

C R O S S C U R R E N T S

1 CONTEMPORARY POLITICAL ISSUES



EDITED BY MARK CHARLTON AND PAUL BARKER

CROSSCURRENTS

1

CONTEMPORARY POLITICAL ISSUES

EDITED BY

MARK CHARLTON

THE UNIVERSITY OF
WESTERN ONTARIO

PAUL BARKER

BRESCIA COLLEGE



Nelson Canada

华东政法学院
图书馆藏书

华东政法大学图书馆



04015540

© Nelson Canada

A Division of Thomson Canada Limited, 1991

1120 Birchmount Road

Scarborough, Ontario

M1K 5G4

All rights reserved. No part of this work covered by the copyrights hereon may be reproduced or used in any form or by any means—graphic, electronic or mechanical, including photocopying, recording, taping or information storage and retrieval systems—without the prior written permission of the publisher.

Every effort has been made to trace ownership of all copyrighted material and to secure permission from copyright holders. In the event of any question arising as to the use of any material, we will be pleased to make the necessary corrections in future printings.

Canadian Cataloguing in Publication Data

Crosscurrents 1: contemporary political issues

Includes bibliographical references.

ISBN 0-17-603523-0

1. Canada—Politics and government—1984— .*
2. Political culture—Canada. I. Charlton, Mark William, 1948— . II. Barker, Paul Frederick, 1953— . Title: Crosscurrents one: contemporary political issues.

FC630.C76 1991 320.971 C91-093259-X

FI034.2.C76 1991

Publisher Ric Kitowski

Acquisitions Editor Dave Ward

Manager, Editorial Services Jean Lancee

Editor Sarah Robertson

Art Director Lorraine Tuson

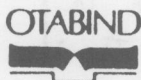
Cover Design Tracy Walker

Cover Illustration Douglas Fraser

Text Design Janet Riopelle

Printed and bound in Canada

1 2 3 4 WC 94 93 92 91



The pages in this book open easily and lie flat, a result of the Otabind book-binding process. Otabind combines advanced adhesive technology and a free-floating cover to achieve books that last longer and are bound to stay open.

CROSSCURRENTS

1

3365

P457

■ INTRODUCTION

Crosscurrents 1: Contemporary Political Issues is designed as a reader for introductory courses in political science and Canadian politics. Readers available to Canadian students in political science typically present a single reading on a series of topics. In contrast, this book is structured in the form of a debate or dialogue in which leading political issues are examined from opposing points of view. For each issue, two essays with conflicting viewpoints are presented. Students are then invited to decide for themselves what their position on the issue should be.

There are several good reasons, we believe, for using this debate format. First, studies have shown that students learn and retain more information when they are engaged in an active learning process. Yet the reality in most Canadian universities is that students in introductory courses face ever larger class sections, which militate against discussion and active student involvement. While students generally come to political science courses with a great deal of interest and enthusiasm, they frequently find themselves slipping into a pattern of simple notetaking and passive learning.

Second, most introductory political science courses must of necessity address abstract principles and concepts, and cover a great deal of descriptive material concerning processes and institutions. At the same time, students come to these courses expecting that they will discuss and debate what is going on in the chaotic world of politics. Unfortunately, it is often difficult for them to relate the debates of everyday political issues to the broader and more abstract principles encountered in their introductory courses. Without a reference point, discussions of contemporary issues may seem more like interesting “current events” digressions with little direct relationship to the overall propositions being dealt with in the lectures.

Third, students frequently bring to their readings an uncritical awe for the authority of the published word. When confronted with a series of readings by the leading authorities on each subject, there is a strong temptation for students to think that the text presents the “final” word on the subject. They assume that further discussion and debate can add little new to the issue.

With these thoughts in mind, we have endeavoured to develop a collection of readings that will challenge students to think through a number of contemporary political issues, while also fostering a greater tolerance for the views of others.

The text addresses twenty-three issues. For each issue, an introduction provides the reader with the necessary background and places the subject in the context of more general principles and propositions of concern in the

study of politics. The two readings are then presented. Finally, a postscript offers a short commentary on the debate and suggests readings for students wishing to explore the topic further.

Because these readings examine issues of general concern to the study of political science from a Canadian perspective, we feel that this volume can be used successfully both in introduction to Canadian politics and in general introductions to political science. There are several ways in which *Crosscurrents I* can be employed in the classroom.

