for a fundamental reorientation of Canadian foreign policy, and his analysis of defence and security relations with the United States is particularly thorough. In contrast to many works lacking historical and comparative context, Hart’s careful attention to the long-term development of Canadian foreign policy and the description of institutional and administrative mechanisms in Canada and the United States are particularly welcome. Like any polemical work, however, the blunt nature of Hart’s assertions can leave little room for nuance. The designation of China and India as “players in the minor leagues” (p. 117) unworthy of sustained attention from Ottawa is problematic, and much evidence exists to indicate why Canada should be more—not less—engaged with the growing economies of Asia. Hart also highlights detailed statistics showing the absolute importance of the United States as Canada’s largest trading partner down to 2006, but these figures clearly indicate that Canada’s trade with America has been slowly but steadily declining in relative terms since the late 1990s, a decline that has continued to the present. Furthermore, Hart’s confident pronouncements about the decline of Keynesianism and states’ “eagerly stripping themselves of the blunt instruments of intervention” (p. 151) seem rather unconvincing after global stimulus packages totalling trillions of dollars and unprecedented state regulatory initiatives were enacted in response to the 2008 international financial crisis.

Overall, Hart has crafted a book that will generate keen interest among Canadian foreign policy enthusiasts. Although many readers will disagree with the perspectives and prescriptions found in From Pride to Influence, the book’s originality, scope, and polished prose will bolster Hart’s deserved reputation as one of Canada’s leading experts on trade policy and modern Canadian-American relations.

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The Politics of the Charter: The Illusive Promise of Constitutional Rights

It is commonplace to attribute criticism of the Charter of Rights and Freedoms to an author’s displeasure with particular judicial outcomes; those on the political right, it is sometimes said, simply object to the progressive decisions made by the Supreme Court of Canada. Andrew Petter’s recent collection of essays cannot be so carelessly pigeonholed since it offers a stinging critique of the Charter that is largely process-based and from the left. Certainly Petter’s left-wing credentials cannot be doubted: his opening introduction includes a wistful reminiscence of boyhood summers spent at CCF picnics listening to Tommy Douglas and Robert Strachan. Petter’s critique of the Charter is not ideological—at least not in the programmatic sense—and he does not criticize the Court for failing to hew to a strictly leftist agenda. Rather, like some of the best scholarship on the Charter (Knopff and Morton 1992; Manfredi 2001), Petter is able to separate his political preferences from his institutional arguments convincingly.

As someone who has been a legal scholar, partisan insider, and cabinet minister, Petter is ideally placed to judge the Charter’s impact on Canadian democracy. His understanding that the appropriate venue for political change is the legislature, not the courtroom, was clearly informed by his early experience as Saskatchewan premier Alan Blakeney’s speechwriter during the Patriation saga of the early 1980s. During his tussle with Trudeau, Blakeney argued that no social democrat “should voluntarily hand power from the political forum, where the policies of the majority find expression, to the judicial forum” (p. 6). Activists of Blakeney’s era typically viewed judges as elderly naysayers, largely out-of-step with popular opinion, and generally hostile to left-wing politics (something clearly evident when labour statutes were before the bench). Given this
background, why would any one expect judges to be the new vanguard of social justice? However, as Petter notes, the “alluring realm of rights” offered too tempting an escape from the “sordid world of politics” (p. 99); instead of protracted and messy fights to win the opinions of the public and their representatives, the judicial process could engender superior policies in a reasoned and principled fashion. While this vision would capture the imagination of many of his contemporaries, Petter saw the early Charter decisions of the Court as vividly demonstrating that the promise of constitutional rights—to deliver us from politics—was illusory and ultimately detrimental to our practice of self-government.

The Politics of the Charter tracks Petter’s views over three decades, and the format of the book—a collection of previously published essays—carries both obvious drawbacks and unexpected benefits. The first half of the book consists of essays that are now very dated. For those keen on jurisprudential minutia, reading them can be an enjoyable trip down memory lane. Venerable “con law” classics like BC Motor Vehicles and Dolphin Delivery—case names that stand now as place-holders for the major premises and axioms they introduced—are subjected to in-depth and sustained critical scrutiny here. For those too young to remember them and for those who have forgotten the details, Petter’s close analysis of each case reveals how these decisions were hardly inevitable and, moreover, suggests that the Court got them wrong. Despite the tantalizing glimpse of a constitutional world lost, the general reader may find this historical expedition somewhat tedious and, more troublingly, they might be left confused about the current state of constitutional law (to his credit, Petter has updated the cases through endnotes in each chapter).

