

SPECTRUM

The opinions found in Spectrum are not necessarily the views of The Brunswickan. People interested in writing for Spectrum must submit at least three (3) type-written articles of no more than 500 words each to the Brunswickan.

Confederation Revisited

"In the hearts and minds of the delegates who assembled in this room on September 1, 1864 was born the Dominion of Canada. Providence being their guide, They builded better than they knew." Inscription on a plaque in the P.E.I. Legislative Chamber, erected 1917.

Today, Canada faces three options. The first, to muddle along discussing the constitution for another ten years, will not be tolerated by the populace. The second, to deconstruct, is simply too catastrophic to contemplate. The third, to reconfederate, remains by default our only real option.

Before we do, making the first substantive changes to our constitution in 125 years, let's look back to the beginning.

In 1849, Joseph Howe laid out his hopes in a letter to a friend: "We desire free trade among all the provinces, under our national flag, with one coin, one measure, one tariff, one Post Office. We feel that the courts, the press, and the educational institutions would be elevated by union, that intercommunication by railroads, telegraphs, and steamboats would be promoted, and that if achieved wisely and with proper guards, the foundations of a great nation would be laid on an indestructible basis."

Thomas Haliburton also took an optimistic view, in 1855: "See what an empire is here, surely the best in climate, soil, mineral, and other productions in the world, and peopled by such a race as no other country under heaven can produce. No, Sir, here are the bundle of sticks; all they want is to be united."

In a speech at the Liberal Convention of Upper Canada, 1859, George Sheppard preached caution: "Call upon them to tell you the details of their scheme, to show its working, to define the powers which they are willing to confer upon the central government, and at once you will discover that no two agree." Indeed, the fight occasionally turned vicious—Joseph Howe in 1864: "Let the dog return to his vomit rather than Canada to division."

In 1865 during the Confederation Debates, Sir George-Etienne Cartier framed the central dilemma that remains with us today: "The matter resolved itself into this: either we must obtain British North America Confederation or be absorbed in an American Confederation."

The process built its own momentum. Thomas D'Arcy McGee, also from the Confed-

eration Debates: "We are in the rapids and must go on."

New Brunswick was by no means unanimously supportive of the idea. Andrew Wetmore, during the N.B. election of 1865, carried on this imaginary conversation with his son: "Little boy: 'What country to we live in?' Father: 'My dear son, you have no country, for Mr. Tilley has sold us all to the Canadians for eighty cents a head.'"

On a more constructive note, Henri Joly made this interesting proposal in 1865: "I propose the adoption of the rainbow as our emblem. By the endless variety of its tints, the rainbow will give an excellent idea of the diversity of races, religions, sentiments and interests of the different parts of the Confederation. By its slender and elongated form, the rainbow would afford a perfect represen-

tation of the geographical configuration of Confederation. By its lack of consistence—an image without substance—the rainbow would represent aptly the solidity of our Confederation. An emblem we must have; let us adopt the rainbow."

John A. MacDonald may have had one scotch too many when he wrote these optimistic words in 1872: "Confederation is only yet in the gristle, and it will require five years more before it hardens into bone."

Sir Wilfred Laurier gave us these immortal words, spoken in the House of Commons in 1907: "Confederation is a compact, made originally by four provinces but adhered to by all the nine who have entered it, and I submit to the judgement of this house that this compact should not be lightly altered."

Crime and Pseudo-Crime

Picture the scene - a hushed courtroom, a defense lawyer presents his summary to twelve men and women, just and true. For the imaginatively impaired, conjure up an episode of "Street Legal" - you know, "L.A. Law" with Can-Con... eh! (for the over-forties, that's "Perry Mason" on steroids!). Now, where was I? Oh, yes. A hushed courtroom, the defendant was charged with entering a corner store and emptying the cash register. The defendant admits to the act, but in mitigation offers the following testimony. The store-keeper has said "no", but his voice had not sounded sincere, and his body-language did not suggest he meant "no". Indeed, the storekeeper and the defendant had exchanged pleasantries on a daily basis at the local do-nut shop for weeks. Only the week before, the storekeeper had actually bought the defendant a coffee. The store had no signs up specifically forbidding unauthorized emptying of the cash register, and no armed goons or drooling rotweilers mounted guard. Furthermore, it was common knowledge that the storekeeper was a generous man, who frequently extended credit to local customers, and even dipped into his own pocket for panhandlers. In fact, he had quite a reputation for being a "soft touch"; "a push-over".

