation femme; New Brunswick Native Indian Women's Council; and New Brunswick Women's Institute.

157. See "Accord faces rough ride in Manitoba legislature," Globe and Mail, Monday, June 11, 1990, A13.

158. Ibid.

159. WCER letter to Ad Hoc, dated January 5, 1990; Nancy Ruth personal files.

160. Sue Findlay interview, April 11, 1995; Ann Molgat interview, November 21, 1995.

161. In a letter written to Marilou McPhedran, written by Gladys Worthington and Paula Mallea, September 7, 1988, Ad Hoc is thanked for sending its Action Package along with \$1,500: "It will be used to develop our rural lobby (approximately 76 contacts to date) for effective representation and presentations at the forthcoming Manitoba public hearings." Marilou McPhedran personal files.

162. Fax from Marilou McPhedran to Nancy Ruth, December 4, 1989, includes a request for airfare for Mallea; Marilou McPhedran personal files. Nancy Jackman paid for Paula this, as verified in correspondence between Paula Mallea and Marilou McPhedran; Marilou McPhedran, personal files.

163. These women are signatories to the Ad Hoc's, "Open Letter to the First Ministers From Canadian Women," no date.

164. Fax from MACSW to Ad Hoc, April 21, 1989; Nancy Ruth personal files.

165. New Brunswick Advisory Council on the Status of Women, "Equality Rights and The Meech Lake Accord: Keep the Charter Strong," (December 8, 1987), pamphlet.

166. Ad Hoc Committee on Women and the Constitution, New Brunswick Strategy Group, March 7, 1989; Marilou McPhedran personal files.

167. Nancy Ruth personal files.

168. Personal memo from Gayle MacDonald to Nancy Jackman, September 28, 1988; Nancy Ruth personal files.

169. See New Brunswick Strategy Group letter; Marilou McPhedran personal files. See also letter to Premier Frank McKenna dated February 21, 1989; Nancy Ruth personal files.

170. See Ad Hoc Committee of Canadian Women on the Constitution, "Memorandum," to: First Ministers Conference, Ottawa, November 9-10, 1989. See also, "We Can Afford a Better Accord," Ad Hoc Press Release, Ottawa, November 9, 1989.

171. See, for example, "We Can Afford a Better Accord," Ad Hoc Press Release, Toronto, February 23, 1989.

172. See Monahan, 192; see also, McLellan, 18.

173. Monahan, 192.

174. George Matthews, Quiet Resolution: Quebec's Challenge to Canada (Toronto: Summerhill Press, 1990), 96-97.

175. See "Eloquence, tears, euphoria, rage, all part of seven day Meech war," Globe and Mail, Monday, June 11, 1990, A1. See the divergent interpretations in Monahan versus Coyne. See also, Sharon Carstairs, Not One of the Boys (Toronto: MacMillan, 1993), 207.

176. Judy Rebick as quoted in, "Women, natives excluded in deal, groups say," Globe and Mail, Monday, June 11, 1990, A10.

177. See "The first ministers' agreement," Globe and Mail, Monday, June 11, 1990, A7. See also, Russell, 150-151.

178. "Women, natives excluded in deal," A10.

179. See Pauline Comeau, "The Man Who Said No," Canadian Forum 69:791 (July/August 1990), 7-11. See also, Radha Jhappan, "Inherency, Three Nations and Collective Rights: the Evolution of Aboriginal Constitutional Discourse from 1982 to

the Charlottetown Accord," International Journal of Canadian Studies 7-8 (Spring/Fall, 1993), 230-231.

180.Coyne, 134.

181.Comeau, 7.

182.Chief Elijah Harper, "First Nation: Killing the Meech Lake constitutional proposals in Manitoba Legislature," The Parliamentarian 72:3 (July 1991), 179.

183.See "Accord faces rough ride in Manitoba Legislature," Globe and Mail, Monday, June 11, 1990, A13; and, "Native MLA blocks debate on Meech," Globe and Mail, June 13, 1990, A1.

184.See Philip Resnick, Toward a Canada-Quebec Union (Montreal, Kingston: McGill-Queen's University Press, 1991), 9. See also, Coyne, 131.

185.Harper, 179.

186.Early in the process, Greschner published work from a feminist perspective, critical of the Accord. See, for example, Donna Greschner, "How Not to Drown in Meech Lake: Rules, Principles and Women's Equality Rights," in Katherine E. Swinton and Carol J. Rogerson, Competing Constitutional Visions: The Meech Lake Accord (Toronto: Carswell, 1988), 55-63.

187.Liz Stimpson interview, January 26, 1996.

188.Fax from Marilou McPhedran to Lorna Marsden, June 23, 1990; Marilou McPhedran personal files.

189.See for example, "Meech much on first ministers' minds although agenda focuses on economy," Globe and Mail, Thursday, November 9, 1989, A1.

190 As quoted in "Confrontation makes another comeback, First ministers' vaunted unanimity was short-lived," Globe and Mail, Monday, November 6, 1989, A12.

191.Monahan, 150.

192.On these connections, see Resnick, 4-5.

193.See Coyne, 54-55.

194.See "Women, natives excluded from deal groups say," Globe and Mail, Monday, June 11, 1990, A10.

195. See Glen Williams, "Regions Within Regions: Continentalism Ascendant," in Michael S. Whittington and Glen Williams, Canadian Politics in the 1990's (Toronto: Nelson, 1995), 19-39.

196. Fournier, 75.

197. Resnick, 4-5.

198. Vickers, Rankin, Appelle, 148.

199. See Maureen O'Neil, "Citizenship and Social Change: Canadian Women's Struggle for Equality," in William Kaplan, Belonging: The Meaning and Future of Canadian Citizenship (Montreal & Kingston: McGill-Queen's University Press, 1993), 322.

200. See Sandra Burt, "The Women's Movement: Working to Transform Public Life," in James P. Bickerton and Alain G. Gagnon, Canadian Politics (Peterborough: Broadview Press, 1994), 20.

201. See Sylvia Bashevkin, "Confronting Neo-conservatism: Anglo-American Women's Movements under Thatcher, Reagan and Mulroney," International Political Science Review 15:3 (1994), 280.

202. Sylvia Bashevkin, "Free Trade and Canadian Feminism: The Case of the National Action Committee on the Status of Women," Canadian Public Policy 15:4 (1989): 363-375.

203. Ad Hoc memo to members, November 23, 1988; Nancy Ruth personal files.

204. Campbell and Pal, (1989), 236.

205. Monahan, 47-48.

206. See Cohen, vii and 5.

207. For instance, Senate positions were granted to Meech advocates like Gérald Beaudoin. Cohen, 185.

208. Ibid., 199.

209. "Dissidents keep silent after talk with Turner," Globe and Mail, Thursday, June 4, 1987.

210. "NDP veterans troubled by Quebec focus," Globe and Mail, Tuesday, May 24, 1988, A3.

211. Marilou McPhedran interview, November 20, 1995.

212. For instance, Campbell and Pal note, that in Manitoba, early on, Premier Pawley faced "anti-accord sentiment from senior members of the provincial NDP, who were canvassing support for the presentation of an anti-accord motion at the party's annual convention." Campbell and Pal, 1989, 274.

213. Beverley Baines interview, April 13, 1995.

214. On July 20, 1987, Audrey McLaughlin, won a by-election for the NDP in the Yukon on an anti-Meech platform distant from the federal NDP position.

215. See Carstairs, *passim*.

216. For example, Sharon Carstairs becomes leading opponent of Meech, but in her memoirs, there is no indication that feminist activists' analyses influenced her anti-Meech position. She only mentions Aboriginal movement support for Elijah Harper, and feminist organizations, namely NAC, only come up in relation to Charlottetown. See Carstairs, 207.

217. Nancy Ruth personal files. For example, Lorna Marsden wrote a letter to Marilou McPhedran, dated April 21, 1988, in which Marsden lists Senate members who were interested in Meech; Marilou McPhedran personal files.

218. Beverley Baines interview, April 13, 1995.

219. Nancy Ruth personal files.

220. Ad Hoc group interview, November 16, 1995.

221. Pauline Jewett, MP, Interview, CBC "As it Happens," September 21, 1987.

222. Brooke Jeffrey, Strange Bedfellows. Trying Times (Toronto: Key Porter, 1993), 4.

223. Sue Findlay, "Facing the State: The Politics of the Women's Movement Reconsidered," in Heather Jon Maroney and Meg Luxton eds. Feminism and Political Economy (Toronto: Methuen, 1987).

224. O'Neil, 325.

225. *Ibid.*

226. Marilou McPhedran interview, November 20, 1995.

227. Whitaker writes that Mulroney had a "mistrust of a bureaucracy that had such long and close relations with their Liberal rivals." See Reg Whitaker, "Politicians and Bureaucrats in the Policy Process," in Michael S. Whittington and Glen Williams, Canadian Politics in the 1990's (Toronto: Nelson, 1995), 434.

228. Behiels, 288.

229. The REAL women/Conservative caucus connections would affect government programs and policies. As the government cut funding to feminist organizations, it provided funds to REAL women, for the first time. See O'Neil, 322-325.

230. Burt, 220.

231. "NAC: Process Problematics," Broadside 10:5 (August/September 1989), 7.

232. Russell, 152.

233. Barbara Cameron interview, April 12, 1995.

234. Judy Rebick interview, November 15, 1995.

235. Barbara Cameron interview, April 12, 1995.

236. Ad Hoc Committee on the Meech Lake Accord and Women, "Memo to Ad Hoc members," November 17, 1987.

237. See, for example, "N.S. women have concerns about the Meech Lake Accord," Pandora 3:1 (September-December 1987), 2. Regional representatives of national organizations, such as CCLOW, CRIAW, LEAF, NAC, NAWL, organized in coalition under the auspices of the Nova Scotia Ad Hoc Committee on the Meech Lake Accord. See "WAC NS- strong, active and growing," Pandora 3:2 (December 1987), 6. On the other hand, in the case of NAC, while its member groups were active, the central organization remained relatively quiet. Judy Rebick interview, November 15, 1995.

238. Beverley Baines interview, April 13, 1995.

239. Ad Hoc memo, June 23, 1988; Marilou McPhedran personal files.

240. "We Can Afford a Better Accord," Ad Hoc Press Release, Ottawa, November 9, 1989.

241. Marilou McPhedran personal files.

242. Barbara Cameron interview, April 12, 1995.

243. Busque, 16.

244. Vickers, Rankin, Appelle, 220-221.

245. NAC, in 1988, had come out in support of a major position developed by the Day Care Advocacy Association. Vickers, Rankin, Appelle, 262.

246. Cameron notes that the 1988 NAC AGM was a turning point. At this time, a number of the liberal feminist and Liberal women pulled out of the organization, and NAC took a more radical turn, and oppositional mobilization heightened. Barbara Cameron interview, April 12, 1995.

247. "Women plan public campaign for accord changes," Globe and Mail, Wednesday, September 23, 1987, A3.

248. For one interpretation, see "Accord could protect right of Quebecers and Women," Globe and Mail, Saturday, August 24, 1987, 2.

249. Jeremy Webber, Reimagining Canada: Language, Culture, Community and the Canadian Constitution (Montreal-Kingston: McGill-Queen's, 1994), 6-7

250. Ibid., 15.

251. NAC's executive formalized another brief after months of discussion, in February 1988. However, its position on equality rights remained minimal. Dulude wrote, "NAC concluded that the positions of the women of Canada on this issue are so complex and varied that they cannot be adequately represented by putting forward a single point of view...no single change would satisfy all of our groups. On the other hand, it is also clear that the minimal common position they all share is the inclusion of section 28 of the Charter of Rights in Section 16 of the Accord." See Louise Dulude, "Meech Lake Brief," Feminist Action: News from the National Action Committee on the Status of Women (May/June, 1988), 2.

252. Barbara Cameron interview, April 12, 1995.

253. Vickers, Rankin, Appelle, 276.

254. Marilou McPhedran interview, November 20, 1995.

255. Cameron interview.

256. Anne McGrath, Co-Chair of the Constitutional Committee described the agreement in a one page summary in the NAC AGM Annual Report, 1988-1989, prepared for the NAC AGM, May 12-15, 1989. See also, Vickers, Rankin, Appelle, 276.

257. Barbara Cameron interview, April 12, 1995.

258. Webber, 15.

259. Lillianne Ernestine Kroesenbrink-Gelissen, Sexual Equality as an Aboriginal Right: The Native Women's Association of Canada and the Constitutional Process on Aboriginal Matters 1982-1987 (Saarbrücken-Fort Lauderdale: Verlag breitenbach, 1991), 192.

260. Sandra Delaronde noted that the government was using divide and conquer tactics in the First Nations community as well as in the women's movement. She also suggested that First Nations women were torn by a threat made by Lowell Murray that First Nations self government would be delayed if there was opposition to Meech. Notes in Nancy Ruth's personal files.

261. Kroesenbrink-Gelissen, 193.

262. Roberts, 10-11.

263. Webber, 14.

264. Campbell and Pal, (1989), 277-278.

265. Russell, 143-144.

266. Barbara Cameron interview, April 12, 1995.

267. See Raymond Breton, "The Concepts of 'Distinct Society' and 'Identity' in the Meech Lake Accord," in Katherine E. Swinton and Carole J. Rogerson, Competing Constitutional Visions: The Meech Lake Accord (Toronto: Carswell, 1988), 8-9.

268. Donna Greschner, Commentary, in David Smith et al, After Meech Lake: Lessons for the Future, (Saskatoon: Fifth House, 1991), 223-224. See also, Smith et al, 10.

269. Behiels, 290.

270. Jill Vickers, "The Canadian Women's Movement and a Changing Constitutional Order," International Journal of Canadian Studies 7-8 (Spring-Fall, 1993), 277.

271. Eberts, "Why are Women Being Ignored?" in Behiels, 307.

272. Webber, 154.

273. On the language used in legitimizing Meech and castigating detractors, see Raymond Breton, Why Meech Failed: Lessons for Canadian Constitution-Making.

Observation no.35, CD Howe Institute, March 1992.

274.Bashevkin, "Confronting Neo-conservatism," 282.

275.See Webber, 15.

276.Bashevkin, "Confronting Neo-conservatism," 277, and passim.

277.For this analysis, see Donald Savoie, Thatcher, Reagan, Mulroney (University of Pittsburgh Press, 1994), 9-10.

Chapter 5

The Nature and Effects of PMS: Post-Meech Struggles

The next two chapters examine the constitutional interventions of national feminist organizations in the period that spans the failure of the Meech Lake Accord to the October 26, 1992 referendum on the Charlottetown Agreement. Chapter 5 outlines the constitutional circumstances involved in this interlude and provides a detailed account of the nature and some of the effects of women's organizing, while Chapter 6 offers more of an in-depth analysis.

In this post-Meech time frame, it becomes apparent that women's cumulative constitutional activism had an impact on governmental constitutional reform mechanisms. Certainly, at this stage, demands for open, consultative procedures could not entirely be ignored. Even Michael Burgess, the renowned British academic specializing in federalism, could see that, in surveying Canadian constitutionalism:

The Mulroney government had clearly learned the lesson of the demise of the Meech Lake Accord: future constitutional reform could no longer take place in secret between government ministers behind closed doors...now it was necessary to recognise... social diversities and realities based largely upon gender and ethnicity.¹

Ostensibly, this "Canada Round" of constitutional negotiations leading up to the Charlottetown Agreement provided substantially more opportunities for citizen involvement. In stark contrast to the impugned "Quebec Round", Canadians initially were bombarded with public hearings in various shapes and sizes as both provincial and federal committees and commissions travelled the country seeking public input, or at the very least, a modicum of political legitimacy.

As this chapter and the next will illustrate, the reality was more complex. Concerted efforts were made to stymie feminist activism. Nonetheless, women organized in pragmatic ways to ensure that their presence was felt, their positions were articulated and that their struggles to make change were realized. With these considerations in mind, women's influence in the aftermath of Meech, both in modifying the negotiating process, and in affecting the shape of substantive constitutional proposals will be described as this chapter unfolds.

1 The Constitutional Backdrop

Notwithstanding sentiments of constitutional nausea, it was not long after the death of Meech that deliberations and negotiations were set in motion once again. This time, however, the whole country was party to the constitutional roller coaster. In fact, most political analysts agree that the Charlottetown round involved "the most intensive, extensive, exhaustive and exhausting round of public consultations and intergovernmental negotiations on the constitution that has occurred in any country during this century... ."2

The federal government, no doubt, was reluctant to begin pursuing another constitutional "deal" given Meech's disastrous outcome. However, both territorial and non-territorial identity-based groups ensured that constitutional change was not written off the political agenda. Constitutionalism was never a dead issue for women. Meech Lake had demonstrated that women could not afford to be complacent about their constitutional "achievements". Clearly, the pitfalls of reactive politicking and lack of consultation were made manifest in Meech. Many feminist organizations,

therefore, learned from this experience and continued to refine their constitutional positions and re-define and re-build their networks. This would take both time and effort but it became a priority after Meech, and it facilitated future strategic action.

At the same time, Aboriginal constitutional exigencies had to be reckoned with. Aboriginal activism and, of course, Elijah Harper's refusal to allow Meech to be debated, contributed to the Accord's collapse. Aboriginal mobilization intensified as the resolution of land claims processes, proposals for changes to the Indian Act, as well demands for self government gained momentum. NWAC joined in these efforts and, at the same time, tried to increase the representational capacities of the mostly male-led Aboriginal organizations.³

Aboriginal peoples increasingly responded with outrage, opposition and protest to a plight which had reached crisis proportions. The blatant disregard of Aboriginal concerns during Meech, their spectacular efforts to bring about the Accord's downfall, combined with the injustices committed against them epitomized the ka, increased public awareness of, and sympathy for, their claims.⁴ Aboriginal demands could no longer be overlooked. Consequently, the federal government resigned itself to the fact that some concrete actions had to be taken.

For many people in Quebec, the renunciation of Meech translated into the rejection of the province. It would seem that Meech had drawn an unforgiving line between Quebec and the rest of Canada. Sovereignist sentiments escalated.⁵ Under former Conservative Minister, Lucien Bouchard, disaffected Quebec politicians formed a new party, the Bloc québécois (BQ), and worked for sovereignty at the

federal level of government.

While the Quebec provincial government refused to take part in multilateral constitutional negotiations, it lost no time in developing its own proposals through the establishment of the Bélanger-Campeau Commission. The Quebec Liberal Party set up the Allaire Committee and it began work even before Meech's disintegration, as early as April of 1990. In the conclusions of both, it was plain to see that the failed "Quebec Round" was a definite turning point. Meech was perceived to be a slap in the face for Quebecers and it continued to sting. It is to the results of these various committees and commissions and to the federal government's response that we will now turn.

II The Allaire Committee

After discussion with over two thousand party members, meetings with constitutional advisors and representatives of business and labour,⁶ the Constitutional Committee of the Quebec Liberal Party, chaired by Jean Allaire, released its document, A Quebec Free to Choose,⁷ in January 1991. It called for radical devolution of twenty-two powers from the federal government to Quebec.⁸ While Ottawa would continue to have control over currency, defence and customs, Quebec would have primary control of an array of areas from energy and the environment to communications and regional development. In addition, the province would share powers with the federal government on nine enumerated grounds which included Aboriginal affairs, transportation and taxation. Committee members also advocated a constitutional veto for Quebec. Finally, if these demands were not met, Quebec

would vote on a referendum on a renewed federal system or on sovereignty before the end of 1992. This position, with some modifications, became the Quebec Liberal party's policy at its convention in March 1991.

In short, Quebec Free to Choose provided a detailed outline of what would satisfy Quebec. However, it did not consider the implications for the rest of Canada. The document did not assess the institutional and constitutional issues that plagued the country as a whole, whether they be equality issues, Aboriginal self government, or the repercussions of Senate reform,⁹ for the focus was on Quebec.

III The Bélanger-Campeau Commission

In March 1991, the Bélanger-Campeau Commission also released its findings. However, much of its thunder, especially with its proposal that a provincial referendum be held on sovereignty by October 26, 1992,¹⁰ was stolen, given the Liberal party resolutions. Nonetheless, the Commission represented a political accomplishment for Quebec. Consider, for instance, that the provincial Bélanger-Campeau Commission heard from 227 groups and 174 individuals, whereas the subsequent federal initiative, the Beaudoin-Dobbie Commission (dubbed the "mother" of all commissions), would hear from just 175 groups and 75 individuals.¹¹

The Bélanger-Campeau Commission was established late in the summer of 1990. It comprised 36 members all of whom were appointed by the National Assembly, but only 18 of whom were MNAs. It contained both federalist and sovereignists, politicians and private citizens. The co-chairs reflected these tendencies: Michel Bélanger was the federalist and Jean Campeau the sovereignist, and both were

businessmen (the former the chair of the National Bank of Canada, and the latter previously headed Quebec's Caisse de dépôt et placement) not elected politicians.

The Commission was an important initiative in that it took the form of a parliamentary inquiry and heard from substantial numbers of groups and individuals.¹² In fact, the Quebec government had not utilized a body of this kind since the politically and socially significant Tremblay Commission.¹³ There were, nevertheless, critics of the Bélanger-Campeau Commission's business slant. The editor of Le Devoir, Lise Bissonette, wrote that it was "overloaded with businessmen, and ha[d] no representation to speak of from the intellectual and cultural communities."¹⁴ While it was true that there were some representatives from the educational and cultural sectors (for instance, the presidents of the Fédération des commissions scolaires catholiques du Québec, and the Union des artistes), it was equally evident that the Committee was weighted in favour of "Québec inc.", the Quebec entrepreneurial class.¹⁵ Moreover, Quebec's largest feminist organization, the FFQ, was denied a seat on the Committee and could only seek representation via its presentation of a brief.¹⁶

Groups such as the CSF appeared before the Bélanger-Campeau Commission as well. It reaffirmed its view that women's equality rights had more protection under the Quebec Charter than under the federal Charter of Rights.¹⁷ The CSF also noted that if a new Quebec constitution were required, then equal numbers of women and men should write it, and within it, an entrenchment of women's rights and freedoms was essential.¹⁸

The FFQ, at this stage, clearly moved from its middle ground position to

express its support of sovereignty. Its Board had agreed that sovereignty was "a tool for the promotion of equality rights" and it publicly voiced this viewpoint, for the first time, at the Bélanger-Campeau hearings.¹⁹ It also went on to clarify that women had to be involved in the realization of sovereignty and that Quebec self-determination must encompass the feminist project.²⁰

Notably, unlike feminist individuals and organizations in the rest of Canada that mobilized against the transfer of divorce to the provinces in the late seventies, and argued for strong central, federal government control in the eighties, the CSF and the FFQ made the case for marriage and divorce being under provincial jurisdiction, and called for Quebec control over not only family law but also vocational training, unemployment insurance, and parental leave.²¹ In fact, all the women's groups that appeared before the Bélanger-Campeau Commission "were in favour of more autonomy for Quebec" and, of course, some supported sovereignty for Quebec."²² Thus, leading feminist organizations in Quebec made it clear that their agenda was different from that of women in the rest of Canada. They trusted their provincial government to initiate more progressive change than the federal government. These discrepancies would have to be reckoned with by the national women's movement as a whole.

Whereas the Allaire Committee had precise recommendations, the Bélanger-Campeau Commission did not offer specifics. This reflected the fact that the former was a partisan, Liberal party effort that set policy and chose to accommodate fewer interests. Given this narrower base, the Committee's agenda could be more defined.

The Bélanger-Campeau Commission's large numbers of participants were more heterogenous. While it is evident that it had pro-business proclivities, Bélanger-Campeau also incorporated broader input, beyond the aforementioned contributions from various feminist organizations, including associations such as the AFN and the FTQ. As a result, the Commission's conclusions were carefully worded and general, if not, at times, vague. However, they tended to reinforce a positive, progressive and democratic image of Quebec,²³ and there was no mistaking that the main constitutional message was that Quebec could not be accommodated within the current state of federalism, nor would any minor changes suffice. Indeed, out of this analysis came the Commission's principle and most pressing proposal, that Quebec should hold a referendum on sovereignty.

The Bélanger-Campeau Commission and the Allaire Committee placed the onus on the federal government to act promptly and provide some sort of constitutional counter-offer. The urgency escalated when the Quebec referendum time-line was formalized as Bill 150 and passed into law by the Quebec National Assembly in June 1991. It was now official and the dates were set. Quebec would hold a referendum on sovereignty between either the 8 and 22 of June 1992, or the 12 and 28 of October 1992.

IV The Spicer Commission

The federal government responded to Quebec's initiatives and constitutional malaise on a number of fronts. As a start, it established the Citizens' Forum on the Future of Canada. Here the government could appear to be doing something concrete

on the constitution and repairing the participatory breakdown that took place during Me ch. On the whole, however, the hearings served to create a diversion, while the government scrambled to develop its constitutional plan of action.

This Forum - often called the Spicer Commission after its chair, Keith Spicer - was created in the spring of 1991 and was meant to deflect critiques regarding lack of public consultation. It attempted to do this with a vengeance, for Commissioners claimed that they had, directly and indirectly, heard from over 400,000 citizens.²⁴ The Citizens' Forum produced some innovations. Along with presenting briefs, writing letters and reports, concerned Canadians could also avail themselves of a toll-free Idea-Line and special discussion kits prepared and mailed out by the Commission, participate in four televised electronic town hall meetings, or take part in a separate Students' Forum.

The Commission was more about image than substance. With its fourteen points of discussion, it simply sent out feelers on disparate political issues. The Forum did not constitute deliberation on a structured constitutional platform. The stalling, sprawling Spicer effort lacked coherence and led to public controversy. Reg Whitaker ungraciously dubbed the process a cross-country "bitchfest, an extended open-line show where people were invited to blow off steam."²⁵ It consequently represented more an ungainly bow to populist, direct democracy than a genuine attempt at participatory democracy that would contribute to reflective constitutional change. Its efforts to represent "the people" were not without criticism. In fact, objections were raised with respect to not only the narrow representational

composition of the Commission, but also the revelation that many of the "discussion groups of 'ordinary' citizens often turned out to be hand-picked by the commissioners."²⁶ Ironically, "the participation of Quebecers and aboriginals, the two parts of the Canadian community whose constitutional discontent drove the constitutional process, was relatively low."²⁷ Thus, representational efficacy and ethics fell short of the hype that surrounded this governmental adventure.

Not surprisingly, despite lengths taken to hear from Canadians, there was also a general perception that women were not getting involved with the Spicer Commission.²⁸ To verify this suspicion, the CACSW commissioned private research into the matter. It hired Anne Molgat to map out the extent of women's participation. While her findings indicated that women were indeed participating,²⁹ it is important to note that the form of women's participation had altered. While individual women and some local group representatives came forward,³⁰ many of the leading national feminist organizations were either not profiled or not involved.

There are a number of explanations for these somewhat contradictory readings, beyond the all too familiar lack of consideration of women's issues by the government. By this point, the deployment of a new strategy on the part of the Conservative government can be detected. That is, political officials were going out of their way to deify the "ordinary Canadian" and to denigrate what they termed "special interests." For example, the Spicer Report noted that its discussions "drew lobbyists and special pleaders, of course...But mainly the process encouraged the spontaneous and the unorganized- all the 'unofficial' or 'unrepresentative' people."³¹

In so doing, the government attempted to sideline some organized interests and identity-based groups, particularly progressive social movements, like the women's movement. As a result, the Citizens' Forum sought out individuals - "Jo Schmo from down in the drugstore...to come and speak about the constitution"³² - but intentionally avoided organized groups, especially women's movement organizations that had carefully cultivated constitutional positions.

Some feminists conspired to work around these limitations. Ad Hoc women recall that their strategy with Spicer Commission consisted of the following: "many of us, as individuals, tried to get on the Spicer" and another explains, "We tried to get someone to turn out to these things in various [communities] and give them the questions to ask so the media would dig it up...you'd put a plant in to get your point of view across."³³ Thus, while the Ad Hoc Committee, or Equality Eve as it came to call itself (although both names were used and interchanged), as a group did not appear, women with Ad Hoc affiliation made sure that someone was present. Moreover, individual women and some organizations - especially those whose deliberative efforts were less cumbersome - more localized groups like WCER,³⁴ were able to take part.

Secondly, it is also true that as the Spicer Commission lumbered across the country, many national organizations were tied up with their own processes. Learning from Meech, some were trying to determine how best to inform women about the constitution, involve them, and bridge organizational gaps. This took effort, money and time, and all were scarce resources.

National feminist organizations were tied up with intra and inter-movement consultations and some groups experienced various financial and organizational strains. Therefore, groups were not prepared to appear before the Citizens' Forum until their own networks and positions were more fully formulated,³⁵ if at all. This provides some indication of why national feminist organizations, like NAC, were not involved with the Spicer Commission. Other considerations will be examined below.

The Citizens' Forum Report was released in June 1991. The rambling document provided summaries of participants' commentaries, the Committee's perspective, as well as addenda by individual members including reflections from the Chair, Keith Spicer.³⁶ The prevailing sentiment was that the country was in turmoil and the citizenry was critical of its political leaders, unclear of the particulars on the crucial issues facing Canada and unsure of how to proceed.³⁷ For example, participants suggested that there was sympathy for Aboriginal claims but uncertainty about the meaning of self-government. There was an affirmation of issues of diversity but, outside of Quebec, it was held that being Canadian should come first. For those in Quebec, it was maintained that Quebec culture should be prioritized. Equality of the provinces was endorsed, but Canadians outside of Quebec also expressed a preference for a strong, central government. Although the Report stated that one of the most forceful messages it heard from the people was "belief in the need for equality and fairness as guiding principles for our society,"³⁸ the leading advocate of this type of message, the women's movement, did not receive mention. Other explicitly stated feminist concerns and women's issues, for that matter, also did

not appear in the Final Report.

In sum, the Citizens' Forum can be characterized as a dubiously organized and expensive (\$27.4 million³⁹) experiment with a version of populist, direct democracy that intentionally sought out the "ordinary Canadian". The final result was a confused and disjointed document and one that lacked intelligible directions on how to advance the constitutional debate. The Forum did indicate, however, that the government had conceded to some form of constitutional consultation. More extensive deliberation was now a requisite for bringing about constitutional change.

The Spicer Commission and its Report also marked a growing tendency on the part of the Conservative government to disempower organized, extra-parliamentary opposition. Moreover, the focus on undifferentiated individuals and not groups meant that feminist concerns were neither distinguished nor were they addressed. As a result, the Report did not specifically mention women's interests even though hundreds of women participated. This, then, formed a new setback in the women's movement's constitutional and representational pursuits.

V The Beaudoin-Edwards Committee

The Special Joint Committee of the Senate and House of Commons on the Process for Amending the Constitution of Canada was established by the federal government in December 1990 and it reported in June 1991. This Committee, named after its co-chairs Senator Gérard Beaudoin and MP James Edwards, harkened back to earlier parliamentary initiatives such as the Pépin-Robarts Committee of the late seventies and provided a staid, traditional contrast to the Spicer spectacle. While the

Beaudoin-Edwards Committee heard from well over a hundred witnesses and reviewed over 500 briefs,⁴⁰ and hearings were held in 16 communities (in Ottawa and in each provincial and territorial capital as well as in Vancouver and Montreal) the participation of women was low, at only 8%.⁴¹ Moreover, as it will be shown, the Committee made it clear that it was not in favour of increasing women's representational access.

In part due to issues discussed above, the only national feminist organization that presented before Beaudoin-Edwards was the YWCA. Dee Parkinson and Noelle Dominique Willems (recall the latter had appeared on behalf of NAC in the Meech Round) presented the YWCA brief and raised issues of process, advocated substantive not simply formal democratic procedures, argued for strengthening equality provisions and considered the utility of a constituent assembly.⁴²

Speaking not as a representative of a particular feminist organization but in her capacity as a constitutional lawyer, Mary Eberts appeared before the Committee. In her presentation, however, Eberts emphasized her experience with several women's organizations and synthesized general areas of concern to feminists in relation to the constitution from the limits of executive federalism to sympathy for Quebec.

Most significantly, for our purposes, Eberts explained the work that had been done by women on the constitution, the difficulties that were faced and the toll that it took. She stated that women had expended much time and effort talking about the constitution, formulating views, preparing briefs, presenting them and then "there is no place for that process to go. It just stops, because the existing elites harvest the

views, put them all together in a report, and the report goes on the shelf with all the others." Eberts then went on to say that many women's groups were "committed right out," given their work on the Constitution from 1980-1981, through to 1987, and from then on, with all the provincial activism against Meech.⁴³

In contrast to previous rounds, the anti-feminist, in its words, "pro-life and pro-family" organization, REAL Women, was invited to appear before the Committee. Its brief criticized innovations brought about as the result of the Charter - noting that the Charter was achieved through "fraud and deceit," - and stressed that "the family...is the most important unit in Canadian society...[and] that the fragmentation of the Canadian family is one of the major causes of social disorder today."⁴⁴ It also argued that it was an "inclusive" organization (appearing on behalf of REAL Women were: Gwendolyn Landoldt, Anne Hartmann, both lawyers, and Vice President and Director of REAL Women respectively, as well as a male lawyer, Patrick Brode) by virtue of involving "the presence of a male lawyer."⁴⁵ Finally, REAL Women reinforced the dominant discourse of denigrating "special interest" groups.

The REAL Women brief displays a striking similarity to the views of the Conservative "family-values" caucus. Its castigation of special interests harmonized especially well with the governmental ideas on this issue. Ironically, REAL Women, a group with a limited membership, as well as a negative and narrow anti-feminist focus, had begun to receive Secretary of State funding, but it stressed in its presentation that "special interests" were a serious problem. REAL Women

presenters claimed that special interest groups were being given "millions and millions of taxpayers' dollars to present their own special interest..." and if this was not bad enough, they were "with all their heavy government funding and taxpayers' money" also "determining the national agenda."⁴⁶

REAL Women could be held up as an example by the like-minded Conservatives of how the women's movement was not representing women. Indeed, Conservative Committee member Pat Carney made this connection which was then echoed by Gwendolyn Landolt of REAL Women, "As Mrs. Carney has said, the feminists claim they represent women. They certainly do not represent me..."⁴⁷

A second example of the Beaudoin-Edwards Committee's less than friendly reception of feminist input is apparent in its analysis. The Committee's Final Report indicates that members were not taken by the idea of including a variety of identity-based groups and interests in the constitutional negotiations.

To backtrack for a moment, the Beaudoin-Edwards Report was issued just before the Spicer Committee Report, on June 20, 1991. It contained many familiar positions. With respect to Quebec, it suggested "Meech at a minimum" and called for an amending formula with regional vetoes similar to that of the Victoria Charter. The Committee rejected a constituent assembly in favour of the customary parliamentary committee to tour the nation.⁴⁸ There were two new departures which suggested some movement in opening up constitutional processes: it recognized that Aboriginal people should be part of the negotiations; and it recommended that a non-binding referendum be held on new constitutional proposals.⁴⁹

However, when the Commissioners' reasoning is carefully examined, a particular view of representational deliberation is apparent. For instance, they write:

No white middle-aged man can claim to represent, politically, all white middle-aged men, because white middle-aged men disagree strongly among themselves over almost any conceivable issue. The same applies to other groups, whether they are based on gender, ethnicity, occupation, income level or any other sociological category.⁵⁰

Rather than determining that a wider array of groups and interests should be canvassed, the Commissioners' conclusion was to the contrary. Members of Beaudoin-Edwards Committee carefully noted that they were not saying that (what they dubbed) "minority interests" should not be represented. Nevertheless, they believed that "minority group representatives [did not] necessarily represent the broader political views and values of minorities" and therefore they should not "play the role of political representatives of these groups in the constitutional decision-making process."⁵¹ Given this type of commentary, it is not surprising that the Report did not advocate opening up the constitutional process via mechanisms like constituent assemblies.