(i) Some may wish to assign the chapters as supplementary readings to reinforce material covered in lectures, and use them as points of illustration in classroom lectures or discussions.

(ii) The readings may be used as a departure point for essay assignments in the course. In order to encourage students to develop their critical skills, they could write an assessment of the arguments and evidence presented in one of the debates. Alternatively, they could select one side in the debate and write an essay developing their own arguments in favour of that view. In order to assist students in such a task, we have included, as an appendix, instructions on writing an argumentative essay.

(iii) Others may wish to use the series of readings as a means of organizing weekly discussion sessions into a debate format. On each topic, two students may be asked to argue the case for one particular side, followed by group discussion. This format requires students to adopt a particular point of view and defend that position with fellow students. Because the necessary background material is provided with the readings, this format is very easily adapted to large courses where teaching assistants are responsible for weekly tutorial sessions.

The book is divided into five parts. Part One deals with the Canadian state and political culture. In this section, debates revolve around the major elements of Canadian political culture—dualism, regionalism, continentalism, and nationalism. Is dualism the essential part of Canada's political culture? Is western alienation legitimate? Does the free trade agreement threaten Canada's national sovereignty?

Part Two addresses the related issues of the Canadian constitution and Canadian federalism. Easily the most important development in Canadian politics in recent years has been the entrenchment of the Charter of Rights and Freedoms. This section presents three debates that concern the Charter—the notwithstanding clause, judicial decision-making, and the right to an abortion. If the Charter is the most important thing to happen recently, then the ratification of the Meech Lake accord is the most important thing *not* to happen. Two of the main participants in the Meech Lake process, Senator Lowell Murray and Newfoundland's Clyde Wells, outline the arguments for and against the accord.

Part Three considers the basic institutions of government. Such issues as the power of political leaders, the relationship between minister and official, and the usefulness of party discipline are debated. This part shows clearly that substantial disagreement exists over the operation of our basic structures of government.

Part Four examines political behaviour and the institutions that link the political environment with the three branches of government. Currently in dispute is the longstanding view that political parties are essential to politics. This section attempts to give readers a better understanding of this important issue, while also showing that the advent of the “new politics”—the emergence of the media and polls—is not without controversy. Part Five offers six debates on important public policy matters. Traditionally, political scientists have focused on the process of politics, but this section allows students an opportunity to examine the substance and principles of politics.

While students may come to many of these topics with their own strong opinions, we have tried to situate the debates within the context of more general issues in political science. In many cases, professors may find that certain readings placed in one part of the reader are useful in a different section of an introductory course. For example, a course that introduces students to political ideologies in the first term may wish to use the debates on pornography or affirmative action to illustrate varying dimensions of liberalism and definitions of rights. Or a course that discusses concepts such as sovereignty and the state near the beginning may wish to use the debate on native sovereignty as an illustration.

In preparing *Crosscurrents I: Contemporary Political Issues*, we have attempted to select issues and readings that are both pertinent and intellectually stimulating. We welcome comments and suggestions from colleagues regarding issues and readings for future editions. We hope that the approach used in this volume will make for lively and informed class discussions, and foster among students a greater understanding and appreciation for the views of others.

■ ACKNOWLEDGMENTS

We would like to express our appreciation to the authors and publishers who have granted us permission to use their work. In addition, Brent Pavey made an invaluable contribution to the volume, both as a research assistant and in testing many of these readings as a teaching assistant. Also, Lucille Charlton offered useful critical comments as the book evolved. Finally, we want especially to thank Dave Ward of Nelson Canada for his enthusiastic support in helping us to refine the concept of this reader and bring it to completion.

Mark Charlton
Paul Barker
London, October 1990

■ ABOUT THE EDITORS

MARK CHARLTON is an Assistant Professor of Political Science at the University of Western Ontario. Professor Charlton received his Ph.D. in

Political Science from Laval University where he studied as an Ontario-Québec Fellow. He has published a number of articles on Canada aid policy in *International Journal*, *Etudes Internationales*, and the *Canadian Journal of Development Studies*.

PAUL BARKER is an Assistant Professor of Political Science at Brescia College. Professor Barker received his Ph.D. from the University of Toronto. He has written articles on public policy that have appeared in *Canadian Public Administration*, *Canadian Public Policy*, and the *Canadian Journal of Law and Society*.