The upside of the collected format is that one can easily trace the evolution of Petter’s thinking—itself a rewarding journey since Petter is such a thoughtful and open-minded observer. In short, the Younger Petter’s seeds of concern about the direction of early Charter jurisprudence grow into the Elder Petter’s skepticism of the Court’s place in the Canadian democratic order. His 2005 essay on “Wealthcare,” ostensibly a meditation on the Court’s Chaoulli decision (which reversed Quebec’s outright denial of private health insurance), is a corker. In addition to a trenchant critique of the decision itself, Petter’s survey of the Charter jurisprudence leading to it demonstrates that the predictions he made in 1986 were well founded. In particular, anyone who still holds to the notion that precedent is an adequate check on naked judicial preference must account for his pithy dissection of judicial hypocrisy on page 175, where Petter presents a series of direct contradictions from some of the Court’s most celebrated judgments and concludes that the Court “has developed its own constitutional brand of palm tree justice.”

In the remaining chapters, Petter questions the recently popular notion that Charter controversies are best understood as part of a “dialogue” between the Court and Parliament. The dialogue metaphor, according to Petter, “seriously underestimate[s] the extent to which judicial decision making under the Charter influences public policy in Canada” (p. 191). In a revealing piece, “Legalize This: The Chartering of Canadian Politics,” he draws upon his experience as forestry minister and attorney general of British Columbia to demonstrate the chilling effect the Charter casts on the discussion of policy alternatives at the cabinet table. Instead of creatively responding to judicial decisions as dialogue theorists might suggest, governments yield to their risk-averse instincts and strive to avoid even the possibility of a future invalidation. James Kelly, in Governing with the Charter (2005), argues that the Charter dramatically shifted the loci of power in the executive branch; and Petter, writing as a former attorney general who benefited from this enhancement of his office, essentially (but ruefully) confirms Kelly’s thesis.

As the result of Petter’s broad experience and his years of thoughtful legal scholarship, The Politics of the Charter is an important contribution to the
ongoing debate about the role of rights litigation in policy-making. It reminds us that that legalization of politics remains a hindrance to policy innovation, deliberative democracy, and good governance. Furthermore, it demonstrates that Petter remains one of Canada’s finest legal contrarians and one of its best legal minds.

References

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**Foundations of Governance: Municipal Government in Canada’s Provinces**


The comparative study of municipal governance and finance in Canada has been a neglected field, with until now, only Tindal and Tindal’s (2009) text and several publications of the Canadian Tax Foundation (e.g., Kitchen 2002) being readily available. Given the diversity of intergovernmental arrangements for both governance and finance, it is perhaps not surprising that the study of multilevel governance seems to have been met hitherto with some degree of trepidation. Perhaps the complexity has also precluded a Canadian census of governments. This book, then, represents the most comprehensive comparison of municipal governance and finance in its intergovernmental context for each Canadian province. The capacity of the municipal sector to deliver public services and the constraints that affect that capacity are clearly evident in each chapter.

This book is timely as urban/rural/municipal affairs continue to be on the policy agenda and intergovernmental relationships are either under scrutiny, or being reformed or established in Canada and abroad. It deserves to be widely read, especially by those making simplistic comparisons of municipal data pertaining to accountability and efficiency, even as the fiscal resources available to the “third order” creatures remain limited to property-related taxation, fees for services, and transfers from other levels of government.

The book is the culmination of an ambitious research project of the Public Policy in Municipalities group managed under the auspices of the Canada research chair/multilevel governance with the support of the Institute of Public Administration of Canada. The editors have shared the task of introducing and concluding the individual studies of municipal governance in each of the provinces. The individual chapters have been authored either through a solo effort, as in the case of the Ontario and Manitoba chapters, or by teams of authors, including both political scientists and economists.

In his introduction, Sanction comments on the template that was adhered to by the authors of the provincial chapters. Each chapter deals with the following: (1) structures, (2) functions, (3) finances, (4) the nature of provincial oversight, (5) demography, (6) political culture, and (7) the ways in which various types of municipal interests are organized and articulated within the province.

While each chapter provides a unique perspective on the differences that characterize the structure, functions, and finances of Canadian municipalities as well as the differences in the roles of the various municipal associations, there are several common themes that emerge in the discussion. Current municipal structures reflect the differences in historical legacy among the provinces as well as provincial efforts to reduce the numbers of municipalities and impose regional coordination. The consequences of recent amalgamations are still being absorbed in