It is also not hard to imagine why the two New Democrats on the Committee, Lorne Nystrom and Lynne Hunter, disagreed with the final report and published a dissent. Their specific dispute was with the Committee's failure to agree to a constituent assembly. Along with the NDP, 150 representations to the Beaudoin-Edwards had recommended this innovation.⁵² For this reason, in Whitaker's estimation, the Committee merely reflected the Tory majority which promoted its agenda and dispensed with the rest.⁵³ This led some politicians to question the merit

of the whole exercise.⁵⁴ Overall then, the Beaudoin-Edwards Committee did not reflect any major representational departures in its form, the content of its analysis, or in its recommendations, save for its proposals vis-à-vis Aboriginal peoples and referenda.

VI The Provinces

Responding to the Meech Lake backlash, many provincial leaders pro-actively organized their own commissions, committees and public hearings. For example, as early as August 1990 in Alberta, Jim Horseman was put in charge of a constitutional committee, and this was then followed by an all-party committee, set up in February 1991, which held public hearings on Alberta's perspective regarding Canada's future. In December 1990, British Columbia's initiative concluded after 6 weeks, having toured the province and reviewed over 200 briefs. Also in December, a few months into office, Premier Bob Rae of Ontario announced an all-party Committee on the status of federalism, chaired by Tony Silipo, that was to travel province-wide. Manitoba also struck a constitutional task force and its hearings concluded in February 1991. By the end of 1991 the governments of British Columbia, Alberta, Manitoba, Ontario had provincial bodies established; New Brunswick and Newfoundland had organized investigations sponsored by both governmental and extra-governmental actors; and Nova Scotia and Saskatchewan engaged in non-governmental constitutional, consultative exercises.⁵⁵

On the whole, a number of analogous concerns were raised by individuals and groups across the provinces, outside of Quebec. There seemed to be some sympathy

for Quebec's demands, but also the sense that its conditions could not constitute the only focus, nor could reconciliation with Quebec come at the cost of dismantling Canada. Moreover, the need for public consultation as well as good leadership were recurring themes.⁵⁶ Lastly, there was a growing sense that the continued constitutional preoccupation came at the cost of dealing with critical economic affairs.

In comparison to Beaudoin-Edwards, many more women and feminist organizations participated in these provincial efforts. For example, 35% of the participants in the Ontario initiative were women and the rate of women involved in the Manitoba hearings was 28%.⁵⁷ Moreover, a sampling of briefs submitted to the Select Committee in Ontario demonstrates the variety of groups that took part: Business and Professional Women's Clubs of Ontario; Coalition for Lesbian and Gay Rights in Ontario; DisAbled Women's Network, Toronto; Northwestern Ontario Women's Decade Council; Ontario Women's Action Coalition; Ontario Native Women's Association; and Women Working with Immigrant Women.

National organizations presented at these fora as well. Kay Macpherson and Anne Adelson presented a brief to the Ontario Select Committee on behalf of VOW. Here they reiterated VOW's concerns with respect to Meech: that it posed a threat to women's equality, given its lack of clarity on whether the Charter as a whole would continue to be effective in light of Meech's proposed amendments. But beyond having to protect rights already part of the Charter, VOW recommended that constitutional changes should involve more, not less. To clarify, the Charter should not only protect rights on the basis of gender, ability, and ethnicity, but also sexual

orientation. Furthermore, it provided a long list of items, termed "unfinished business", that VOW wished to see become a part of future constitutional amendments. These included: justice for Aboriginal people; environmental protections; the right to a decent standard of living; and workers' affairs.⁴⁸ In keeping with VOW's mandate, it advocated an anti-militaristic position and called for Canada to evolve in terms of peace-making. Yet it also touched on other concerns such as the environment and the economy. With respect to the latter, VOW promoted an independent economy, criticized free trade, and recommended more interdependent economic development and exchange with other nations.

Overall, VOW endorsed a more extensive and consolidated approach to issues and problems. It called for a move beyond constitutional decision-making by First Ministers to the incorporation of a representative citizens' group that would include women, Aboriginal peoples, new immigrants, among others. Ultimately, along with recognizing linguistic duality, VOW like NAC, recommended the promotion of Canada's multicultural and Aboriginal realities and contributions. Thus, VOW's broad agenda for change provides a good illustration of how feminist organizations promoted both the deepening and widening of the ramifications of constitutional change.

NAC also made a presentation to the Ontario Select Committee. In its brief, dated June 14, 1990, NAC denounced the Meech process of constitutional change, pointed to the limits of conventional forms of political representation and advocated institutional reform, particularly in terms of the Senate. It questioned territorial forms

of representation and proposed representation on the basis of gender, racial, ethnic and linguistic lines. NAC noted that it would submit its proposals for a feminist reform of the Senate to its 550 member groups.⁵⁹ Additionally, it reviewed what it considered to be the problems with Meech focusing on the opt-out provisions in relation to national shared-cost programs and pointed to additional difficulties with respect to Meech's companion resolution in relation to Aboriginal claims.⁶⁰

In July, Barbara Cameron, on behalf of NAC, visited the Ontario legislature to comment on the Committee's findings. Here she stressed and clarified that NAC's position was attentive to the different perspectives of women's organizations in Quebec. Cameron maintained, "our position comes out of an experience where the Quebec women's organizations had a profoundly different view of the role of the federal government than the women's organizations in English speaking Canada."⁶¹

Moreover, Cameron made it clear that the Charter was not NAC's sole, driving concern. She reminded the Committee that the achievement of the Charter in 1981 was not viewed as a victory in Quebec. Changes in the spending power and the effects that this might have on social services also were important. Moreover, in light of efforts to entrench further economic and social rights via a social charter, NAC would support this tactic in principle, but would rather mobilize in other ways to counteract the negative effects of decentralization.

Finally, in terms of innovations like a Canada Clause and a constituent assembly, Cameron expressed some ambivalence. With regard to the former, she explained:

it would be false advertising to describe sexual equality as a fundamental characteristic of Canada. The National Action Committee would not need to exist if it were a fundamental characteristic of Canada. We want some preamble that sets out the goals which we think are in fact goals of most Canadians: social equality, sexual equality and racial and other kinds of equality.⁶²

With respect to the constituent assembly, Cameron clarified that NAC endorsed this kind of constitutional forum but with certain provisos. First, it should be for English Canada only, as Cameron pointed out that the FFQ had called for a Quebec constituent assembly. Second, it should be popularly elected with representation of women and the various minorities including the economically disadvantaged.

In sum, NAC and VOW's efforts provide a good indication of the work that was being done by women for the provincial hearings and how they struggled to broaden and deepen the constitutional agenda. Women's organizing, in national, provincial and local feminist organizations, had begun to kick in, as women spoke in various fora across the country, ensuring that their perspectives were at least aired, if not acted upon.

VII More Federal Government Initiatives

Beyond Spicer and Beaudoin-Edwards, the Deputy Ministers' Task Force on Decentralization was struck, and other key internal political developments took shape. For instance, a "unity cabinet" and a new cabinet committee chaired by Joe Clark was appointed.

In April of 1991, Clark became Minister Responsible for Constitutional Affairs and chaired the new Cabinet Committee on Canadian Unity and Constitutional

Negotiations (CCCU). Appointments to the Committee corresponded to areas of Conservative electoral strength, and included pivotal Quebec ministers such as Benoit Bouchard, Jean Charest, and Gilles Loiselle, as well as members from the west such as Kim Campbell, Don Mazankowski, Bill McKnight and, of course, Joe Clark. In May, it was determined that the government would formulate new constitutional proposals by September and that these would be put to yet another special committee, which would then report in February of 1992.

Herman Bakvis and Roselle Hryciuk provide a detailed examination of the work done in the CCCU.⁶³ Notably, the Committee not only held meetings in Ottawa, but met in eight different locales across the country, from Kelowna and Iqaluit to Sherbrooke and Niagara-on-the-Lake. Unlike the parliamentary committee hearings however, the cabinet committee "did not meet formally with groups or individuals, nor did it hold open hearings."⁶⁴ Rather, discussions were held "informally" at receptions and luncheons. Overall, the intent was to impart a casual, open, decentralized aura.

In Bakvis and Hryciuk's assessment, "interest groups had little in the way of direct access to the CCCU process."⁶⁵ It would seem that bureaucratic imperatives and negotiations with line departments and agencies ultimately were more significant influences. Bakvis and Hryciuk argue that the Department of Finance's leverage was particularly vigorous with respect to promoting proposals on the economic union.

Lest one conclude that the government and Department of Finance were the only actors, it is important to note some significant exceptions. The AFN, under

Ovide Mercredi, had influence on Clark and the CCCU.⁶⁶ Aboriginal activism facilitated meetings between Clark and Mercredi, out of which an understanding was reached about sharing information and ideas. These relations had a significant impact on the CCCU and, in turn, on the government's behaviour. There was an agreement by July to have parallel Aboriginal assemblies on Canada's constitutional future (the AFN, The Native Council of Canada (NCC), the Métis National Council (MNC) and the Inuit Tapirisat were to hold their own consultations and then meet with the government to discuss the constitutional proposals); an announcement was made about establishing a royal commission on Aboriginal peoples (by August 1991, the Royal Commission on Aboriginal Affairs was instituted with former Grand Chief of the AFN Georges Erasmus, as one of the co-chairs); and last but not least, self government would become part of the government's constitutional proposals released in the fall. The government and state was not impervious to the organized efforts that took place outside of conventional political institutions.

Joe Clark also met with women. For example, on August 6, 1991, Clark spoke with representatives from the Equality Eve Committee (the newly named, Ad Hoc Committee of Women and the Constitution). Members of the Committee made the following report, and, given the points it raises, it merits lengthy quotation:

[Clark] was particularly attentive to the Committee's view that consultative committees have not worked well for women. Often, after expending a great deal of energy, women's submissions have been discounted and misrepresented. It is necessary for women to be part of the process itself and, as 52% of the population, women are hardly a "special interest group." The Minister was also interested to hear about women's consensual leadership styles... The Minister responded that he didn't need to be persuaded that the system excludes groups like

women. He felt that Meech Lake had ended the old system but that a new process has not yet been invented to take its place. And now that exercise is even more difficult as Canada faces its current watershed.⁶⁷

Women were doing their best to debunk the "special interest" myth and reinforce their representational legitimacy. As subsequent events unfold, it may be that this encounter, and others like it, influenced Clark's approach to consultation, and helped, for example, to bring to fruition innovations like the constitutional conferences.

For the time being, however, the process evolved as expected with the CCCU presenting its findings to cabinet in August. Here, the ball was tossed from Clark back to the Prime Minister. True to form, Brian Mulroney worked with his trusted, tightly-knit, Priorities and Planning Committee (P&P) on the accumulated material. As he was wont to do during Meech, he also communicated with Premier Bourassa who had some input on how the distinct society clause should be formulated. Mulroney then caucussed with his senior ministers from Quebec and the west. This resulted in agreements on the distinct society clause and on Senate reform. In this manner, and through the joint P&P and CCCU meetings, the government's constitutional proposals were formulated.

VIII Shaping Canada's Future

The foregoing events culminated in the federal government's release of its proposals in booklet form on the 24th of September 1991.⁶⁸ There were 28 recommendations under eight headings that ranged from the designation of Quebec as a distinct society, to a new Canada clause, Senate reform, entrenchment of property rights, Aboriginal self government, economic union, greater control for provinces

with respect to immigration, culture and job training, and, finally the establishment of a Council of the Federation, with federal, provincial and territorial appointments, to resolve problems with respect to cost-sharing programmes.

The document was a mish-mash with, if not something for everyone to condone, certainly something for everyone to condemn.⁶⁹ Reaction was swift, and mostly negative. For example, Aboriginal peoples were vehemently opposed to the proposals, especially the one that called for Native self government only in 10 years. They demanded recognition of their inherent right to self government, and less delay. Labour organizations and environmental groups denounced the property rights proposals and demanded a social charter. Gay and lesbian organizations criticized the Canada Clause.⁷⁰ Most progressive social movements feared that the recommendations would negatively affect social programs and many saw parallels with Meech on this issue.⁷¹

National feminist organizations were very much opposed to the proposals. NAC's critique was thoughtful and thorough.⁷² In short, it argued that the proposals jeopardized women's equality in three ways: they put social programmes at risk; they diminished the rights of women, minorities and other disadvantaged groups; and they further ensconced male political and economic control.

More specifically, NAC was once again worried that the federal government's spending powers would be limited, thereby preventing it from funding and setting standards for social programmes. Additionally, it suggested that the proposals privileged business concerns to the detriment of women, minorities and other less

privileged groups. The property rights clause epitomized this direction (as it could conceivably weaken human rights legislation and labour laws, as well as undermine Aboriginal land claims efforts), as did the economic union and monetary provisions. Further, the government's suggestion for a new Council of the Federation was seen to empower male political and economic elites, by institutionalizing executive federalism.

In keeping with its "Three Nations" position, NAC emphatically stated that the distinct society clause was not a threat to equality rights. It commented: "Quebec's national rights are one of the rights recognized within the Charter, as are multicultural rights, minority language rights and women's rights. The concern in our view should not be with the distinct society clause, but rather with the weakness of the wording of Section 28 on the equality of women."⁷³ NAC also criticized the federal government for its failure to recognize adequately Aboriginal self government.

In time, both CACSW and NAWL would also come to criticize the contents of these proposals. For example, the CACSW released its response to the federal government's agenda in April 1992. The main challenges were in relation to property rights, Senate reform and Aboriginal issues. The Council was critical of the government's inclusion of property rights in its recommendations and it stated that "the amendment was ill-defined and potentially harmful to women."⁷⁴ With respect to Senate reform, the CACSW advocated proportional representation and six members per electoral district. It also recommended that the Senate be able to approve federal appointments, but only if it took into consideration gender representation and

consulted with Aboriginal organizations, especially women's Aboriginal organizations. Finally, on the treatment of Aboriginal constitutional issues, the CACSW announced that it could not come to a decision until it met with various Aboriginal organizations. However, the CACSW made it clear that it endorsed NWAC's efforts at gaining representational access to the constitutional negotiations.⁷⁵

NWAC had been speaking out against what it considered to be Aboriginal women's marginalization by both the federal government and by Aboriginal organizations. NWAC, along with other national Aboriginal and feminist organizations, promoted the inherent right to self-government and it criticized the federal government's September proposals for imposing a time limit on the negotiation period, as well as other sections from the Canada Clause, to property rights and the distribution of powers.⁷⁶ However, unlike the mostly male-led national Aboriginal organizations, such as the AFN, Gail Stacey-Moore on behalf of NWAC expressed the following position in December of 1991:

What we want to get across to Canadians is our right as women to have a voice in deciding upon the definition of Aboriginal government powers. It is not simply a case of recognizing that we have a right to self determination and self government. We also have sexual equality rights. The Chief's organization [i.e. the AFN] has taken it upon themselves [sic] to be the final rectifiers of the Aboriginal package of rights...we have the right as women to be part of that decision. Recognizing the inherent right to self government does not mean recognizing and blessing the patriarchy created in our communities by a foreign government. We are not asking for chaos in our communities. We want the equality to which we are entitled as women.⁷⁷

Consequently, NWAC requested that the Charter be applied to proposals for Aboriginal self government. It also expressed its concern that Aboriginal

governments would be able to use section 33 to suspend various rights, including sexual equality rights. Thus NWAC recommended that section 33 not be extended to Aboriginal governments. Finally, it demanded that Aboriginal women be part of constitutional negotiation processes and have "an equal role with Aboriginal men in defining the powers and structures of Aboriginal self government."⁷⁸

Given these multiple concerns, women's organizations began mobilizing against the federal government's proposals. NAC offered a four-point feminist alternative to the government's agenda that would: i) defend and expand social programmes, and recognize the need for national standards while respecting Quebec and Aboriginal peoples' situation and their needs for managing social programmes; ii) protect and improve equality rights; iii) ameliorate the representational capacities of Canadian political institutions vis-à-vis women and minorities, including the pursuit of an elected Senate based on proportional representation and the incorporation of 50% women in this reformed body; iv) institute a constitutional process with full democratic participation, through the recognition of three founding nations, and by way of a constituent assembly for Canada outside of Quebec.⁷⁹ This was truly a "Canada Round." In terms of form and substance, everything was on the constitutional table.

Whereas Meech mobilization involved tensions between NAC and Ad Hoc, in Charlottetown it did not. In the past, Ad Hoc wanted NAC to be more involved, but NAC would not take up positions it knew would be unacceptable to Quebec women, and thus found its activism constrained. However, as Barbara Cameron explains:

What...happened around Charlottetown is that we had a position where we could take up the equality rights issues in a framework that recognized Québec and Aboriginal women. Obviously, the Aboriginal women who were connected to NAC didn't feel the same conflict, because they wanted to have Charter guarantees; but the Québec women didn't want any suggestions that the Charter conflicted with distinct society. So, once we had that, then there was a basis for women who had been working on this...outside of NAC, but wanting NAC to be doing something about it, to work more with NAC.⁸⁰

Ad Hoc directed its efforts towards getting women involved and this time, in contrast to Meech, its analysis complemented NAC's. For instance, Ad Hoc had postcards made up for women to send to Prime Minister Mulroney, to Joe Clark and to their MPs. The cards featured boxes for women to check off their endorsement of the following: strong central government; entrenched women's equality rights; preservation of present and future social programmes; keeping the economic union ideas outside of the constitution; equal representation of women in the Senate; enforceable social charter; keeping property rights out of the agreement; and supporting the inherent right to self government. This Ad Hoc check list coincided with NAC's approach.

In addition, under the name of Equality Eve, Ad Hoc Committee members published a booklet which they distributed after the federal government proposals were released and while the Joint Committee (discussed below) was travelling the country. It contained a brief overview of Canada's constitutional experiences and a critique of the negotiating processes that had taken place. The booklet went on to address the following issues: decentralization; the payment and delivery of social programs; the threats to Canada's safety net; the potential of asymmetrical federalism

as opposed to notions of equality of the provinces; the double-edged nature of a social charter; and equality in both the constitution and Canadian institutions, including a consideration of proportional representation.

Women were encouraged to distribute this booklet and discuss the issues it raised. They also were provided with suggestions on how to get involved, such as organizing meetings, dinners, and discussion groups at work, home or in their local organizations. Beyond this grassroots mobilizing, women were invited to write to their MPs, as well as write, phone and fax their concerns to the Constitutional Committee. Lastly, women were provided with the relevant information to be able to "[f]ind out when the Constitutional committee will be holding hearings in your area and make sure your concerns are represented by some group. If not, get a group together."⁸¹

This, in turn, demonstrates that key feminist organizations, for the most part, had reconciled central points of contention, co-ordinated their responses and now were trying to act as a catalyst for women nationwide to become involved in the process of constitutional reform.

IX Senate-House of Commons Committee

A thirty-member Special Joint Committee on a Renewed Canada, chaired by Manitoba MP Dorothy Dobbie and Senator Claude Castonguay was struck, following the recommendation of the earlier Beaudoin-Edwards Committee. In the fall of 1991, it set out to tour the country to get feedback on the federal government proposals. However, the unwieldy committee was unorganized and marred due to "haphazard

scheduling of witnesses; charges of patronage appointments; squabbling among committee members; and a sense of futility and redundancy in the face of ongoing provincial hearings and past federal hearings."⁸² Thus, by November, when meetings were held with few if any citizens in attendance, the committee was abruptly recalled to Ottawa. Opposition members announced that they would leave the committee unless it was re-organized, and Senator Castonguay resigned as co-chair. Following the recommendations of NDP members in particular, the decision was made to reconsolidate the Committee at the start of the new year and enhance its efforts through alternative consultative fora.⁸³

Before we examine the government's re-routed efforts, it is important to point out that although Dobbie-Castonguay derailed in Manitoba when no one arrived for a meeting, women's groups nationally and regionally were prepared to express their concerns. NAC, for instance, was one of the few groups that presented before this Committee before it disintegrated.⁸⁴

As with Meech, Manitoba women were active in groups such as MACSW, the WCER and the Brandon Women's Study Group, and they prepared responses to the Committee. Although the WCER was not a national feminist organization, its efforts are noteworthy because, as was discussed in Chapter 4, it had influence on national organizing during Meech and again, as we shall see, in this pre-Charlottetown phase. Thus, it is both appropriate and revealing to remark upon the WCER's position and its shift of emphasis.

Rather than focus on distinct society, as it primarily did with Meech, the

WCER's emphasis lay in strengthening equality rights and the dangers associated with diminished federal social programmes. It also criticized the proposed Council of the Federation and challenged the government's vision of an economic union.⁴⁵ In other words, the WCER's contentious position on distinct society was omitted and its analysis looked much like the NAC assessment of Shaping Canada's Future. More accurately, as will be noted later on, the interpretations of both informed one another. This suggests that NAC had made some gains in its educational efforts, that there had been more collaboration and, arguably, more consensus among women's organizations through the pre-Charlottetown process than during Meech Lake.⁴⁶

Other feminist positions and presentations will be discussed below, after the moribund Dobbie-Castonguay Committee was resuscitated in the form of the Beaudoin-Dobbie Committee. But first, an examination of the intervening constitutional conferences is in order.

X The Constitutional Conference Innovation

Joe Clark disclosed the government's face-saving response to the Dobbie-Castonguay collapse on November 13, 1991. First, the Committee was re-organized and Castonguay's vacated seat was filled by Senator Gérald Beaudoin. Furthermore, a plan was developed to contract with public policy organizations and hold five, regional conferences to review the government's proposals. Not only politicians, but popular associations, individual citizens and academics, on an equal footing, would consider the proposed constitutional amendments. The conferences took place in January and February 1992, and throughout, prominent feminist representatives from

national, regional and local groupings played a crucial role.

This proved to be a memorable, if transitory, achievement. While political officials stressed the presence of - in their terms - "ordinary Canadians," once again promoting an ethos of populism and direct democracy, the conferences achieved acclaim in setting up more participatory conditions for groups as well. Through these fora, women, Aboriginal peoples, and other participants from across the country, as never before, briefly became part of meaningful constitutional deliberations with politicians. What is more, the conferences were very much influenced by the presence and background efforts of various social movement activists.

According to Ronald Watts, the conferences:

demonstrated organizational competence, solved an immense logistical problem by allowing many interests to feel consulted about the proposals in a very short time, and instilled new momentum into the process by capturing media attention and by showing both that modifications to the proposals were desirable and probable and that Canadians were serious, committed, and capable of compromise in order to reach consensus.⁸⁷

Even NAC considered the effort to be "an extraordinary exercise in participatory democracy."⁸⁸

The first conference, in Halifax January 17-19, was entitled, "Renewal of Canada: Division of Powers". It included not only members of the Beaudoin-Dobbie Committee and federal and provincial representatives, but constitutional specialists, social movement activists and "ordinary Canadians" selected through a screening process by research institutes.⁸⁹ Here there was agreement on issues such as the need for a strong federal government and national standards in response to fears with

respect to cost-sharing programmes that arose in Meech. In addition, a novel consensus on asymmetrical federalism developed.

The new understanding, according to Judy Rebick, was very much the result of feminist efforts. In her words:

NAC played a huge role in the constitutional conferences. In Halifax we argued for asymmetrical federalism and we actually won the conference to asymmetrical federalism which blew everybody's mind because all the Premiers, you know, all the politicians [were] saying you can't sell special status for Quebec. We did sell it. We sold it to... people who were not left-wingers and not progressive at all, but because it makes sense.⁹⁰

In fact, feminist representatives from not only NAC, but organizations such as NAWL, worked with other social movement activists, including members of the Action Canada Network (ACN), and the Canadian Labour Congress (CLC), to bring about these changes in perspective.⁹¹

In many respects, NAC spokeswomen, along with representatives of other feminist groups,⁹² and their allies, took the ball at these conferences, ran with it, and scored a number of points. This was not only true in Halifax, but also in the second conference, "Renewal of Canada: Constitutional Reform" which took place January 24-26, in Calgary. Here the impact of women with respect to plans for Senate reform was great. Initially, the issue was conceived of solely in terms of better representation of the provinces in an elected Senate, and women were not part of the reform scenario.

Joyce Green, a delegate for CRIAW at the conference, describes the situation in Calgary as follows:

Beneath the sharp and convicted [sic] dialogue [on the composition of the Senate] lurked a disturbing spectre: the refusal of some to countenance a change in gender relations. The behaviour of some was appallingly rude; turning away from the speaker, groaning, moaning... Shelagh Day of...[NAC] showed rare courage in refusing to be silenced by this.⁹³

Day interjected and expressed the need to examine women's representation in the Senate. This touched off a heated debate.⁹⁴ As Rebick explains, "we wouldn't accept that the Senate only be representing the provinces. That if we're going to have an elected Senate it should be representing all the under-represented groups, including women and minorities."⁹⁵

Through feminist participation, the conference goes in a plenary session "undertook to explore the [above-mentioned] exchange rather than marginalise it."⁹⁶ As a result, the emphasis on territorial representation was questioned⁹⁷ and the shift to proportional representation was introduced. Networking among women, Aboriginal peoples, activists for the disabled and people of colour resulted in the examination of these alternative representational options. In this way, representation for women and for various "minorities" was put on the agenda in relation to Senate reform.

Rebick emphasizes the significance of these developments:

in the Halifax conference we won asymmetrical federalism, we had some support from the chair, because Rosie Abella agreed with us, and in Calgary, completely against the chair, we managed to win proportional representation in the Senate. It was... really a huge thing, because Canada had never accepted the idea of change in the electoral system. So I think the role that we played in the constitutional conferences was one of the most important things that we did because we actually showed there... could be a different agenda.⁹⁸

Also at the Calgary conference, the work of activists made manifest the

necessity to reject the proposed Council of the Federation. This was another clear indication of the continuing dissatisfaction with executive federalist ways and means - embodied by a structure like the Council of the Federation - and the prominence of a critique of the constitutional negotiation process that had been most persuasively argued by feminists in Meech.

These interjections on the part of feminists and their allies succeeded in shifting and changing the agenda of conference organizers. As Green comments, feminist interventions also "caught the media by surprise...and without the analytical tools to understand it. Several journalists referred to the 'highjacking' of the agenda by 'special interest groups,' or even, of 'NACers' (referring to the National Action Committee on the Status of Women)."⁹⁹ The media and others failed to realize the background intra and inter-movement organizing that had already taken place.

The third conference was held in Montreal, January 31-February 2, and called "Renewal of Canada: The Economic Union." Here again, the fruits of coalition work were in evidence.¹⁰⁰ Feminists had worked with unions and coalitions of social activists against the government's neo-liberal platform.¹⁰¹ NAC, for instance, in order to counteract the government's economic agenda, joined with the left and progressive social movements in Ontario in favour of a social charter.¹⁰² Representatives from NAC and NAWL, and their allies, articulated this viewpoint and helped to sway the conference. In the end, the reticence over Ottawa taking too much control over the economy was expressed. Moreover, there was a broad endorsement of a new social charter to be part of the constitution. In this way, the promotion of social and

political concerns in light of prevailing economic imperatives was made manifest.

"Renewal of Canada: Identity, Rights and Values" was the title of the conference held in Toronto from February 7th to the 9th. Here support for Quebec as a distinct society was underscored. At the same time, however, there was an explicit declaration of the inherent right of self government for Aboriginal peoples. Given the complicated nature of this demand, there was a request for another conference to be convened, solely devoted to Aboriginal deliberations. Aboriginal activism was bolstered here by the work of feminist organizations that promoted a Three Nations understanding.

The final conference took place in Vancouver, February 14-16, where the resolutions from the previous meetings were reviewed and assessed. To recapitulate, the provisions included: distinct society for Quebec; inherent right of Aboriginal self-government and a conference on Aboriginal affairs slated for March; Senate reform with proportional representation; a commitment to a strong central government but a recognition of the need for considerations of asymmetrical federalism; and an emphasis on a social charter along with any economic union provisions.

The influence of feminists at these conferences is noteworthy. It is also important to emphasize the novelty of the conference approach and its merits. Through these fora, various interests and identity-based groups obtained constitutional regard and recognition, albeit fleetingly. Moreover, diverse viewpoints appeared to be accommodated. Contrary to those discussed in Chapter 1 who assume that the inclusion of collective identities and diverse interests can only lead to fragmentation

and irreconcilable differences,¹⁰³ the conferences displayed a great deal of consensus.¹⁰⁴ In fact, in the end, a shared vision emerged from the process. For the participants and for Canadians as a whole, the conferences engendered new hope that inclusive, fair and equitable, as well as comprehensive and consensual constitutional change could take place.

Unfortunately, the elation was short-lived, for it would seem that after the conferences concluded there was a reversion to more conventional constitutional deliberations. This time, however, there were some important exceptions to the executive federalist rule.

XI The Beaudoin-Dobbie Committee

Whereas the Beaudoin-Edwards Committee had focussed more on individual than group input, hearing from 143 individuals and only 62 groups, the refurbished Special Joint Committee on a Renewed Canada - formerly Dobbie-Castonguay, and now called the Beaudoin-Dobbie Committee - heard from almost three times as many organizations, meeting with 175 associations and 75 individuals.¹⁰⁵ As a result, more women's groups took part in these hearings. Beyond the early participation of national organizations like NAC, and the numerous Manitoban women's groups noted above, presentations were made by provincial women's associations from across the country, such as the Yukon Status of Women Council and PEI's Advisory Council on the Status of Women.¹⁰⁶

Other women's groups, national and local, old and new, sent in written submissions, including the NCWC, Equality Eve, the Edmonton Women's Coalition

on the Constitution, the Pauktutit Inuit Women's Association of Canada and the Fédération des femmes canadiennes francaises de l'Ontario.¹⁰⁷

It is also important to point out that the representatives who appeared on behalf of the provincial and territorial organizations often had affiliations with national organizations. For instance, presenting with Lynn Gaudet for the Yukon Status of Women Council was Jon Leah Hopkins who was the Yukon representative for NOIVM. Similarly, although Judy Kwa Molas Johnny appeared in her capacity as a representative of Women on Wings, an organization for women with disabilities in the Yukon, she was also a board member of both NAC and DAWN, as well as having an affiliation with the Canadian Disability Rights Council (CDRC).¹⁰⁸ Therefore, numerous women with multiple and interconnecting organizational affiliations appeared before Beaudoin-Dobbie Committee. This, in turn, served to reinforce the positions of national feminist organizations. Before this contention is pursued further, it is necessary to reiterate what the national organizations were saying.

The national organizations like NAC and NWAC repeated their constitutional analyses for the Committee. NAC representatives Judy Rebick, Salome Loucas (member of the NAC Executive and also Director of Women Working with Immigrant Women) and Thelma McGillivray (NAC's Ontario, regional representative), along with Janet Maher (Ontario Women's Action Coalition OAC), expressed views vis-à-vis the federal government proposals criticizing its framework "that does not function in the interests of those who are disadvantaged."¹⁰⁹ It demanded protection of social programs and pointed to the problems that were

associated with the economic proposals, along with the property rights recommendation. NAC also discussed issues of under-representation in the Senate and, more broadly, with respect to the general constitutional reform interventions. Then, it indicated support for alternative mechanisms like PR or constituent assemblies to redress representational balances and inadequate constitutional processes.

NWAC also reinforced its earlier position. Presenters, such as Gail Stacey-Moore and Teressa Nahanee, along with Sarah Fiddes and Winnie Geisbrecht, among others,¹¹⁰ underlined the complex considerations involved for them as Aboriginal women. Fiddes, NWAC's eastern representative and member of the Executive Council, explained:

When Aboriginal women demand sexual equality, we are accused of being feminists, we are accused of dividing our community along sexist lines. But we are not leaving our men. Our men are at the table. They have been well funded to participate in this constitutional debate. They are the ones with all the seats... And we are reminding them that we are here. Aboriginal women are equal. Aboriginal women are ready. Aboriginal women want to participate.¹¹¹

Further, on the difficult issue of collective versus individual rights, she added:

there is a clash between the collective rights of sovereign aboriginal governments and the individual rights of women. Stripped of equality by patriarchal laws which created male privileges as the norm on reserve lands, aboriginal women have had a tremendous struggle to repair their social position...¹¹²

Here, NWAC's southern representative and member of the Executive Council, Winnie

Giesbrecht clarified:

Men rarely speak of family violence. Men rarely speak of incest. Men

rarely speak of gang rape, and what are they doing about it? Yes, we want rights- individual and collective rights.¹¹³

Thus, NWAC demanded, once again, that the Charter be applied to Aboriginal governments, that section 33 not apply, and that Aboriginal women be part of constitutional negotiations and future discussions on self-government.

Other national women's groups also expressed their criticisms of the government proposals before Beaudoin-Dobbie. For example, the *Fédération nationale des femmes canadiennes-françaises* (FNFCF), a liaison group for francophone women outside of Quebec, supported NAC's position,¹¹⁴ but concentrated on, and endorsed issues such as: the protection of the rights of minority linguistic groups, linguistic duality in Canada and in the Senate, and asymmetrical federalism. Reflecting the collaborative work that had gone on, the FNFCF indicated to the Committee that the constitutional issue was to be its priority for the year and, as a result, it had organized four, three-day regional meetings (in Sudbury, Saskatoon, Ottawa and Memramcook) in November of 1991, to facilitate the determination of its position.

Many locally based-groups echoed NAC's concerns. The WCER endorsed NAC's demands for a strong central government plus national shared cost programmes and were critical of the economic union, fiscal harmonizing and new institutions like the Council of the Federation.¹¹⁵ Similarly, the PEI Status of Women underlined the problems with the economic union.¹¹⁶ What is more, the Yukon Status of Women, explicitly expressed support for NAC's position:

on all points with which we have not specifically dealt in our brief, we

would also endorse the positions taken by the National Action Committee on the Status of Women in their brief. We have confidence in NAC that they can speak on many more of the issues than we were able to.¹¹⁷

Later, when questioned by the Committee about its views on the Senate, the Yukon Council replied, "we would bow to suggestions made by the National Action Committee. We as a local group have not addressed ourselves to the question in that detail."¹¹⁸

Additionally, in this set of hearings, reflective of the coalition and collaboration that went on, many feminist organizations' coalition partners also made presentations such as the ACN, CDCAA, CEC, CLC, NAPO, as well as the Council of Canadians, and Equality for Gays and Lesbians Everywhere (EGALE). Aboriginal groups such as the AFN, MNC and the NCC presented, as did the Inuit Tapirisat. Many feminist concerns, and vice versa, were reinforced by these various organizations, from the condemnation of the hurried processes and particular proposals like the entrenchment of property rights, to advocacy of national social programmes and the self determination of Quebec and Aboriginal peoples.

This concordance of ideas demonstrates not only the networking and coalition work that had taken place, but it also legitimized national feminist organizations' claims to representational legitimacy. Contrary to the "special interest" appellation, and the various efforts made to detract from feminist constitutional positions, it becomes more self-evident as this chapter progresses that feminist claims not only had depth and breadth, but they also resonated widely.