ACKNOWLEDGMENTS

We would like to express our appreciation to the authors and publishers who've granted us permission to use their work. In addition, Brian Barry made an invaluable contribution to the volume both as a research assistant and in testing many of these readings as a teaching assistant. Also, Lucie Chaston offered useful critical comments as the book evolved. Finally, we want especially to thank Dave Ward of Nelson Canada for his enthusiastic support in helping us to refine the concept of this reader and bring it to completion.

Mark Chaston
Paul Barker
London, October 1990

ABOUT THE EDITORS

Mark Chaston is an Assistant Professor of Political Science at the University of Western Ontario. Professor Chaston received his Ph.D. in

■ CONTENTS

Introduction ix

PART ONE POLITICAL CULTURE 1

1 Is Dualism Still the Essential Element of Canada's Political Culture? 2

YES PRIME MINISTER BRIAN MULRONEY, Dualism in Canada 4

NO WILLIAM THORSELL, Let Us Compare Mythologies 10

2 Is Western Alienation Justified? 16

YES DAVID ELTON, The West Wants In 18

NO J.M.S. CARELESS, The Myth of the Downtrodden West 24

3 Does the Free Trade Agreement Threaten Canada's National Sovereignty? 34

YES MEL HURTIG, A Fundamental Reversal 37

NO DAVID FRUM, Double Dealing 45

PART TWO THE CONSTITUTION AND FEDERALISM 57

4 Should the Notwithstanding Clause Be Repealed? 58

YES JOHN WHYTE, Not Standing for Notwithstanding 60

NO PETER H. RUSSELL, Standing Up for Notwithstanding 69

5 Are Constitutional Decisions Political? 84

YES PATRICK MONAHAN, Politics and Constitutional Interpretation 86

NO BRIAN SLATTERY, Are Constitutional Cases Political? 94

6 Does the Charter Include the Right to an Abortion? 106

YES JUSTICE BERTHA WILSON, Abortion and Women's Rights 108

NO JUSTICE WILLIAM MCINTYRE, Abortion and the Charter 118

7 Would the Meech Lake Accord Have United Canada? 128

YES SENATOR LOWELL MURRAY, Unifying Canada 131

NO CLYDE K. WELLS, Meech Lake and the Dismantling of Canada 141

8 Are Native Demands for Full Sovereignty Legitimate? 153

YES BRUCE CLARK, Mohawks' Land Claim Has Legal Legitimacy 155

NO JEFFREY SIMPSON, The Demands by Native Leaders for Full Sovereignty Cannot Be Met 160

PART THREE POLITICAL INSTITUTIONS 165

9 Is the Prime Minister Too Powerful? 166

YES DENIS SMITH, Prime Minister as President 168

NO JOSEPH WEARING, President or Prime Minister? 175

10 Do Public Servants Dominate Ministers? 186

YES FLORA MACDONALD, The Minister and the Mandarins 188

NO MITCHELL SHARP, The Role of the Mandarins 194

11 Should Party Discipline Be Relaxed? 200

YES DAVID KILGOUR AND JOHN KIRSNER, Discipline versus Democracy 202

NO ROBERT JACKSON, Strong, Disciplined Parties Are Vital to Canada 205

12 Should Canada Adopt a Triple E Senate? 209

YES HOWARD MCCONNELL, The Case for a Triple E Senate 211

NO C.E.S. FRANKS, The Canadian Senate in the Age of Reform 224

13 Should Parliament Review Supreme Court Nominees? 239

YES TED MORTON, Charter Changed Justices' Role 241

NO IAN HUNTER, Confirmation Hearings for Judges Would Lower Quality of the Court 244

