

Letter From Canada

by *Kenneth McDonald*

Ici On Parle Anglais

When Canada's federal government committed the country to two official languages, it set the scene for the social revolution that has since been foisted upon the Canadian majority.

That was in 1969, when Pierre Trudeau's Official Languages Act declared English and French to be the official languages of Canada, possessing and enjoying "equality of status in all the institutions of the Parliament and Government of Canada." Twenty-five percent of federal government jobs were designated "bilingual" in proportion to Quebec's share of the population, and

"bilingualism" became the criterion for employment in ever-widening circles of government and government-related activity throughout the whole country.

However, official bilingualism was not about language; it was about political power.

The legislation discriminates against every Canadian who doesn't happen to live in Quebec or near its borders with Ontario and New Brunswick. Canadians who live in or near Quebec, in French-speaking societies but also within sight and earshot of English television and radio, and with daily opportunities to acquire fluency in English as well as in French, have a tremendous advantage over Canadians everywhere else who have no occasion to use French in their daily lives, rarely meet a French-speaking person and, even if they take French immersion courses, still have no chance to practice French and thus

retain their fluency.

Moreover, "bilingualism," it has come to be understood, is the code word for a French-speaking Canadian who also speaks passable English. So it isn't enough for a young Albertan or Newfoundlander to learn French; they have to *be* French, which of course they're not. The bilingual requirement has become a racial requirement. By 1988, the percentage of Francophones in federal government service had risen to 28.5, while in some key departments Francophones occupied from 35 to 70 percent of the posts.

Until 1969, Canada's institutions were essentially English. Parliament was supreme, and everyone was equal under a common law, which itself evolved with changing times. However, when Pierre Trudeau declared that he would not leave Ottawa "until the country and the Government are irreversibly bilingual," he knew that under the English system his Official Languages Act *was* reversible; it could be changed, or repealed, by another Parliament.

Therefore, in 1980, when with the aid of the Quebec vote he was elected for a fourth term after seven months in opposition, he set out to rewrite the English-style Constitution in the French style, with rights "guaranteed" by the state, and parliamentary sovereignty replaced with a written Charter of Rights and Freedoms that included his language provisions and became "the supreme law of the land." He confirmed this in a speech on the new Constitution in December 1981: "And we've got the entrenchment of both official languages, which can never be removed."

At the same time (as noted in *The Canadian Encyclopedia*), "the federal government made significant demands of its own for new, centralized powers over the economy." That was less than a year after launching the National Energy Program, a massive state intervention in Canada's oil and gas industry that devastated Alberta's economy.

For the majority, Canada has always

LIBERAL ARTS



BUT WE'RE STUDYING!

The discovery in March of an electronic bulletin board for sexually explicit stories on the Cyber mainframe computer at the University of Massachusetts (Amherst) has sparked a debate over whether campus administrators can censor computer mail.

John F. Dubach, acting director of the computing center, said that the stories are similar to the forums run in *Playboy* and *Penthouse*. The forums, which are created and managed by students, contain two hundred sexually explicit messages, including thirty to forty stories about sex. The number of students reading the forums increased from about thirty a day to well over a thousand in the week after news of their existence hit the campus newsstands.

Students pay a \$10 fee to work on the Cyber system, but they must also sign a document agreeing to use Cyber for only academic purposes. A public meeting to discuss the issue was scheduled for March 28.

been a nation based on the English tradition of the common law. Under that tradition, everyone is inherently *free* to do anything that is not prohibited by the law. In the French tradition, however, there is no inherent freedom. Rather, the government *confers* certain rights upon the people through a charter. Such conferred rights are, of course, vulnerable to whatever meaning the government or its courts wish to give them. The courts define the rights; by doing so, they limit them. From this, other differences arise.

In the English tradition, everyone is subject to the rule of law, whereas in the French, *le droit administratif* protects civil servants from prosecution for acts done in the performance of their official duties. For example, since the language law was reinforced and extended in 1988 the federal official languages commissioner and staff are virtually above the law. Neither he nor they are compellable witnesses, they cannot be proceeded against in civil or criminal courts for anything done in performance of their duties, and they cannot be sued for libel or slander.

Further, in the English tradition, Parliament—the voice of the people—is supreme. But in the French tradition, a written constitution, and therefore the courts, have supremacy over the legislature.

Canada since its inception has always been home to the two conflicting styles of government. But it wasn't until the advent of Pierre Trudeau that the dominant English style began to give serious ground to the French style, thus quietly, and unnoticed by most, effecting radical change.

In a nutshell, Canada's way of government has been changed into a centralized, essentially collectivist system—a welfare state—that by its nature smothers the whole country, regardless of regional and other differences, under national policies and programs that conflict with the wishes of the majority. Far from nurturing the spirit of nationhood, such a system is a recipe for dissension, and for the development of a litigious, fractious people.