In the end, while some of the issues raised by feminists and their allies were

pondered by the Committee, others fell by the wayside. The Beaudoin-Dobbie Committee presented its findings in March after the constitutional conferences.¹¹⁹ Its report, A Renewed Canada, was submitted with the endorsement of all three federal parties. Indeed, some commentators considered it to be a good beginning for the constitutional conversation.¹²⁰ Although the report echoed many of the constitutional conference themes and did not simply re-articulate Ottawa's September proposals, there were still a number of key issues of considerable concern. According to NAC, while the Report reflected "some of the spirit of the Conferences in its prose, [it] rejected much of the substance of the Conferences' recommendations... ." ¹²¹

Unlike earlier initiatives, there was a recommendation for an inherent right of Aboriginal self government. Certain contentious economic initiatives were omitted, in Russell's words, "stripp[ing] the economic union down to essentials"¹²² and deleting the property right clause. There also was an endorsement of a "social covenant" with echoes of the Ontario NDP government's social charter and the recommendations made at the Montreal conference. There was a commitment to a reformed Senate much like the federal proposals, but based this time on proportional representation. As before, there was a distinct society clause and there were complicated proposals on shifting the division of powers. On this latter point, the Report diverged the most from the conference resolutions and raised the ire of many feminists. In Susan Delacourt's analysis, here the Conservative government attempted to re-direct the focus to Quebec, for even though the Beaudoin-Dobbie Committee "had heard no great call for more powers to the provinces, the Tories on...[it] hastily pulled

together a grab bag of powers to recommend for transfer to the provinces, especially Quebec."¹²³

Women's organizations, therefore, were critical of the report. In Manitoba, the WCER, for example, made it known that the Beaudoin-Dobbie report not only negated the constitutional conferences, but also eroded an already weak section 28. Other feminists cited these concerns and others. A detailed examination of two national feminist organizations responses, NAC and NAWL's, would be beneficial, for their positions vis-à-vis the report were comprehensive and carefully considered.

NAC's reply was organized under seven headings: i)political representation of women and minorities; ii)division of powers; iii)protecting equality rights; iv)economic union; v)social and economic rights; vi)preamble and Canada clause; vii)process.¹²⁴ Throughout, indicative of the influence of its diverse member groups and allies, NAC commented upon an array of issues from women's rights, Aboriginal inherency claims, provisions for lesbians, gays and people with disabilities, which it supported, to devolution of powers, economic union and property rights, which it strongly opposed.

To elucidate, NAC did note some of the gains that were made and were evident in the Beaudoin-Dobbie report. It did recommend proportional representation in the Senate. NAC endorsed this recommendation as well as the Committee's position on the inherent right to self-government of Aboriginal people. However, NAC then went further than the Report and promoted NWAC's position.¹²⁵ Contrary to the AFN, NAC agreed with NWAC that the Charter should apply to self-

government,¹²⁶ and this was not addressed in the Beaudoin-Dobbie recommendations. NAC was supportive of the fact that Beaudoin-Dobbie concurred with "equality seeking groups and environmentalists" in rejecting the property rights proposal, as well as "provincial governments, unions, NAC and other members of the Action Canada Network,"¹²⁷ in declining to entrench economic union amendments. However, NAC continued to oppose the Committee's proposals with regards to a common market in its clause 121. Moreover, it was critical of Beaudoin-Dobbie's position on the social covenant.¹²⁸ NAC pointed out that the social rights enumerated in the report were non-enforceable. It would only support a proposal for a social charter that offered "a mechanism to enforce social and economic rights through a tribunal whose decisions [could] be overturned by a majority of Parliament."¹²⁹

NAC's harshest rebuke of the Beaudoin-Dobbie Committee came in the latter's handling of the federal spending power. Here NAC criticized the Committee's reversion to the Meech Lake approach, and to its problematic devolution of federal powers. It denounced the Committee for ignoring the majority position of the constitutional conferences which called for a strong central government, but with a recognition of the need for asymmetrical federalism. NAC determined that the Beaudoin-Dobbie proposals on the division of powers were, "if anything, worse than the Fall 1991 federal proposals and certainly worse than the Meech Lake Accord." On this issue, NAC considered the Committee's treatment of inter-governmental agreements to be the "single most dangerous recommendation" because "[t]hrough this provision, the division of powers under the constitution could be effectively and

permanently amended without having recourse to the amending formula in the Constitution."¹³⁰

In terms of the Charter, NAC had a number of recommendations. Again, reflective of the networking that had taken place, NAC endorsed an amendment to the Constitution that had been formulated by WCER in the course of the debate on Shaping Canada's Future. WCER devised an interpretive clause to be placed in the Constitution Act 1867 that would strengthen section 28.¹³¹ In addition, NAC called for the Charter to add "sexual orientation" as a prohibited ground of discrimination, and for it to strengthen the rights of people of colour and people with disabilities.

Given these concerns, it is not surprising that NAC criticized the Beaudoin-Dobbie Report's proposed preamble and Canada clause. The former referred to a Judeo-Christian god, not mindful of Canadian religious diversity, and the latter, in NAC's view "set up a hierarchy of ethnic groups, based on their date of arrival in Canada".¹³² This served to detract from the idea, promoted by NAC and others, and sustained in the constitutional conferences, that Canada was made up of three founding nations and diverse races and cultures. As a result of these multiple criticisms, NAC rejected the Report's recommendations and demanded further public consultation in the form of a larger, representative constitutional conference, rather than the reversion to closed-door talks.

NAWL published a position paper at the start of August 1992 that provided an alternative to both Shaping Canada's Future Together and the Beaudoin-Dobbie report. From the start, the networking and educational efforts of women's

organizations becomes apparent as NAWL introduced its brief with the statement that it believed in substantive equality for all Canadians, but that,

In particular, NAWL contends that the people of Quebec and of Canada's First Nations should be accorded different status precisely because of their historical disadvantage, their special needs, and their distinct aspirations for the future. NAWL supports the view that the Constitution of Canada should provide a framework within which the people of Quebec, and Canada's Aboriginal peoples have, through their governments, the powers and autonomy necessary for them to promote their distinct cultures, languages and societies.¹¹

This, of course, echoed the Three Nations analysis arrived at and promoted by NAC. NAWL stressed that Quebec should have the powers to safeguard and promote its distinct society; however, it clarified, more carefully than NAC, that Canada outside Quebec should not be conceived of as "English Canada," given the strong francophone presence in the rest of the country. Thus, reminiscent of concerns raised by the FNFCF, NAWL claimed that "Canadians outside Quebec need a strong central government firmly committed to bilingualism and to the promotion of Canada as a bilingual country, and that the Canadian constitution should clearly reflect this fact." (page 7). In the end, NAWL reiterated that "any changes to the Canadian Constitution must be acceptable to the Aboriginal people of Canada, and to the people of Quebec." (page 21).

With respect to various rights issues, NAWL advocated a Canada clause that should give preeminence "to eradicating sexual and other forms of inequality" (page 8). NAWL, like NAC, was critical of property rights and supportive of social rights. NAWL, however, recommended an administrative rather than a judicial tribunal to enforce a new social charter. With respect to Aboriginal women's rights, NAWL

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explicitly mentioned that it, along with NAC, supported NWAC in its efforts to be part of the constitutional negotiations immediately and in future self-government deliberations.

On issues of political representation, NAWL recommended substantial change and provided some different recommendations from those of NAC. NAC would no doubt agree with NAWL in the latter's call for making the House of Commons accessible to people with disabilities and increasing representation of poor people, the difference lay in the fact that while NAWL considered proportional representation, it recommended this change for the House rather than the Senate. NAWL recommended abolishing the Senate altogether. Failing that, political institutions like the Senate and the House had to take measures that would correct the "historic imbalance" where "women, visible minorities, those with disabilities and Aboriginals have been chronically under-represented in all levels and houses of government." (page 14). Lastly, NAWL called for improved judicial representation of women "in proportion to their share of the Canadian population." (page 15).

NAWL discussed the state of federalism as well. Like NAC, it stressed the need for a strong central government and the necessary preservation of social programmes and new initiatives like a national child care programme. It advocated strengthening commitments to shared-cost programmes and minimizing "interpersonal and interregional disparities," (page 19) and it criticized the devolution of federal powers and the entrenchment of an economic union.

Finally, NAWL raised the question of process. Again, it agreed with NAC in

both its push for popular participation in constitutional negotiations and in its positive assessment of the constitutional conferences. NAWL, having taken part in the Halifax, Calgary and Montreal conferences, believed that they "showed that when representative groups of Canadians come together, they can devise intelligent and reasonable alternatives to the constitutional proposals put forward by governments." (page 20). As opposed to executive federalist options, NAWL recommended the use of a constituent assembly with equal representation of women and full representation of "people with disabilities, lesbians and gay men, people from diverse income levels and sources, and those from diverse ethnic educational, religious, linguistic, occupational, geographic, racial and cultural backgrounds." (pages 20-21).

NAC and NAWL's efforts demonstrate the multi-faceted analyses undertaken. NAWL emphasized not only the more legally-oriented Charter rights issues, but other concerns, and many of these overlapped with NAC's point of view, suggesting a coordinated response and sustained opposition to the substance of the Beaudoin-Dobbie report. Despite these detailed critiques, commentators have noted that the work of the Beaudoin-Dobbie Committee went on to play an important role in the next stage in "setting the framework for the 'multilateral talks' that followed."¹³⁴

XII Negotiations Resume

In the final stretch, many contend that there was a total reversion to the executive federalism of old. As Brooke Jeffrey describes, "The open, participatory process that began in early 1991 was transformed, by February 1992, into something

quite different."¹³⁵ Yet, there were modest, albeit notable, changes that were evident in the multilateral negotiations that took place from March to August 1992, in comparison to the Meech Lake affair.¹³⁶

First of all, unlike Meech, negotiations involved not only the First Ministers but also representatives from the territorial governments as well as from the four Aboriginal organizations: the AFN, MNC, NCC and the Inuit Committee on National Issues. Second, Quebec was not formally a participant. Thus, from March 12, 1992 the provincial and territorial governments, save for Quebec, with a number of Aboriginal organization representatives began to "translate the deliberations of the public phase into a constitutional agreement that enough governments could live with to satisfy the requirements of the amending formula."¹³⁷

In addition, whereas First Ministers had been holed up at resorts and government buildings in the Gatineau and in Ottawa for Meech, the present negotiations took place across the country from Halifax to Vancouver. Previous deliberations had been limited to the select few: the key leaders and a handful of advisors. Now the negotiators tended to be various government ministers and their aides, with the Premiers themselves seldom in attendance. Lastly, the agenda in this round was not only more wide-ranging, but also more flexible than before.

There obviously were large representational gaps as women and ethno-cultural groups, among others, also demanded representation and, once again, their requests were denied.¹³⁸ This did not deter women. Earlier coalition work meant that feminist organizations like NAC and NAWL had allied themselves with various Aboriginal

organizations. Although NWAC was not formally represented, the NCC, AFN and the MNC "made provisions for representation of women with their delegations."¹³⁹ As we shall see, through its contacts with the NCC, groups such as NAC and NOIWM, among others, would briefly have the opportunity to play an indirect advisory role. Thus, women worked on various points of access. Representational routes were not obstacle free. Particularly when the Prime Minister stepped up his involvement, there were major impediments. However, there were more entry points in the multilateral negotiations than there had been for Meech.

By June, Prime Minister Mulroney was becoming impatient. There was a growing sense, moreover, that he and Premier Bourassa "had been humouring the multilateral negotiators, pretending to take them seriously, when in reality they had actually thought the process was doomed."¹⁴⁰ Mulroney met with the Premiers at the end of June and then left the country for meetings abroad. It would seem that he was not expecting a resolution in his absence but, given rising feelings of frustration, the multilateral negotiators pushed even harder for an agreement. Then, after meetings were held in Toronto and in the Pearson building in Ottawa, a constitutional agreement, the Pearson Accord, was struck on July 7, 1992.

This Pearson Accord responded to Quebec's demands and contained significant changes such as a reformed, elected Senate with equal representation along the lines of the West's "Triple E" proposals. Robert Campbell and Leslie Pal suggest that Bob Rae negotiated a trade-off whereby Clyde Wells would agree to a Quebec veto, if Quebec would allow a Triple E Senate.¹⁴¹ The deal also included distinct

society, inherent right to self government, opt-out changes to the division of powers and a social charter.

The Prime Minister returned to both an achievement and an impasse. While the negotiators of the Pearson Accord obviously supported the plan, Quebec was not thrilled with the outcome and reverted to its pre-Meech conditions. Mulroney was not impressed, in part, because of Quebec's concerns and also in part, because the deal was struck without him. At this point, reminiscent of Meech, the Prime Minister took charge, inviting all the Premiers, including Robert Bourassa to lunch at Harrington Lake. Activists were outraged, especially given that Aboriginal representatives were not included, nor were the leaders from the territories. As a consequence, Ovide Mercredi led a protest on the road to Harrington Lake. The very real fear was that, with Mulroney at the helm again, and Bourassa on board, a deal would be realized but via a select, executive federalist crew.

Still, there continued to be exceptions to the federal-provincial diplomacy of the past. After the Harrington Lake protest, the Prime Minister arranged for a meeting between the Native and territorial leaders, but both Mercredi and Tony Penikett refused to attend. However, the remaining leaders did make their presence felt. Notably, the leaders in attendance were women: Rosemary Kuptana and Mary Simon of the Inuit Tapirisat and Nellie Cournoyea, leader of the NWT. According to Susan Delacourt, this unusual situation proved difficult for Mulroney to handle. He was not used to negotiations with women leaders, felt more comfortable bargaining with men and, for their part, these women "unlike male politicians, were

demonstrating that they were far less likely to emerge from a meeting with the prime minister voicing empty platitudes."¹⁴²

Despite such departures, Brian Mulroney reverted to his own particular style of stress and strain bargaining via a series of long meetings with the Premiers that took place at the start of August. In Jeffrey's account, compromises on the part First Ministers, reached via laptop computer manipulations, resulted in the final constitutional resolution.¹⁴³ Again, however, some notable exceptions were apparent given that, at one point, an agreement on issues of self government was hammered out by the unlikely trio of Rae, Wells and Mercredi.¹⁴⁴ In the end, a deal was struck and finalized on August 27-28 at Charlottetown, and thus it was dubbed the Charlottetown Accord. Although it basically incorporated a lot of the Pearson Accord, key agreements were lost in these last ditch efforts. For example, proportional representation in an elected Senate fell off the agenda at some point in the August discussions, much to women's frustration.¹⁴⁵ Nonetheless, feminist efforts had some impact and their work through this period must be taken into consideration.

XIII Feminist Efforts

Obviously, the timing of these multilateral meetings, over the spring and summer months, and the shape they took were not very conducive to activist input, especially for women. Still, the process was improved from that of Meech, given the consultations that preceded the deal, the participation of Aboriginal leaders for most of this period and the fact that these multi-lateral negotiations took place in different places and spanned several months. This meant that feminists could position

themselves, in terms of points of access, in ways that were inconceivable during Meech.

As alluded to earlier, during the multilateral negotiations, realizing that negotiations were not proceeding as anticipated, the NCC contacted women's groups such as NAC and NOIVM, as well as other organizations such as the CLC and CEC, and suggested that an advisory group be created in order for a wider array of groups to be part of the process.¹⁴⁶ Through this means, mediated feminist analyses could be brought to the negotiating table.

There were also a few opportunities for direct access. As Rebick recalls, this advisory group was able to push for a meeting with the Premiers. In addition, at certain points, feminist representatives were consulted personally. Joe Clark and members of his staff did meet with and called on key feminist representatives such as Judy Rebick and Barbara Cameron.¹⁴⁷ On the whole, these multilateral discussions were not open to the public, nor to women's movement representatives and others equality seekers beyond the leaders of some national Aboriginal organizations. However, there were some "cracks" for feminists, indicating change from the completely cloistered Meech meetings.

Progress, nevertheless, was hard-going and thus lobbying had to be interspersed with more confrontational tactics. NAC, for example, did not shy away from demonstrating to demand that women's concerns be part of negotiations and it organized a protest outside of the Pearson building before the Accord was reached.¹⁴⁸ Nevertheless, even when women were able to seize political opportunities, their well-

intentioned arguments were not welcome. For instance, Rebick describes what transpired at the above-mentioned meeting with the Premiers:

Things were looking pretty bad...[but we finally got a meeting] about three-quarters of the way through it, with the leaders of the delegations, and we shared out time with NWAC and NOIVM...at that point we had found out about the Canada Clause...and we decided that while we never thought that distinct society undermined the Charter we believed the Canada Clause did...and that it set up a hierarchy of rights...we tried to tell them, we thought they were doing it inadvertently...and we tried to tell them that there were these problems with the Canada Clause and that if they brought it out the way it was, it was going to ditch the whole deal. And we were right... but of course they wouldn't listen to us... .¹⁴⁹

This marks the intensification of what would become NAC's analysis and campaign against the hierarchy of rights in the Canada Clause, which would prove to be crucial in drumming up mobilization against the Charlottetown Accord.

Feminist organizations like NAC, then, attempted to forewarn the political leaders and notify the public that the Canada Clause was highly problematic. However, "Rebick was viewed with anger and impatience by the provincial negotiators...[And] [r]eporters were tired of seeing Rebick make her frequent complaints and [instead] scurried around looking for more information on the Senate dispute."¹⁵⁰ Thus, feminist concerns about the Canada Clause were not seen to be a priority for politicians or the press.

NAC and its allies persisted. Shelagh Day devised an alternative plan, a Canada Clause that protected group rights, and NAC succeeded in eliciting a promise from Joe Clark that Ottawa lawyers would review this proposition with them. Unfortunately for the government, this did not occur until September, after the

Charlottetown agreement had been reached.¹⁵¹ A major point of contention with regard to the Charlottetown Accord could, conceivably, have been averted, due to government avoidance behaviour and intransigence.

Aboriginal women continued to mobilize during this period but here too progress was not immediately forthcoming. In March, an unsuccessful meeting with Joe Clark, where funding and access to the constitutional negotiations was denied, led to a legal challenge by NWAC.¹⁵² The court ruled against NWAC, in essence, arguing that it should not receive equal regard and funding on par with the other Aboriginal organizations, and thus, this decision was appealed. Legal strategies were combined with conventional political entreaties. Countless letters were written to the First Ministers suggesting that Aboriginal women were not being dealt with fairly. NWAC also corresponded with leaders of the Aboriginal organizations around the table, including Ovide Mercredi of the AFN, and requested an explanation for the omission of Native women's demands for the entrenchment of sexual equality rights.¹⁵³ There was little responsiveness on the part of either First Ministers or the AFN.¹⁵⁴

NWAC sent copies of many of these letters to NAC and NAWL. It also presented its position at NAC's AGM. As a result, NAC stepped up its work with Aboriginal women to ensure that their equality rights were protected. This would later provide a major justification for NAC's campaign to reject the Charlottetown Accord. NAWL's constitutional response, as outlined above, was released on August 5, 1992, and it also emphatically endorsed NWAC. Moreover, prominent feminist

lawyers and academics with NAWL, LEAF and Ad Hoc connections, including Mary Eberts and Anne Bayefsky, provided legal assistance for NWAC.

Letters and position papers continued to be written and circulated by women, meetings were organized and a legal response to NWAC's situation was co-ordinated. What is more, broader lobbying continued. Beyond keeping the pressure on Clark, feminists increasingly targetted provincial officials. Not only did Judy Rebick meet with Bob Rae, but NAC's regional representatives also began to approach various provincial politicians.¹⁵⁵ NAC's national newsletter encouraged women to "write to your Premier and demand a meeting with women's groups to ensure he is representing your interests."¹⁵⁶

NAC and other women's organizations continued "furiously lobbying to get something around the Canada clause"¹⁵⁷ promoting a more inclusive Clause that, among other things, preserved equality rights and protected Aboriginal women's rights. Although gains were not made here directly, the repercussions of the efforts of feminists and their allies on other issues could be felt.

During this period, feminist collaboration and caucussing did not cease. Especially given the fact that politicians and the media were not paying attention to the potential negative implications of the Canada Clause, the decision was made to organize a women's gathering prior to the final signing of the Accord.

On August 24, 1992, NAC, NWAC, along with the CLC Women's Committee jointly sponsored a women's conference in Ottawa on the Premiers' proposals. Approximately 300 women took part in this event, and over 1/3 of the participants

were Aboriginal women.¹⁵⁸ Fifty diverse women's organizations, old and new, sent representatives, including BPW, NOIVM, the FFQ and the FNFCE.¹⁵⁹ According to Rebick, "it was quite representative of various groups...it wasn't as regionally representative as it should have been because we didn't have the money to travel, but it was regionally representative to a limited degree."¹⁶⁰ Out of this meeting came the unanimous consensus that the Pearson agreement jeopardized both social programmes and equality rights.¹⁶¹ This would develop into the core position adopted by feminists in the No campaign.

Two days later, NAC wrote a letter to the Prime Minister requesting to be part of the constitutional negotiations. NAC also suggested that a delegation of Aboriginal women, including members of NWAC and the National Métis Women of Canada, be a part of the process. Finally, NAC proposed that the women's conference participants be allowed to outline their concerns to the First Ministers. However, women's participation of this kind was denied.

Growing out of the conference experience and the resolutions that were made, a number of feminists decided to travel to Charlottetown. In Rebick's recollection:

we decided at that conference to go to Charlottetown...to organize and protest at Charlottetown because we knew that they were selling us down the river. And so we did. We went to Charlottetown, Shelagh [Day] and I went, both to lobby as much as we could to see if we could get any changes and to demonstrate... And so the local women in Charlottetown,... [and the women who came] from Ottawa, ... demonstrated and I think that's the first time the media started to pick up that maybe the women's movement was going to play a role...¹⁶²

Media work continued. Mary Eberts, counsel to NWAC, recalls Shelagh Day of NAC and Teresa Nahanee of NWAC, working away, equipped with a portable computer,

"sitting in the restaurant in the Prince Edward Hotel... reeling off press releases." ¹⁶³

In light of this campaign, due to the litigating, lobbying, organizing and protest, more than the media began to pay heed to women.

Along with chanting and singing in protest while in Charlottetown, women also pinned down each Premier. As Rebick recalls, at this point she focussed on two issues, Native women's rights and Senate reform. In relation to gender parity in the Senate, recall that feminists and their allies had obtained concessions in Beaudoin-Dobbie on the issue of proportional representation, gender equality and minority representations, but these gains were lost in the multilateral talks. Later, while these gains were not reinstated as part of Charlottetown's modified Triple E, the Accord did include a proposal that would have allowed the provinces to pass legislation requiring gender quotas for Senate seats. Consequently, Rebick and NAC confronted Bob Rae, and succeeded in having him agree that he would support a 50 per cent quota of women in the Senate. As a result of women's campaigns, Ontario and Nova Scotia agreed to gender parity and they were joined by British Columbia. The latter then withdrew the offer. ¹⁶⁴

In the end, some inroads were made. The diminution of the government's economic agenda was substantial and this would free more space for social rights. As Russell comments, the federal government did "retreat on its own constitutional priority - the proposals to strengthen the economic union." ¹⁶⁵ While he attributes this to provincial domination, given the foregoing, it would not be unreasonable to suggest that the work of feminists and their coalition partners had had some impact. In

NAC's estimation, the "most destructive" aspects of the initial federal government proposals from property rights and the Council of the Federation were removed, while progressive issues such as Aboriginal self-government and minority linguistic rights had been strengthened.¹⁶⁶

Furthermore, on August 20, 1992 the Federal Court of Appeal ruled in favour of NWAC and determined that it had been denied freedom of expression when the government determined it would only fund the mostly male Aboriginal organizations.¹⁶⁷ After the Federal Court of Appeal arrived at its decision the Advisory Council wrote letters on NWAC's behalf to the Prime Minister, as well as to the four Aboriginal organizations that had been part of the review process, encouraging them to heed the court's ruling.¹⁶⁸

In sum, the summer months leading up to the Charlottetown Accord were busy ones for feminists. They worked on multiple fronts from lobbying and assisting with legal strategizing, to conferencing, caucussing and protesting. They accessed whatever political opportunities available and their efforts achieved mixed results.

XIV The Charlottetown Agreement's Intricacies

Before examining the post-Agreement context, and the referendum activism that followed, a brief overview of the contents of the document clarifies what was at stake. The August 28 settlement produced the "Consensus Report on the Constitution," commonly referred to as the Charlottetown Accord.¹⁶⁹ Getting to this stage and reaching this type of consensus required an accommodation of interests as never before. Patrick Monahan describes the scenario:

there were seventeen parties at the table; the interests at stake, particularly in terms of Senate reform and on Aboriginal issues, were contradictory; and the sheer range and complexity of the issues under negotiation was mind-boggling, touching on virtually every aspect of the Constitution.¹⁷⁰

This is evident in the length of the document, comprising 20 pages, with six major sections, ten sub-sections and sixty aspects. However, as will be discussed below, not all groups found the deal to be satisfactory and many would come to oppose the Agreement.

The influence of extra-parliamentary mobilization was apparent in the substance of the settlement. For example, the Canada Clause included a long list of Canadian values from racial, ethnic and gender equality, to Aboriginal rights and equality of the provinces, as well as Quebec's distinct society. What is more, the concerns of women, social activists, and the work of Bob Rae and the NDP were touched upon through the inclusion of a social charter which addressed issues of education, health, workers and environmental rights. However, it remained non-justiciable. Both the concerns of western provinces and Aboriginal peoples were apparent in the proposal to establish an elected Senate, and one with Aboriginal representation. Other institutional changes included a guarantee of 25% representation in the House of Commons and 3 out of 9 Supreme Court justices for Quebec. Finally, Aboriginal efforts were rewarded with the recognition of an inherent right to self government and the promise of new arrangements, although key Aboriginal women's concerns remained unaddressed. There were clarifications and new divisions on jurisdictional matters including the areas of labour, culture and resources. Finally,

there were modifications to the amending formula where all provinces obtained a veto on constitutional issues that dealt with matters of representation or federal institutions, and other topics followed the 7/50 rule.¹⁷¹

However, many elements denigrated in Meech were a part of the Charlottetown Accord, from the clauses on the spending power, to immigration agreements and the main principles of the amending formula.¹⁷² Even if there were differences,¹⁷³ in numerous ways, Charlottetown was considered to be "Meech Plus".¹⁷⁴

This was not a legal document but a political agreement. The Prime Minister's decision to hold a national non-binding referendum on the compromise was an afterthought, and it was not until much later that autumn that a full legal text of the agreement was published and distributed. It is during the referendum campaign that feminist efforts and critiques of Charlottetown came to the fore, and to which we will now turn.

XV The Referendum Period

The debate on Charlottetown continued from August until the referendum on October 26, 1992. The latter was ill-conceived. The Prime Minister was under pressure to respond to Quebec's scheduled, provincial referendum. What is more, he apparently believed that a non-binding referendum on the federal Accord would be well-received by the public, and through it Mulroney hoped to solidify support.¹⁷⁵ As one analyst surmises, "[b]ecause a national referendum had been neither planned nor anticipated, the campaign got off to a very slow start."¹⁷⁶

In contrast, certain women's organizations were quick off the mark. The Ad Hoc Committee promptly registered as a No group and worked on their media strategy which would include television commercials, radio broadcasts and a newspaper advertisement. As one Ad Hoc Committee member muses, "we were out early, and so there's been this thesis developed that in fact the women's movement...acted like a mother giving permission to the children to come out...it's the women who take the leadership, and then get the shit from the press."¹⁷⁷

At the same time, Canada's largest feminist organization responded and began mobilizing. After brief deliberation and consultation with national organizations and member groups,¹⁷⁸ and in an ironic lobby twist, despite personal pleas to endorse the Accord from none other than Joe Clark, Mary Collins and Kim Campbell,¹⁷⁹ NAC came out against the agreement. In so doing, it "became [one of] the first prominent social justice organization[s] to take a public stand against the deal."¹⁸⁰

NAC's decision to oppose Charlottetown was rooted in its past constitutional experiences, its consultations and collaborative work, as well as its internal negotiations and policy compromises. Consequently, NAC's position was carefully worded, cautious yet clear in its reasoning against the deal. This would serve to enhance NAC's credibility from the perspective of a Canadian citizenry that craved thoughtful and comprehensible information.

NAC urged women to vote No on the basis of a number of critical factors. To begin with, it raised concerns about the federal government's devolution of powers. For example, the Accord would have labour market training and

development fall exclusively to the provinces. NAC saw this as a threat to workers, especially the unemployed. In NAC's view, this would also constitute the thin edge of the wedge that would lead to the dismantling of the social safety net. It noted, "While there is mention of national objectives in the Accord, there is no mention that measurable, equitable national standards will have to be met... This will create a 'patchwork', or 'checkerboard' of inconsistent programmes and services across the country." NAC emphasized that the Accord "includes a restriction borrowed from the Meech Lake Accord on new social programs...PLUS a new restriction which puts existing social programs in jeopardy."¹⁸¹

In addition, NAC announced the Accord threatened equality rights. It came to this conclusion through its analysis of the Canada Clause. In NAC's view, the clause was problematic because it empowered governments over individuals and disadvantaged groups and made it harder for the latter to win Charter cases; and, it set up a hierarchy of rights. For example, the Canada Clause emphasized the supremacy of Parliament and Canadian federalism as key elements of Canada's character but did not mention the Charter. This was interpreted as an indication that governments had greater rights than individuals and groups. The clause was written in such a way that Canadians and their governments were committed to issues like language rights, but only Canadians, i.e. not governments, were said to be committed to sexual and racial equality. This wording, in NAC's view, constituted uneven treatment. In addition, NAC emphasized that people "with disabilities, older people, religious minorities, gays and lesbians and poor people- who have all won Charter

cases- are left out of the Canada Clause."¹⁸²

As will be discussed in the next chapter, NAC came to oppose the Accord because of the Committee's support for Aboriginal women. It stressed that there were no equality guarantees for them. Moreover, the fear was that, with the inherent right to self-government, Aboriginal governments would be able to use section 33 of the Charter, the notwithstanding clause, to over-ride Charter rights. NAC also took issue with the fact that no mechanism was in place to ensure that women were a part of self-government negotiations. Here it clearly endorsed the NWAC position. It wrote: "Native women are the most vulnerable group in Canadian society. Their organization, the largest organization of native women in the country, [is] telling Canadians that their rights will be removed under the Charlottetown agreement. We should be listening."¹⁸³ Ultimately, NAC claimed that it was committed to the inherent right of self government "of aboriginal people- not just aboriginal men."¹⁸⁴

Finally, NAC declared that the process was flawed, for Aboriginal women, and for women in general. Furthermore, it criticized the government for not providing its citizens with a legal text. In fact, when NWAC eventually obtained a leaked copy of the legal text and announced that there were discrepancies between the Charlottetown agreement and the legal version, NAC and NWAC's concerns, among other organizations and individuals, about the government's failure to provide a legal text were confirmed. As the result, the government capitulated and made a legal draft of the agreement available to the public.

The detailed No response was propagated through various NAC

representatives, not just via Judy Rebick, the President, who gained great media notoriety in this period. Many other women participated from its Constitutional Committee member and social policy spokesperson, Barbara Cameron, its Charter specialist and Vice President, Shelagh Day, to countless others such as Parliamentary Liaison, Huguette Léger. Representatives of the organization spoke to women's groups large and small and at various social policy group gatherings and fora, in high schools, universities and at union meetings.¹⁸⁵ In addition, NAC used its member groups as conduits, as well as other national feminist organizations and allies, to propagate its No reasoning.

Beyond NAC, other groups added their own objections to the Charlottetown Accord. NWAC, at this point, intensified its legal efforts to remedy its exclusion from the constitutional process. It sought an injunction to halt the referendum on the basis that it had been excluded from the constitutional negotiations and that the Agreement put Native women's rights at risk.¹⁸⁶ The Court did not immediately review the matter and waited until 3 weeks before the referendum, at the behest of the AFN, which had requested intervenor status.¹⁸⁷ By this point, however, the legal text of the Agreement had been released. NWAC could now point to the inconsistencies between what had been said and what was written down in relation to having the Charter apply to Aboriginal governments. It would appear that Aboriginal women's fears - that the deal was being renegotiated even as citizens were being asked to vote on it - were justified, given the legal text.¹⁸⁸

It is also true that some national feminist organizations found it difficult to

oppose openly the latest agreement. There were many competing and conflictual issues at stake. Members of feminist organizations, like most Canadians, were balancing concerns including those of equality with the affirmation of Quebec and recognition of the inherent right of Aboriginal peoples to self-government. There were also splits among Aboriginal women, in their organizations and in their chosen strategies. For instance, there were critics of NWAC's analysis by those who viewed the Charter as a white, male instrument that would tether Aboriginal governments to a liberal, individualistic rights model. Wrenching considerations racked many national women's groups, causing some to freeze with indecision. As the next chapter will outline, women in unions and in the NDP were torn by the Accord, as their leadership promoted the deal but their members were more ambivalent.

In contrast to Meech, LEAF, for example, did not take a position on the Charlottetown Agreement.¹⁸⁹ Nonetheless, the presence of LEAF women was felt indirectly. LEAF was among the groups involved in social charter meetings in Ontario,¹⁹⁰ NAC's Charter specialist, Shelagh Day, a pivotal actor in Charlottetown, had connections with LEAF and to the Court Challenges Programme,¹⁹¹ and LEAF experience was present through feminist lawyers who had affiliations with the Ad Hoc Committee and who supported the NWAC case.¹⁹²

The endorsement of Aboriginal women became a logical solution for some feminist individuals and groups. McPhedran explains that NAWL and LEAF, as national organizations, were "torn and that was the effectiveness of working on the Aboriginal women's case because it was like a crucible of the various issues, you

didn't get lost in a lot of the side bars, by focussing on the Aboriginal women's case."¹⁹³ Here, however, the charge could be laid that these and other predominately non-Aboriginal women's groups, including NAC, sided with NWAC, an organization that accepted their analyses of patriarchy, feminism and the premises of western law. In certain respects, then, this can be viewed as another case where gender was privileged over race.

For others, there was little choice but to accept the agreement. The CACSW, for instance, released a communiqué on September 30, 1992 in which it sanctioned the proposed constitutional package, but with major reservations. As it is explained in a CACSW publication, the Council:

gave qualified support to the Charlottetown Accord, but proposed that the Accord be strengthened in several areas. Significantly, the concerns raised by the CACSW almost exactly echoed those voiced by other women's groups, among them the National Action Committee on the Status of Women, which had opposed the deal.¹⁹⁴

In brief, the Council raised four key points. First, it encouraged the government to include a commitment to the equality rights of disadvantaged groups. Second, it requested assurances with respect to national standards on shared-cost programs. Third, it called for equitable representation for women and other disadvantaged groups in relation to the Senate. Fourth, the Council called on governments to include equality guarantees for Aboriginal women and to ensure that they were partners in achieving self-government. Ultimately, then, the CACSW "expressed its qualified support for the deal, but called for its concerns to be addressed as the individual provisions were developed."¹⁹⁵

Since it was an umbrella group, and due to its networking with "all the national women's groups",¹⁹⁶ NAC was able to step into the spotlight when other organizations, like LEAF, were more reticent to take a visible role over Charlottetown. As a consequence, NAC, with its integrated Three Nations position, and with Judy Rebick as its spokeswoman, could pick up the slack in ways that it could not in Meech and in the early eighties.