PART FOUR POLITICAL BEHAVIOUR 249**14 Are Political Parties in Decline? 250**

YES JOHN MEISEL, The Decline of Parties 252

NO RONALD LANDES, In Defence of Canadian Political Parties 263

15 Do Business Groups Enjoy Privileged Access to Government? 271

YES WILLIAM COLEMAN, Business and Politics 273

NO WILLIAM STANBURY, Limits of Corporate Power 281

16 Are Polls Bad for Politics? 289

YES JEFFREY SIMPSON, Pollstruck 291

NO MICHAEL ADAMS, Pro Polling 300

17 Did Television Fail in Its Coverage of the Meech Lake Accord? 306

YES DAVID TARAS, Meech Lake and Television News 308

NO ELLY ALBOIM, Inside the News Story 317

PART FIVE PUBLIC POLICY 329**18 Is Affirmative Action Fair? 330**

YES P.K. KURUVILLA, A Fair Chance 333

NO DARRELL BRICKER, What's Wrong with Affirmation 337

19 Is Censorship of Violent Pornography Consistent With Liberal Principles? 343

YES LEO GROARKE, Pornography: From Liberalism to Censorship 345

NO WILLIAM WATSON, Pornography and Liberalism 355

20 Should Capital Punishment Be Restored? 364

YES GEOFF WILSON, The Case For Capital Punishment 366

NO ED BROADBENT, The Case Against Capital Punishment 372

21	Does Canada Need a Universal Child Care Program?	381
YES	TASK FORCE ON CHILD CARE, A Plan for Universal Child Care	383
NO	KATHLEEN GALLAGHER ROSS, Parents' Choice	389
22	Should Denominational Schools Receive Public Funding?	395
YES	GERALD VANDEZANDE, Can Educational Justice Be Done in a Pluralistic Society?	397
NO	PAUL PFALZNER, Religion in Canadian Public School Systems: State-funding of Inequality, Coercion and Segregation	405
23	Is the Market the Solution to Regional Disparities?	414
YES	THOMAS COURCHENE, A Market Perspective on Regional Disparities	416
NO	DONALD SAVOIE, Beyond the Market Approach	421
Appendix	LUCILLE CHARLTON, How to Write an Argumentative Essay	430
	<i>Contributors</i>	436
	<i>Contributor Acknowledgments</i>	440

Is dualism still the essential element of
Canada's political culture?

Is western alienation justified?

Does the free trade agreement threaten
Canada's national sovereignty?

IS DUALISM STILL

THE ESSENTIAL ELEMENT OF CANADA'S
POLITICAL CULTURE?

YES Brian Mulroney, Canada, House of Commons, *Debates*, pp. 8400-8405

NO William Thorsell, "Let Us Compare Mythologies," *Report on Business* 6, no. 11 (May 1990): 105-107 and 110-111

In 1867, the Fathers of Confederation faced many challenges but none greater than the need to deal with the hopes and aspirations of both the French-speaking and English-speaking communities. The dualistic quality of British North America presented John A. Macdonald and his colleagues with the kind of issue that tests the mettle of statesmen. In the case of Canada, the statesmen rose to the occasion, and the solution was federalism. A federal state would allow for the building of a new country while providing the flexibility required for the two founding cultures to pursue their goals.

The task of addressing the issue of dualism, of course, did not end with Confederation. Over the years, governments grappled with the problem of striking the right balance between the two elements. If governments were to fail in their efforts, the consensus was that the country would break apart. This gloomy prospect more than anything else seemed to confirm the claim that dualism was indeed at the core of Canada.

Canada has, of course, not remained unchanged since 1867. In the early part of the 20th century, people arrived from countries like Germany, Poland, and Russia to settle the Prairies. These new Canadians had not played a part in the original founding of Canada, which placed dualism at the centre of things, but they were nonetheless now part of Canada. In more recent years, the numbers of new immigrants from Asia, Africa, and the Caribbean have swelled. Though not part of the experience of 1867, these immigrants constitute a significant aspect of Canadian life. And then there

are those who *were* present in 1867 but who were ignored—the native peoples, who have now begun to establish a presence for themselves.

These developments suggest that, while dualism still captures an important part of Canada, it provides an incomplete picture. There is more to Canada than the two communities of English- and French-speaking citizens. Dualism must now compete with the claims of ethnic groups who make up what is now called multiculturalism. Canada is not a nation of two peoples but of many peoples. Furthermore, the aboriginal peoples, as they demonstrated during the debate on the Meech Lake accord, believe that they too constitute a distinct part of what is Canada.

Such arguments, however, may go too far. The definitive test for what is essential to a country is to ask whether a country could survive without one element or another. Canada may, in fact, be more complex than it was in 1867, but some argue that a failure to recognize the primacy of dualism would lead to the country's demise. From this perspective, the survival of Canada as a nation is not dependent upon the strength of multiculturalism or the aboriginal peoples.