How was such radical change engineered? By exploiting the fact that no political party in Canada can win a federal election without first winning over Quebec. The one-quarter of Canadians who live in Quebec use their

political power to control the majority by voting en bloc for the party they think is going to win. In order to win Quebec, a victorious party must make political promises to it. Since making them to Quebec alone would bring charges of favoritism, it must make similar ones to the rest of Canada; to that extent, redistribution of wealth and income has been a political fact of life since confederation.

A native Quebecer and a convinced socialist, Trudeau used the Quebec vote that kept him in office to engineer changes that were consistent with the French style of government. As Colin Campbell noted in his book *Governments Under Stress*, Trudeau put Canada through “perhaps the most furtive expansion of central agencies the world has yet experienced.”

As a result, the federal government has become The Great Redistributor, with 60 percent of its noninterest expenditures taken from taxpayers and passed around to governments, businesses, and individuals through three layers of bureaucrats.

The Canadian confederation is in the predicament Felix Morley expressed so clearly in his book *Freedom and Federalism*: “Socialism and federalism are necessarily political opposites, because the former demands that centralized concentration of power which the latter by definition denies.”

Nevertheless, help is at hand. The Great Redistributor is in serious trouble. Open-ended “free” medicare, “universal” social programs, and all the appurtenances of the welfare state have raised total government debt, per capita, to nearly double that of the United States. Ottawa has begun to curb its spending by cutting federal subventions to the provinces; provincial governments are cutting theirs to municipalities, and there the buck stops.

By law, municipalities are required to balance their budgets, but on average 50 percent of their spending has been money transferred from the other two levels of government. Now that the transfers are diminishing, local governments must either raise taxes or cut programs. Naturally they're not going to cut the local services they're accountable for, such as building and staffing schools (education accounts for more than half of property taxes), police and fire protection, garbage re-

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moval, maintaining roads and utilities; the programs to cut are those imposed on them by the other two levels, and in English Canada the one that stands out is the artificial provision of French-language services for the relatively few residents whose mother tongue may be French but for whom, like the residents of all other extractions, the working language is English.

Last November in Ontario, where a provincial law requires provincial government agencies in 22 designated centers to provide a range of French-language services, local governments reacted with legislation of their own. By March 1990, 53 local governments (out of some 800) had adopted motions declaring that their official business would be conducted in English only.

Because the language issue is so explosive, the reaction of those Ontario municipalities has attracted nationwide attention. It is also drawing attention to the danger of letting political power get into too few hands. While the political elites in Ottawa are free from the excesses perpetrated by the fallen idols of communism, they are by no means free from the corruption that attends all power. Majority views as expressed in opinion polls are simply ignored. The elites' views prevail as if the polls had never been taken.

Thus the Canadian voter has no influence whatsoever on such issues as official bilingualism, the criminal justice system, immigration and its offshoot, multiculturalism, so-called "pay equity" and "affirmative action" programs, government-funded advocacy groups, or the government spending that takes 52 percent of the average Canadian's income in taxes.

Taxes equal money equals spending power equals control. All the power is at the top. Ottawa controls provincial governments by making them dependent on money it transfers to them. In turn, provincial governments use some of that money, plus some from their own sources, to make local governments dependent on transfers, too.

In short, the spending power in Canada is upside down: most in Ottawa; less in the provincial governments; and least of all in the local governments that are closest to the citizens.

It is ironic that Pierre Trudeau's preoccupation with official bilingual-

ism should be the spark to ignite a revolt against the style of top-down government he imposed on English Canada, but the evidence is there. As Thunder Bay Alderman John Polhill put it: "We're getting sick and tired of getting legislated tax increases we have no say about."

On the divisive issue of official bilingualism, Canadians have gone through the fire to satisfy the predilections of one man: Pierre Trudeau. Many are

now hoping that unrest over the language issue will lead to a renewed understanding of federalism's capacity to reconcile order with freedom, and the need to restructure government accordingly.

Kenneth McDonald's third book on Canadian politics, Keeping Canada Together, is being published this month. He lives in Toronto.

BRIEF MENTIONS

CLASSICAL SPARTA: TECHNIQUES BEHIND THE SUCCESS

Edited by Anton Powell

Norman, OK: University of Oklahoma Press; 196 pp., \$32.50

HELLENISTIC AND ROMAN SPARTA: A TALE OF TWO CITIES

by Paul Cartledge and Antony Spaworth

London and New York: Routledge; 304 pp., \$35.00

The nations of Europe and America have always looked at themselves in the mirror of Greece and Rome. Of the many Greek city-states, two have served to define the usable past of antiquity: Athens, the home of democracy and birthplace of tragedy and comedy; and Sparta, a city who entrusted her defense to men, not walls. Like the United States, the classical Greek world attempted suicide in a war between the two communities that served as cultural poles.