Susan Delacourt comments, "The entire feminist movement...appeared to revolve in 1992 around Rebick's frequent appearances on CBC's all-news channel, Newsworld. [Yet, she was] more than a media hound...her views of the state of discontent in Canadian politics [were] sophisticated and well-considered."¹⁹⁷ This phenomenon is explained by Mary Eberts. In her view, Rebick was:

the only one on the national stage who was engaging in a principled discussion of Charlottetown. There were a lot of people who were discussing the principles, but no other one of them or us got the press that she got. So she carried the rest of us who were hoping to get the same message across.¹⁹⁸

In Barbara Cameron's estimation, Judy Rebick's position in relation to the national media was pivotal. Yet, while on the surface, through media portrayals, Rebick may have appeared as the lone spokeswoman for the women's movement, her standpoint represented the support of countless individuals and groups. Moreover, Rebick engaged in continual communication with members of the NAC executive and networked with regional representatives to facilitate collaborative connections. For instance, if any new developments transpired, Cameron comments, "Judy would put that sort of information immediately on the email system because she carried her

laptop computer with her everywhere."¹⁹⁹ Rebick describes the process that she used:

when I was doing the referendum, at the end of everyday, I would sit down and do a sort of questions and answers thing. Anything that would come up that was new...and how I responded to it ...I would put out on the email so that...people across the country had access to the same information that I had access to...we all did that...Barb [Cameron] did that...if there was a policy issue that came up we didn't know how to handle, and she was mainly our social policy person and Shelagh [Day] was...our Charter person. So these things all went out on email as well as fact sheets, questions and answers...So we used email, that's how we organized it. But that wasn't about networking. The networking with our groups was through meetings and phonecalls....²⁰⁰

The media helped position Rebick in a starring role in the referendum. In Cameron's words:

the role that Judy played...with the national media [was] not very consistent with feminist leadership cultures. But they treated Judy as a party leader. Women were thrilled to have that presence in the media. It was very exciting for people to see issues of women getting that priority. But at the same time, there could have been tensions. But because Judy was constantly communicating with people, there was a sense of real participation in the project.²⁰¹

Rebick's efforts struck a chord with women and people in general. After NAC - via Rebick and others - disseminated its No position, it was "inundated with letters of support."²⁰² Moreover, in NAC's parliamentary liaison, Huguette Léger's experience, "the public chose NAC as most other organizations to inform them were not there" and, as a consequence, NAC's phone "didn't stop ringing"²⁰³ with requests for speakers and for more information. Hence, NAC filled a vital educational and representational void.²⁰⁴

What is more, NAC was not alone in its efforts. For example, NWAC made use of commercial broadcasts that enabled it to reach the most remote reserves with

its No position.²⁰⁵ The Ad Hoc Committee, capitalizing on the free air time that was made available during the referendum period, put together a commercial for the No side, with the help of actor and television personality, Sonja Smits. In Marilou McPhedran and Nancy Ruth's estimation, the Ad Hoc Committee's primary contribution during the referendum campaign came in crafting a comprehensible constitutional message for women and developing an effective media strategy as feminists for the No side.²⁰⁶ Thus, while NAC most definitely took the lead during Charlottetown, other women's groups contributed to the No side struggles as well.

XVI The Referendum at a Glance

Other equality seekers also began to make it known that they, along with leading feminist organizations, would oppose Charlottetown.²⁰⁷ For example, disability organizations were furious.²⁰⁸ While they had been recognized as part of the "shopping list" in the government's September 1991 proposals, they were dropped in Charlottetown's Canada Clause. This, as NAC pointed out, reinforced the notion that a hierarchy of rights had been created. As a result, disability organizations protested and ultimately came out against the Accord, despite last minute offers by Joe Clark that the disability reference would be looked into after the referendum.²⁰⁹

In general, the political scenario throughout the referendum campaign played out as it did with Meech, with some exceptions that will be elaborated upon below. Robert Bourassa, while he had rejected both Beaudoin-Dobbie Report and the Pearson Accord, supported the Charlottetown Accord, although with reservations. Provincial Premiers endorsed the agreement as did many federal party leaders.

Unlike Meech, there were some influential, partisan dissenters. The BQ came out against the Agreement,²¹⁰ and Reform, while at first it was unsure about how to proceed, decided to renounce the agreement. Familiar governmental foes arose once more. For instance, as with Meech, former Prime Minister Pierre Trudeau publicly denounced the agreement in essays written in the magazines Maclean's and L'Actualité, and in a speech at a Montreal restaurant called the Maison Eggeroll.

Well-known governmental strategies were redeployed to counteract these developments. Brian Mulroney and key business representatives once again resorted to scare tactics and apocalyptic economic scenarios.²¹¹ Money was certainly behind the Yes side, for the Canadian Imperial Bank of Commerce, the Royal Bank and BCNI, notably the same corporate sponsors that backed economic initiatives like FTA, came out in favour of the Accord.²¹²

To counteract these efforts, NAC planned national demonstrations. The first was slated for September 30, 1992, to coincide with the demise of the Court Challenges programme (the Charter had been used by women to challenge the government and evidently legislators were not impressed with their funding of this strategy). This opportunity was seized to publicize how the Accord's Canada Clause could threaten Charter gains. A second event was organized to coincide with Person's Day, October 18, where women were encouraged to mobilize a "Yes to Equality and No to the Deal."²¹³

Other women's organizations, such as Ad Hoc and NWAC, mobilized on the No side via media channels. Prominent women were in the national spotlight for the

No. This was certainly the case for Judy Rebick of NAC, as well as Shelagh Day, and women from NWAC including Sharon McIvor, Teresa Nahanee and Gail Stacey-Moore. Other political women, such as Sharon Carstairs as well as Deborah Coyne, former advisor to Clyde Wells, also were public advocates for the No.²¹⁴

However, the government tried its best to marshall support for the Agreement and muddy the picture of endorsements of the No side. Recognizing that feminists in the No camp could sink the deal, political strategists made certain that there were notable women before the media who were in support of the agreement. Feminist and social activist June Callwood, Inuit leader Mary Simon and law professor Kathleen Mahoney were asked and chose to play a part in the government's National Yes Committee.²¹⁵ Furthermore, unlike Meech, there had been a few women around the negotiating table: Rosemary Kuptana and Mary Simon of the Inuit Tapirisat, as well as Nellie Cournoyea, leader of the NWT. By pointing to these women, the government attempted to delegitimize claims that women had lacked political representation and that the Accord was a bad deal for them.²¹⁶

The Yes side tried to capitalize on these types of divisions not only between women, but also within and between other equality seeking groups, from multicultural associations,²¹⁷ to Aboriginal organizations. Mary Eberts discusses elements of the government's strategy. She notes a form of politicking that began with Meech, but pervaded Charlottetown:

the sort of politics of personal witness and oath thumping where they would array all these famous names behind the government's position and then when persons who were opposed to the position would stand up and say well we don't think that's appropriate or we want something

else, then aspersions would be cast upon them. It was really bad [in Meech] and it got worse for Charlottetown.²¹⁸

In relation to feminist organizations for the No, the government hoped to detract from their anti-Charlottetown stance, and women's groups representational claims more broadly.

In the end, however, feminist networking and educational outreach helped to push the feminist No message to the grassroots where it had its greatest resonance. Representatives of feminist organizations such as NAC and Ad Hoc, along with countless other national and local women's groups, had worked to educate people and make the constitutional proposals and their implications accessible and understandable. People wanted to be informed, and feminist organizations had worked to service this need.

The No side, overall, worked best at the grassroots level. Jeffrey sums up the situation:

Instead of formal and officially recognized committees, the No forces consisted of innumerable smaller grassroots operations 'headquartered in kitchens, neighbourhoods and hockey arenas, run by retired couples and working men and women who designed their own materials and paid with their own money to have buttons, posters and signs made up.'²¹⁹

The government's Yes forces underestimated the citizenry, the power of the feminist message and women's ability to mobilize in less than opportune circumstances. They did not anticipate widespread opposition, and their campaign, although financially endowed,²²⁰ was not only slow to start, but never picked up much steam.

Despite the money and political clout behind the Yes side, the No forces

prevailed, convincing 54.4% of Canadians to vote No, with 6 out of 10 provinces voting against the agreement.²²¹ Ironically, even though substantial gains had been made by Aboriginal peoples, only 22% of the Aboriginal population voted on the referendum and over 60% voted No.²²²

After Meech, and well before the Charlottetown Accord referendum campaign, feminists struggled to contribute to the constitutional discussions. Their efforts were considerable and, while the results of their interventions are mixed, there is no denying that women played a pivotal role in this round of constitutional negotiations. Although the final resolution was the same in both constitutional rounds, circumstances had changed and, in turn, so had feminist strategizing. Chapter 6 will trace the modified conditions in the post-Meech context, and analyze the resulting shift in women's efforts to make change.

END NOTES: CHAPTER 5

1. Michael Burgess, "Constitutional Reform in Canada and the 1992 Referendum," Parliamentary Affairs 46:3 (July 1993), 372.

2. Ronald L. Watts, "Overview," in Ronald L. Watts and Douglas M. Brown eds., Canada: The State of the Federation 1993 (Kingston: Institute of Intergovernmental Relations, Queen's University, 1993), 5.

3. See, Native Women's Association of Canada, "Aboriginal Women and the Constitutional Debates: Continuing Discrimination," Canadian Woman Studies 12:3 (Spring 1992), 15.

4. Dunn remarks: "public opinion has never been as supportive of Native self-determination as it is today. The role played by the Native Manitoba legislator Elijah Harper in the demise of the unpopular Meech lake Accord provoked an outpouring of good will from ordinary Canadians toward the needs of First Nations. Poll results showed a marked support for Aboriginal self government in particular." Christopher Dunn, Canadian Political Debates: Opposing Views on Issues that Divide Canadians (Toronto: McClelland and Stewart, 1995), 43.

5. Public opinion polls in Quebec indicated that support for sovereignty had risen above 60% in the months after the failure of Meech. See Burgess, 370.

6. Business considerations were quite evident as the final document criticized the welfare state and recommended, for example, that Quebec should capitalize on its "espace économique canadien." See Daniel Bonin, "Le Québec de l'après-Meech: entre le beau risque nouvelle manière et la souveraineté," in Ronald L. Watts and Douglas M. Brown eds., Canada: the State of the Federation, 1991 (Kingston: Institute of Intergovernmental Affairs, Queen's University, 1991), 32. See also, Peter Russell, Constitutional Odyssey: Can Canadians Become a Sovereign People?, 2nd. ed., (Toronto: University of Toronto Press, 1993), 159.

7. Quebec Liberal Party Constitutional Committee, A Quebec Free To Choose, Allaire Report, January 1991.

8. See Alain G. Gagnon and Daniel Latouche, Allaire, Bélanger-Campeau et les autres (Montreal: Editions Quebec/Amérique, 1991); see also, Margaret Banks, Understanding Canada's Constitution: including summaries of some reports recommending changes (London, Ontario, 1991), 46.

9. Although, as Russell points out, the Report did recommend that Quebec's Aboriginal peoples be treated as distinct nations and stressed the multi-racial and ethnic aspects of Quebec society. See Russell, 160.
10. Report of the Commission on the Political and Constitutional Future of Quebec, (Bélanger-Campeau Commission), (Quebec: Bibliothèque nationale du Québec, 1991).
11. See Leslie A. Pal and F. Leslie Seidle, "Constitutional Politics 1990-1992: The Paradox of Participation," in Susan D. Phillips, How Ottawa Spends: A More Democratic Canada? (Ottawa: Carleton University Press, 1993), 179-181.
12. See Robert M. Campbell and Leslie A. Pal, The Real Worlds of Canadian Politics: Cases in Process and Policy, 3rd. ed., (Peterborough: Broadview Press, 1994), 150.
13. Gagnon and Latouche, 494.
14. Lise Bissonnette, "Quebec After Meech: On the Threshold," in Constitutional Forum, "Special Issue: In the Aftermath of Meech Lake: Looking Ahead," 2:2 (Winter, 1991), 59.
15. As Russell describes this "dynamic group of French-speaking entrepreneurs...[who] headed a number of Canada's fastest-growing companies and were at the cutting edge of financial innovation. Compared with the social scientists and professionals in the forefront of Quebec nationalism a generation earlier, this new business class was less étatiste, less enthusiastic about expanding the public sector. Still, it worked in close cooperation with the Quebec government and drew much of its corporate financing from semi-public pools of capital such as local savings banks, provincially tax-sheltered schemes, and public sector pension funds." Russell, 158-159.
16. See "Quebec's largest women's group speaks," The Womanist 2:4 (Summer 1991), 37.
17. See Avis du Conseil du statut de la femme, "Résumé du mémoire à la commission sur l'avenir politique et constitutionnel du Québec," November 1990, 7-8. Numerous other women's groups were heard from and presented briefs. For a list, see Gagnon and Latouche, 580-599. See also, Micheline Dumont, "L'expérience des femmes dans le présent débat constitutionnel," in Gagnon and Latouche, 173, plus the CSF excerpt in Gagnon and Latouche, 212-215.
18. See CSF excerpt in Gagnon and Latouche, 213-214.
19. See "Quebec's largest women's group speaks," The Womanist 2:4 (Summer 1991), 37.

20. See FFQ excerpt in Gagnon and Latouche, 219-220.
21. Ibid., 210-212, and CSF excerpt in Gagnon and Latouche, 214-215.
22. "Quebec's largest women's group speaks," The Womanist 2:4 (Summer 1991), 37.
23. Gagnon and Latouche, 469.
24. See Citizens' Forum on Canada's Future, Report to the People and Government of Canada (Ottawa: Supply and Services Canada, 1991). See also, Wendy F. Porteous, Citizens' Forum on Canada's Future: Report on the Consultative Process (Canadian Centre for Management and Development, March 1992).
25. Reg Whitaker, "A Hijacked Process," in Douglas Brown, Robert Young and Dwight Herperger eds., Constitutional Commentaries: An Assessment of the 1991 Federal Proposals, Conference Report, Reflections Paper No.10 (Kingston: Institute of Intergovernmental Relations, Queen's University, 1992), 74.
26. Campbell and Pal, (1994), 155.
27. Russell, 164. This is also admitted in the Citizen's Forum Report, 24-25.
28. See Cameron's testimony to Ontario Select Committee: "the experience with Spicer and a number of the commissions was that women's organizations were not that active...The participation of women in Spicer, apparently, was very minimal and the NAC did not participate in Spicer." Select Committee on Ontario in Confederation (July 31, 1991), C-1208.
29. Anne Molgat interview, November 21, 1995. In fact, more women participated in Spicer than in later government Committees and Commissions. As one feminist presenting before another Commission pointed out: "when we look back ever since Meech, the representation of women on the various hearings and interventions around the constitutional process is not good. The very best representation was with the Spicer Commission, which I think had real problems. There were no questions on women, and certainly in the sessions that happened in this part of the country it was almost impossible to raise women's issues..." Janet Maher of the Ontario Action Committee on the Status of Women, presenting with NAC, before the Beaudoin-Dobbie Committee. See Canada, Special Joint Committee on the Senate and House of Commons on a Renewed Canada, Minutes and Proceedings of Evidence (October 28, 1991), 10:26. This may reflect less the gains made in Spicer, than the fundamental weaknesses of later processes of consultation.
30. The decreased number of presentations also reflected the realities of funding cuts. It was hard for smaller groups to direct their limited resources to research development. Scarce resources- money, time and effort - went towards providing

basic services for women.

31.Citizens' Forum Report, 27.

32.Mary Eberts, Ad Hoc group interview, November 16, 1995.

33.Romily Perry and Nancy Ruth respectively, Ad Hoc group interview, November 16, 1995.

34.Nancy Ruth's personal files.

35.Cameron noted the NAC was "talking a lot about process and the need for women to be involved, but yet had not actually come up with what we wanted to say when we were consulted" See Barbara Cameron's presentation in Select Committee on Ontario in Confederation (July, 31, 1991), C-1208.

36.Keith Spicer also left his personal touch on the document. Although the Committee did not recommend a constituent assembly, the chair leaned in this direction advocating this type of mechanism or something similar. Spicer also emphasized the need for Senate reform and considered its abolition.

37.The Report summarized what it heard under the following categories: Canadian identity; Quebec and Canadian unity; official languages; Aboriginal issues; cultural diversity; Canadian economy; and responsible leadership and participatory democracy. See Citizen's Forum Report, 33-105.

38.Citizen's Forum Report, 35.

39.Pal and Seidle, 151.

40.Kathy Brock, "Learning from Failure: Lessons from Charlottetown," Constitutional Forum, "Referendum Reflections," 4:2 (Winter 1993), 29. See also, Campbell and Pal, 1994, 156.

41.See Janet Maher's presentation to Beaudoin Dobbie. Canada, Special Joint Committee on the Senate and House of Commons on a Renewed Canada, Minutes and Proceedings of Evidence (October 28, 1991), 10:26. However, once again, provincial and local groups took part. For example, see: Manitoba Advisory Council on the Status of Women, "Presentation to the Special Joint Committee on the Process for Amending the Constitution of Canada," (March 27, 1991); and Prince Edward Island Advisory Council on the Status of Women, "Women and the Process of Constitutional Reform," Submission to the Special Committee on the Constitution of Canada, Charlottetown, PEI, (June 11, 1991).

42.Canada, Special Joint Committee on the Senate and House of Commons on the Process for Amending the Constitution of Canada, Minutes and Proceedings of

Evidence (April 23, 1991), 25:128.

43. Mary Eberts presentation, Canada, Special Joint Committee on the Senate and the House of Commons on the Process for Amending the Constitution of Canada, Minutes and Proceedings of Evidence (April 22, 1991), 24:77, and 24:82, respectively.

44. See the brief: REAL Women of Canada, "Presentation to Joint Clerk of the Special Joint Committee on the Process for Amending the Constitution of Canada" (March 1991), 5 and 1, respectively.

45. Gwen Landolt in her presentation to Beaudoin-Edwards. See Canada, Special Joint committee on the Senate and the House of Commons on the Process for Amending the Constitution of Canada, Minutes and Proceedings of Evidence (April 14, 1991), 23:39.

46. Ibid., 23:42.

47. Ibid., 23:47.

48. Canada, Special Joint Committee on the Senate and House of Commons on the Process for Amending the Constitution of Canada, Report, (June 20, 1991), 47.

49. Darrel R. Reid. "Chronology of Events July 1990-June 1991" in Ronald Watts and Douglas M. Brown eds., Canada: The State of the Federation 1991 (Kingston: Institute of Intergovernmental Relations, Queen's University, 1991) 228. See also, Banks, 56-59, and Russell, 166.

50. Special Joint Committee on the Process for Amending the Constitution, Report, 47-48.

51. Ibid, 48.

52. Campbell and Pal, 1994, 157.

53. Whitaker, "A Hijacked Process," 74.

54. Campbell and Pal note that the Liberal constitutional affairs critic denounced the process. See Campbell and Pal, (1994), 157.

55. See, for example, the British Columbia Cabinet Committee on Confederation; The Select Committee on Constitutional Reform (Alberta); Manitoba Constitutional Task Force; Select Committee on Ontario in Confederation; New Brunswick Commission on Canadian Federalism; Nova Scotia Working Committee on the Constitution. See Banks, 59. See also, Campbell and Pal, (1994), 159.

56.Reid, 223-226.

57.This also contrasts to the low 10% participation rate of women in the Quebec hearings. These statistics were quoted in Janet Maher's presentation to Beaudoin Dobbie. See Canada, Special Joint Committee on the Senate and House of Commons on a Renewed Canada, Minutes and Proceedings of Evidence (October 28, 1991), 10:26.

58.See the brief: Voice of Women, "Presentation to the Select Committee on Ontario in Confederation," March 1, 1991.

59.National Action Committee on the Status of Women, "Submission of the National Action Committee of the Status of Women to the Select Committee of the Legislative Assembly of the Province of Ontario on Constitutional and Intergovernmental Affairs," June 14, 1990, Toronto, 3.

60.The brief stated, "The weak provisions in the companion resolution on constitutional conferences every three years on issues of concern to aboriginal peoples guarantees that their rights will be marginalized and eroded year by year." *Ibid.*, 7.

61."Select Committee on Ontario in Confederation," (July 31, 1991), C-1208.

62.*Ibid.*, C-1210-1211.

63.Herman Bakvis and Roselle Hryciuk, "An Experiment in Intrastate Federalism: The Cabinet Committee on Canadian Unity," in Ronald L. Watts and Douglas M. Brown eds., Canada: The State of the Federation, 1993 (Kingston: Institute of Intergovernmental Affairs, Queen's University, 1993), 117-150.

64.*Ibid.*, 130.

65.*Ibid.*, 140.

66.For the start of the relationship that was forged between Clark and Mercredi, see Susan Delacourt, United We Fall: The Crisis of Democracy in Canada (Toronto: Penguin Books, 1993), 306-307.

67.This quotation is taken from a draft of a funding application prepared by Equality Eve. See Fax from Judith Finlayson to Beth Atcheson, dated August 23, 1991; Nancy Ruth's personal files.

68.Canada, Shaping Canada's Future Together Proposals (Ottawa: Supply and Services, 1991).

69.See the articles in Duncan Cameron and Miriam Smith eds., Constitutional Politics (Toronto: Lorimer, 1992).

70. Equality for Gays and Lesbians Everywhere (EGALE), "Submission of EGALÉ Regarding the Federal Government's Proposals 1991," January 28, 1992, 2-3.

71. Campbell and Pal, (1994), 162.

72. See National Action Committee on the Status of Women, "NAC Response to Federal Constitution Proposals," dated October 25, 1991.

73. Ibid., 5.

74. Anne Molgat, Expanding our Horizons: The Work of the Canadian Advisory Council on the Status of Women and its Context (Ottawa: CACSW, 1993), 40.

75. Ibid., 41.

76. Native Women's Association of Canada, "Native Women and the Canada Package: A Discussion paper," (no date).

77. Native Women's Association of Canada, "Aboriginal Women, Self Government, the Canadian Charter of Rights and Freedoms, and the 1991 Canada Package on the Constitution," an address to the Canadian Labour Congress, Skyline Hotel, Ottawa, by Gail Stacey-Moore (December 3, 1991), 5-6. NWAC organized on many fronts into the new year. For example, it organized a Aboriginal women's constituent assembly to discuss deteriorating relations between NWAC and AFN vis-à-vis constitutional negotiations. See "Native Women to challenge proposal on aboriginal rights," Globe and Mail, Friday, January 17, 1992, A6.

78. Ibid., 13.

79. "NAC Response to Federal Constitution Proposals," 8-9.

80. Barbara Cameron interview, April 12, 1995.

81. Equality Eve booklet, Why You Need To Be At The Constitutional Table (Equality Eve, 78 Gerrard Street East, Toronto, M5B 1G6, no date), 13.

82. See "2-week halt likely for unity hearings," Globe and Mail, Friday, November 8, 1991, A1. See also, Campbell and Pal, 1994, 163.

83. Russell, 175-176. See also, "Liberals reject Clark plan for repairs to unity panel," Globe and Mail, Tuesday, November 12, 1991, A1 and continued on A4.

84. Judy Rebick interview, November 15, 1995.

85. See, Westman Coalition for Equality Rights, "Brief to: the Special Joint Committee on the Constitution, re: Shaping Canada's Future Together," November 6,

1991. The proposals were submitted by Sheila Doig, Gwen Trip and Gladys Worthington of Brandon, Manitoba.

86. To be sure, disputes over distinct society continued. For instance, although the Westman Coalition's brief notably did not mention distinct society, another group from Brandon, called the Brandon Women's Study Group, specifically examined this issue and criticized the designation. It is interesting to note that some of the women involved in this group had been key organizers for the Westman Coalition during Meech, such as Paula Mallea. See Brandon Women's Study Group, "Women's Equality Rights and the Canadian Constitution," November 6, 1991, submitted to the Special Joint Committee on a Renewed Canada by Paula Mallea, Mary Annis and Donna Everitt. Clearly there were tensions. However, in general, given the consultative efforts that took place, these splits in Charlottetown were not as prevalent as with Meech. According to McPhedran, Charlottetown could be characterized more by consensus. See Marilou McPhedran interview, November 20, 1995.

87. Ronald L. Watts, "Overview," in Ronald L. Watts and Douglas M. Brown eds., Canada: The State of the Federation 1992 (Kingston: Institute for Intergovernmental Affairs, Queen's University, 1992), 7. Even Jeffrey Simpson wrote: "Instead of the usual shouting and insinuation, the discussions were civil and constructive, a re-discovery of the much-bally-hooed but infrequently observed Canadian compromise and tolerance." See "Nice Conferences, so what's next?" Globe and Mail, Monday, February 17, 1992, A21. See also, "Unity conference reaches warm, but 'fuzzy' accord," Globe and Mail, February 17, 1992, A1.

88. National Action Committee on the Status of Women, "Response to the Report of the Special Joint Committee on a Renewed Canada," May 1992, by Barbara Cameron and Judy Rebick, 1.

89. Pal and Seidle describe the details: "Four of the six conferences held between January and March 1992 were sponsored by research institutes; the fifth was jointly sponsored by the federal government and the group of institutes; and the sixth, on 'First Peoples and the Constitution,' was organized by the federal government in collaboration with the national Aboriginal organizations. This unprecedented 'outside' sponsorship entailed risk for the federal government but was considered an important way to foster a perception of neutrality...Newspaper advertisements invited prospective participants to apply; following a screening process, the institutes invited a proportion of such participants, ranging from 8 to 23 percent of those attending. Each conference included 64 ex officio participants (principally the Joint Committee and government representatives). Associations and interest groups also accounted for a significant proportion of the participants." Pal and Seidle, 153-154.

90. Judy Rebick interview, November 15, 1995.

91. Rebick recalls, "during that Halifax conference ... Action Canada helped to coordinate groups that didn't know each other to work together." Judy Rebick interview, November 15, 1995.

92. NAWL, for example, participated in the Halifax, Calgary, and Montreal conferences. In the Calgary conference, representatives from NAC, disabled groups and First Nations organizations were also present. See "Exclusion complicates conference on Senate," Globe and Mail, Monday, January 27, 1992, A1 and continued on A2. In addition, not only national but more localized women's groups participated. For example, the local Brandon group, the Westman Coalition for Equality Rights in the Canadian Constitution, sent delegates to four out of the five constitutional conferences. See Westman press release, dated March 3, 1992.

93. Joyce Green, "Women in the Senate," The OptiMSt 18:1 (March 1992), 20.

94. See Audrey McLaughlin, "Are There No Women in Alberta?" The OptiMSt 18:1 (March 1992), 16.

95. Judy Rebick interview, November 15, 1995.

96. Green, "Women in the Senate," 20.

97. Russell, 179. The press reported the following: "Shelagh Day, a member of...[NAC], set off the debate for women's guaranteed place in the Senate. 'We're creating a new institution of governance here... In 1992, are we not capable of creating an egalitarian institution of government?'" See "Exclusion complicates conference on Senate," Globe and Mail, Monday, January 27, 1992, A1.

98. Judy Rebick interview, November 15, 1995.

99. Green, "Women in the Senate," 20.

100. Three days later, a large coalition of community-based advocacy organizations "issued a press release calling on the federal government to fund a separate and specific constitutional conference on social, economic and environmental rights." See Gwen Brodsky, "Social Charter Issues After Beaudoin-Dobbie," in Points of View, No. 2 (Edmonton: Centre for Constitutional Studies, 1992), 2.

101. For example, Nancy Riche's (Vice President of the CLC) and Judy Darcy's (President of CUPE), positions harmonized with NAC's vis-à-vis the importance of social policies and the dangers of the government's economic agenda. See, "Social Charter thrust to fore," Globe and Mail, Monday, February 3, 1992, A1.

102. For example, as Russell recounts, "the nationalist left in English-speaking Canada insisted that Canada be more than a commercial union. A guarantee of internal free trade must be balanced by some elements of Ontario's social charter proposal." See

Russell, 179.

103. See the work of Cairns and Whitaker, for example. See Alan C. Cairns, "The Charlottetown Accord: Multinational Canada v. Federalism," in Curtis Cook ed., Constitutional Predicament: Canada after the Referendum of 1992 (Montreal & Kingston: McGill-Queen's University Press, 1994), 25-63. See also, Reg Whitaker, A Sovereign Idea: Essays on Canada as a Democratic Community (Montreal & Kingston: McGill-Queen's University Press, 1992), 299.

104. Halifax conference co-chair Rosalie Abella noted that "What emerged was a national character that is fair, diverse, sensitive to diversity...and accommodating." Even Joe Clark chuckled when he was asked what surprised him about the conferences and he noted, "I think their success was a surprise, at least to me." See "Surprises just kept coming," Globe and Mail, Monday, February 17, 1992, A5.

105. Pal and Seidle, 179-181.

106. On the Yukon Status of Women Council's experience at the Whitehorse hearings, see Lois Pope, "As Usual, Women Spoke, Few Listened," The OptiMS 18:1 (March 1992), 10.

107. See Canada, Special Joint Committee on the Senate and House of Commons on a Renewed Canada, Report (February 28, 1992).

108. On Judy Kwa Molas Johnny's presentation, see Lynn Gaudet, "Constitutional Talks Ignore Disabled Canadians: 'The Dirt That Holds the Totem Pole Up,'" The OptiMS 18:1 (March 1992), 13.

109. Canada, Special Joint Committee on the Senate and the House of Commons on a Renewed Canada, Minutes and Proceedings of Evidence (October 28, 1991), 10:21.

110. Other presenters included Virginia Meness, Margo Nightingale, Marge Friedel, Diane Soroka, Winnie Giesbrecht and Sarah Fiddes.

111. NWAC presentation, Canada, Special Joint Committee on the Senate and House of Commons on a Renewed Canada, Minutes and Proceedings of Evidence (February 2, 1992), 61:53.

112. *Ibid.*, 61:54.

113. *Ibid.*, 61:57.

114. See Fédération nationale des femmes canadiennes-françaises, "La Voix des femmes francophones vivant en situation minoritaire dans le débat constitutionnel; Analyse des propositions fédérales; Bâtir ensemble l'avenir du Canada," (Janvier, 1992), 3. The FNFCF is a member of group of NAC, while it, in itself, encompasses

forty women's groups. On the FNFCF, see also Jill Vickers, "The Canadian Women's Movement And a Changing Constitutional Order," International Journal of Canadian Studies/Revue internationale d'études canadiennes 7-8 (Spring/Fall, 1993), 270.

115. Westman Coalition on Equality Rights presentation, Special Joint Committee on the Senate and House of Commons on a Renewed Canada (November 11, 1991), 17:33-35.

116. Advisory Council on the Status of Women (PEI) presentation, Canada, Special Joint Committee on the Senate and House of Commons on a Renewed Canada (October 10, 1991), 6:48.

117. Yukon Status of Women presentation, Canada, Special Joint Committee on the Senate and House of Commons on a Renewed Canada (January 28, 1992), 56:17.

118. Ibid., 56:18.

119. In the end, the Committee heard over 700 presentations and obtained more than 3,000 briefs. See Burgess, 372.

120. Jeffrey, 46. Still Lorne Nystrom of the NDP, for example warned that this was not the final word on the matter and the Premiers "had better co-operate and make sure that when this thing is finalized, we have the social covenant and the economic union..." See "Weighty constitutional report 'only a start,'" Globe and Mail, Monday, March 2, 1992. In Quebec, however, there were fundamental criticisms of Beaudoin-Dobbie. See "PQ, Liberals 'disapprove' unity Report," Globe and Mail, Thursday, March 12, 1992, A1.

121. Cameron and Rebick, "NAC's Response to the Report...", 2.

122. Russell, 185.

123. Delacourt, 139.

124. Cameron and Rebick, "NAC's Response to the Report...", 7.

125. See Joyce Green, "Constitutionalizing the Patriarchy: Aboriginal Women and Aboriginal Government," Constitutional Forum 4:4 (Summer 1993), 115.

126. Cameron and Rebick, "NAC's Response to the Report...", 7.

127. Ibid., 15-16.

128. Along with NAC, organizations like NAPO made these concerns known. See, "Constitution's 'social covenant' criticized for shortcomings," Globe and Mail.

Monday, March 9, 1992, A4.

129.Cameron and Rebick, "NAC's Response to the Report...", 17.

130.Ibid., 10-11.

131.The Westman proposal was as follows: "(a)the recognition that the promotion of equality for women and the recognition of their particular contribution to society are fundamental to the objectives of Canadian society in seeking true equality for all its citizens; (b)the role of the Parliament of Canada and the provincial and territorial legislatures to legislate to promote equality rights for women, such that all women in Canada shall achieve true equality with all men in Canada." See Cameron and Rebick, "NAC's Response to the Report...", 14. See also Westman Coalition for Equality Rights in the Canadian Constitution, memo dated March 31, 1992. It was noted here that with this proposal women's rights to equality would be secure without tampering with the Charter or any new distinct society clause.

132.Cameron and Rebick, "NAC Response to the Report...", 18.

133.National Association of Women and the Law, Women and Constitutional Change. A Response by the National Association of Women and the Law to Federal Proposals for Amending the Constitution of Canada, August 5, 1992, 2. All other page number references will be in the text.

134.Watts, 8.

135.Jeffrey, 49.

136.Beyond Joe Clark's influences, the push for multilateral talks from unilateral ones, and the inclusion of First Nations representatives has been credited to Bob Rae. See Campbell and Pal, 1994, 167. See "Clark urges meetings," Globe and Mail, Wednesday, March 11, 1992, A2.

137.Richard Johnston, "An Inverted Logroll: The Charlottetown Accord and the Referendum," PS: Political Science and Politics 26:4 (December 1993), 45.

138.Jeffrey, 49.

139.See Kathy Brock, "Learning from Failure: Lessons from Charlottetown," Constitutional Forum 4:2 (Winter 1993), 29. See also, Molgat, Expanding our Horizons, 41.

140.Delacourt, 169.

141.Campbell and Pal, (1994), 171.

142.Delacourt, 347.

143.Jeffrey, 51-52.

144.Delacourt, 353-354.

145.Shelagh Day, "Speaking for Ourselves," in Kenneth McRoberts and Patrick Monahan eds., The Charlottetown Accord, the Referendum, and the Future of Canada (Toronto: University of Toronto Press, 1993), 60.

146.See Delacourt, 330 and Judy Rebick interview, November 15, 1995.

147.Cameron recalls, "there were contacts with Joe Clark. Actually, once the thing got going, the Minister's office and the people responsible were asking NAC for NAC's position on things. I don't have the chronology of all this but I remember being asked by I guess whatever Joe Clark's office was at the time...I was at a meeting, Joe Clark came to Toronto at one point and Judy [Rebick] and I went up with somebody else, Sandra [Delaronde], or somebody to meet with Clark. So we were in contact." Barbara Cameron interview, April 12, 1995.

148.Delacourt makes note of NAC's use of protest, for example, at the Pearson building on June 10, 1992. She also writes, "Rallies, demonstrations and protests are Rebick's forte, and she thinks nothing of making herself and her group into a spectacle to gain public attention." See Delacourt, 368.

149.Judy Rebick interview, November 15, 1995.

150.Delacourt, 388-389.

151.Ibid., 389.

152.See "Native women seek equality in constitutional funding," Globe and Mail, Thursday, March 26, 1992, A4. See also, Green, "Constitutionalizing," 115.

153.Members of NWAC also had worked with these organizations. For example, Sharon McIvor worked with the AFN but ended this association by February of 1992. Moreover, Jane Gottfriedson of NWAC worked with both the NCC and AFN from October 1991 to February 1992. However, these relations were difficult and the AFN and NCC were not willing to move on NWAC's concerns. Teressa Nahanee and Sharon McIvor interview, February 5, 1996.

154.See the various documents, letters and minutes, assembled in the following: Native Women's Association of Canada, "Native Women and the 1992 Constitution,". See also, Green, "Constitutionalizing," 115.

155.Barbara Cameron interview, April 12, 1995.

156. National Action Committee on the Status of Women, Action Now! 2:5 (May 1992).

157. Judy Rebick interview, November 15, 1995.

158. Ibid.

159. Vickers, 278. See National Action Committee on the Status of Women, "Conclusions of Women's Constitutional Conference," August 25, 1992.

160. Ibid.

161. See Green, "Constitutionalizing," 116. Judy Rebick interview, November 15, 1995.

162. Judy Rebick interview, November 15, 1995.

163. Mary Eberts, Ad Hoc group interview, November 16, 1995.

164. Day, 61-62.

165. He notes that not only were the proposals with respect to the economic union and the Council of Federation put aside, but even section 121 was up for grabs, and instead, the social Charter and First Nations rights were endorsed. Russell, 200.

166. National Action Committee on the Status of Women, "Constitution Position National Action Committee on the Status of Women," in Calgary Status of Women Newsletter, (September/October 1992), 13.

