

SPECTRUM

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Rights and Wrongs: Musings on the philosophy of the "Distinct Society Clause".

"We have no absolute rights among us. The rights of each man ... end precisely at the point where they encroach upon the rights of others." Sir Wilfred Laurier, 26 June, 1877

Since 1982 the Canadian Charter of Rights and Freedoms has guaranteed every individual, without qualification, a basic set of human rights that cannot be abrogated by the police, courts, or legislatures (except, of course, by use of the notwithstanding clause). The entrenchment of these rights was former Prime Minister Pierre Trudeau's foremost goal throughout his tenure, took him almost fifteen years to accomplish, and must surely stand as his greatest legacy.

In "Towards a Just Society", Mr. Trudeau explains his philosophy in heartfelt words:

"Clearly, the very adoption of a constitutional charter is in keeping with the purest liberalism, according to which all members of a civil society enjoy certain fundamental, inalienable rights and cannot be deprived of them by any collectivity (state or government) or on behalf of any collectivity (nation, ethnic group, religious group or other). To use Maritain's phrase, they are 'human personalities,' they are beings of a moral order—that is, free and equal among themselves, each having absolute dignity and infinite value. As such, they transcend the accidents of place and time, and partake in the essence of universal Humanity. They are therefore not coercible by any ancestral tradition, being vassals neither to their race, nor to their religion, nor to their condition of birth, nor to their collective history. It follows that only the individual is the possessor of rights."

The Distinct Society clause, proposed again in the latest constitutional package, is in direct opposition to Mr. Trudeau's philosophy, assigning rights not to individuals, but to an ethnic collectivity.

Let us consider the rationale behind this clause. Let us walk, for a moment, in the shoes of a French Quebecer. How do we feel?

Well, first and foremost, we know that our society has roots stretching back some four hundred years, a society that has, from its very beginning, been profoundly different from those established by the British elsewhere on the continent, a society that, even today, has a unique language, tradition of civil law, and culture.

We also feel that our survival is precarious. We are a tiny island of six million francophones in a

North American ocean of 270 million anglophones in an increasingly homogeneous world. We feel threatened. Our culture, and that of our forefathers, may well be lost forever in a few short generations, and we need to do everything possible to protect it.

This is the reason for Quebec's demand that their society be recognized as distinct in the Canadian Constitution, and who with any real regard for their fellow man cannot empathize with their feelings? Indeed, perhaps no people on the planet can empathize more fully than English Canada, living next to the United States, feeling and fearing their mighty embrace

Perspectives By Bill Stewart.

almost every day. You see, French Quebec feels about Canada as Canada feels about America, only more so.

For French Quebec, the equality of the Charter means assimilation. Individual rights may be fine and dandy, but French Quebec requires rights for their collectivity as well. If the debate ended here, all would be well, the clause would be enshrined, and the great Canadian union would proceed fractionally onto other matters.

Unfortunately, important and practical questions beg for response.

First, are French Canada and Quebec synonymous? Can we so blithely consign the French of Ontario and New Brunswick to oblivion—not to mention the English of Quebec? Second, is French Quebec really dying? Doesn't the evidence indicate that French culture in Canada has never been more self-confident and vibrant?

Finally, for what is the clause required, and for what will it be used? In other words, what injustice has been perpetrated on French Quebec since 1982 in the name of individual rights and the Charter?

This last question is the most important, and the answer yet to be clearly articulated. For me, the debate comes down to this: if the clause does indeed assign collective rights to French Quebec that override the individual rights of Quebec minorities, if, in short, it would justify the sign law, bill 178, then the price is simply too great.

This may not be so—the experts have yet to pronounce. But, if it is, then let us be ready to fight the proposal with every fiber of our being. If this means the end of Canada—so be it. Let's go with a bang, and not a whimper.

Well, this is what I think

by D.J. Eckenrode

"The political is personal"

The election of 1991 will be remembered for many reasons. Premier McKenna succeeded in securing a second large majority; the anti-bilingual CoR Party will form the opposition; and the NDP finally elected a leader. The 1991 election also saw more female candidates (for all parties) than ever before, and, as a result, more female M.L.A.'s were elected.