In the readings, Brian Mulroney presents the case for dualism as the fundamental quality of Canada. The context for his comments was the Meech Lake accord and verbal attacks on French-speaking Canadians in parts of Canada in 1989. William Thorsell, editor-in-chief of the prestigious *Globe and Mail*, contends that dualism must now recognize the newer aspects of Canada.

DUALISM IN CANADA

YES

Brian Mulroney

Right Hon. Brian Mulroney (Prime Minister) moved:

That this House reaffirm its commitment to support, protect and promote linguistic duality in Canada, as reflected by this House in the Constitution Amendment, 1987 and the Official Languages Act, 1988.

He said: Mr. Speaker, I rise on this, the twenty-fifth anniversary of the Canadian flag, the universal symbol of Canada, to speak of national unity and linguistic duality. . . . Every Parliament since Confederation has had to confront the question of Canada's linguistic duality. The members of every Parliament have had to stand up and declare themselves on this very fundamental issue. . . .

It is time for all of us to stand up for Canada again because in recent days we have witnessed regrettable denials of some of Canada's fundamental values. Debate over language has been almost as frequent and fundamental a characteristic as the history of Canada's duality itself. But, with tolerance and respect for one another, we have built a country that has not simply acknowledged its own diversity but thrived on it.

Confederation was the coming together of English- and French-speaking Canadians whom Wilfrid Laurier was later to characterize as the "marble and the oak" of this remarkable home that we now call Canada.

The Fathers of Confederation never suggested in 1867 that building a country in which English and French would both be spoken would in any way or at any time be easy. In fact, they often referred to the difficulties that they knew awaited successive generations of Canadians. They called upon them even then for the foresight, the openness and the tolerance that would be required to bring this great Canadian experiment forward and to enrich it generation after generation. They also understood that this was a fundamental characteristic of the new nation that they were building for a people searching for a new home from countries around the world.

Sir John A. Macdonald said in the Confederation debates in respect of the concept of duality, to paraphrase him in that particular debate in February 1865, 125 years ago just about today, he acknowledged that the easiest and the most efficient way to run Canada would be with a unitary state with one language. He acknowledged that that brought with it great advantages. But as he indicated, the only problem with it is that it would not work. If you adopted that view, there would be no Canada because, as

he said, "any proposition which involved the absorption of the individuality of Lower Canada, Quebec at the time, would not be received with favour by her people."

In 1865 he was speaking of the notion of individuality of Lower Canada. Today, the same fundamental meaning finds usage in the word "distinct." It is as true today as it was when Sir John A. Macdonald and Etienne Cartier began the nation-building work of binding this country together with their own hands.

That duality was something that just did not happen. It was acknowledged, reflected upon and deemed by everyone involved as absolutely indispensable, not only to the functioning of Canada, but to the existence of Canada. Macdonald acknowledged time and time again that Canada could not come together without a fundamental acknowledgement of that linguistic duality.

That duality was enriched and strengthened over decades by wave after wave of immigrants from eastern Europe, central Europe and elsewhere, who caused the prairies to bloom and the sovereignty of Canada to extend to the farthest reaches of this continent. It is a safe statement to make today when I say that if Canada as we know it was begun essentially by Scottish Protestants from Ontario and French Catholics from Quebec, it has been immeasurably enriched by people from every country of the world who have now made of Canada a truly modern, tolerant society.

Mr. Speaker, few subjects have so aroused public opinion and stirred such individual passions as the debates over language. But some of the finest chapters in our history were written by those who made the voice of reason prevail, who made tolerance triumph and who wrought the necessary accommodations.

Linguistic duality and the protection of minority language rights are not abstract concepts. They are given life by legislative enactments such as the Official Languages Act. They are given permanence and protection by the Constitution and they are given meaning by the national will of a generous and a tolerant people.

The rejection of minorities is an attack on the nature of Canada. When language becomes a motive for exclusion and fear, it is time for all Canadians who love their country to speak up and speak out. There is no place in Canada for intolerance—although no one would suggest that Canada, or any other country, is absolutely free from it.

The resolution now before the House is an opportunity for all members to speak up and speak out, again, for what is best about Canada. It is an opportunity to send an absolutely unequivocal message, again, of unity and mutual respect. The issue before us is not bilingualism or even, despite claims to the contrary, the expense of bilingualism. The issue before us is simple and important—the will of English- and French-speaking Canadians to continue to live together with mutual respect and fraternity, while honouring our original undertakings to each other and to the whole nation.