167. See Teresa Nahanee, "Court backs aboriginal women," The Womanist 3:2 (Fall 1992), 27.

168. Molgat, Expanding our Horizons, 41. See also CACSW letters dated August 26, 1992 as compiled in NWAC, "Native Women and the 1992 Constitution."

169. See, "Consensus Report on the Constitution," Charlottetown, August 28, 1992, Final Text. See also, "Draft Legal Text." The attached draft legal text is based on the Charlottetown Accord of August 28, 1992. It is a best efforts text prepared by officials representing all the First Ministers and Aboriginal and Territorial Leaders. October 9, 1992.

170. Patrick Monahan, "The Sounds of Silence," in Kenneth McRoberts and Patrick Monahan eds., The Charlottetown Accord, the Referendum and the Future of Canada (Toronto: University of Toronto Press, 1993), 228.

171. See Burgess for details 375-376. See also, Lawrence Leduc, "Canada's Constitutional Referendum of 1992; A 'Great Big No'" Electoral Studies 12:3 (September 1993), 258-259.

172. Jeremy Webber, Reimagining Canada: Language, Culture, Community and the Canadian Constitution (Montreal & Kingston: McGill-Queen's University Press, 1993), 164.

173. Ibid., 165-170.

174. Jeffrey, 69.

175. Ibid., 54.

176. LeDuc, 259.

177. Nancy Ruth, Ad Hoc group interview, November 16, 1995.

178. Huguette Léger interview, April 5, 1995. Delacourt notes that the executive of NAC met one Sunday morning and despite concerns about the negative consequences of coming out for the No - from funding cuts to opposing allies like labour and the NDP - NAC decided they had to oppose the agreement. "They had done so because they had put all their time and energy into this constitutional round, and they did not feel they were part of the end product. They had done so to show that dissent was alive and thriving [despite]...the politics of fear." See Delacourt, 409. See also, "Women's group says No; NAC unanimously opposes accord as 'bad deal'," Globe and Mail, Monday, September 14, 1992, A2; and "Women's group urges rejection of unity deal," Ottawa Citizen, September 14, 1992, A1.

179. Judy Rebeck interview, November 15, 1995.

180. Molgat, Expanding our Horizons, 26.

181. National Action Committee on the Status of Women, "NAC Says No; The Charlottetown Agreement threatens the rights of unemployed workers" handout, no date; and National Action Committee on the Status of Women, "NAC Says No; The Charlottetown Agreement Threatens Social Programs," handout, no date.

182. National Action Committee on the Status of Women, "NAC says No; The Charlottetown Agreement Threatens Equality Rights," handout, no date.

183. National Action Committee on the Status of Women, "NAC says No; The Charlottetown Agreement is a bad deal for Aboriginal women," handout, no date.

184. Ibid.

185.To provide one example, Shelagh Day spoke at the Carpenters' hall in Calgary in an event sponsored by the Calgary Women's Coalition on the Constitution (whose member groups included the YWCA, Women Looking Forward, Calgary Association of Women and the Law and the University of Calgary Women's Collective and Resource Centre). See Calgary Status of Women Newsletter (September/ October 1992).

186.See "Native women aim to block national referendum in court," Globe and Mail, Tuesday, October 13, 1992, A8.

187.See "Judge delays attempt by native women to halt referendum," Globe and Mail, Wednesday, September 23, 1992, A8.

188."Fiery rhetoric leaving public cold, both sides say," Globe and Mail, Thursday, October 1, 1992, A4. See also Nahanee and McIvor interview, February 5, 1996.

189.Rebick notes, "Now LEAF would never take a position on Charlottetown which infuriated me, but anyway...we worked with NAWL we worked with all the national women's groups." Judy Rebick interview, November 15, 1995.

190.Brodsky, 2.

191.Barbara Cameron interview, April 12, 1995.

192.It is important to clarify that Mary Eberts never came out with a position on Charlottetown, although NWAC was her client in its legal challenge. See Mary Eberts, Ad Hoc group interview, November 16, 1995. However according to Pat Hacker, LEAF women aside from Eberts were involved. Pat Hacker, Ad Hoc group interview, November 16, 1995.

193.Marilou McPhedran interview, November 20, 1995. From NWAC's perspective, however, the support of groups like NAWL and LEAF, and even NAC could have been greater. Sharon McIvor and Teressa Nahanee interview, February 5, 1996.

194.Molgat, Expanding Our Horizons, 41.

195.Ibid, 26.

196.Judy Rebick interview, November 15, 1995.

197.Delacourt, 368.

198.Mary Eberts, Ad Hoc group interview, November 16, 1995.

199.Barbara Cameron interview, April 12, 1995.

200.Judy Rebick interview, November 15, 1995.

201.Barbara Cameron interview, April 12, 1995.

202.Delacourt, 407.

203.Huguette Léger interview, April 5, 1995.

204.After the referendum, Rebick reported that she had been "constantly congratulated by the 'real people' for getting her message out to them. 'I was constantly being thanked, told thank-you for talking to us as intelligent people,'... No one can get away with telling people 'You take this stand because I tell you you should take this stand.'" Judy Rebick as quoted in "Nation's leaders sift through No wreckage," Globe and Mail, Monday, November 2, 1992, A8.

205.Teressa Nahanee and Sharon McIvor interview, February 5, 1996.

206.Marilou Mcphedran interview, November 20, 1995. Nancy Ruth, Ad Hoc group interview, November 16, 1995.

207.See the letter, "Come out against a bad deal," dated September 30, 1992. This letter was signed by Diane Kilby for the Association of Lesbians and Gays of Ottawa, and Anne Molgat, for the Lesbian Issues Committee of NAC. A press release was sent out on October 16, 1992: "Lesbians and Gays urged to vote No!" and this was endorsed by lesbian and gay activists in Nova Scotia, British Columbia, as well as by representatives from the Coalition for Lesbian and Gay Rights in Ontario; Anne Molgat, personal files.

208.See the press release put out by COPOH: "Disabled Canadians Dropped from Canada Clause," dated September 8, 1992. This message was backed by the Canadian Disability Rights Council (CDRC), and the Ad Hoc Committee of Persons with a Disability on the Constitution. COPOH proceeded to send out faxes to publicize what was at stake.

209.Errol P. Mendes, "Sinking Again into the Quagmire of Conflicting Visions, Groups, underinclusion, and Death by Referendum," in Kenneth McRoberts and Patrick Monahan eds., The Charlottetown Accord, the Referendum and the Future of Canada (Toronto: University of Toronto Press, 1993), 168.

210.According to Simard, the BQ, PQ, as well as most labour organizations, popular associations, anti-poverty and church groups in Quebec came out against the Accord. See Monique Simard, "On the No vote in Quebec," Kinesis (November 1992), 8.

211.LeDuc, 261. See also, the front page headline: "Mulroney gets tough. No vote would lead to end of Canada, PM says," Globe and Mail, Tuesday, September 29, 1992, A1.

212. See Pam Fleming, "A poor deal for the poor," Kinesis (November 1992), 8.

213. See "Women and the Constitutional Accord," Kinesis (October 1992), 12-13.

214. Brock, 30. See Deborah Coyne, "Voting 'No' for Canada," The Womanist 3:2 (Fall 1992), 25.

215. June Callwood, Mary Simon and Iona Campagnolo were co-chairs of the National Canada Committee, along with Michel Bastarache, Yves Fortier, Ted Newall and Joseph Wong. Members of the Committee included prominent women like environmentalist Elizabeth May, feminist activist, academic and former politician, Lynn McDonald, and Métis leader Sheila Genaille. Other reknowned members included Ed Broadbent, Robert Stanfield and Marc Garneau. See "Yes and No forces battle to represent 'us'," Globe and Mail, Wednesday, September 23, 1992, A4.

216. See "Mothers of Confederation introduce new dynamic to unity negotiations," Globe and Mail, Monday, August 24, 1992, A7.

217. Jeffrey, 126.

218. Mary Eberts, Ad Hoc group interview, November 16, 1995.

219. Jeffrey, 134-135.

220. For example, the Yes side had a \$5 million budget for paid advertising in addition to its free air time. See "No side winning the battle of prime time," Globe and Mail, Thursday, October 22, 1992.

221. See "Alberta records largest No vote on prairies," Globe and Mail, Tuesday, October 27, 1992, A2; "Saskatchewan and Manitoba firmly negative," Globe and Mail, Tuesday, October 27, 1992, A8.

222. Delacourt, 363.

Chapter 6

Analysing Feminist Organizing in the Canada Round: Capabilities, Connections and Conundrums

This chapter analyses, in detail, the specific context in which feminists find themselves in the post-Meech conjuncture. On many levels, the period is marked by a different set of circumstances. Once again, feminist organizing in this phase must be tailored to fit with the altered conditions. Here, the shape, form, and extent of these various changes is delineated and assessed.

In the "Canada Round" both the number of actors gathered around the constitutional table and the issues to be considered spiralled. The number of concerns slated for review also multiplied. In contrast to the "Quebec Round", not only was Quebec's distinct society up for discussion, but so were issues of Aboriginal self government, Senate reform, social and economic priorities, as well as equality concerns, among other complex and contentious subjects.

Women's movement activism contributed to the expansion of numbers of designated constitutional players and in the length and breadth of the constitutional game plan. Feminist organizations contested executive federalism, mobilized intra and inter-movement coalitions and offered comprehensive, contextual constitutional analyses. As Ad Hoc Committee member Kay Sigurjonsson suggests, feminist efforts:

broadened [the] constitutional discussion...[T]he country ha[d] been so bored with the constitution, the guys could get together in a phone booth and make any change they wanted...and the constitution had nothing to do with us and when women said this is what it has to do with, you, your daily life, I think that's the genie that got out of the

bottle.¹

Even though they affected constitutional change, it was still very difficult for national women's organizations to break through to the constitutional decision-makers and drafters directly. Due to the perceived "successes" of women's constitutional activism - the achievement of equality rights in the early eighties and the effective oppositional mobilization during Meech - it would appear that political leaders became even more intransigent vis-à-vis feminist demands. Women were no longer considered to be constitutional neophytes but rather savvy political actors whose tactics could not be ignored. Therefore, through their words and deeds, politicians made concerted efforts to circumvent feminist organizations and activists.

In various attempts to de-legitimize women's efforts, including the use of special interest group discourse, political leaders endeavoured to defuse feminist appraisals and abilities to organize opposition in the face of perceived constitutional injustices. Given these adverse conditions, politicians underestimated women's continued capacity to influence constitutional negotiations. Some governmental tactics backfired. When it became clear that women could re-direct constitutional outcomes, even when their criticisms were minimized and their mobilizing undermined, some pivotal politicians relented and considered feminist positions more carefully.

Despite such setbacks, then, key individuals and groups representing the Canadian women's movement still managed to sway constitutional processes and positions through the use of pragmatic politicking that combined various strategies. Here again, it will become apparent that feminist efforts to gain this constitutional

regard and representational recognition pragmatically shifted in the specific socio-economic, political, and cultural circumstances. In Marilou McPhedran's words, "Every time, every different stage in the process, in the different year, with different governments, with different players, you have to customize your response."²

This chapter will analyze this changing context for feminist organizing. Once again, women drew on a varied strategic repertoire, from litigating to protest. In this round, however, although lobbying was employed, it was used only selectively. Targets were few and focussed. Constitutional Affairs Minister, Joe Clark, and the Premiers, especially Bob Rae, were vital contacts. Overall, the preferred strategy was that of inter- and intra-movement networking, popular outreach and protest.

I Socio-Economic Contingencies

The socio-economic situation in this period was grim. By the early nineties, the recession had hit hard and, to worsen the matter, politicians of all political stripes had become preoccupied with the deficit. The dominant economic ethos was that of deficit-reduction, devolution, down-sizing and deregulation. According to Isabella Bakker, the government's strategy was that of promoting the "politics of scarcity." In her words, this involved:

the belief that we can no longer afford the welfare state as it is a costly drain on our scarce resources...In particular, this means decreasing our public debt load through cuts in [Keynesian welfare state] services...rolling back some of the social egalitarian gains...[and] less funding for many of the transfers that were shared-cost programs between the provinces and the federal government.³

This was not only the federal Conservatives' agenda but that of many of the provincial governments as well. For instance, the Quebec Liberal government's

initiatives, and the traditionally more social democratic PQ's efforts, exposed their neo-liberal economic orientations in, for example, both the Allaire and the Bélanger-Campeau agendas.⁴

Post recession forecasts were not bright. After the economic downturn of the early eighties, Canadians were able to return to a "relatively intact economy."⁵ This would not be the case in the early nineties when government economic restructuring resulted in the permanent loss of large numbers of jobs. In addition, changes to unemployment insurance made prospects even more bleak for the jobless.

These hard economic times produced critical, very real, material repercussions as well as less tangible, more emotive responses. On one hand, from 1989-1992, 340,000 jobs were lost in the manufacturing sector alone and significant proportions of these losses affected women.⁶ On the other, dread and despair grew as people feared the loss of employment or became despondent as the result of failing to find work altogether.⁷ Women's economic situation grew even more precarious with both the threat and the execution of cutbacks to social services, public programmes, and to funding for the women's movement.

Provisions for social services levelled off at a time when they were most needed. Social spending "did not increase significantly from 1984-1991, and in fact decreased slightly in real terms from 1987-88 and 1990-91."⁸ For many women the combination of many factors- from "streamlined" public assistance, and low pay, job loss, and unemployment, to poor health, the feminization of poverty, and care of others, young and old- had taken their toll and had resulted in acute socio-economic

disparities.

The politics of scarcity and the recessionary and depressed climate affected women's organizing in a number of ways. To begin with, women's groups had to consider the allocation of limited resources. When organizations had experienced better financial health there was more of a capacity to fund research and engage in advocacy work. Even two, three or five years earlier, it was not quite as large a challenge to organize for constitutional politics. Therefore, while funding for women's groups was always limited, it was even more so at this time. In this context, where there were cutbacks to women's shelters and various crisis provisions, many smaller feminist groups had to direct their full attention to basic services for women. Alternatively, they relied on the research and policy formulations of larger organizations like NAC. Even for larger organizations it became much more difficult to prepare interventions that considered politically complicated issues like constitutionalism in detail.

Government funding for women's organizations was definitely drying up, especially for those groups that vocally challenged the government. The Women's Program was cut 15% in 1989, followed by another 15% in 1990.⁹ The effects of the funding shortfall were increasingly evident. NAC, for instance, found it difficult to find the money to circulate its initial constitutional analysis. Indeed, it acknowledged the financial support of the FWTAO to print the NAC document that outlines its critique of Shaping Canada's Future.¹⁰

Other groups also felt the crunch. NWAC's court challenge, in part, arose out

of the government's refusal to fund the organization.¹¹ In addition, the Equality Eve/Ad Hoc Committee sent detailed funding applications to the Donner Foundation and attempted to obtain charitable donation status from the government, but the latter declined this request.¹² Equality Eve/Ad Hoc continued to work on a shoestring budget with volunteer efforts, taking advantage of free advertising, and retaining the actor Sonja Smits for the No campaign commercial at no cost. Money was an issue and, not surprisingly, a consideration that had to be weighed by organizations dependent on the state for finances.¹³

Throughout, the federal government was weighing in. In one case, a Secretary of State official made phone calls threatening to withhold funding from Quebec feminist organizations if they participated in the constitutional debate. To the government's chagrin, the FFQ produced a tape of the discussion and made it public.¹⁴ Social agencies and ethnocultural organizations experienced similar ploys, according to representatives of these groups, including Lynne Toupin, Executive Director of National Anti-Poverty Organization (NAPO).¹⁵

Ironically, such tactics tended to backfire. When the government hoped to increase revenues for the Yes side of the referendum campaign, charitable organizations were reminded by Revenue Canada that they could spend up to 10% of their resources on lobbying activities. However, this could be used to the advantage of both sides on the constitutional issue. Thus, to feminist philanthropist Nancy Ruth's glee, she was able to direct her financial resources to feminists in the No campaign. According to Ruth, this enabled her to provide crucial donations to groups

like NAC and individuals like Judy Rebick in the lead up to the referendum.¹⁶

Other players tried to use their economic influence. For instance, during the referendum campaign, business interests, such as the BCNI, worked to bolster support for the Yes. The Royal Bank released a dire economic forecast should the referendum fail. The citizenry, however, perceived such announcements to be little more than economic blackmail and, ultimately, they may have encouraged more people to vote No than to vote Yes.¹⁷

In light of this socio-economic scenario, feminist organizations and their allies revised their approach. With growing limitations imposed on social services, feminist activists found themselves having to shift their focus from demanding new innovative programmes, or progressive legislation of benefit to women, to preserving existing affirmative mechanisms and redistributive policies. Efforts to create national childcare services, for instance, would be frustrated in a context where even social welfare guarantees and income support were diminished.

Feminist, legal Charter strategies were also put into question as so-called Charter "gains" were undermined by the declining state of the economy. Mary Eberts provides some examples: "I mean you get abortion...so what, no one is funding clinics anymore, no free Medicare. Or you get the right not to be fired because you're pregnant, but now they won't hire you in the first place...and there are no jobs."¹⁸ In part due to economic decline, the vehicle of feminist litigation came to a perplexing crossroads.¹⁹ What is more, the engine would definitely stall with the government's cancellation of its Court Challenges Program.

Those feminist organizations that could afford to formulate constitutional positions made certain that they were expressly sensitive to this context. Socio-economic policy concerns were just as important as women's equality arguments. Even legally-oriented feminist organizations like NAWL, or groups like the Ad Hoc/Equality Eve which conventionally would have pinpointed equality rights as their organizing impetus, assessed the political/constitutional implication of socio-economic change on women's lives. National feminist organizations' lines of argumentation made connections with women's varying socio-economic disparities. The federal government's off-loading of financial burdens onto the provinces, the diminution of national standards, and the entrenchment of a neo-liberal paradigm in the constitution, all became crucial considerations. For groups like NAC the constitutional focus became one that honed in on the perilous position of the worst-off women in Canadian society.²⁰

The women's movement was opposed to the government's agenda. This resulted in more virulent challenges than in the past. Barbara Cameron found that NAC, for example, moved into a period of confrontation: the space for an organization that lobbied government, and was listened to by government, "and now and then got some things addressed by government, [all] that changed as the government's agenda was much more clearly neo-conservative."²¹

Growing political hostility made it necessary for inter-movement networking to carry on and, in some cases, to intensify. As Douglas Brown notes, "the political realization of the consequences of...fiscal trends grew considerably. Canadians - in

particular social policy interest groups - woke up to the fact that the cash transfer to provinces for health and post-secondary education were slowly but surely declining to zero."²² Hence, the coalition work between the women's movement - not just NAC, but groups including Ad Hoc, LEAF and NWAC - and those who wanted to preserve national standards for health, education and other social services, such as the Action Canada Network (ACN), the Canadian Council on Social Development (CCSD), the Council of Canadians and the NAPO, strengthened out of necessity.²³ The neo-liberal economic ethos was countered, time and again, by feminists, environmentalists and various social activists through decrivals of proposals for property rights or the strong opposition to the entrenchment of the economic union.

Given this state of affairs, the position of proponents of a social charter is understandable. With impending cuts to education, health care, social assistance and unemployment insurance, there was a move to translate these issues into positive rights claims through a social charter. Action on the social charter also served to counteract the federal government's neo-liberal game plan. Thus, Premier Bob Rae began promoting the social charter in September 1991, coalition group meetings were held in December and, by February 1992, Ontario had released a social charter proposal.²⁴

While NAC initially had reservations about this strategy, it could not decline its support of this work (this issue is discussed below). Thus, NAC worked in coalition with over 40 groups of social charter advocates, the left and labour in Ontario. NAC and its coalition partners promoted the social charter in the

constitutional conferences and, when the federal government offered a half-hearted response, NAC criticized the government's proposals for only going as far as non-justiciable social rights.

In the end, the poor economic state of the country as a whole may even have contributed to the No vote in the referendum. As Lawrence LeDuc suggests, "some voters came to resent the attention given to seemingly esoteric constitutional issues in a time of severe economic recession."²⁵ Indeed, Parliament closed down before the referendum and this left only a few weeks to debate new developments arising out of the expanded North American Free Trade Agreement (NAFTA).²⁶

Ultimately, the diversification of the constitutional agenda and the expansion of coalition partners provided a calculated response to the hard economic times. However, it may be that the magnification of the agenda may have been costly for feminists in organizational terms. That is, it became more complicated to try to find agreement given the consideration of a myriad of issues in the Constitution that included not only social policy and national standards, but also issues such as the role of the Bank of Canada and anti-inflation rates.

In sum, the socio-economic situation affected the constitutional process of the nineties in many respects. Women's strategizing was not immune to these conditions. Feminist activists had to grapple with socio-economic and constitutional concerns on a number of levels as never before. In this context, coalition work was crucial. The government came down hard on critics of the constitutional resolutions but many feminists and their coalition partners, despite depleted resources, fought back with

vigour, especially given the referendum outcome. Thus, although socio-economic conditions were constraining, they also afforded some unique opportunities for ingenuity and "resourcefulness" on the part of not very financially secure feminist organizations.

II The Canada Round's Particular Political Milieu

The post-Meech political scenario also provided a unique context. A conspicuous political consideration in this round was the parry and thrust between Prime Minister Brian Mulroney and Constitutional Affairs Minister Joe Clark. Mulroney, no doubt devastated given the Meech collapse, made the decision to have Clark, temporarily, direct the constitutional show. This act, in itself, had interesting implications.

First of all, given that the Prime Minister was not one to delegate authority,²⁷ or to shy from the limelight, one could speculate that Mulroney did not think that Clark's work would amount to very much. Then, as Richard Johnston opines, "[o]nce it became clear that agreement was not possible, the federal government would step in with something like its September 1991 package."²⁸ However, to Mulroney's chagrin, Clark's efforts produced the Pearson Accord. While the Prime Minister did all he could to resist disparaging his Minister's deal, he could not refrain from taking charge of the negotiations that would lead to the Charlottetown consensus.

Canadians seemed to trust Clark more than they trusted Mulroney.²⁹ This partly derived from the fact that Clark showed greater consideration for a plurality of

territorial and non-territorially identity-based groups.³⁰ This meant that he would be more willing to open up the constitutional process and show interest in efforts like the Spicer Commission or the constitutional conferences.

The Prime Minister's main concern was his constitutional commitment to Quebec and this went hand in hand with his belief in the appropriateness of executive, centralized processes to constitutionally accommodate this province. It would follow then that Mulroney's stepped up involvement in the final stages of the Charlottetown settlement would result in attempts to reconstitute executive federalist processes, even though these were now frowned upon by much of the Canadian citizenry.

Subsequently, during the referendum campaign, by not providing a legal text and lapsing into selling tactics, patriotic ploys and economic worst-case scenarios, he did little to gain the citizenry's confidence and support. In these ways, the "Mulroney factor" came to the fore in the referendum outcome. That is, the Prime Minister, with a popularity rating that dipped below 15%, the lowest in Canadian history,³¹ became a liability in the campaign. The No side, and particularly the Reform party, took full advantage of this drop in public faith.

In contrast to Brian Mulroney, the neo-liberal champion, Joe Clark was identified with "Red Toryism," i.e. conservatism with a social conscience. Although the government attempted to expand and entrench its neo-liberal programme in this constitutional round, with Clark in charge of constitutional negotiations, there was some capitulation on this and more openness to issues like the social charter. Clark also was considered to have more sympathy for feminism and Aboriginal issues.³²

Thus, feminists and their coalition partners appreciated that there could more potential leeway with Clark in comparison to their Meech experiences with Mulroney.

It is important to remember that Joe Clark headed the Conservatives and was Opposition leader in the early eighties. In fact, he had worked with a number of the feminists who had lobbied to achieve sexual equality in the Charter. Many of these women, including Ad Hoc Committee members Marilou McPhedran and Pat Hacker, remained active on the constitutional front. Moreover, Clark's partner, Maureen McTeer, was known to be a feminist, had played a role in the early eighties (in the February 14, 1981 conference),³³ and continued to have contacts within the women's movement. In light of this history, the Constitutional Affairs Minister would not only be familiar with the issues at stake for women, but also some of the feminist activists involved.

This familiarity bred mixed reactions and responses. On one the hand, Clark could be more open to, for example, considering feminist perspectives and modifying exclusivist constitutional negotiation processes. This would explain Clark's willingness to meet with and call on some representatives of feminist organizations. On the other hand, being a shrewd politician, and knowing what feminists were capable of doing, he would also be sure to prepare the government for the feminist onslaught. Both tendencies were apparent in Clark's approach.

To illustrate, Clark's organization of the constitutional conferences provided innovative fora in which many feminists felt that open and constructive constitutional negotiations had taken place. At the same time, his appeal to the "ordinary

Canadian" can be interpreted as a tactical move that would serve to sideline feminist organizations or other progressive social movement organizations deemed "special interest groups." Thus, Clark's role in Charlottetown provided both opportunities and constraints for feminist organizing but made for a different political context than that of Meech.

Another changed circumstance since Meech was that there were different intra-governmental actors. There was "an almost complete changing of the guard" with respect to key bureaucratic advisors and, notably, the transferral of Norman Spector and less prominence for Lowell Murray.³⁴ Moreover, the people brought in from various line departments did not, in fact, have much intergovernmental or constitutional experience. This meant a break from the Meech policy-makers and offered the occasion to consider different ideas and modes of operation.³⁵ In turn, this provided more flexibility, especially in comparison to Meech's limited personnel and fixed protocol.

Despite the new blood, however, feminists were not likely to find "insider" support. Feminist activists were on good terms neither with the government nor with state officials, and vice versa; thus, their interactions had diminished. Given these cold and distant relations, feminist organizations did not shy away from confrontational tactics. As a result of these developments, the government could go on to propagate notions that even large, diversified, umbrella feminist organizations like NAC were "unrepresentative and extremist".³⁶

Feminist constitutional gains had made various government and state officials

wary. Marilou McPhedran recalls being able to visit government offices, meet with politicians, talk to civil servants and look for insider support in the early eighties, but this was certainly not the case in Meech, and was even less likely to happen during Charlottetown.³⁷ Physical and intellectual security was tight and officials made certain that potential gaps were sealed. After Meech, politicians had a good sense of what women could do and the impact they might have. Thus, by the summer of 1992, political insiders were sufficiently forewarned and feminist activists were "deliberately excluded."³⁸ Ironically, if there had been more consultation with feminists and their coalition-partners, governmental miscalculations in this period, as occurred with the Canada Clause, for example, may have been averted.

In addition, the Conservative government had a great distrust of the public service and thus regular civil servants were not privy to as much information as was the case under other administrations. The Prime Minister tended to rely instead on key advisors and a few, trusted bureaucratic confidantes such as Paul Tellier.³⁹ The most valued government officials would be loyal Mulroney personnel, and political decision-making tended to come from above.⁴⁰ According to Mary Eberts, civil servants:

didn't know very much because even I've been told by people in the Department of Justice who've been there over a long period of time that they had never seen it so political as during the Mulroney years...whereas under previous governments, the policy process worked and sort of produced things and then spit them up to the political level, under Mulroney, it all came from the political level down, so that civil servants often didn't know what was going on and they couldn't get the instructions. So that even if they wanted to talk to you, they couldn't because they didn't know what was going to be the game plan.⁴¹

At the same time, punitive measures had been taken to discipline bureaucrats for aiding and abetting feminist activists in their past constitutional efforts.⁴² Again, in Ebert's assessment:

Mulroney ran the government with favouritism and retribution and if you weren't really a big time supporter, then you were an enemy. And there were all kinds of ways in which the civil servants and others were asked to demonstrate their loyalty. People were afraid to offer the same sort of assistance...They wouldn't talk to you.⁴³

In a time where massive cuts to the public service were threatening, government employees feared for their jobs and were not likely to imperil them intentionally. Thus, the civil service was far less permeable. Women could no longer look for insiders to bend the rules and provide support. Civil servants were not willing to raise the ire of their employer and jeopardize their positions by assisting women in ways that skirted unconventional political activity. Instead, the feminist lobbying strategy was compelled to go to the top - meet with Joe Clark and the Premiers directly - since other officials were not forthcoming in their sympathies.

This situation also helps to explain the CACSW's awkward position of endorsing the Charlottetown Accord, but raising points of contention that paralleled NAC's critique of the agreement. Throughout this round, the Council continued to meet with feminist organizations and, for example, came out in support of NWAC's efforts to achieve representational access. In addition, Judy Rebick mentions that there was an interchange of information between NAC and the CACSW. In fact, the latter provided helpful research concerning NAC's position on electoral and institutional reform with respect to women, proportional representation and the Senate. Rebick

also notes:

we talked to them [and] when we got to Charlottetown was when we started working more closely with them, when we did that women's conference on Charlottetown, well it wasn't Charlottetown yet, but on the Premier's proposals... .⁴⁴

This indicates that the Advisory Council continued to work in support of the women's movement and certain state/movement connections remained. However, governmental pressure, evidently, was great and, in the end, the Council was compelled to follow the government's directives.

No doubt, CACSW members realized that their jobs and the Council itself could very well be "streamlined" or axed altogether, given the economic times and the government's political agenda. In the eyes of the Mulroney administration, there would be solid grounds for such actions if the CACSW rejected the government's Charlottetown compromise. The government held a tight reign during this period and women on the "inside" were constrained in their efforts. In Rebick's estimation, the "CACSW had all the same reasons as we had to be against [the Charlottetown Accord] but in the end they said yes because they didn't have the guts to say no."⁴⁵

In other respects, the political opportunity structure was not as porous as it had been. Feminists in this round found it hard to find sympathetic women politicians. There were some exceptions, with for example, early social contract work and later Senate reform support from Audrey McLaughlin,⁴⁶ contacts with NDP MP Dawn Black,⁴⁷ and Nova Scotia's NDP leader, Alexa McDonough's promotion of women's Senate options.⁴⁸ Moreover, Manitoba Liberal leader, Sharon Carstairs, was a

prominent No campaigner. Yet, other influential women politicians chose to undercut the position of feminists on the No side. All the stops were pulled and even the Minister Responsible for the Status of Women, Mary Collins, along with powerful Conservative MP, Kim Campbell, turned the lobbying tables and made personal phone calls to Judy Rebick to try and persuade her to have NAC vote Yes.⁴⁹ Then, prominent partisan spokespersons for the Yes camp were strategically chosen, i.e. they were all women: Kim Campbell for the Conservatives; Sheila Copps for the Liberals;⁵⁰ and Audrey McLaughlin for the NDP.⁵¹ This line-up would also serve to reinforce the government's strategy that portrayed groups such as NAC, heading the No side, as neither speaking for nor representing all women.⁵²

Again, the government considered feminists to be a big enough threat to have to resort to these and other divide and conquer tactics. This approach was successful in that it helped, for example, to foster anti-NAC sentiment among some women. As Susan Delacourt describes, during the referendum campaign some Canadian women "wore buttons with the disclaimer: 'NAC doesn't speak for me.'"⁵³

With regard to the role of the main Opposition parties in Charlottetown, there were Meech-like tendencies in that the leading parties, once again, supported the constitutional agreement.⁵⁴ Since this harkened back to the previous round, public scepticism lingered. In Shelagh Day's estimation:

Far from being reassured by all three major parties lining up together in support of the accord, many Canadians were alienated. They felt abandoned, unrepresented. The lack of a difference in views among the parties was experienced as a ganging-up of political elites on the citizenry, not as a rare and welcome agreement among adversaries.⁵⁵

This meant that feminists on the No side would provide a different perspective and critical alternative to that of the country's main political parties. In this way, women's organizations that had worked to fill representational lacunae for women could now fulfil this role for Canadians as a whole, despite the Conservative government's attempts to detract from the women's movement's representational legitimacy.

Although openings were few, it is also important to note that there were variations in the political opportunity structure in the Canada as compared to the Quebec Round. For example, this time the Conservatives were not only low in the polls at 11 per cent,⁵⁶ but the party had lost its hold on the West due to the growing strength of the Reform Party. Moreover, Quebec support had waned as a result of the Meech débâcle and the formation of the Bloc québécois. The Conservatives were vulnerable and this gave the Liberals and the NDP more leverage than before. The same could be said of feminist opposition. In other words, the Conservative government had a greater number of foes and it constituted a larger target.

While it is true that the general perception was that the political parties constituted a united front, and this may have been the case initially, there were complications within and between the parties in this round, perhaps even more than with Meech. Although, officially, the NDP and Liberals were for the Charlottetown agreement, as Leslie Pal and Leslie Seidle comment, "the consensus and commitment to the Accord was weak."⁵⁷ There were influential dissenters in their ranks. For instance, Trudeau's Maison Egg Roll speech disparaging the deal had an impact on

Liberal party members and Canadians outside of Quebec more generally. In Quebec, provincial Liberals were torn⁵⁸ with prominent figures such as Jean Allaire,⁵⁹ as well as Mario Dumont, leader of the Quebec young Liberals, rejecting the deal.

Furthermore, Manitoba and British Columbia's provincial Liberal leaders, Sharon Carstairs and Gordon Wilson, respectively, actively opposed the agreement.

The NDP had been divided over the early eighties process, again in Meech, and with Charlottetown, once more, found constitutionalism to be a wrenching subject. During the negotiations that led up to Charlottetown, despite three newly elected New Democratic provincial governments, alliances across the country were "more imagined than real" with, for instance, the new governments having three separate positions on issues like Senate reform and the social charter.⁶⁰

In the referendum, despite the fact that the party publicly supported the deal, many individual New Democrats were not comfortable with this stance and supported the No side.⁶¹ For example, although Audrey McLaughlin ultimately, actively campaigned against groups like NAC on the No side, the NDP leader still "worried about lack of gender equality in the Senate and insufficient recognition of visible minorities and ethnocultural communities."⁶²

Barbara Cameron provides a few details. She discusses the schism that developed between NAC and the NDP and stresses that this occurred when NAC came out for the No, and not before. She recalls, "NAC had this meeting in August just before the [deal was] finalized...McLaughlin was there and got a standing ovation from people...There was a rift after...there was quite a bit of disappointment on the

part of the NDP that NAC came out with the No." Still, Cameron stresses that many NDP women who were involved with NAC "were pretty uniformly opposed to both Meech and Charlottetown and ... were not happy about the positions that the NDP were taking and these included women with a lot of influence."⁶³ Thus, in spite of the NDP's formal endorsement, its members were not firmly behind the decision to support the Accord.

This time, there were also newer parties with growing influence, like the BQ and Reform, and they both denounced Charlottetown.⁶⁴ In fact, the Yes side would ridicule the fact that both Reform, an exceedingly right-wing party, and NAC opposed the Accord, suggesting that Preston Manning and Judy Rebick "were in bed together."⁶⁵ This portrayal, distasteful as it is, goes some way in identifying which individuals and groups were considered to be the real menace in the eyes of the Conservative government and the Yes side.

