

# EDITORIAL

## Reverse Discrimination?

by Lynne Wanyeki

Those of you who are interested in feminist issues will, of course, be aware of the human rights inquiry taking place in Halifax this week. The feminist magazine, *Pandora*, is facing the Board of Inquiry for two reasons. It has been accused of discriminating against men because it only accepts letters for publication from women. *Pandora* has also been accused of publishing hate literature against men. *Pandora's* lawyer, however, has stated that the magazine has the right to exclude submissions from men as it provides a voice for the advancement of women.

Obviously, the inquiry is being watched with great concern and trepidation, not just by women's groups across the country, but by all groups working for equality rights on other protected grounds. For the implications are enormous. If the Board of Inquiry decides that the charge of discrimination is indeed valid, all the channels of communication available to women's groups which operate on tacit or formal women-only policies (including newsletters, radio-shows, feminist presses, etc) could also come under attack. The same, of course, would be true of such channels as they are used by visible minorities in Canada, religious groups, etc. Theoretically, in fact, the legal validity of any group formed on the basis of a protected group could be thrown into question.

If this is indeed a landmark case, which I do believe it to be, it marks a critical point (and possibly a turning point) in the interpretation of human rights (equality) acts across Canada. All of these acts prohibit discrimination on the basis of certain protected grounds (which vary from province to province) in certain areas. However, they also state that this does not apply to groups seeking to ameliorate the condition of those disadvantaged by being characterized by any one of those protected grounds. These sub-clauses have allowed for such things as the equal opportunity programs - as well as for the existence of magazines such as *Pandora*. I call this a landmark case because those sub-clauses are now being called into question - not just at the level of the human rights commissions, but also at the level of the Supreme Court of Canada, which is now moving into the second decade of Charter interpretation. Meanwhile, some of the Canadian public, angered over what has collectively come to be termed, however inaccurately and tediously, the politically-correct movement, are bringing more pressure to bear on those whose job it is to interpret these acts and the Charter.

I use the term "pressure" in its solely rhetorical sense, meaning cultural or even psychological pressure. Because it is true to say that legal interpretation will always reflect, at least to a certain degree, the intellectual and sociological norms perceived to be prevalent in society. When the general mood swings from liberal to conservative, so will the decisions of jurisprudence - again, to a certain degree.

Why is this particularly relevant to UNB? On Wednesday, I was talking to Jamie van Raalte, the VP Finance of the Student Union, about the Programs and Services Review Committee which got underway this week. I was surprised when he informed me that the UNB Student Women's Committee, which was revived this year, was considered ineligible for funding in the form of an operating budget from the Student Union. He went on to explain that the Student Union had decided not to fund the UNB Student Women's Committee at the advice of a lawyer because of its women-only membership policy. The only way in which the UNB Student Women's Committee can obtain funding is by applying for grants from the Student Union council on a case-by-case basis.

To argue that financially supporting the UNB Student Women's Committee possibly amounts to supporting a discriminatory organization ignores the purposes for which that Committee was founded, as well as the societal context in which it was founded. Essentially, the Committee appears to be at the same impasse of definition as *Pandora*. Definition of discrimination, that is.

The same funding procedure apparently applies to all clubs and societies founded on the basis of politics, religion and sexual orientation. (This was all new information to me, although those of you who were around during Wayne Carson's duration as Student Union President may remember the debate that I am told did ensue around this exact issue).

The decision not to fund clubs and societies formed on the basis of politics, religion and sexual orientation by the allocation of operating budgets was based on an Opinions and Attitudes Survey completed in December 1989. The survey was put together by a Marketing Group from a business class of the then VP Finance, Kim Doyle. I do not doubt the marketing abilities of business students at UNB, having seen several *Brunswickan* members from the Business Faculty work on long and complicated group projects that pull together an immense array of information and statistics. What I do question is their ability to put together what is in essence a sociological survey, intended to gain an understanding of the social needs of students at UNB. The conclusions of the Opinions and Attitudes Survey were founded on purely business terms, in terms of selling products or supporting ventures that the majority of UNB students would utilise.

Arguing for the majority in the manner described above could affect all the cultural groups on campus as well, if taken to the extreme. While I do agree that the Student Union has an obligation to spend its money in a responsible and pragmatic manner, I do not feel that a decision to cater to what are perceived as minorities as well as to the perceived majority would compromise either this responsibility or this pragmatism. On the contrary, it would indicate the Student Union's willingness to be responsible to all the students who have paid into the Student Union's funds, and, more importantly, its willingness to accommodate the diverse make-up of this university community.

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