Let's look at the numbers for a moment - of 224 declared provincial candidates, 52 were women (or 23.2%). Of the 52 that ran 10 were elected. That means that 19% of the women who ran were successful in their bids. The Legislative Assembly of New Brunswick now has a 17.2% representation from women, drawn from three of the four major parties. Elizabeth Weir made history by becoming the only NDP leader to ever get elected, but failed to take any of her candidates with her. The CoR party even succeeded in electing a woman, but did not elect their long suffering leader, Arch Pafford. The Progressive Conservative Party was not able to elect any of its female candidates, but attracted 8 women, a record high for the party that elected the first woman in Canada to lead a P.C. party. That, of course, leaves the mighty Liberals, who elected 8 women, but did not return the powerful Aldea Landry, former Minister of Intergovernmental Affairs and Deputy Premier - she was defeated by Jean Gauvin, a former Hatfield Minister.

Two new faces in the liberal caucus are Marcelle Mersereau of Bathurst, and Georgie Day in Kings Centre (some of you may remember Georgie's husband Joe who ran for the liberal leadership in 1982 but lost to Doug Young).

The Wimmin's Room

New Brunswick has a short history of women in elected office. Brenda Robertson was elected in 1967, and made history not only by being the first woman elected to the house, but also the first to hold a cabinet position. She is now a Senator representing New Brunswick. Senator Robertson was followed by Shirley Dysart, who was elected in 1974 and has served ever since. Mrs. Dysart has worn many hats since then, including Minister of Education, Interim Leader of the Liberal Party (she was the first and only woman to lead the N.B. Liberals), and this week she became The Speaker of the House. Interestingly enough, when the Premier decided to appoint a woman as Speaker for the first time, he also decided to cut the salary!!! Go figure.

New Brunswick's francophone community has long fought for rights that they rightfully believe should be theirs. They represent about 30% of New Brunswickers. But hold on a minute - women comprise more than 50% of the population, and women in New Brunswick have suffered from inequality and oppression since confederation. Women continue to live in poverty and violence, do not get equal pay for work of equal value, and do not yet have any solution to the day-care question. I am certainly not arguing that francophones should have fewer

rights, only that women deserve equal and representative rights within the government and civil service as well.

The Premier has taken great pains to say that his cabinet includes five women - the largest representation yet. His 1987 cabinet had four women, and Frank Branch (then Speaker of the House) was not included in the cabinet, why would Shirley Dysart be included unless the Premier is just trying to make himself look good to women's groups? The women appointed were, Jane Barry (Environment), Ann Breault (Income Assistance and Literacy), Marcelle Mersereau (Municipal Affairs and Housing), and Laureen Jarrett (Supply and Services). Women make up 22% of the cabinet, compared to 78% for men.

I also find it interesting that the Premier has chosen to remain the Minister responsible for the status of women. Not only are there women on the backbenchers who would do a fine job (including two veteran MLA's) but does the Premier really think that he's so wonderful that he would be a better minister than a woman? Come on Frank, isn't your plate full enough? Share the wealth, and let women take care of themselves.

It's high time women got their due in government, cabinet and society - the Premier can make an example of his party and his cabinet if he so chooses, but if the liberal platform on "Women's Issues" (are all other issues "Men's Issues"?) is any indication, the women of New Brunswick will have a long wait before equality reaches the Legislative Assembly.

It's pretty sad when...

Ridiculous!!! - or as my ole' Daddy yuusta say, "If yer goinna do sumthin, you might as well do it right." I was talking to a friend of mine the other day. I asked him, "Anthony, when are going to start to play football?"

He answered, "We aren't!"

Well, to cut this thing short and to the point, it seems that twenty-one or so teams signed up to play touch football here on campus. But only twelve are "allowed" to play. Whatever the remaining number is, must either "give it up" or wait on some sort of list. Where (and when) I went to university, we had hundreds of teams each fall!! What's the point? Come on let the kids play! What's wrong with two, ten team leagues? Don't tell me in a country with 3.8 million square miles, we don't have enough room. This isn't hockey or swimming we're talking about, where we need an arena or a pool etc. What we've got here is some young people who want to compete on a friendly basis and get some exercise. Hey, sports on this level (as opposed to watching a bunch of over-paid, so-called, super-jocks on the tube) is what it's all about.

Intramural sports and UNB varsity & clubs sports get the short end of the stick, (often literally) around here. Friendly, competitive sports for women and/or men is a natural extension continued on page 13