Inter-governmentally, the situation also had changed in this round. To begin with, the role of Quebec had modified. The process was fuelled by Quebec's decision to hold a referendum on sovereignty. This re-opened the debate and structured it by having a fixed and frantic timeline. Yet, issues spiralled, moving away from Quebec's conditions to other constitutional demands and initiatives. After Meech, although Robert Bourassa was involved with the Allaire Committee, and with setting up the Bélanger-Campeau Commission, he also stated that he would not negotiate with the First Ministers but would only agree to bilateral negotiations. As a result, the Quebec Premier had little influence on the events that unfolded.⁶⁶ He was not

formally a part of most of the negotiating process. Bourassa officially returned to the negotiating table only towards the end, after the Pearson Accord, when the Prime Minister convened the talks that led to Charlottetown.⁶⁷

Effective extra-parliamentary mobilization, extensive public hearings and multilateral negotiations prevented a repetition of the secluded Meech process and brought new issues to the fore. This also served to paint Bourassa into a corner. Compared to the Allaire Committee's policy proposals, by the time the Charlottetown agreement was reached, Quebec's jurisdictional advances "seemed puny...The gains Quebec did make were at the centre [e.g. with federal institutional change, as in the House of Commons] not where they had traditionally been sought, and what these mainly did was offset the concession on the Senate."⁶⁸ With his endorsement of the Accord, not only was sovereignty sidestepped, but Bourassa had sacrificed asymmetrical federalism as well.⁶⁹ The Quebec Premier's compromised position eventually surfaced in the highly publicized Wilhelmy affair where his senior constitutional advisor, Diane Wilhelmy, in a cellular phone conversation depicted Bourassa as having "caved-in" to the rest of the Premiers.⁷⁰

Thus, whereas Premier Bourassa's role and Quebec's concerns were central in the Meech round, by Charlottetown the political context had modified. Quebec served as an impetus to negotiations but, as greater numbers of actors and issues were added, the constitutional purview deepened and widened. This, again, would provide greater potential opportunities for feminists (especially those outside of Quebec) to have their concerns considered.

At first, many of the influential Meech First Ministers remained the same, namely Prime Minister Mulroney and Premiers Bourassa, Wells, McKenna, Filmon, as well as Getty, Ghiz and VanderZalm.⁷¹ Soon, as with Meech, provincial elections introduced different leaders and this also transformed the political landscape. An NDP victory in Ontario in September of 1990 brought Bob Rae into the power; in BC, Bill VanderZalm was replaced by Rita Johnson, who then lost to the NDP's Mike Harcourt in the October 1991 election; and, also that month, another NDP victory was realized in Saskatchewan as a former deputy Premier, Attorney General, and constitutional scholar, Roy Romanow came to power. By the fall of 1991, there were new NDP governments in Ontario, BC and Saskatchewan.

In this round, Bob Rae, arguably, provided the most noteworthy contribution in terms of constitutional innovation. For example, the Ontario Premier helped to add fundamental issues to the constitutional agenda: the advocacy of Aboriginal concerns, the promotion of a social charter and the push for multilateral negotiations which included Aboriginal involvement.⁷² This, in turn, led to complicated coalitions with feminist organizations, the left, unions, and Aboriginal organizations which will be discussed in the next section.

For the moment, it is sufficient to note that feminist activists struggled to make potential political sympathizers work for them. Clearly, these connections were tension-ridden, especially when Rae, the NDP and leading union groups like the CLC came out in support of Charlottetown. For women, this involved "nasty behind the scenes altercations with traditional left-wing political allies."⁷³ At the same time,

however, as outlined in Chapter 5, gains were made with these alliances. With newly elected political players such as Rae and his fellow New Democrats, the constitutional agenda was transformed from the days of Meech.

The change of political actors continued on into the referendum time frame. At the start of the referendum campaign, Premier Getty made it known that he would retire. In Russell's view, this was a damaging departure for it "left the 'yes' side with a lame-duck leader to battle Preston Manning in Alberta."⁷⁴ Thus, here again a changing of the political guard had important repercussions. In this case, it not only translated into a boost for Reform's No side efforts, but also cast doubt on Charlottetown's Senate compromise. Alberta, via Getty, the stalwart proponent of the triple E,⁷⁵ had made concessions and many Westerners were not pleased with the outcome. With Alberta in a weakened position in terms of leadership, and Reform denouncing the Senate agreement, feminists' challenges regarding inequities in the electoral system and their demands for a more inclusive Senate could be seriously reconsidered. This would not have been the case if there was strong leadership and across the board support for the Accord's Senate provisions.

In the end, the political situation had altered in the few years since the Meech demise and feminist strategies had to develop in ways that would circumvent the political obstacles and ford the political divides. It is to these issues that we will now turn.

III Pro-Active, Intra-Organizational Strategizing

To begin with, in the post-Meech era, feminist organizations were more

prepared and pro-active in their constitutional approach. For many women's groups, the Meech breakdown did not mean the cessation of constitutional debate. National feminist organizations began work on mending the tears in the fabric of women's movement that materialized as the result of Meech. Media misinterpretations and political manoeuvring had inflamed an already sensitive area. As Susan Jackel observes, the media had revelled in the "titillating spectacle of Francophone and Anglophone women diverging in public...[and,] wrongly and irresponsibly... overlooked the explicit endorsement in the majority of Anglophone women's briefs of Quebec's five basic demands."⁷⁶ For example, at NAC's 1989 AGM, its over 500 member organizations unanimously agreed to a resolution which recognized all of Quebec's constitutional conditions.⁷⁷

Nonetheless, the distorted and prevalent view went as follows: women outside Quebec opposed distinct society; women inside Quebec denounced this position; and the women's movement was irreparably divided.⁷⁸ As Chapter 4 describes, the reality was more complex. However, feminist organizations still had to confront these perceptions, and while strands of the women's movement were by no means completely severed, relations were certainly strained.⁷⁹

According to Judy Rebick, President of NAC from 1990 to 1993, constitutional work resumed for many feminists a few weeks after Meech's collapse. For example, the NAC Executive promptly initiated discussions about educating Canadian women on issues of self-determination with respect to both Quebec and Aboriginal peoples⁸⁰ and planned its own consultations with Aboriginal women's

groups and Quebec feminist organizations.⁸¹

Internal and intra-organizational tensions over Meech had some positive repercussions in, for example, clarifying certain constitutional standpoints. Stemming from the Meech controversies, NAC developed its constitutional framework that recognized Canada's various national communities, regions, ethnic and racial groups. At its 1991 AGM, NAC adopted this "Three Nations" position which affirmed that Canada was a country based on three founding nations, Aboriginal, French, and English, and was multi-ethnic and multi-racial. Although the position is not without its problems,⁸² it continues to be the cornerstone of NAC's constitutional analysis. Moreover, resolutions and compromises such as this one resulted in both more intra and inter-movement consensus in the Canada Round.

Further, feminist organizations took it upon themselves to respond to earlier criticisms with respect to the abstractions, legalism and high theory of aspects of the first phase of the Meech campaign.⁸³ Members of the Ad Hoc Committee on the Constitution, from Marilou McPhedran and Pat Hacker,⁸⁴ to media personalities such as Doris Anderson and Sally Armstrong of Homemaker's Magazine, as well as women of colour activists such as Akua Benjamin, Carmencita Hernandez and Lilian Ma,⁸⁵ began work on the Equality Eve project, discussed below. Here the idea was to get women from across the country talking about the constitution and to familiarize them with the issues that were at stake.

This pro-active rather than defensive activism came in response to the confusion and crisis of the Meech period. As one NAC representative wrote in the

summer of 1991: "We want a total feminist vision on the table...we want to make the political elites respond to our agenda this time. We have been responding to theirs long enough."⁸⁶ Prior to the Canada round, then, many of the national feminist organizations had never really stopped their constitutional work and the focus was on strengthening intra-movement connections, educating diverse women on constitutional issues, building grassroots support and revitalizing inter-movement coalitions.

On one level, given these measures, and the consultation and networking that took place intra-organizationally, there was less visible friction between various women's groups and more consensus on key issues. Feminists worked gingerly to heal the wounds of Meech with respect to Quebec women and those in the rest of Canada. The recognition of Quebec as a distinct society and the endorsement of asymmetrical federalism epitomised endeavours to accommodate associations like the FFQ. Groups such as Manitoba's WCER, that had viewed the distinct society clause with scepticism and raised the ire of Quebec feminists during Meech, now focussed instead on strengthening section 28. Now, the WCER, Ad Hoc, NAC and NAWL had complementary analyses and even the CACSW, although it conceded to a yes position on Charlottetown, raised similar concerns. While equality rights issues were crucial for groups such as Ad Hoc and NAWL, they also integrated broader socio-economic and political considerations, diverse interests, and considered the constitutional implications for multiple identity-based groups. Overall, there was substantial concordance with NAC's constitutional analyses.

IV Underlying Tensions

On another level, it is important to acknowledge that these compromises were laboriously reached and often tenuous. Tensions ran deep for the navigation of women's multiple and intersecting interests and senses of identity was always rough going. There were various women to consider, from Quebec women to women with disabilities and Aboriginal women. As a result, feminist positions had to be extensively negotiated and carefully crafted. This meant transcending the influence of single individuals or particular organizations. For instance, in a noteworthy display of feminist leadership, Judy Rebick became convinced by members of her organization, by diverse women, women of colour, Aboriginal women, in and outside of NAC, that NAC had to denounce the Charlottetown agreement.⁸⁷ As a result, Rebick led NAC in the No side campaign, despite the fact that her initial inclination was to the contrary.

To be sure, referendum ambivalence and reticence debilitated many individual feminists and some national feminist organizations. In Mary Eberts words, "the reign of terror" was on and if you opposed Charlottetown you were "a Confederation wrecker."⁸⁸ Governmental chastisement and censure had started with Meech and intensified during Charlottetown. Feminist organizations that openly campaigned for the No side not only faced this type of castigation, but also jeopardized their funding and risked public denigration more generally.⁸⁹ This compounded women's organizational uncertainties, making it very difficult for feminists across the board to contribute to the No efforts.

V Organizational Change

At the same time, the organizational landscape had altered adding more depth and detail to an already complicated canvas. There were greater numbers of national women's organizations than in the early eighties, and thus more networking and policy cross-checking was required. This took time and used up personal and organizational resources. For instance, McPhedran describes the situation as follows:

We now have speciality organizations that didn't exist in the early eighties...LEAF didn't exist. NAWL was a much more fledgling organization, it was just beginning, the Coalition of Sexual Assault Centres across Canada didn't exist...and so you end up with, now, a much more complex [environment] and way more staking of the territory than existed. So it's much harder to put together an Ad Hoc coalition. Because many of the women who were kind of freelance activists in the early eighties, now have a primary organizational alliance. So they're governed by that to a greater degree.⁹⁰

This meant that there had to be intra-movement education and accommodation between more organizations, that there were fewer feminist "free agents," and that there was more potential for divergent positions. Purposive, concerted efforts had to be expended to co-ordinate positions among various women's groups.

VI The Grassroots Campaign

To counter-balance these tensions and organizational challenges, and certainly to counteract the government's intransigence and obfuscation of the issues, many women's groups concentrated on public outreach. NAC made efforts in this regard in its early educational work around Quebec and Aboriginal self determination and in later elucidation of its No position in innumerable fora, large and small. NAC outlined the following referendum strategy: i) the organization of meetings across the

country; ii) the mobilization of a core of organizers and a broader group of volunteers to ensure women's presence at every public event to raise the relevant issues; iii) training of women to be able to ask the hard questions and to ensure the issues are debated; iv) and finally, the staging of at least two nation-wide protests.⁹¹

In addition, even before the Spicer Commission got underway, and in comparison, with a minuscule budget fuelled by volunteer labour, feminists organized Equality Eve initiatives. The Equality Eve/Ad Hoc Committee sent out placemats with points of discussion printed on them, Pat Hacker's practical idea, resource kits and a video, "For Our Mothers and our Daughters," on feminist constitutional activism, to women Canada-wide.⁹² Women were invited "to come to Ottawa on February 14, 1991, to commemorate the tenth anniversary of the 1981 conference...or to organize a gathering of women and girls in their own homes...to discuss the key issues currently facing Canadians generally and Canadian women in particular."⁹³ Thus, women were encouraged to gather at their kitchen tables, over coffee, at lunches and dinners not only to commemorate the 1981 women's constitutional conference, but to consider more contemporary constitutional events and formulate positions.

Although it was sponsored by Equality Eve, this initiative also had the support of the more established women's groups such as the BPW, the FNFCF and the YWCA, along with organizations such as CCLOW and CRIAW. The YWCA provided financial assistance and office space for the project.⁹⁴ The Equality Eve message was spread through organizational mailings and personal word of mouth, as well as through announcements in Homemaker's Magazine and columns written by

Doris Anderson and Michelle Landsberg.

The intent was to inform women about the constitution and to obtain a broadly-based "grassroots consensus."⁹⁵ Women from Kamloops Immigrant Services, to Student Services at Lakehead University, and the Alberta Coalition Against Pornography responded and, in the end, over 400 groups and 5,000 women from Nova Scotia to the Yukon took part in Equality Eve events.

Those that held Equality Eve gatherings were asked to take note of what was said at their respective meetings and send the information back to the Equality Eve Committee. Subsequently, volunteers at the Ontario Institute for Studies in Education (OISE) in Toronto tabulated, synthesized and documented the final results. The feedback Equality Eve received from women was then summarised in a final report.⁹⁶ Thus, a substantial effort was made to reach women, get them talking about the constitution, and ensure that their concerns were heard.

This facilitated broadly-based mobilization later on. For example, the Ad Hoc Committee could draw on these views and revitalize connections for its postcard campaign against the federal government's 1991 constitutional proposals. Other forms of grassroots outreach continued on into the referendum campaign. For instance, Ad Hoc members participated in numerous meetings with various groups of women struggling with the Accord. As Romily Perry comments, "we were willing to go out anywhere."⁹⁷

Often, representatives of both Ad Hoc and NAC acted as resource people at these sorts of gatherings. Thus, representatives from feminist organizations set out to

inform women about the contents of Charlottetown and to interpret its implications in a way that was accessible and grounded in the realities of women's every day lives. Nancy Ruth explains that feminists' contributions in Charlottetown boiled down to: "tak[ing] these words and bring[ing] them down to examples that affected every woman. That was a major thing we did."⁹⁸

These forms of grassroots mobilization were reminiscent of the early eighties when all kinds of women were moved to action and a move away from the specialized, high theory of the early Meech campaign. The difference this time, as compared to 1980-81, however, was that the present circumstances (and even more than Meech, given the socio-economic, political and organizational climate) resulted in an expanded agenda, and made intra-movement co-ordination and the integration of diverse women crucial. Thus, Equality Eve/Ad Hoc had to co-ordinate strategies with NAC and volunteers had to include not only middle class, able-bodied white women but also disabled women, women of colour activists and women from immigrant women's organizations and racial and ethnic associations.

Grassroots support was essential to bolster feminist platforms, given the struggle to gain conventional political regard. In some cases, feminist organizations were not even certain of getting the opportunity to speak at governmental hearings⁹⁹ and, although feminists came to play a pivotal role in the constitutional conferences, women had to fight to be a part of this process. In the experience of Huguette Léger, it was a scramble to find out about the conferences and to ensure that NAC representatives were present.¹⁰⁰ Then, only through the course of the constitutional

conferences was NAC successful in ensuring 50 per cent women's involvement in these fora, achieving this goal by the last meeting. When questioned about Ad Hoc's participation in the constitutional conferences, McPhedran replies. "We were never seen as an entity, we were never invited...we tried to do something and they just kind of turned us down."¹⁰¹

Mass-based endorsement was necessary because feminists could expect little from most women politicians or bureaucrats,¹⁰² as party solidarity was enforced and divisions between women were emphasized. In Eberts view, "the stage was dressed with women because they wanted a pre-emptive strike."¹⁰³ Political officials persuaded some prominent women, mostly scholars but also some activists, to bolster the government's position. Thus, law professor Katherine Swinton worked for Joe Clark and was brought into meetings with women's movement representatives to counteract their claims. Then, during the referendum, the Yes side tactically enlisted renowned women who supported the Accord.

As a consequence, feminist organizers could not draw on the strategies of the early eighties and make use of the same types of tactics. Lobbying was not totally dismissed, but its uses were limited and its targets were few and well-defined. There was work on influencing Joe Clark directly and, when it became clear that key Premiers were sympathetic, such as Rae, or soft on women's positions vis-à-vis Senate reform, such as Harcourt or Cameron, the Premiers were lobbied. In the end, because traditional political openings were so few and far between, more time was spent on fostering grassroots connections: on public education, networking, and the

cultivation of a media strategy.

VII Media Work

Since the aim was to get diverse women involved, media outreach was crucial. The production of a television commercial was one manifestation of Ad Hoc's media strategy, as were attempts to "plant" questions at various hearings to attract media attention, and still other inventive measures were taken such as the production of a "No" song that was broadcast on the radio.¹⁰⁴ Ad Hoc even managed to publish a large advertisement in the Globe and Mail highlighting the problems with the Canada Clause and encouraging people to vote no.¹⁰⁵

However, it required immense effort to shore up media regard, let alone responsiveness. When women were the underdog in the early eighties, the press appeared relatively more sympathetic and helped to advertise women's constitutional cause. During Charlottetown, it was more of a coup for feminists to obtain media coverage. Save for those women, such as Sally Armstrong, Michelle Landsberg and Doris Anderson, who were involved with Equality Eve, in McPhedran's view, "the women in the media, by and large, were much less concerned, much less responsive because there had been real progress... [By Meech there was a] combination of complacency and in some cases resentment. So it was much, much harder, and then Charlottetown just got that much harder again."¹⁰⁶

Reporter Susan Delacourt confirms that the media was not all that interested in feminist concerns at first and, indeed, Rebeck notes that one of the reasons for staging the women's constitutional conference was to make the deleterious affects of the

Canada Clause known, because the media was disregarding this problematic development.¹⁰⁷ Then, with the referendum, the editorials in all the major papers appeared to support the political status quo. Women's issues were not being picked up.

The media tide turned when free advertising time became available during the referendum. This constituted a break for feminists with meagre financial resources on the No side. Gradually, the media began to report on the feminist critique as women's organizations, from NAC to NWAC and Ad Hoc, made media inroads and as women on the No side appeared as the first voices to speak out against the Agreement. The media could also latch on to Rebick as an articulate spokeswoman for feminists on the No side. Overall, the media's interest peaked when it began to realize that women could sway the outcome of this constitutional round.

VIII Inter-movement Coalitions

Beyond intra-movement work and various forms of public outreach, a final, crucial consideration, as with Meech, was the reliance on inter-movement networking - the coalition building aspects, and the mobilization of feminist alliances. NAC's efforts provide a prime illustration for its networks forged in earlier campaigns were reactivated pre-Charlottetown, and new connections were made as well.

As early as December 1991, NAC and representatives of 40 community organizations, including the Congress of Black Women, CCSD, CDAA, COPOH, EGALE, LEAF and the Native Council of Canada (NCC), among others, met to discuss the possibilities of a social charter.¹⁰⁸ Moreover, NAC and NAPO worked as

consultants to the Aboriginal groups around the negotiating table.¹⁰⁹ As with Meech, day care coalitions were pivotal with respect to NAC's critique of the opt-out provisions.¹¹⁰ NAC also worked with the Action Canada Network, an earlier anti-free trade ally, especially with respect to the economic union proposals.¹¹¹ When ACN caucussed during the five constitutional conferences, co-ordinating various groups, NAC was there.¹¹² Rebick also points out that, in relation to early property rights clauses, women joined with a variety of activists from leftists and environmentalists, to Aboriginals and lesbians and gays. As a result of this kind of networking, groups such as the Council of Canadians, for example, would have a position that looked very much like NAC's.

This coalition work was not without its hard choices. According to Rebick, NAC was ambivalent about the social charter strategy but could not work against it, and in the end endorsed the proposal.¹¹³ Cameron expands upon what was at stake with the social charter tactic:

Some groups of poor people's organizations and people with disabilities, in particular, were interested in a social charter so NAC was working with them. We took a more sceptical position about what could be expected out of a social charter unless you could really enforce it...[We also] were concerned about a trade-off of the federal spending power, for the social charter.¹¹⁴

Moreover, all this coalition work did not mean that, in the end, uniform positions would be taken. For example, Action Canada did not come out against Charlottetown, according to Cameron, "because it's a labour involvement thing, so that meant that NAC was out front... on its own once... groups had taken their positions. [But] I think the ACN did distribute the position of the different

groups."¹¹⁵

Relations between women and the left and unions were critical but not consistent. NAC, for instance, had strong NDP and union connections. Rebick had run, unsuccessfully, for the NDP and both she and Barbara Cameron had ties to the broader left and union movements.¹¹⁶ The same could be said of other influential NAC Executive members, including Monique Simard, Madeleine Parent, Marjorie Cohen, or past NAC presidents such as Kay Macpherson and Lynn Kaye. Indeed, women with left-feminist views were particularly influential in NAC from the late eighties onward.¹¹⁷

It is not surprising, then, that pre-Charlottetown both the NDP and unions were allies for NAC and to a certain extent for the women's movement, more broadly.¹¹⁸ Once again, Audrey McLaughlin and Bob Rae advocated the social charter and they, and briefly BC Premier Harcourt, as well as Nova Scotia NDP leader Alexa McDonough, were in support of a role for women vis-à-vis Senate reform.¹¹⁹ The FwFAO continued to play a facilitative role in women's constitutional efforts, offering office space, photocopying and providing financial support to feminist organizations. Unlike the early eighties, the CLC played a much stronger role, pushing the Rae government, in particular, on various issues, among them, changes to labour market training.¹²⁰

Cameron recalls some of the specific NAC/union interactions:

Judy [Rebick] had good ties with the union movement. Judy had contact with [Bob] White and the people around White in the period before and after the deal. We invited, at the AGM where we adopted the position on 3 national communities, Judy Darcy [of CUPE] chaired

the workshop we had and was very good on it...there certainly were discussions I know with Judy Darcy at different points about NAC's position... the women who were around NAC who were in public sector unions.¹²¹

NAC also staged the women's constitutional conference in August in conjunction with the CLC Women's Committee.

Pre-Charlottetown, both left and union influences were prevalent. When the Charlottetown deal was struck, and in the referendum campaign, these relations became tricky and at times turned nasty. In Huguette Léger's view, the CLC, for instance, had less room to manoeuvre given its connections with the NDP and thus it went along with the NDP in support of Charlottetown, but NAC took its own stand.¹²² The pressure on NAC was great, for as Brooke Jeffrey describes, the organization was: "Rebuffed by the political elites, the media and even the labour union elite under the stewardship of Bob White... ." ¹²³ Still NAC went for the No.

In spite of earlier collaboration, women like Judy Darcy endorsed the Charlottetown agreement and Bob White moved very quickly to get broad support.¹²⁴ In the heat of the referendum debate, some left and union leaders began attacking feminist positions with, for example, NDP leaders like Rae and McLaughlin, as well as union leader Bob White confronting Rebeck and NAC. At one point in the referendum, Bob Rae even succumbed to the Tory government rhetoric, delegitimizing NAC by calling it a "special interest."¹²⁵ In this way, a rift developed between NAC, the NDP and unions.

It was NAC, nonetheless, that took the more traditionally "left" position and thus many individuals in the NDP and in unions were supportive of the feminist

stance, albeit behind the scenes.¹²⁶ Moreover, national labour organizations were divided. For a long time, many had been unable to take a position on the constitution because their Quebec affiliates were opposed.¹²⁷ Tensions were exposed at the start of the process given that, for example, Quebec union representatives on the Bélanger-Campeau Commission were among the strongest supporters of Quebec separation¹²⁸ and, at the end, when the labour movement in Quebec opposed the Accord.

Furthermore, despite the CLC's endorsement of Charlottetown, some of the public sector unions were not pleased about all of this. For instance, Bob White had to deal with dissenters like the Canadian Union of Postal Workers (CUPW).¹²⁹ The latter cited objections to everything from risks to social programmes, to lack of support of Aboriginal women and issues of gender. On the whole, there seemed to be discrepancies between some union leaders, and especially between leaders that supported the Accord and their members.¹³⁰ In short, although the official line of the large labour unions and the NDP was for the Charlottetown agreement, in reality, both were more or less split between Yes and No sides.

Relations were also complicated with Aboriginal allies. Recall that the women's movement had recognized the legitimacy of Aboriginal peoples' claims during Meech and supported Elijah Harper's role. In fact, Judy Rebick was the only non-Native speaker at the rally that supported Harper's stance. Since that time, the women's movement continued to work in coalition with Aboriginal organizations. For instance, Rebick maintains that NAC "did a lot of support work on Oka and so we had good relationships with the AFN."¹³¹ In time, feminist organizations, including

NAC, NAWL and Ad Hoc, developed "Three Nations" positions. This strengthened coalitions to the point that the NCC ensured that women's groups obtained greater representational access via the NCC's creation of an advisory council during the multilateral talks.¹³²

At the same time, throughout the Charlottetown process, NWAC's position increasingly received the support of feminist organizations from NAC and NAWL to the Advisory Council. These groups incorporated NWAC's policy in their briefs,¹³³ and some worked together, for example, organizing the women's conference in C-Lwa. This helps to explain the impressive turnout of Aboriginal women at this event. In various ways, from letters of support, networking, lobbying, and legal claims, feminists struggled not to speak for Aboriginal women, but in support of their rights.

However, NWAC's critical position vis-à-vis male-dominated Aboriginal organizations like the AFN complicated alliances. Rebick points out:

We worked with NWAC once we got into Charlottetown. And then of course we had the problem with the difference between NWAC and the AFN on that, that was very hard for us to sort out...[We] supported NWAC on the protection of Native women. Although we had some problems with the way that they were conducting themselves, but we decided that, you know, we had this position on self-determination, that we would support anything they decided to do. So we did support them.¹³⁴

She explains further the difficult position in which NAC found itself: "even though we supported the native women, and their concerns, nevertheless, it seemed to us aboriginal government was a huge gain for aboriginal people and it was really hard to go against that."¹³⁵

Feminist oppositional mobilization elicited mixed responses from the Aboriginal community which was, in turn, divided on the Charlottetown agreement. While the nature of these divisions will be addressed below, at this point, it is important to point out that NWAC's action and feminist organizations endorsement of its claims caused friction.

While the NCC did attempt to put NWAC's concerns on the agenda via its advisory mechanisms,¹³⁶ and the AFN attempted to reach a compromise with NWAC,¹³⁷ these efforts were too little too late. Even though Aboriginal women were successful before the Federal Court of Appeal - when it ruled that NWAC's rights to freedom of expression had been denied at the multilateral talks, and that they had a rightful place at the constitutional table - the mostly male Aboriginal leadership and federal government did not comply with the Court's determination. Hence, NWAC, in concert with key feminist organizations, went on to mount a convincing campaign that would challenge these leading Aboriginal organizations and the government.

Pivotal leaders of Aboriginal organizations predictably disapproved of this turn of events. For example, Susan Delacourt recounts an encounter between Rebick and Mercredi during the referendum campaign:

He told her: "Look, you have gender equality. We have nothing. If it's not perfect, don't stand in the way of our rights, because we can always perfect it later"...[Mercredi mused] "She was a voice... for women's rights. But from our perspective she was a voice against Indian rights. And no amount of talking from her or reflection on my part will alter that conclusion."¹³⁸

Both Mercredi and NCC leader Ron George reacted badly to the rejection of the

Charlottetown Accord and did little to hide the fact that they were devastated by the results.¹³⁹ Therefore, women's activism in the defeat of the Accord was not taken lightly by some Aboriginal allies.

Feminist organizing modified in this round with changed circumstances with respect to both intra and inter-movement organizing and with a different constellation of socio-economic and political forces. Effective networking within the women's movement helped to steel the movement to inter-movement fluctuations. Coalition partners and alliances were cultivated at crucial moments but, in the final stretch, these connections were loosened. To be sure, relations with the left, unions, and Aboriginal communities were seldom straightforward. These issues will be elaborated upon more fully as we turn to the final consideration, the effects of ideas and changing identity politics patterns.

IX Struggles over Identity

Identity politics configurations were particularly challenging in this period. Whereas the government's agenda in the previous Quebec Round prioritized Two Nations and dualistic notions of identity, the Canada Round necessitated the integration of multiple senses of identity. For feminists, identity politics always mattered but post-Meech, through, for example, their explicit constitutional recognition of three founding nations and multiracial realities, feminist organizations attempted to provide more inclusive analyses. Additionally, not only in theory but in practice feminists worked on the implications of diversity as seldom before.

To begin with, by this round, the women's movement had spent considerable

time and effort grappling with, and acting upon, these issues. Since the eighties and into the nineties, as Doris Anderson points out, "Every women's organization...had to face up to its internal racism. And it broke up some [women's groups] and certainly affected and changed others."¹⁴⁰ Of course, the extent of respective feminist organizations' work in this regard, and their ultimate results, were mixed. Still, the women's movement had evolved. There were not only more women's groups formed but also, organizations that had been criticized for their white, middle class, and able-bodied privileges, moved to bolster their representational validity through both personnel adjustments and more sensitive policy measures. Given these concerns, feminist organizations expended more efforts on intra-movement alliances.

In the Canada Round, struggles with the complexities of identity politics inspired and energized some feminist organizations, but also served to immobilize others. Overall, however, shifting and merging identity-based groups and their multiple interests definitely influenced the directions taken by feminist organizations in determining their constitutional strategies.

Identity politics mobilization clearly helped to frame the more-inclusive "Three Nations" position of feminist organizations including NAC, the FFQ, and even Ad Hoc. From the start of this round, given the lessons of Meech, NAC representatives emphasized that the challenge for the women's movement was to "come up with an approach to constitutional change which reconciles all forms of oppression."¹⁴¹ The FFQ promoted an agenda that was "non-sexist and non-racist...that would fully recognize the rights of First Nations and be open to minorities."¹⁴² In the post-Meech

period, Ad Hoc/Equality Eve would also recognize that, "In the present constitutional talks there can be no satisfactory solution without recognizing that aboriginal rights are as important as Quebec's rights"¹⁴³ and stressed that "We must go no farther in history without a partnership model that includes women and men of all colors and cultures and abilities."¹⁴⁴ Through this broader framework, feminist organizations were able to work on reconciling the demands made by Quebec feminists and Aboriginal women in relation to self-determination and include considerations of race, ethnicity and ability.

These types of compromises were not easily achieved. As Rebeck remembers in relation to NAC:

we had quite a serious debate in the Executive and we felt...we need to educate the women's movement more on the issues of Quebec and Aboriginal women...And Salome Loucas who was on the Executive objected because she said you couldn't talk about the national question without...dealing with issues of race and racism. And we had a big fight...it was quite a heavy discussion.¹⁴⁵

Through these disputes, however, NAC's Constitutional Committee was able to develop a framework which included an affirmation of the country's multicultural and multiracial context, as well as an endorsement of Three Nations.

Ad Hoc/Equality Eve also would begin to make these broader connections in its analysis of threats to the Charter:

Being an immigrant and a woman of colour is a multiple disadvantage in a society that systematically discriminates against non-whites. Because women themselves are a disadvantaged group, they want to use the Charter and the constitution as a means of overcoming marginalization, and as a shield for those who are abused. For anyone who is female, non-white or a member of a disadvantaged group, any

weakening of the Charter would be a great loss.¹⁴⁶

Other examples include the fact that Equality Eve/Ad Hoc worked with immigrant women's associations, it and NAC ensured that there were women of colour among their representatives,¹⁴⁷ and that groups like NAWL and NOIVM joined with NAC on the NCC's advisory committee.¹⁴⁸

The more diversified composition of NAC's Executive and Committee members facilitated its accommodative position. Recall that, in terms of tough socio-economic and political times, NAC was in a weakened position; however, its organizational health was relatively good compared to the other constitutional rounds, due to its negotiated constitutional position. In other words, this organizational stamina was bolstered by progress made by NAC to accommodate diversity. NAC now had strong leadership from women that represented a range of identities and interests. For example, with the Charlottetown Round, women like Monique Simard (formerly VP of Quebec's largest labour federation and then Vice President of the Parti Québécois) was Vice President of NAC, and Madeleine Parent (long-standing Quebec feminist and union activist) was on the Executive.¹⁴⁹ Both helped to sensitize NAC to concerns of Quebec women. Pivotal work on NAC by women like Sandra Delaronde and Rianna Erasmus provided insight with respect to formulating a position in support of Aboriginal women, and Executive members such as Salome Loucas (also the Director of Women Working with Immigrant Women) helped to integrate issues of race and ethnicity. What is more, many of these interests and senses of identity were multi-faceted. For example, Madeleine Parent not only enriched NAC's

perspectives on Quebec but also contributed union sensibilities and sympathies regarding Aboriginal rights to the NAC Executive.

These women, with their diverse senses of identity and multiple interests, not only enhanced NAC's representational legitimacy from within but they could also encourage the development of intra- and inter-movement networks from without. In turn, diversified member groups could provide new and different perspectives. For instance, Jill Vickers observes that it was through groups like the FNFCF, that NAC was encouraged to take a position on asymmetrical federalism.¹⁵⁰

Barbara Cameron confirms that throughout the Charlottetown process NAC made efforts to include various identity-based groups and interests through its organizational outreach:

I recall these conference calls that I was involved with where Sheila and Judy would be reporting on their meetings with various people and...what different organizations were saying. For example, [there were meetings] with the Ethnocultural Council and discussions with Aboriginal women and what was happening in Alberta with a coalition of groups.¹⁵¹

Especially in its efforts around both the social charter and the proposed Canada clause, NAC worked in coalition with women of colour (from, for example, the Congress of Black Women), disability groups (including the CDRC, COPOH and the Canadian Mental Health Association), and with lesbian and gay contingents (such as EGALE).¹⁵² This combination of diversity from within the organization, and its efforts at outreach with various identity-based groups from without, in the end, heightened NAC's ability to act.

To a great degree, feminists' efforts to incorporate different women's

perspectives in the Canada round revolved around the support of Aboriginal women. According to Anne Molgat, "Much of the women's movement, including the Canadian Advisory Council on the Status of Women and the National Action Committee on the Status of Women, rallied around the Native Women's Association of Canada."¹⁵³ NAC worked with NWAC as well as with the newly formed National Métis Women of Canada. In Joyce Green's view, this support "was a logical expression of NAC's commitment to accepting women's definition of their realities."¹⁵⁴ Sunera Thobani, who would later become president of NAC, commented that this was a sign of the "maturity of white women's political understanding...[and] a sign of how much Native women and women of colour working with NAC [had been] able to push and bring it to this support..."¹⁵⁵ The diversification in NAC, and the coalition work after Meech that led up to Charlottetown, fortified NAC's constitutional position.

For others, however, identity politics proved to be more of a hindrance. Feminist organizations had had to reconcile themselves to constitutional deals that seemed to pit Quebec women against women in the rest of Canada, or did not deal with Aboriginal women, women with disabilities, lesbians, poor women, old women, among others. It was extremely difficult to balance these multiple concerns and accommodate various identities and interests. Moreover, painful Meech memories were still fresh in feminists' institutional and individual memories.

As Marilou McPhedran explains, for some, the Aboriginal women's case became "a much cleaner effective way politically to deal with difference. You know

as privileged white, Anglo women, what are we going to say to the Québécoises? You know, we had a terrible time during Meech."¹⁵⁶ To avoid another altercation of this kind, many legal feminists honed in on the discrimination faced by Aboriginal women in the this constitutional round. The injustice appeared to be explicit and relatively straightforward in that NWAC's claims complemented legal feminists' own concerns about sexual equality.

Consequently, feminists with connections to LEAF found that they could play a role in the Canada Round by providing legal assistance to NWAC. Thus, Anne Bayefsky and Mary Eberts acted as legal advisors to NWAC,¹⁵⁷ although Eberts did not take a public stand on Charlottetown.

Even those organizations that attempted to steer their way through the identity politics thicket were bedraggled from the effort. As mentioned above, support for NWAC was considered to be a rebuke of organizations like the AFN.

There were deep divisions in the Aboriginal community. For instance, even among the four groups at the constitutional negotiating table there were rifts. According to Delacourt, while the AFN and the Inuit Tapirisat were allies, and indeed Ovide Mercredi and Mary Simon the organizations' respective leaders were friends, Ron George of the NCC and Métis Leader Yvon Dumont had differences of opinion. Thus, George worked to bring more representatives into the process, while Dumont was seen to be more of a Mulroney-ite and was viewed with suspicion due to his Toryism.¹⁵⁸ NWAC's exclusion and its efforts to remedy this meant that the already existing tensions escalated.

