

EDITORIAL

'It could never happen in Canada'

Nowhere are we more guilty of the "It could never happen in Canada" delusion than in the area of human rights. Our complacency is partly a function of the subtlety of the problem hereafter all, few other countries in the world enjoy the freedom and privileges we do. But complacency leads to a neglect which is as inimical to progress as it is invitational to regress. Dr. Noel Kinsella, of St. Thomas University and the New Brunswick Human Rights Commission, focussed on a few examples of this unfortunate tendency when he spoke at St. Mary's International Educational Centre Tuesday night.

Kinsella developed the main part of his illuminating and instructive talk around the case of Sandra Lovelace, a New Brunswick woman born in 1948, the year of the United Nations' ratification of the International Bill of Human Rights. According to Section 12, 1-b of Canada's federal Native Act, Lovelace, who was born an Indian and whose grandfather was an Indian chief, became a non-Indian when she married Samuel Lovelace, a non-Indian. Although her husband has since died, she is not legally permitted to revert to being an Indian. On the other hand, a white woman who marries an Indian man has the right to Indian and non-Indian status. What this act amounts to, according to Kinsella, is that the federal government has deprived Lovelace of her right to equality before the law — white women have rights Indian women do not. White and Indian women, then, are not equal in Canada today.

The main point about the Lovelace case is just the existence of unfair legislation, but government's unresponsiveness to and intransigence in the face of complaints by the New Brunswick Human Rights Commission about the law. Further, when the case went to the Supreme Court a majority of judges decided the law was fair. They decided that Lovelace was indeed being treated equal before the law-equal with all other Indian women. They ignored the fact that *white* women enjoyed rights she did not (as well as white and Indian men.) Bora Laskin, part of a minority of judges who supported Lovelace, argued that this was nothing more than a manifestation of a kind of "separate but equal doctrine" of which the most despicable form is South Africa's system of apartheid or separate development.

Or could it?

Eventually Kinsella and others had no other course than to take the case before the United Nations. A preliminary UN report which noted the existence of disadvantages and inequalities in the Indian Act and a questionnaire sent to the government this fall finally elicited some kind of a positive response from the feds. On November 22 they wrote to the UN saying they are now considering legislative proposals to change sections of the Indian Act in numerous areas and provide for non-discrimination of the basis of sex, race, etc. If you take them at their word, such legislation should be in place by mid 1981.

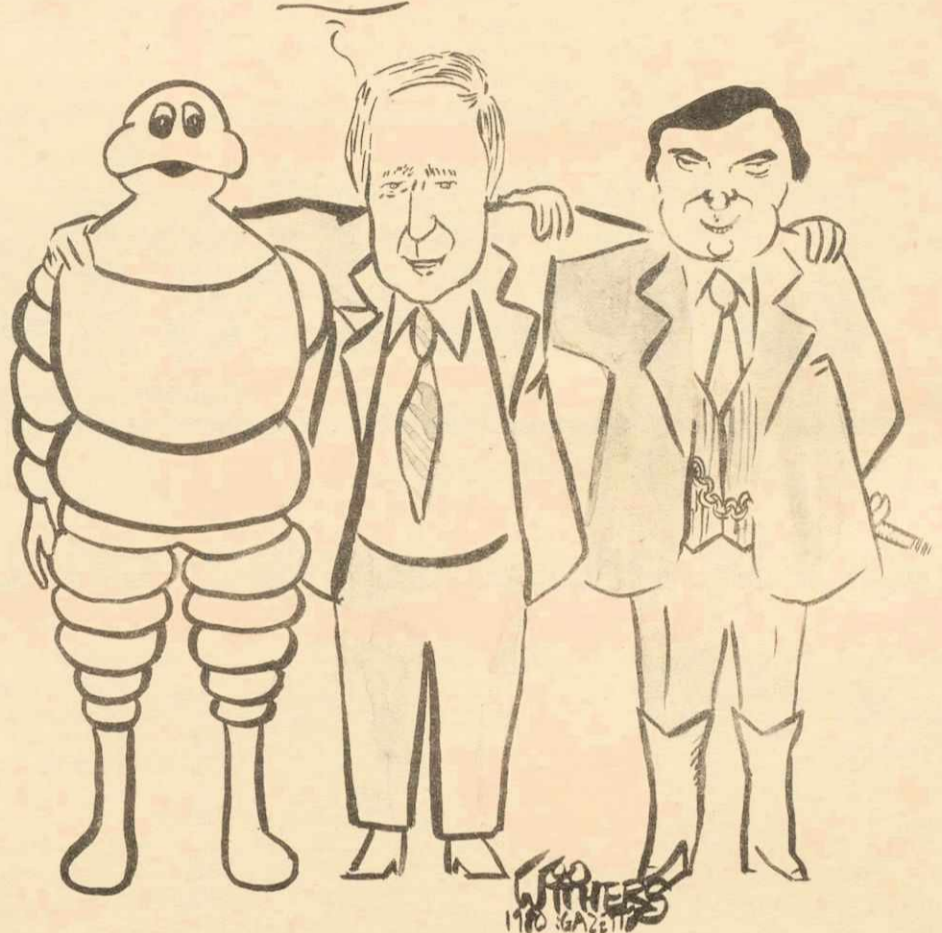
While this incident does something to shakily restore our faith in legislative justice, it also shows something of the breadth and depth of the barriers involved in the fight for human rights in our society today. Do we have to fight the federal government, the Supreme Court, and go all the way to the United Nations to secure non-discriminatory legislation? An instructive fact about this whole case is that the male-dominated Indian Band Council opposes this change in legislation. Although, Kinsella points out, they do this partly as a bargaining point with the government — "you give us our land and constitutional claims, we'll abandon our sexism" — it also illustrates a curious but common repugnance to emancipation among the very peoples afflicted by discrimination.