The defense lawyer rested his case. The jury agreed wholeheartedly with this eloquent advocate - the majority thought that the storekeeper was "asking for it" and proceeded to acquit the defendant. The hold-out juror

was another storekeeper, but then that is the jury system for you: there is always one subjective who get through. The judge went so far as to compliment the jury on its speedy deliberation, and then admonished the litigant for wasting the court's time. He even said the litigant had brought the robbery on himself by giving all the wrong signals. Indeed, his wanton generosity was itself a threat to society. Strangely enough, the local Chamber of Commerce, and the Small Businessmen's Association were not impressed by the verdict, and were incensed by the judge's remarks. But then, what more could you expect from such special interest groups.

OK! I admit, it's a far-fetched scenario, and I doubt the CBC script editors will run with it. Change the charge to rape, however, and you would be dealing with a scenario that is frighteningly close to reality. Until quite recently, it often was reality, and the recent Court decision on the admissibility of a women's sexual past in evidence threatens to make it reality again. Rape is almost unique as a crime where the victim's prior behaviour is considered to have any bearing at all on the innocence or guilt of the defendant.

Almost unique, rape as an offense shares many features with sexual abuse in general. All are seen as "sex-crimes", and it is the adjective that is the problem. "Sex" permits the "sorry, my hormones took over", or the "she was drunk and asking for it", or "he was cruising the meat-rack what did he expect" defenses. But look at the common thread run-

Perspectives by William Stewart

Chester Martin's retrospective from 1930: "Confederation, indeed, was less the result of popular demand than the achievement of a few men of wide vision, impelled to their task by the political difficulties and the economic necessities of the provinces, spurred on by fears of foreign aggression, and helped in their hour of need by no inconsiderable support from Britain. Confederation itself, it will now be conceded, was almost a miracle."

And finally, this wry observation from Eric Nicol in 1966: "Confederation has been like a

mail-order bra: intended to contain and uplift, it has instead drawn attention to the cleavage."

With the dissolution of the Soviet Union, Canada is now the largest country on the planet. It's loss would be a great tragedy, not just for Canadians, but for the world. Perhaps our salvation lies less in the future than it does in the past, in our debt to those who struggled so valiantly to bequeath to their descendents what has become the greatest, most privileged country on earth. Long live Canada!

Positively Pink by Adrian Park

ning through the rash of cases in recent years, from Mount Cashel to the Native Residential Schools, from the sorry testimony of battered wives in our local courts, to the patients of certain doctors and psychiatrists in Ontario. All involve abuse of power or abuse of trust, and usually both. Rape and sexual abuse stand clear for what they are - and the use of sexual intercourse as a weapon has as much relevance as whether a murderer used a knife or a gun.

Rape and sexual abuse affect men as well as women, adults as well as children, heterosexuals as well as homosexuals. They are both gross assaults on an indi-

viduals' dignity, integrity and sense of self, differing from each other only in matter of degree. They differ from murder in one way only, the victims survive to endure years, if not decades of shame, guilt and pain. Until the laws and rules of evidence concerning these crimes protect the victims with the rigor of those concerning crimes against property, justice will continue to be mocked. "Sex crime" is all too often taken to mean "pseudo-crime", or not even a real crime at all. When was the last time you heard a joke about a murder victim, or the victim of arson or larceny?

The Wimmin's Room

We Will Not Forget

No words can ever express our anger, sorrow and pain at the slaughter of 14 women on this day two years ago. This space is dedicated to those 14 women and the countless numbers of women since then, whose lives have been taken with violence, before they ever had a chance to make their mark.