Concomitantly, Aboriginal women viewed NWAC's role in different ways. In this process, NWAC members such as Gail Stacey-Moore, Sharon McIvor and Teresa Nahanee stood opposed to some other Aboriginal women, including the constitutional negotiators, Rosemary Kuptana, Mary Simon and Nellie Cournoyea, and women supportive of the AFN.¹⁵⁹ Groups such as Pauktutit (the Inuit Women's Association of Canada), the Métis National Council of Women and the Ontario Native Women's Association ultimately supported the Accord.¹⁶⁰ James Tully succinctly explains the viewpoint of these defenders of the Accord who argued:

Aboriginal governments, values, and traditions need to be recognized and continued against the imposition of the Charter, with its antagonistic Western values. They conceded that although the present band council governments are dominated by men, they have been imposed by the administrators of the Indian Act. As Aboriginal governments evolve, they will develop their own practices of gender equality by drawing on...traditional forms...[that] have a richer repertoire of gender equality and empowerment.¹⁶¹

Aboriginal women critics of the deal pointed to current rates of incest, abuse of women and children on reserves, and demanded constitutional protection.¹⁶² As women, they were not prepared to throw themselves to the mercy of the mostly male leadership of bands and Aboriginal organizations.¹⁶³ Yet, they had to face other Aboriginal women who were questioning their commitment to Aboriginal peoples, in general. Even the media, not usually attuned to such differences, picked up on these deep-seated tensions and staged debates with women from NWAC such as Sharon McIvor and AFN legal advisor, Mary Ellen Turpel.

These fundamental differences of opinion among Aboriginal women proved to

be a dilemma for feminist organizations, but most put their support behind the claims with which they could clearly identify. Again, according to McPhedran, with Charlottetown, she and women like her, had the opportunity "to support the concerns of the Aboriginal women which were in many ways identical to my concerns as a privileged white woman...things like incest, the rate of domestic abuse."¹⁶⁴ Thus, it made sense that Ad Hoc/Equality Eve would invite NWAC to an early strategy session. NWAC would also benefit from this invitation in that, at this meeting in Toronto, Teresa Nahanee would encounter Eberts and Bayefsky, who would later constitute key players in NWAC's legal team.¹⁶⁵

From NWAC's perspective, the response from both Aboriginal and non-Aboriginal women was mixed. With respect to the non-Aboriginal women's movement, Nahanee and McIvor perceived some reticence vis-à-vis NWAC's actions.¹⁶⁶ Moreover, they expressed frustration with the fact that, for example, NAC's early support of self-government meant good relations with the AFN and NCC which, in turn, served to marginalize NWAC. This was particularly apparent when the NCC invited NAC not NWAC to be part of the former's constitutional advisory group. Still, McIvor wrote, "We've had fairly good relationships with... [NAC] for quite a while" but she also observed that "we seem to be taking the leadership role in some of the issues."¹⁶⁷

Furthermore, although Aboriginal peoples made substantial gains in the Canada Round, these moves were greeted with suspicion by the broader Aboriginal community.¹⁶⁸ Ultimately, many Chiefs came out against the agreement reached via

the national Aboriginal organizations. Chiefs in Alberta withdrew support from the AFN as early as May 1992 and Mohawk leaders expressed their dissatisfaction with the AFN in August.¹⁶⁹ By September, the latter made it clear that they would not support the Charlottetown Agreement. They were followed by Chiefs in British Columbia who made it known they too were opposed to the Accord. As David Long and Katherine Chiste write, "the greatest indicator of status Indian feelings towards the Accord occurred in mid-October, when nearly 400 Indian leaders from across Canada failed to endorse the constitutional package at an AFN general meeting..."¹⁷⁰ Even Elijah Harper publicly announced his opposition and recommended that Aboriginal peoples either abstain or vote No and, in Alain Noel's words, "helped to make a No vote honourable."¹⁷¹ The referendum results reflected these tendencies, with an overall two-thirds No vote from the small numbers of Aboriginal people who voted on reserves.¹⁷²

In this complicated context, feminist organizations' endorsement of the inherent right to self-government, plus their support of NWAC, sent mixed messages to the Aboriginal community and their interpretation depended upon where one's sympathy lay. Identity politics and work towards inclusivity was never clear-cut. On the contrary, it tended to be riven with controversy.

Other communities experienced contradictory appeals as well, as was the case for ethno-cultural groups. Organizations such as the Canadian Jewish Congress and the Italian Canadian Congress supported the Accord. For some Anglophone and ethnic organizations in Quebec, Yes meant survival and No meant chaos.¹⁷³ For others,

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Charlottetown provided insufficient protection and "did not give Quebec the tools to build a multicultural nation."¹⁷⁴ The CEC, especially given its work with NAC, was more ambivalent. Ultimately, the CEC "decided not to oppose the accord as a whole in the interests of national unity, but registered its disapproval of the wording of the Canada clause."¹⁷⁵ Also suggesting the influence of feminist analyses, the CEC recommended changes that would, in its opinion, prevent a hierarchy of rights.

Other equality seekers were more critical. Various groups of lesbians, gays and bisexuals organized campaigns urging members "to work with the progressive 'no' campaigns in your community and to speak out against the harm it will do to our community."¹⁷⁶ Disability groups were especially adamant and actively opposed to the deal. They had been left out of the Canada Clause and agreed with feminist organizations on the No side that the clause reinforced a hierarchy of rights. Organizations including the Canadian Disability Rights Council (CDRC) and the Coalition of Provincial Organizations of the Handicapped (COPOH), engaged in intensive lobbying and public protests.¹⁷⁷ As a result, Joe Clark capitulated to a certain extent and suggested that these concerns would be remedied, but only after the referendum. This was deemed to be an insufficient response and disability organizations rejected the Accord.¹⁷⁸

In short, identity politics were a crucial consideration and resulted in feminist organizations' review of internal policies and constituencies and it reinforced both its intra- and inter-movement outreach. However, the politics of identity was never straightforward and feminist efforts at incorporating diversity had uneven results. The

volatile context within and between various communities made problematic the positions taken by feminist organizations to be sure. Still, at various conjunctures, as with the constitutional conferences for example, identity politics did not preclude consensual politics and compromises could be reached. What is more, by forging ties and reaching some understanding and agreement, even though they were tentative and provisional, within and between diverse communities, constitutional struggles were furthered. Through these various relations and engagements, governmental regard and, at times, responsiveness was heightened. At the same time, as the final section delineates, gains were not achieved without a fight.

X Sorting out the Influence of Ideas

Finally, the relevance of ideas must be addressed. In this round, the promotion of the idea of the "ordinary Canadian," and the denigration of "special interest" groups, even more than in Meech, proved to be prevailing themes. The fanfare around the everyday citizen constituted an attempt by the government to rehabilitate its legitimacy after Meech. It took the form of a populist push in fora such as Spicer and, to some extent, in the constitutional conferences. Thus, on the whole, the various federal hearings focused on undifferentiated individuals rather than on organized groups.

Once again, the "special interest" rebuke fit with aspects of the Conservative government's neo-liberal agenda. It was part of the "less government and fewer government handouts" mentality. Governments had to streamline and budget, and could not "waste" money on funding "special interests." Moreover, the view was

that "special interests" should not be allowed to interfere with the government's business or, in its populist variant, to impede the translation of the voices of "the people."

The idea that governments should not be "captured" by special interests was especially useful in relation to the women's movement. By labelling this as the work of narrow, unrepresentative interests, the diverse, collective, oppositional mobilization could be discredited.

In an interview with the press, Prime Minister Mulroney provided the following analysis:

what's happened in this country since 1980, and since the referendum and the Charter...[is that] it's been captured by special interest groups. Special interest groups have captured the media and the only people left to speak not for special interests but for national interests are the national political parties.¹⁷⁹

This viewpoint strikes a familiar chord and a tune played in the Royal Commission on Electoral Reform Party and Financing Report mentioned in Chapter 1, as well as the REAL Women brief outlined in the previous chapter. Reminiscent of both, Mulroney treats so-called Charter-instigated "interest groups" as the scapegoat for constitutional and political ills and prescribes the political party as the only representational remedy. This analysis fails to appreciate the fact that alternative representational forms, like the women's movement, did not simply materialize as the result of the Charter, that they are long-standing, and that they typically are compelled to organize due to the inadequacies of traditional representative institutions.

Of course, the irony here is that the government purportedly was taking a

stand against "lobbyists". However, supporters on the Yes side, like BCNI or the Royal Bank, appeared to be welcome advocates and, indeed, government allies. Evidently, business lobbyists with parallel neo-liberal visions were still in, but social movement organizations, like the women's movement and its coalition partners, were most definitely out. As Errol Mendes astutely questions, "When do interests cease to be 'special' and become democratic? Perhaps when they do not need to organize into groups because they already control the economic levers of our society."¹⁸⁰ The "special interest group" idea was selectively used and applied.

Mary Eberts provides a clear and detailed assessment of this governmental strategy in Charlottetown. The government was:

fully into this special interest group trashing, so that any group that had carefully cultivated its constituency, learned how to gather its views, learned how to represent it, tried hard to represent it warily, maintain its politics so that it would maintain the support of the group, they were just totally sidelined as special interest groups, and somehow we were evil and they were going right to the people, this direct democracy stuff. You know its really so much like Ross Perot that direct democracy... And so ...you disempower all the extra-parliamentary opposition that is organized and that speaks for people, and then you just go to a random collection of real folk and that is just such a deliberate strategy in the first part of the Charlottetown Accord... if you were a legitimate grassroots group with a long track record you wouldn't get a place...¹⁸¹

Feminist organizations made their opposition to this label clear, as was evident in Ad Hoc's meeting with Joe Clark. Even Aboriginal organizations, who became part of constitutional negotiating teams, had to work to underplay this interest group connection. Alan Cairns claims that the Aboriginal strategy was to minimize participation that could be portrayed as "special interest" behaviour and fight for

roles that recognize their status as a First Nation.¹⁸²

In short, the idea of special interest was promoted to de-legitimize the work of extra-parliamentary opposition, social movements like the women's movement, that sought representational access. The terminology was promoted by government and propagated by various sources, in the media, and through groups like REAL women. This affected women's strategies and feminist organizations made it clear, not only in their briefs and presentations, but also through their activities in, for example, the referendum campaign that they were filling a significant representational shortfall.

As a result of feminist efforts, this round offered a contrast to Meech given that popular consultation took, in one analyst's view, "astonishing proportions".¹⁸³ Still the focus was on undifferentiated "individuals" and not "groups" and tended to disregard or dispel women's various identities and interests. Yet, women manoeuvred around the government's attempts to side-step organized groups through multiple strategies from litigating to protest.

The women's movement's embrace of multiple identity-based groups, networking, coalition-building and the marshalling of allies were crucial in this round and helped to shape more of an inclusive, alternative constitutional agenda. In the end, serious problems remained and resulted in rifts between allies. However, feminist efforts at education and outreach eased the pain of these strains. In the end, key feminist organizations mounted a credible and respectful referendum campaign that would provide a representational alternative to Canadians, and would ultimately help to defeat the Accord.

END NOTES: CHAPTER 6

1. Kay Sigurjonsson, Ad Hoc Group interview, November 16, 1995.
2. Marilou McPhedran interview, November 20, 1995.
3. Isabella Bakker, "The Politics of Scarcity: Deficits and the Debt," in Michael Whittington and Glen Williams eds., Canadian Politics in the 1990's (Toronto: Nelson, 1995), 77.
4. See Peter Russell, Constitutional Odyssey: Can Canadians Become a Sovereign People?, 2nd. ed., (Toronto: University of Toronto Press, 1993), 159.
5. This contrast is made in: National Action Committee on the Status of Women, "Review of the Status of Canadian Women," (February 1991), 2.
6. Williams attributes these job losses to free trade. Glen Williams, "Regions within Regions: Continentalism Ascendant," in Michael Whittington and Glen Williams eds., Canadian Politics in the 1990's (Toronto: Nelson, 1995), 33. With respect to women, from January to December of 1990, 124,000 jobs were lost in manufacturing, women held 29% of these jobs, and 36% of the jobs lost were women's jobs. See NAC, "Review," 4.
7. Adams' surveys suggested the following: "First and foremost, Canadians are anxious about an economy that is both experiencing a cyclical recession and is in the throes of major structural change. They see the results as not only temporary unemployment, but long-term job losses- and, on a personal level, an increasingly ingrained sense of insecurity about one's future employment. Our surveys find the recession has resulted in a steady increase in anxiety over economic issues." See Michael Adams, "The October 1992 Canadian Constitutional Referendum: The Socio-Political Context," in Kenneth McRoberts and Patrick eds., The Charlottetown Accord, the Referendum and the Future of Canada (Toronto: University of Toronto Press, 1993), 186.
8. Bakker, 70.
9. NAC, "Review", 16.
10. It contains the following mention: "NAC gratefully acknowledges the support of the Federation of Women Teachers' Association of Ontario in printing this document. October 1991." National Action Committee on the Status of Women, "NAC Response to the Federal Constitutional Proposals," October 25, 1991, 9.

11. See the NWAC Press release, "Gender Equality Postponed to 1996," as compiled in Native Women's Association of Canada, "Native Women and the 1991 Constitution."

12. FAX of funding proposal from Judith Finlayson to Beth Acheson; Nancy Ruth personal files. The charitable organization fiasco is mentioned by Doris Anderson. Doris Anderson interview, November 15, 1995. To fund its initial work, Equality Eve received \$1000 from the Ontario Women's Directorate, a \$2000 grant from NAC, and over \$3000 in small (\$10-\$40) donations. See Equality Eve, Equality Eve Report, 1.

13. NAC discussed the implications of funding if it voted No, and its executive resigned itself to the fact that funding would indeed be cut. See Susan Delacourt, United We Fall: The Crisis of Democracy in Canada (Toronto: Penguin Books, 1993), 407-408.

14. Céline Signori of the FFQ describes how funding had been withheld due to the position taken by the FFQ on Quebec sovereignty. FFQ received a call from a Secretary of State representative, "who asked us to sign a letter committing the organization to not participate publicly in the Constitutional debate... Having learned of these threats, the Board of Directors unanimously decided to make public the tape I had made of the second telephone exchange. They wanted to prevent other groups, particularly women's groups from being subjected to the same blackmail." See Céline Signori, "Free Speech?" The Womanist 3:2 (Fall 1991), 27. The mainstream press reported the following: "Mr. de Cotret refused to condemn Jean-Serge Beauregard, his chief of staff, who earlier warned the Quebec Federation of Women to 'not bite the hand that feeds' and who, in a telephone call to the group dismissed freedom-of-speech provisions in law as 'too bad' during a referendum campaign." See "Quebec women's group to get \$105,000 cheque. De Cotret says recorded phone call a 'misunderstanding'," Globe and Mail, Friday, September 18, 1992, A4. See also "Ottawa checking on groups," Globe and Mail, Friday, September 18, 1992, A4.

15. Brooke Jeffrey, Strange Bedfellows, Trying Times (Toronto: Key Porter, 1993), 161-163.

16. Ruth stated: "It was the first time in my life having run a charitable foundation since the mid eighties, the Department of Revenue circularized foundations... This I think was motivated by, ...the constitution... So I looked at this and said, hah, way we go and gave NAC blocks of money..." Nancy Ruth, Ad Hoc group interview, November 16, 1995.

17. Robert M. Campbell and Leslie A. Pal, The Real Worlds of Canadian Politics: Cases in Process and Policy, 3rd ed., (Peterborough: Broadview Press, 1994), 177

18. Mary Eberts, Ad Hoc group interview, November 16, 1995.

19. In 1992, it seemed as if all roads had come to an abrupt end when the Conservatives cancelled the Court Challenges Programme - which was designed to provide financial assistance to bring forward Charter cases - devastating organizations like LEAF.

20. Kathy Brock, "Learning from Failure: Lessons from Charlottetown," Constitutional Forum "Referendum Reflections," 4:2 (Winter 1993), 30-31.

21. Barbara Cameron interview, April 12, 1995.

22. Douglas M. Brown, "Overview" in Ronald L. Watts and Douglas M. Brown, Canada: The State of the Federation 1991 (Kingston: Institute of Intergovernmental Relations, Queen's University, 1991), 5.

23. Gwen Brodsky, "Social Charter Issues After Beaudoin-Dobbie," in Points of View, No. 2 (Edmonton: Centre for Constitutional Studies, 1992), 2 and 25.

24. Ibid., 2-7. See also, "Rae says Mulroney amenable to concept of social charter," Globe and Mail, October 30, 1991, A4.

25. Lawrence LeDuc, "Canada's Constitutional Referendum of 1992: A 'Great Big No'," Electoral Studies (September 1993), 262.

26. Jeffrey, 112.

27. See Reg Whitaker, "Politicians and Bureaucrats in the Policy Process," in Michael Whittington and Glen Williams eds., Canadian Politics in the 90's (Toronto: Nelson, 1995), 433-435.

28. Richard Johnston, "An Inverted Logroll: The Charlottetown Accord and the Referendum," PS: Political Science and Politics 26:4 (December 1993), 45.

29. The press reinforced this impression: "The Constitutional Affairs Minister, Joe Clark has secured a firm place from which to broker a new deal for Canada. The polls consistently give him high ratings on credibility and trust." See "Steady hand on unity helm," Globe and Mail, Saturday, April 18, 1992, A4.

30. Susan Delacourt, United We Fall: The Crisis of Democracy in Canada (Toronto: Penguin Books, 1993), 44-45.

31. Michael Burgess, "Constitutional Reform in Canada and the 1992 Referendum," Parliamentary Affairs 46:3 (July 1993), 377.

32. Marilou McPhedran interview, November 20, 1995. In Delacourt's analysis, Mulroney is portrayed as being completely preoccupied with Quebec, while Clark, on the other hand, is the one to balance out this consideration with provincial and First

Nations' considerations. See Delacourt, 52.

33.Indeed, before the first constitutional conference in Halifax in 1992, Maureen McTeer met with Judy Rebick to discuss developments regarding the Royal Commission on Reproductive Technologies. See Delacourt, 391-392.

34.Herman Bakvis and Roselle Hryciuk, "An Experiment in Intrastate Federalism: The Cabinet Committee on Canadian Unity," in Ronald L. Watts and Douglas M. Brown eds., Canada: The State of the Federation, 1993 (Kingston: Institute of Intergovernmental Affairs, Queen's University, 1993), 123.

35.There certainly were exceptions. For example, Paul Tellier as the government's chief civil servant, and Mulroney's pivotal aide, was still in the thick of things, travelling with Clark, in Delacourt's opinion, serving as a watchdog for the Prime Minister, as the latter received briefings first from Clark, then from Tellier. Delacourt writes, "Tellier was with Clark all the way through the negotiations, but it was widely rumoured that he was Clark's babysitter, not his helper." Delacourt, 47.

36.Jeffrey, 150.

37.Marilou McPhedran interview, November 20, 1995.

38.Jeffrey, 150.

39.Delacourt, 48. Tellier promoted Mulroney's preferred approach that "only the federal government can manage the file, after due consultation with the provinces." See also, "Nice conferences, so what's next?" Globe and Mail, Monday, February 17, 1992, A21.

40.See Whitaker, "Politicians and Bureaucrats," 434-435.

41.Mary Eberts, Ad Hoc group interview, November 16, 1995.

42.Interviews with Marilou McPhedran, November 20, 1995; Doris Anderson, November 15, 1995; and Mary Eberts, Ad Hoc group interview, November 16, 1995.

43.Mary Eberts, Ad Hoc group interview, November 16, 1995.

44.Judy Rebick interview, November 15, 1995.

45.Ibid.

46.Ibid.

47.Barbara Cameron interview, April 12, 1995.

48. Judy Rebick interview, November 15, 1995.

49. Ibid.

50. For instance, Sheila Copps made the following statement after NAC came out on the No side: "The decision by NAC to oppose the deal certainly is difficult. It's difficult for myself and other women... They're obviously speaking for women. I don't want to marginalize NAC. I think they're a significant force, and I would have preferred that they would be on the Yes side. On the other hand, there are obviously a lot of women like myself who disagree with the position they're taking." See "Indifference is largest foe, Clark says," Globe and Mail, Tuesday, September 15, 1992, A4.

51. For McLaughlin's justification of this position, see Audrey McLaughlin, "Yes," The Womanist 3:2 (Fall 1992), 24.

52. Jeffrey, 212.

53. Delacourt, 377.

54. The Conservatives, Liberals and NDP supported Charlottetown. The Green party also supported the Yes side. See Jeffrey, 212.

55. Shelagh Day, "Speaking for Ourselves," in Kenneth McRoberts and Patrick Monahan, The Charlottetown Accord, the Referendum, and the Future of Canada (Toronto: University of Toronto Press, 1993), 67.

56. Russell, 180.

57. Leslie A. Pal and F. Leslie Seidle, "Constitutional Politics 1990-1992: The Paradox of Participation," in Susan D. Phillips ed., How Ottawa Spends: A More Democratic Canada? (Ottawa: Carleton University Press, 1993), 163.

58. The PQ came out against the Accord, and then were joined by some prominent Liberals. See LeDuc, 259.

59. With regard to the chairs of the Bélanger-Campeau Commission, positions were split as Michel Bélanger supported Charlottetown and Jean Campeau stood against it. See "Bélanger-Campeau split on vote," Globe and Mail, Thursday, October 1, 1992, A4.

60. Delacourt notes that while Saskatchewan promoted the Triple E Senate, Ontario pushed for an "equitable" Senate, and B.C. advocated a "five region" Senate. See Delacourt, 108-109. Moreover, when McLaughlin announced concrete plans for a social charter, "she could not say whether B.C. and Saskatchewan would be forceful proponents of the idea." See "NDP unveils details of social charter," Globe and Mail,

Thursday, February 6, 1992, A2.

61. Anne Molgat interview, November 21, 1995. See also, "Politicians rejected, Manning says," Globe and Mail, Tuesday, October 27, 1992, A3; and "NAC's No causes problem for Rae. Premier faces party dissension," Globe and Mail, Tuesday, September 15, 1992, A4.

62. See McLaughlin, "Yes," 25. See also, Campbell and Pal (1994), 179.

63. Barbara Cameron interview, April 12, 1995.

64. Trevor Harrison, "Stepping Stone or Pyrrhic Victory? Reform and the Referendum," Constitutional Forum, "Referendum Reflections," 3:1 (Winter 1991), 35. See also, "End constitutional wrangling by voting No, Manning says," Globe and Mail, Friday, September 11, 1992, A4.

65. As Campbell and Pal depict: "The complex array of 'no' voices - from women's and aboriginal groups to the Reform Party and sovereigntists - proved to be an impossible target... 'Should I debate Judy Rebick, Preston Manning or a guy who does hot-line shows?' asked Mulroney." See Campbell and Pal (1994), 179.

66. See, "Analysis: A year after Bélanger-Campeau, the attitude of the rest of Canada has not changed," Globe and Mail, Tuesday, March 31, 1992, A4. Further, Bourassa opposed innovations like the expansion of constitutional players. See "Rae to meet Bourassa to explain himself," Globe and Mail, Saturday, March 28, 1992, A5.

67. To be sure, Bourassa had informal input, given that frequent phonecalls were made between Ottawa and the Quebec Premier.

68. Johnston, 46-7.

69. Whitaker writes, "In place of the sovereignty referendum, a chastened premier of Quebec campaigned to assent to a deal that ignored even the shrunken replica of Allaire presented so diffidently by Quebec to the first ministers' meeting in August. Not only was sovereignty, tout court, off the table, but so was asymmetrical federalism." See Reg Whitaker, "The Dog That Never Barked: Who Killed Asymmetrical Federalism?" in Kenneth McRoberts and Patrick Monahan eds., The Charlottetown Accord, the Referendum and the Future of Canada (Toronto: University of Toronto Press, 1993), 109.

70. See Kenneth McRoberts, "Disagreeing on Fundamentals: English Canada and Quebec," in Kenneth McRoberts and Patrick Monahan eds., The Charlottetown Accord, the Referendum, and the Future of Canada (Toronto: University of Toronto Press, 1993), 257. See also, "Aide says Bourassa 'caved-in'," Globe and Mail, Wednesday, September 16, 1992, A1.

71. Ruff suggests that while B.C. under Premier VanderZalm's leadership played a minimal role in Meech, which reflected his inexperience, it took on more of an aggressive position after the Allaire Committee recommendations with "me too" reactions vis-à-vis what Quebec demanded. See Norman Ruff, "Pacific Perspectives on the Canadian Confederation: British Columbia Shadows and Symbols," in Ronald L. Watts and Douglas M. Brown eds., Canada: The State of the Federation 1991 (Kingston: Institute of Intergovernmental Relations, 1991) 199.
72. Ronald L. Watts, "Overview," in Ronald L. Watts and Douglas M. Brown eds., Canada: The State of the Federation 1993 (Kingston: Institute of Intergovernmental Relations, Queen's University, 1993), 7; Delacourt, 89, 100, 311, 317.
73. Jeffrey, 202.
74. Russell, 25.
75. Earlier Getty had vowed that he would not be part of an agreement that did not include a Triple E. He stated: "I will not endorse any concept where everyone else's interests are looked after and the West gets shafted." Getty as quoted in, "End to Senate an option, Clark says," Globe and Mail, Tuesday, March 31, 1992, A5.
76. Susan Jackel, "Women in the Aftermath of Meech Lake," Constitutional Forum, "Special Issue: In the Aftermath of Meech Lake," 2:2 (Winter 1991), 44.
77. See, National Action Committee on the Status of Women, "Submission of the National Action Committee on the Status of Women to the Select Committee of the Legislative Assembly of the Province of Ontario on Constitutional and Intergovernmental Affairs," (Toronto: June 14, 1990), 7.
78. For instance, as late as October 1991, when NAC appeared before the Dobbie-Castonguay Committee, it made headlines when it reiterated its support for distinct society (as well as self government). See "Women endorse 'distinct society'; National Action Committee backs aboriginal government," Globe and Mail, Tuesday, October 29, 1991, A4. This is not to say that the distinct society issue was resolved for all women. See, Anne Bayefsky, "What does it all mean for the Charter?" Globe and Mail, Monday, October 28, 1991, A19.
79. See "The Constitutional Debate: What's at Stake for Women?" Kinesis (April 1991), 13.
80. Judy Rebick interview, November 15, 1995. Talks were organized across the country. For example, in March 1991, NAC participated in an event sponsored by the Vancouver Status of Women. Participants included Rebick, Shelagh Day and Gloria Nicolson (President of the Professional Native Women's Association of Vancouver.) See, "The Constitutional Debate: What's at Stake for Women?" Kinesis

(April 1991), 11-13.

81. For a brief overview, see National Action Committee on the Status of Women, "NAC Response to Federal Constitutional Proposals," October 25, 1991, 1.

82. There are numerous criticisms that could be levelled against this formulations. For a start, some would argue that "Three Nations" reaffirms a racial and ethnic hierarchy which privileges the descendants of the British and French Empires, and merely adds on Aboriginal peoples. It also fails to recognize the heterogeneity of Aboriginal nations, and the fact that these nations were dispossessed by Canada as a nation-state.

83. Susan Cole wrote in the feminist press that women were lost in the "hopelessly abstract" controversy over Meech. See Susan Cole, "Meech Lake: Troubled Waters," Broadside 9:2 (November 1987), 3. In response to these kinds of critiques, Marilou McPhedran recalls holding a brainstorming meeting at her house: "we talked about how important it was to find a way to connect to women in their homes and in their communities. That was the essence of Ad Hoc and we shouldn't lose that." Marilou McPhedran interview, November 20, 1995.

84. Marilou McPhedran interview, November 20, 1995.

85. Doris Anderson interview, November 15, 1995. See also, Equality Eve, Equality Eve Report: What Women Want (June 1991), Appendix A.

86. See Barbara Cameron, "Towards a feminist constitutional agenda," The Womanist 2:4 (Summer 1991), 40.

87. Barbara Cameron interview, April 12, 1995. See also, "Interview with Judy Rebick," Studies in Political Economy 44 (Summer 1994), 67-69.

88. Mary Eberts, Ad Hoc group interview, November 16, 1995.

89. Rebick acknowledged in the press: "We're worried that governments are going to be so angry with us that they're going to punish us somehow...The yes campaign has been very heavy-handed. There were veiled threats that groups could lose their funding..." Rebick as quoted in "Win or lose, next task is healing the wounds," Globe and Mail, October 26, 1992, A7.

90. Marilou McPhedran interview, November 20, 1995.

91. See "Women and the Constitutional Accord," Kinesis (October 1992), 13.

92. Copies of these materials are found in Nancy Ruth's personal files. For details of the meeting and Pat Hacker's placemat plan, see Marilou McPhedran interview, November 20, 1995.

93. Equality Eve, "Equality Eve Report: What Women Want," June 1991, 1.
94. Ibid.
95. Fax from Judith Finlayson to Beth Atcheson, August 23, 1991. Nancy Ruth personal files. The two were volunteers in the Equality Eve project.
96. Equality Eve, Equality Eve Report: What Women Want (June 1991).
97. Romily Perry, Ad Hoc group interview, November 16, 1995.
98. Nancy Ruth, Ad Hoc group interview, November 16, 1995.
99. Mary Eberts, Ad Hoc group interview, November 16, 1995.
100. Huguette Léger interview, April 5, 1995.
101. Marilou McPhedran interview, November 20, 1995.
102. NWAC for example did not receive support from women in any of the political parties including the only Aboriginal woman MP, Ethel Blondin. Teressa Nahanee and Sharon McIvor interview, February 5, 1995.
103. Mary Eberts, Ad Hoc group interview, November 16, 1995.
104. Ruth mentions a song written by Cathy Devlin. Nancy Ruth, Ad Hoc group interview, November 16, 1995.
105. See the Ad Hoc Committee of Women, "Statement of Belief" column in the Globe and Mail, Thursday, October 22, 1992, A11.
106. Marilou McPhedran interview, November 20, 1995.
107. See Delacourt, 388-389. Judy Rebick interview, November 15, 1995.
108. Brodsky, 2.
109. Watts, (1993), 9.
110. Barbara Cameron interview, April 12, 1995.
111. Ibid. Barbara Cameron recalls links "with the Action Canada Network...[and] I know the Council of Canadians took a position similar to NAC's position...So there was a lot of discussion with other organizations throughout this whole process. Once we had the position, there was really lots of networking." Barbara Cameron interview, April 12, 1995.

112.Duncan Cameron interview, April 7, 1995.

113.Judy Rebick interview, November 15, 1995.

114.Barbara Cameron interview, April 12, 1995.

115.Ibid.

116.For example, when Cameron worked on the NAC executive on the issue of childcare she forged alliances with the CLC, the Daycare Advocacy Organization and NAC. See Barbara Cameron interview, April 12, 1995. On Rebick's NDP activism see Delacourt, 116.

117.Jill Vickers, Pauline Rankin and Christine Appelle, Politics As if Women Mattered: A Political Analysis of the National Action Committee on the Status of Women (Toronto: University of Toronto Press, 1993), 143.

118.It was even noted in the press: "Women's groups had forged close links to NDP provincial governments in the past two years, especially the Ontario government." See "Win or lose, next task is healing the wounds," Globe and Mail, Monday, October 26, 1992, A7.

119.On Rae's efforts, see Delacourt, 116. McLaughlin support for the fight for the social charter is clear in: Audrey McLaughlin, "Are There No Women in Alberta?" The OptiMSt 18:1 (March 1992), 16.

120. Delacourt writes that by July 1992, "unions and key labour leaders had coalesced into a powerful behind-the-scenes force, prodding Rze, forcing Ontario to do some fancy footwork with the legal drafting of the [manpower training] agreement." Delacourt, 154.

121.Barbara Cameron interview, April 12, 1995.

122.Huguette Léger interview, April 5, 1995.

123.Jeffrey, 151.

124.See "Rae cautions against NO vote, CLC president will use member support for Yes side." Globe and Mail, Monday, September 14, 1992, A4A.

125.Delacourt notes that this was a "stunning dismissal from an old ally." See Delacourt, 378.

126.The press wrote: "The NDP's decision to campaign for the Charlottetown accord has produced a backlash among many of the party's longstanding allies in the feminist movement." See "Win or lose, next test is healing the wounds," Globe and Mail.

Monday, October 26, 1992, A7. The press noted: "The decision by NAC, which also split with the New Democrats over the Meech Lake constitutional accord, provides a legitimacy on the left wing to opposition to the agreement." See "NAC's No causes problem for Rae. Premier faces party dissension," Globe and Mail, Tuesday, September 15, 1992, A4. These themes were also addressed in my Anne Molgat interview, November 21, 1995. After the referendum, prominent New Democrats expressed their dissatisfaction with the deal, such as Stephen Lewis. See "No vote pleases Stephen Lewis," Ottawa Citizen, Wednesday, October 28, 1992, B2.

127. Cameron's testimony found in Select Committee on Ontario in Confederation (July 31, 1991), C-1212.

128. Jeremy Webber, Reimagining Canada: Language, Culture, Community and the Canadian Constitution (Montreal & Kingston: McGill-Queen's University Press, 1993), 14.

129. Jeffrey, 168. See "Postal workers against accord despite CLC's Yes position," Globe and Mail, Tuesday, September 29, 1992, A4.

130. Mary Bédard of the CUPW made this observation in "Referendum on Accord: What's Next?" Kinesis (November 1992), 3.

131. Judy Rebick interview, November 15, 1995.

132. This, however, caused tension between NAC and NWAC, for NAC became an advisor, but NWAC was still on the outside. Teresa Nahanee and Sharon McIvor interview, February 5, 1996.

133. See, National Association of Women and the Law, "General Information Package," (Ottawa: February 1993), 10.

134. Judy Rebick interview, November 15, 1995.

135. Rebick as quoted in Delacourt, 359-360.

136. Joyce Green, "Constitutionalizing the Patriarchy: Aboriginal Women and Aboriginal Government," Constitutional Forum 4:4 (Summer 1993), 115.

137. Delacourt, 338.

138. *Ibid.*, 360.

139. *Ibid.*, 25.

140. Doris Anderson interview, November 15, 1995.

141. See Barbara Cameron, "Towards a feminist constitutional agenda," The Womanist 2:4 (Summer 1991), 40.
142. See "Quebec's largest women's group speaks," The Womanist 2:4 (Summer 1991), 37.
143. Equality Eve booklet, Why You Need To Be At The Constitutional Table (no date), 2.
144. Equality Eve, Equality Eve Report: What Women Want (June 1991), 49.
145. Judy Rebick interview, November 15, 1995.
146. Equality Eve booklet, 2.
147. Romily Perry, Ad Hoc group interview, November 16, 1995.
148. From Rebick's perspective, "NOIVM didn't take a huge interest in this issue, in the constitutional stuff. I mean they were there, but they didn't play a big role." Judy Rebick interview, November 15, 1995.
149. There were 23 people on the NAC Executive, 3 were from Quebec and represented women, trade unions and immigrant movements. See "Women and the Constitutional Accord," Kinesis (October 1992), 11.
150. Jill Vickers, "The Canadian Women's Movement And A Changing Constitutional Order," International Journal of Canadian Studies/ Revue internationale d'études canadiennes 7-8 (Spring-Fall, 1993), 270.
151. Barbara Cameron interview, April 12, 1995.
152. See Brodsky, 2 and 25; and Jeffrey 153. See also "NAC says no re: Equality" (no date), and Anne Molgat interview, November 21, 1995.
153. Anne Molgat, Expanding our Horizons: The Work of the Canadian Advisory Council on the Status of Women and Its Context (Ottawa: CACSW, 1993), 27.
154. Green, 115.
155. See "Referendum on accord: What's up next?" Kinesis (November, 1992), 3.
156. Marilou Mcphedran interview, November 20, 1995.
157. Green, 116-117.
158. Delacourt, 321-323.