Part of the reason the human rights movement faces so many difficulties today is that the very nature of discrimination within our society has changed. As Kinsella observes, less are we faced with cases of individual discrimination — with name calling, racial confrontations, outright discrimination in job-hiring — though these things do endure. Rather, we are faced with "massive" incidences of what he calls "institutional discrimination" which includes a severe underrepresentation of women, blacks, natives, and other minorities in the professions, in government, and many other important sectors of society. Significant changes in societal attitudes and progressive government programs and legislation are needed before these kinds of discrimination can be eliminated. The "It can't happen in Canada" philosophy certainly doesn't help further these causes.

Correction

In a *Gazette* issue several weeks ago it was erroneously reported in a story (by Canadian University Press) about the academic regulations of Saint Mary's University that faculty member Victor Catano said the university had a poor academic reputation. Catano did not say this and we apologize to him for any harm this may have caused him.

THEY'RE MY KIND OF PEOPLE



the Dalhousie Gazette

The Dalhousie Gazette, Canada's oldest college newspaper, is the weekly publication of the Dalhousie Student Union members, and is a founding member of Canadian University Press.

The views expressed in the Dalhousie Gazette are not necessarily those of the Dalhousie Student Union, the editor, or the collective staff. We reserve the right to edit material for reasons of space, legality, grammar or good taste.

The deadline for articles and letters-to-the-editor is noon on Monday. No unsigned material will be accepted, but anonymity may be granted on request. Letters should not exceed 500 words and must be typed on a 64-character line and double spaced.

Local Advertising is handled by DAL-ADS—the advertising department of Dalhousie Student Union: Tel. 424-6532. Ad copy must be submitted by the Friday preceding publication.

Our office is located on the third floor of the Dalhousie Student Union Building. Our mailing address is the Dalhousie Gazette, Dalhousie University, Halifax, N.S. You can reach us by telephone at (902) 424-2507.

The subscription rate is \$10. per year (26 issues) and our ISSN number is 0011-5819.

Editor: Paul Clark

News Editor: Paul Creelman

Production Manager: Gretchen Pohlkamp

Entertainment Editor: Glenn Walton

Sports Editor: Sandy Smith

Features Editor:

Copy Editors: Deirdre Dwyer and Marlene Peinsznski

CUP Editor: Nancy Ross

Photo Editor: Chris Hart

Office Manager: Arnold Mosher

Circulation Manager: Joe Wilson

Advertising and Business Manager: Sandy MacDonald Tel. 424-6532

Staff Members: Greg Dennis, Frank McGinn, John Cairns, S.J. Hayes, Bruce Rae, Gisele Marie Baxter, Andrew Sinclair, Alan Christensen, Judy Pelham, Cathy McDonald, Michael McCarthy, Elaine Frampton, Paul Withers, Martin Sullivan, Flora MacLeod, Ian Holloway, Sylvia Kaptein, Maura Green, Peter McDonald, Ken Fogarty, Elliott Richman, Jenn MacLeod, Margaret Little, Mike Marshall and Chris Young.