159. For a detailed argument in support of the AFN's position from a Aboriginal women's perspective, see Turpel's (lawyer and advisor to Mercredi and the AFN) work: Mary Ellen Turpel, "The Charlottetown Discord and Aboriginal Peoples' Struggles for Fundamental Political Change," in Kenneth McRoberts and Patrick Monahan eds., The Charlottetown Accord, the Referendum and the Future of Canada (Toronto: University of Toronto Press, 1993), 117-151.

160. See J. Anthony Long and Katherine Beatty Chiste "Aboriginal Policy and Politics: The Charlottetown Accord and Beyond," in Ronald L. Watts and Douglas M. Brown, Canada: The State of the Federation 1993 (Kingston: Institute of Intergovernmental Relations, Queen's University, 1993), 162.

161. James Tully, "Diversity's Gambit Declined," in Curtis Cook ed., Constitutional Predicament: Canada after the Referendum of 1992 (Montreal & Kingston: McGill-Queen's University Press, 1994), 194.

162. NWAC presentation, Special Joint Committee on the Senate and House of Commons on a Renewed Canada, Minutes and Proceedings of Evidence (February 2, 1992), 61:53-57.

163. Sharon McIvor and Teressa Nahanee interview, February 5, 1996.

164. Marilou McPhedran interview, November 20, 1995.

165. Ibid.

166. Ibid.

167. See "Referendum on Accord: What's next?" Kinesis (November 1992), 3.

168. Brock, 31. See "Aboriginals decide on accord, too," Globe and Mail, Monday, October 19, 1992, A5. See also, "Filmon steps up campaign for Yes. Harper urges vote boycott," Globe and Mail, Thursday, October 22, 1992, A5.

169. See "Mohawks reject deal on self-rule," Globe and Mail, Saturday, August 22, 1992, A4.

170. Long and Chiste, 161.

171. Alain Noel, "Deliberating a Constitution: The Meaning of the Canadian Referendum of 1992," in Curtis Cook ed., Constitutional Predicament: Canada After the Referendum of 1992 (Montreal & Kingston: McGill-Queen's University Press, 1994), 74. See also, Jeffrey, 168.

172. Long and Chiste, 161.

173. Jeffrey, 181-182.

174. See "Minority groups disagree on deal," Globe and Mail, Thursday, October 1, 1992, A7.

175. Erroll P. Mendes, "Sinking Again into the Quagmire of Conflicting Visions, Groups, Underinclusion and Death by Referendum," in Kenneth McRoberts and Patrick Monahan eds., The Charlottetown Accord, the Referendum and the Future of Canada (Toronto: University of Toronto Press, 1993), 168.

176. See the memo, "Come Out Against A Bad Deal," dated September 30, 1992. It was sponsored by individuals from groups including the Vancouver Gay and Lesbian Centre, and the Coalition for Lesbian and Gay Rights in Ontario; Anne Molgat personal files.

177. See Coalition of Provincial Organizations of the Handicapped, Press Release, "Disabled Canadians Dropped from Canada Clause," September 8, 1992. Carol McGregor, Executive Director of Persons United for Self-Help in Ontario, dispatched letters to members of the disability rights movement in order to mobilize opposition to the exclusion of people with disabilities from the Canada Clause. McGregor wrote: "We urge everyone, service providers, consumers, friends, relatives, conservatives, and radicals to telephone, fax and write our political leaders as soon as possible. Please spread the word to your own network. Only swift action will prevent the loss of many years of hard work and steady progress. We do not believe Canadians want to re-build this country on the backs of people with disabilities." Letter dated September 3, 1992.

178. Mendes, 168.

179. See the interview with Prime Minister Mulroney in "Mulroney sees tide turning toward Yes victory," Globe and Mail, Friday, October 23, 1992, A8.

180. Mendes, 169.

181. Mary Eberts, Ad Hoc group interview, November 16, 1995.

182. Cairns criticizes this strategy. See Alan C. Cairns, "The Charlottetown Accord: Multinational Canada v. Federalism," in Curtis Cook ed., Constitutional Predicament: Canada After the Referendum of 1992 (Montreal & Kingston: McGill-Queen's University Press, 1994), 43.

183. Johnston, 44.

Chapter 7

Looking Back and Looking Forward

By not only delving into conventional constitutional political books, articles and periodicals, but also examining women's movement briefs and newsletters, scanning the feminist press and interviewing pivotal feminist activists, this work has endeavoured to delineate and assess the contemporary constitutional interventions of national feminist organizations from the "bottom up." In so doing, this inquiry has shed light on a seldom studied contribution to constitutional politics in Canada and has offered insights into the complexities of multiple, inter-connected women's movement strategies and struggles.

Contrary to leading constitutional studies, then, the women's movement in this account receives undivided attention. Here it has been argued that the movement's origins, individual and organizational connections, and configurations of identity politics inform strategic choices, as do its complicated interactions with political, socio-structural and cultural forces. Situating feminist organizing in relation to a multi-faceted framework that includes socio-economic factors, politics, identities and ideas, this work has provided a comprehensive and contextual analysis of women's constitutional mobilization.

This study also has served to substantiate, empirically, a number of theoretical proposals. Most significantly, it demonstrates that the women's movement, in its efforts to gain regard and recognition in the constitutional political realm, through its pragmatic use of a broad strategic repertoire, melded a number of representational

forms. Women have never been completely on the "inside" or on the "outside." More typically, as socio-economic, political and cultural contexts alter, feminist activists have implemented strategies that rely on gains made more from "within," than from "without," or vice versa. Yet, these strategies are not mutually exclusive. The foregoing chapters attest to the fact that a combination of approaches are always employed, even though emphases differ over time, as representational forms can be more, or less, fluid given changing circumstances.

Consequently, it has been shown that feminists deploy many indispensable tactics including: lobbying, working in, or pragmatically allying with members of political parties and the state, strengthening intra-movement alliances, building inter-movement coalitions, engaging in educational outreach, facilitating grassroots mobilization and activating protest. The women's movement is deeply affected by political opportunities, social-economic conditions and cultural norms, but it also has affected them. Through its practical marshalling of multiple strategies, it has forged social and political networks, formed coalitions, met with and influenced political officials, and inspired individual and collective action on the part of women and men. As a consequence, the women's movement, in itself, constitutes a representational force to be reckoned with.

Obviously, as recounted in Chapter 4, women's movement activism can be reactive, and fall short of consensual ideals. As Chapters 5 and 6 tend to suggest, however, it can equally be pro-active and it attempts to be encompassing as well as democratizing. Chapter 2 and 3, in particular reveal both proclivities. To be clear

then, although the women's movement cannot be viewed as a monolithic, rational actor, and often decisions are taken due to tensions from inside the movement and hard realities outside it, neither is it entirely buffeted or overdetermined by conditions beyond its grasp.

I Shifting Times, Shifting Strategies

Although women had faced indifference and a certain amount of opposition in the early eighties, the political parties, the government of the day and state insiders were more amenable to their claims than a decade later. In fact, the latter included sympathetic femocrats. Therefore, inside/outside lines of communication were more open, pivotal feminist activists used lobbying tactics and drew upon connections within both the parties and the state. Yet, the women who mobilized around the constitution were by no means professional lobbyists and, on the contrary, women from "within" helped to hone the skills of feminist activists and provided various resources.

While feminist organizations found it difficult to amass funds for their constitutional endeavours, compared to later years their economic situation was, relatively, more stable. Nonetheless, with the more financially endowed organizations like CACSW and NAC side-lined in the early eighties, Ad Hoc women relied on insider support and assistance. Even with this help, however, uni-dimensional strategies were insufficient to bring about change.

To be sure, in this period, the women's movement could neither be described as multi-racial nor as diverse in its constituencies as it would strive to become. There

were few substantive gains on issues of difference until the mid to late eighties. Thus, early constitutional struggles did not integrate the concerns of Quebec women, Aboriginal women, disabled women and others, to the same extent as in later rounds. In 1980-81, Canada's largest umbrella feminist organization, NAC, with its more diversified member groups, was not involved per se, although individual women with NAC connections were active in the campaign. Other national organizations worked to fill the gap like CCLOW, for example, and of course, the women of the Ad Hoc Committee. Notably, the women involved had multiple movement/party allegiances; nevertheless, the primary feminist organizers did not constitute a heterogeneous group in terms of race, ethnicity, class, language and ability.

The partial integration of identity politics contributed to the fact that, while women active on the constitution in this round were concerned about numerous issues and promoted many interests, ultimately, concerns about women's equality rights predominated. As the focus narrowed, fundamental feminist constitutional demands fell off the agenda. Ironically, however, the core concept of equality also helped to mobilize women not only from "within" but from "without". With the rallying cry of equality rights for women and to legitimize and add strength to feminist claims, more grassroots forms of organizing came to the fore. As a result, at crucial moments in the early eighties' struggle, women criss-crossed party, interest group and social movement representational paths. In the end, the combination of strategies, not only the movement/party/state nexus but also grassroots support, proved to be essential for formal constitutional provisions to be proposed, and for these to be passed into law.

In 1980-81, the political opportunity structure was porous and the routes to representation were quite permeable. The Meech Lake episode provided a dramatic contrast. In the span of five years, and with a new Conservative administration and a neo-liberal, right-wing turn, many political openings were squeezed shut. Women could find few sympathetic "insiders." Struggles to make change from "within" became much more difficult and as women's efforts from "without" were re-routed and then gradually reinforced.

As Beverley Baines compares:

The feds were more open to arguments [in the early eighties]. In Meech, they never wanted to hear anything against their precious Meech, and they were lying through their teeth about what Meech was about...We got a bit, we lost a bit, you know in 1980. But there was no opening, there was zip by the time we got to Meech. They wanted something, and you know they were together on it.¹

Despite this bleak picture, although conventional political opportunities in this phase were few and far between, feminists revised their strategies, cleared obstacles and helped to mount an effective, critical campaign. Since party and state alliances were not as useful as they were in 1981-82, women worked on intra- and inter-movement networking. At the same time, institutional political manoeuvres were not dismissed. Rather, in building non-institutional political support, feminists brought pressure to bear on political leaders. This combination of strategies ultimately played a significant role in defeating the Meech Lake Accord.

Initially, leading women's groups, especially with the post-Charter prominence of feminist legal organizations, sought representation via technical, legalized briefs. Their professional, albeit hastily prepared, response to the Meech Lake Accord

suffered from lack of movement consultation and made little headway in light of what appeared to be complete political intransigence. Tensions in the movement escalated as many Quebec feminists found some of the Meech critiques unheeding of their concerns and aspirations.

Despite now being more experienced at their constitutional lobbying efforts, women found that party and state constitutional affirmation, let alone amendments, were not forthcoming. In fact, the government actively worked to discredit feminist analyses that were critical of the Accord. While there were continued attempts to replicate the lobbying techniques of the past, over time, intra-movement as well as inter-movement networking provided more breadth and depth to Meech Lake oppositional forces.

As Meech required ratification of all the provinces, women worked on their provincial connections and targeted pivotal Premiers such as Gary Filmon, Frank McKenna and Clyde Wells. Concomitantly, there were concerted efforts to build a diversified opposition from inside the women's movement by integrating regional perspectives on the Accord, as well as the views of women of colour and disabled women. There was also work outside the movement, with social policy, left-liberal and nationalist activists who viewed with apprehension the waning of federal government control over socio-economic standards that was likely both with Meech and the FTA. Finally, especially towards the end of the Meech round, alliances were made with Aboriginal organizations.

From one perspective, these inter-movement connections made the prospect of

amendments even more remote, i.e. as the critical agenda grew, equality concerns were overwhelmed. Yet, from another point of view, alliance building and coalition work meant that oppositional mobilization expanded and solidified, becoming substantial enough to stall the Accord's ratification, and eventually, to help to sink the Meech Lake deal. The government worked to counter these complex representational forces by first ignoring them, then dismissing them and, finally, challenging the representational credentials of groups that opposed the Accord. As intra and inter-movement networking gained ground, the government extended the concept of meddlesome special interests.

Eventually, multiple identity politics concerns were addressed but at the start of the process their consideration was limited. In the government's eyes, Meech was deemed to be the Quebec round, full stop. For its part, the women's movement did not deal with intersecting senses of identity very well, especially given the fact that many Quebec feminist perspectives were overlooked and in some cases, later overridden. Over time, however, there was more work done to reconcile Quebec women and there was a marked shift away from contentious distinct society positions, towards more consensual social policy concerns.

Meech Lake set out to remedy the problems of Canadian Confederation but, in the end, its process compounded them. Women's constitutional activism shone a spotlight on Meech's limitations. Furthermore, through their experiences in Meech, feminist constitutional demands grew in scope and in their sensitivity to the claims of other communities. As NAC wrote in a statement written after Meech's demise:

The lesson for us out of the anti-democratic process which has unfolded around the Meech Lake Accord since it was first brought forward in the spring of 1987 is that women, aboriginal peoples, visible minorities, the disabled and cultural minorities must work together to take control of the constitutional process... We demand in the future to be seated at the constitutional table and in the decision-making halls of this country and we want to be sitting here with representatives of the aboriginal peoples, visible minorities, the disabled, cultural minorities and other disadvantaged groups. We are no longer willing to be represented by proxy.²

Feminist activists learned some hard lessons from the Quebec Round.

Consequently, women's organizations played a pro-active role in the Canada Round and one that was more sensitive to the complicated intersections of identity politics. Furthermore, although the political opportunity structure once more appeared quite closed, it was not as tightly sealed as in the early parts of Meech. There were more openings as the government battled with its post-Meech representational legitimacy and established various consultative fora. Moreover, influential political players - such as Joe Clark and Bob Rae - were less unyielding and, at times, more innovative vis-à-vis constitutional process and substance than officials during Meech.

Of course, these political possibilities, were also offset as politicians (including Clark and Rae) used tactics intended to delegitimize feminist organizing and undermine the women's movement's representational validity. Here, the promotion of the "ordinary Canadian" and a virulent discourse around certain "special interests" could be countenanced in multiple sources from government reports and remarks made by federal and provincial politicians, to the media, and neo-conservative groups such as REAL Women.

The dramatic socio-economic downturn and the concentration on neo-liberal imperatives fed into the situation and further challenged oppositional mobilization. In many cases, feminists' organizational resources were depleted and for some activists, personal resources also dissipated. As a counterpoint, however, many feminists actively were opposed to the government's agenda and were spurred to employ confrontational tactics. The neo-liberal, Conservative government under Brian Mulroney provided a focal point for popular unrest in general. Thus, the oppositional mobilization on the part of the women's movement, among other social movements, intensified in the domain of constitutional politics and beyond.

Given these difficult times, inter-movement coalition building became a necessity. Feminist organizations worked with left and liberal allies, groups organized on the basis of race and ethnicity, sexual orientation and disability. Connections with Aboriginal organizations, initially with groups such as the AFN and NCC, and increasingly with NWAC, were pivotal in the post-Meech period.

Political lobbying was not forgone but rather, there was a concentration on strategic targets, including influential NDP allies, provincial Premiers, and the Constitutional Affairs Minister, Joe Clark. More crucially, intra and inter-movement interaction escalated as did the emphasis on public education and the application of protest.

In the Canada Round, through various means, from Equality Eve initiatives and NAC meetings, speeches and memos, to media work by these organizations and groups such as NWAC, women engaged in educational outreach in relation to the

constitutional developments up to and including the Charlottetown referendum. Furthermore, feminists did not recoil from protest tactics. Whereas in the early eighties, women organized the February 14th conference in lieu of a mass demonstration in Ottawa, but by the early nineties, women did both, as the Ottawa women's conference on the Premiers' proposals was followed by protests in Charlottetown, and two national demonstrations subsequently were scheduled during the referendum period.

Diverse identity politics were in the foreground for the government in the Canada round and the women's movement also had to try and sort out its many implications. There were greater numbers of constitutionally-active collective actors and thus more intra and inter-movement networking was necessary when crafting consensual positions. Yet, contrary to many interpretations, identity politics mobilization did not automatically regress into vicious in-fighting and result in detrimental fragmentation and irreconcilable differences. Conversely, tentative compromises were made and, at times, a measure of unanimity was reached on issues that included the recognition of three founding nations, comprehensive social standards, and, in some circles, even on asymmetrical federalism.

When consensus crumbled, especially during the referendum campaign, all was not lost. Whereas the CACSW and inter-movement allies including the ACN and CEC ultimately endorsed the Yes side, the benefits of the consultative process resonated as these groups continued to express reservations about the Charlottetown Agreement. More importantly, the process of negotiation engendered mutual

awareness and respect.

While it is true that there continued to be considerable intra and inter-movement bifurcations, particularly during the referendum campaign, feminist policy positions were more heedful of difference and this helped to settle upset relations between various groups in and outside of the movement. The educative work and networking, consultation and compromise that had transpired in the post-Meech period conferred thoughtful and comprehensive views. This, along with grassroots outreach, contributed to the women's movement's credibility. Cumulatively, all of this ensured that there was greater intra-movement solidarity and public support, which would help to withstand inter-movement discord.

II What does all of this mean for theory?

This synopsis reminds us that representational routes are not as rigidly compartmentalized as dominant political science or sociological accounts would lead one to assume. The lines between social movements, parties and interest groups are not strictly-delimited and blur in changing contexts. Since representational forms can be fluid, it would follow that, for example, not only interests flow from parties and interest groups and notions of identity do not solely run from social movements. Representational forms are not limited to the institutional political sphere and not purely based on interests. Social movements, for that matter, are not simply confined to non-institutional politics and solely preoccupied with identity. Representation is better understood when it involves both interest and identity, as well as multiple, interconnected representational routes.

Feminist constitutional efforts feature this kind of representational amalgam that is at once political and social, and that involve multiple interests and senses of identity. Despite the fact that many political science treatments couch the women's movement in terms of vested interests, here feminist mobilization has been shown to reinforce the fact that it promulgates numerous interests and that it always has mobilized on the basis of collective identity. While it is true that notions of women's identity have been narrowly conceived by many feminists and feminist organizations, the women's movement has worked on the multiple forms and shifting nature of identity politics, and feminist activism gradually has adapted in this regard.

In general, political science studies have insufficiently examined the women's movement's impact on constitutionalism. Accounts have tended to provide "top-down" analyses. Careful examinations of the women's movement's role are few. The norm tends to be a fleeting mention, and one that typically succumbs to interest group discourse. Yet, it must be underscored that the women's movement cannot be viewed as representing singular or "special" interests. As chapter 3 illustrated, for strategic purposes, multi-faceted feminist demands have been whittled down, but more characteristically the women's movement has pursued a plurality of concerns, as was evident in chapters 2, 4, 5 and 6.

Feminist constitutional organizing obviously involved interest-group-like tactics, but the women's movement engaged in lobbying with a difference. No doubt, women strove to persuade politicians to make constitutional amendments in line with feminist concerns but their actions also had broader, democratic repercussions.

Through their constitutional activism, feminists endeavoured to receive not only political recognition and responsiveness, but also, media attention and public awareness, if not appreciation, of their concerns. Therefore, feminist struggles helped to foster broader constitutional consciousness on the part of the citizenry.

Feminist "lobbying" can not be viewed as another form of behind-the-scenes collusion. For example, during the Charlottetown round efforts were made on the part of NAC representatives to keep their contacts and networks abreast of any new information they received from political officials. What is more, conventional lobbyists rely on friendly persuasion and tend not to view angry protest as part of their strategic storehouse. In contrast, as the previous chapters outline, women's movement lobbying was prefaced or, more often than not, later reinforced by rallies and demonstrations of various kinds. This involved significant numbers of participants, served to secure media and public scrutiny, and therefore, engaged still more people, both supporters and critics, than were present in the political corridors, offices and back rooms. Hence, women used interest group-like lobbying tactics, but selectively, in concert with other tactics, and as a means to more expansive social movement ends.

For those political scientists who do consider collective identity, such as Alan Cairns, it has been emphasized that identities do not spring forth, full blown, out of institutions. Furthermore, in contradistinction to Cairns, Whitaker and others, identity politics are not necessarily fragmenting, divisive and therefore detrimental.³ Coalition work and efforts to gain compromises if not consensus demonstrate that

there are alternative outcomes. What is more, the preoccupation with unanimity in such accounts may be misplaced. An appreciation of the benefits of discursive interchange, whether it be concordant or not, may provide a more productive assessment of identity politics' interrelations and contributions.

In terms of the social movement literature, this account builds upon leading frameworks. As in RM conceptualizations, it has been shown that the women's movement had to marshal significant resources, personal and financial, and it relied on various old and new movement organizational networks. More than this, organizations that were formed in the eighties, such as LEAF and DAWN, not only affected but were directly affected by women's constitutional organizing.

Unlike RM, however, the movement can not be viewed as rationally calculating costs and benefits and choosing strategic directions free from constraint. It has been argued that, as NSM theory emphasizes, socio-economic conditions, as well as leading ideas and identity politics configurations, weigh heavily on the women's movement's strategic options. Similarly, the lesson to be learned from POS frameworks is that political determinants are critical.

However, contrary to tendencies in both NSM and POS, this study demonstrates that socio-economics, politics, culture and identity are not static, they shift and change just as organizations do. Most importantly, these factors are not always and already determining. Women's movement struggles have sought openings to bring about transformations. In so doing, feminists have had an enduring influence on structures and on ideas.

To illustrate, in terms of government processes, women's efforts helped to delegitimize leading constitutional practices. Nowhere is this more clear than with their effects on executive federalist mechanisms. Feminists also challenged the dominant theories and practices that viewed federalism and constitutionalism as solely about territorial identity. The inroads feminists made on the composition of the Senate, bringing non-territorial concerns to the table, provide one small, but succinct, example.

In terms of ideas, feminists promoted the view that "eleven, white men in suits" deciding the future of the country was unacceptable. In the eyes of the public, this became a constitutional given. Furthermore, technical terminology gained common currency as a result of feminists' educational efforts. Ideas that include "asymmetrical federalism", the significance of "Three Nations", the costs of "devolving shared-cost programmes," and "hierarchies of rights" were popularized due to the activism of the women's movement and its allies.

As a consequence of women's mobilizing more expansive notions of equality were promoted in the judicial realm and beyond. The procedural reasoning of Lavell, Bedard and Bliss was transformed and, over time, more substantive and contextual understandings of equality, based on "difference" and gradually "diversity" were promulgated. Not only judges were made aware of the nuances of equality-based claims, but these issues also were discussed in broader communities, including Aboriginal communities.

Therefore, feminist organizing helped to transform Canadian constitutional

culture. In relation to constitutional negotiations, the citizenry began to demand that politicians establish more consultative, participatory and democratic processes. Feminists alerted the public to the significance of constitutional reform, as well as broadening and deepening the constitutional agenda. Moreover, they grounded discussions, made them intelligible and accessible. Through speeches, newsletters, sample briefs, pamphlets, booklets, telegram and postcard campaigns, and through various forms of media work, the women's movement heightened public consciousness and spurred people to act. Consequently, Canadians, women and men, took an interest in, were able to follow, and, more than this, had the capacity to contribute to complex constitutional deliberations. This was apparent throughout, but was plain to see in the constitutional conferences and throughout the referendum campaign in the Canada Round. In these ways, feminist organizing had an impact on structures, ideas and practices.

Finally, the foregoing considerations contribute to feminist debates on the women's movement. Unlike liberal formulations, here we have seen the state and government officials implicitly and explicitly exercising power in numerous ways that were often manipulative, and at times coercive. The state is no mere neutral arbiter. However, contrary to socialist and radical feminist proclivities, neither can the state be viewed as state monolithic, all-determining, and with complete power and control over feminist initiatives. Women's movement/state relations are intertwined and indeterminate. In the constitutional realm, women have seized opportunities in often very constraining circumstances and have helped to influence constitutional processes

and ideas. Although, obviously, not everything is possible (especially when divisions are plumbed, funding is curtailed, and strategies are diverted) this account emphasizes, nonetheless, that women have had the power to seek out political, economic and cultural openings and, ultimately, to transform the constitutional status quo.

III What does all of this mean for future practice, and where does it leave us?

Given what has come before, it is difficult to predict what will follow i.e. any speculation would have to take into consideration changing socio-economic conditions, political opportunities and constraints, as well as ideas and identity politics patterns. However, given that the women's movement has been instrumental in sinking two constitutional agreements and has helped to shape a constitutional culture that includes both non-territorial and territorial identities, and one that is participatory and promotes democratic deliberations, the next constitutional round will likely prove to be even more difficult.

Future constitutional discussions may entail an even more expansive agenda and more inclusive processes than in the past. Alternatively, and probably more likely, political officials may, once again, choose to narrow their constitutional purview and limit the participation of constitutional actors. In both scenarios, the opportunities for making change will be further circumscribed for the women's movement.

In the former scenario, feminists will constitute one of many collective actors with legitimate claims, hoping to leave their mark on a broad, variegated agenda that

would contain numerous inter-connected issues. Moreover, the women's movement would be implicated in, if not linked to, many of these concerns because of the movement's intertwined interests, constitutive identity-based groups and many alliance partners. This would mean greater consultative efforts, and even more compromises would be required.

In the latter option, feminists and other collective actors may be shut out, as in Meech, while the government proceeds to deal with specified interests and identities. For example, given the close call in the Quebec referendum on sovereignty in 1995, it would be conceivable that the claims of this territorially-based identity would be, from certain perspectives, justifiably prioritized. In both cases, women's groups would have to, once again, pragmatically adapt their strategies to fit with the changed circumstances.

To conclude, this study has highlighted the fact that feminist constitutional activism encompasses both various interests and identity-based groups. Through its use of lobbying with a difference, inside and outside political connections, and popular mobilization, the women's movement pursues multiple routes to representation. Bright lines are difficult to draw between parties, interest groups and social movements, as institutional/non-institutional political boundaries are continually crossed and re-crossed.

In seeking representation, with their use of multiple strategies, women have broadened the purview of Canadian constitutional politics. They have undermined the legitimacy of executive federalism, added new issues to the constitutional agenda, and

indirectly and directly, helped to enlist an array of constitutional actors and mobilize the citizenry. Most significantly, feminist efforts helped to contextualize constitutionalism, relating it to everyday life. Largely through the efforts of feminists and their allies, it became clear that constitutionalism was not the realm of "high politics" and beyond the reach of regular citizens. In these ways, the women's movement made constitutional politics real and relevant to Canadian women and men.

Despite varying levels of disinterest, antagonism and vigorous opposition, national feminist organizations persevered and helped to shape contemporary constitutional discussions. Hence, this study illuminates the women's movement's representational and agentic potential. Feminists' use of a diversified strategic repertoire in the realm of constitutional politics underscores the fact that the women's movement creates a complex, constitutive representational complex. Through progressive, pragmatic political praxis, feminist activists not only seized opportunities, but created them, and thereby, affected constitutional and representational change in Canada.

END NOTES: CHAPTER 7

1. Beverley Baines interview, April 13, 1995.

2. National Action Committee on the Status of Women, "Submission of the National Action Committee on the Status of Women to the Select Committee of the Legislative Assembly of the Province of Ontario on Constitutional and Intergovernmental Affairs," (Toronto: June 14, 1990), 8.

3. Alan C. Cairns, The Charter versus Federalism: The Dilemmas of Constitutional Reform (Montreal & Kingston: McGill-Queen's University Press, 1992); Reginald Whitaker, A Sovereign Idea: Essays on Canada as a Democratic Community (Montreal & Kingston: McGill-Queen's University Press, 1992).

APPENDIX 1: List of Interviewees

Primary, Informational, Interviews:

Doris Anderson
Beverley Baines
Barbara Cameron
Andrée Côté
Mary Eberts
Pat Hacker
Huguette Léger*
Anne Molgat*
Sharon McIvor
Marilou McPhedran
Teressa Nahanee
Romily Perry
Judy Rebick
Nancy Ruth (formerly Jackman)
Kay Sigurjonsson
Liz Stimpson

Secondary, Inter/Intra-movement Contact, Interviews:

*Rosemary Billings**
*Duncan Cameron
*Brettell Dawson
*Sue Findlay
*Rianne Mahon
*Kay Macpherson**
*Sheila MacIntyre
*Katherine Scott

Note: * = untaped interview
 ****** = telephone conversation

APPENDIX 2: Interview Aide Memoire

I) Social Movement Networks Strategies

***Late Seventies / Early Eighties**

- 1.a) Describe the role of feminist activism vis-à-vis constitutional discussions.
 - 1.b) Discuss the input of established feminist groups vs. newer groups.
 - 1.c) Utility of feminist umbrella organizations
 - 1.d) Were there personal contacts between women's groups, interpersonal networking?
 - 1.e) Discuss presence/absence of feminist networking: organizational inter-relations/intersection; intra-movement alliances.
-
- 2.a) What were the forms of mobilization (e.g. briefs, letters, protests, meetings etc.). Discuss in detail.
 - 2.b) Targets of mobilization: politicians, other allies, women, general public etc.

***Repeat for Mid Eighties: Meech**

***Repeat for Late Eighties/ Early Nineties: Charlottetown**

II) Identity Politics

***Late Seventies / Early Eighties**

- 3.a) Were there feelings of acting on the basis of injustice, deprivation, survival, identity? (i.e. why mobilize on behalf of women?)
 - 3.b) Was this a struggle over the politics of recognition, over meaning?
 - 3.c) Were consensual politics important?
 - 3.d) Would you consider there to be a democratizing intent?
 - 3.e) Was there any sense of trying to redefine interests?
-
- 4.a) To what extent was there an intersection of identities: gender, race, class, sexual orientation, age, ability, language etc.

***Change over time re: questions 3 and 4?**

-late 70's early 80's, mid 80's, late 80's early 90's

III) Interest-Group-Like Strategies

***Late Seventies / Early Eighties**

- 5. Were lobbying tactics used? Describe, discuss.
- 6. Were inside political connections/allies made use of, or were they cultivated?

7.a) Was there a conception of interest involved, i.e. in whose interest were you operating. Elaborate.

7.b) What were the targets of change: parliament, parties, state officials, civil servants, some women, women in general, or the general public?

*Repeat above for Mid Eighties: Meech

*Repeat above for Late Eighties, Early Nineties: Charlottetown

IV) Connections to Political Parties / State

* Late Seventies / Early Eighties

8.a) Was there any coalition work with the parties?

8.b) If so, which parties? Discuss.

9.a) Was there any movement between parties and the state?

9.b) Were there any key bureaucratic connections? (where, with whom, key places, key people?)

*Repeat above for Mid Eighties: Meech

*Repeat above for Late Eighties, Early Nineties: Charlottetown

V) Other Alliances: Other Social Movements, Unions, Bands

*Late Seventies / Early Eighties

10.a) Discuss the presence/absence of inter-movement alliances? (e.g. First Nations, unions, disabled organizations, gay rights groups, the left, environmental groups, etc.)

10.b) Discuss the extent of coalition work.

*Repeat above for Mid Eighties: Meech

*Repeat above for Late Eighties, Early Nineties: Charlottetown

VI) Political Climate

11. Did the shifting political context make a difference? (e.g. different political actors, political configurations, intentions etc.)

11.a) Early Eighties: Trudeau Agenda

11.b) Mid Eighties: Mulroney Agenda

11.c) Late Eighties, Early Nineties: Mulroney/Clark Agenda

VII) Socio-Economic Climate

12. Did the shifting socio-economic context make a difference?

12.a) Late Seventies, Early Eighties

12.b) Mid Eighties

12.c) Late Eighties, Early Nineties

VIII) Ideas

13. Do you note the relevance of shifting political ideas?

13.a) Late Seventies, Early Eighties

13.b) Mid Eighties

13.c) Late Eighties, Early Nineties

IX) Additional Comments

14. Would you like to add anything, clarify, emphasize etc.

APPENDIX 3: List of Acronyms Used

ACN Action Canada Network
Ad Hoc Ad Hoc Committee of Women on the Constitution
AFEAS Association féminine d'éducation et d'action sociale
AFN Assembly of First Nations
BCNI Business Council on National Issues
BPW Business and Professional Women's Clubs
BQ Bloc québécois
CACSW Canadian Advisory Council on the Status of Women
CARAL Canadian Abortion Rights Action League
CBA Congress of Black Women
CCCU Cabinet Committee on Canadian Unity and Constitutional Negotiations
CCCY Canadian Council on Children and Youth
CCF Cooperative Commonwealth Federation
CCLOW Canadian Congress of Learning Opportunities for Women
CCSD Canadian Council for Social Development
CDCAA Canadian Day Care Advocacy Association
CDRC Canadian Disability Rights Council
CEC Canadian Ethnocultural Council
CEQ Centrale de l'enseignement du Québec
CEW Committee for Equality of Women in Canada
CFUW Canadian Federation of University Women
CICH Canadian Institute of Child Health
CLC Canadian Labour Congress
CMHA Canadian Mental Health Association
COPOH Coalition of Provincial Organizations for the Handicapped
CORC Charter of Rights Coalition
CRIAW Canadian Research Institute for the Advancement of Women
CSF Avis du conseil du statut de la femme / Quebec Status of Women Council
CUPE Canadian Union of Public Employees
CUPW Canadian Union of Postal Workers
DAWN DisAbled Women's Network
EGALE Equality for Gays and Lesbians Everywhere
FFQ Fédération des femmes du Québec
FNFCF Fédération nationale des femmes canadiennes-françaises
FNSJB Fédération nationale Saint-Jean-Baptiste
FPC Feminist Party of Canada
FRAPPE Femmes regroupées pour l'accessibilité au pouvoir politique et économique
FTA Free Trade Agreement
FTQ Fédération de travailleurs et travailleuses du Québec
FWI Federated Women's Institutes of Canada
FWTAO Federation of Women Teachers Association of Ontario
IODE Imperial Order of Daughters of the Empire

IRIW Indian Rights for Indian Women
 ITC Inuit Tapirisat
 IWD International Women's Day
 LEAF Women's Legal Education and Action Fund
 MACSW Manitoba Action Committee on the Status of Women
 MNC Métis National Council
 MNQ Mouvement National des Québécoises et Québécois
 NAC National Action Committee on the Status of Women
 NAFTA North American Free Trade Agreement
 NAPO National Anti-Poverty Organization
 NAWL National Association of Women and the Law
 NCC Native Council of Canada
 NCJW National Council of Jewish Women
 NCW National Council of Welfare
 NCWC National Council of Women of Canada
 NDP New Democratic Party
 NIB Native Indian Brotherhood
 NOIWM National Organization of Immigrant and Visible Minority Women
 NWAC Native Women's Association of Canada
 NWT North West Territories
 OAC Ontario Women's Action Coalition
 OCAC Ontario Coalition of Abortion Clinics
 OISE Ontario Institute for Studies in Education
 ONWA Ontario Native Women's Association
 PC Progressive Conservative Party
 PQ Parti Québécois
 RAIF Réseau d'action et d'information pour les femmes
 RCERPF Royal Commission on Electoral Reform and Party Financing
 RCSW Royal Commission on the Status of Women
 REAL Realistic Equal Active for Life Women
 SORWUC Service, Office and Retail Workers Union of Canada
 SUPA Student Union for Peace Action
 SWAC Calgary Status of Women Action Committee
 VOW Voice of Women for Peace
 VSW Vancouver Status of Women
 WAC Women's Action Coalition of Nova Scotia
 WCER Westman Coalition for Equality Rights in the Canadian Constitution
 WCTU Women's Christian Temperance Union
 WPA Women for Political Action
 WWIW Women Working With Immigrant Women
 YSW Yukon Status of Women
 YWCA Young Women's Christian Association

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