Sparta has been in bad odor for some time. Victor Ehrenburg compared the harsh Spartan regime with the Nazi state, and that comparison has been repeated *ad nauseam* by scholars and vulgarizers who have neither Ehrenburg's erudition nor his excuse (he was a German). Two recent books have attempted to assess the secrets of the Spartan success on the way up and on the way down from the pinnacle of power she reached in the fifth century. *Classical Sparta*, unfortunately, does not entirely live up to the subtitle, although Stephen Hodkinson's essay on marriage and inheritance is an important reworking of a familiar question, and the book contains an interesting discussion of social drinking.

Hellenistic and Roman Sparta, on the other hand, is a fresh look at a topic that has received comparatively little attention. What happens to a highly developed community like Sparta, after it has been conquered and subsumed first by the Macedonians and then the Romans? Cartledge and Spaworth do a good job of wrestling with the evidence, which for much of the period is largely nonliterary. What emerges is a Spartan people with the usual ups and downs of fortune, but whose vision of their classical past gave them an identity that persisted down to the fifth century A.D. In the Roman period, Sparta became a sort of living museum, like Sienna, to which wealthy tourists flocked to observe the quaint customs and the harshness of the famous *agoge* (their system of male education). However artificial Spartan traditionalism may have been, it gave the Spartans a local identity and local patriotism that partly explain its comparative stability and success. As America enters upon its own period of decline, we could do worse than to take a page out of the book of another people dragged unwillingly into empire and ruin.

—Thomas Fleming

John Shelton Reed's "Letter From the Lower Right" will not appear this month.

•THE ARTS OF LYING•



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COMMONWEAL



Jeanne Berg

No-Fault Citizenship

by Philip Marcus

The United States has bestowed upon 3.1 million persons the new designation of "lawful" in place of "illegal aliens," which is what they were called when they arrived in our midst. The Immigration Reform and Control Act of 1986 attempts to right our mutual difficulty by putting these immigrants in line to become permanent resident aliens or even citizens.

The Immigration and Naturalization Service (INS) has announced the regulations to govern Phase II of this process, already having enrolled them on the books. By October 1994, either these persons will have taken the next step toward permanent residence, or, having failed to comply, will have been subjected to deportation proceedings. The key is preparing them to make that next step forward or backward.

The resident test partly determines the future, and the INS has published a list of 100 questions concerning American history and government, some selected number of which must be passed, in English. This test, and the regulations governing the next phase in the life of our newest prospective Americans, is a peculiar manifestation of our

times. Reflecting the compromise out of which came the amnesty for those who had jumped the line to enter the U.S., these INS regulations mirror what citizenship means in the present Republic. Prerequisite to taking the test an illegal must show evidence of continuing capacity to provide for his material needs as well as submit to an AIDS test.

What this exam, and the INS's final regulations, may teach these prospective citizens is for us to ponder. It is at least odd to offer as a reward to these people of self-evident determination qualification for the swaddling clothes of the underclass. Yet that seems to be one of the test's chief lessons.

Of America's history there is an amputated stump, though the myth of the cherry tree is missing. Seven heroes are identified. George Washington gets three references. Abraham Lincoln gets two, and there's one each for Thomas Jefferson, Patrick Henry, Francis Scott Key, Martin Luther King, Jr., and a generic American Indian. Yankee history it is, too, with the *Mayflower* and Pilgrims the only prologue to the Revolution. The hardest question may be #82: "Name one purpose of the United Nations." About the states only the first thirteen and the last two admitted matter, for those reasons. Facts about three wars must be known; that our first was against England, that Lincoln presided over the Civil War to "free many slaves," and that in World War II our allies included the Soviets. We have two holidays, the Fourth and Thanksgiving; Inauguration and federal election days are the other notable events on the calendar.

The Constitution receives a decidedly democratic reading. One question requires its identification as the "supreme law of the land," while two other questions detail the process and extent of its amendment. There is nothing about the ideas of the Constitution beyond stating that the "most important" right is to vote (nothing is said about taxes).

In addition, one-fourth of the list is phoney. Much of the required knowledge is redundant; one question an-

swers another, as Questions 9 and 10 illustrate: if the Fourth of July is Independence Day, what is July 4? Assuming the ACLU hasn't banned the flag's display in federal offices, test takers with the wit to look at the flag can see answers to the first eight questions.

Embedded in Question 84—"Whose rights are guaranteed by the Constitution?"—is a startling instance of what used to be known as an "un-American" idea. The correct answer, now, is "everyone," citizen and alien alike. Before this recently invented doctrine, the Constitution distinguished between citizen and person, reserving to citizens certain political rights the possession of which separates us from all other people.

So why become an American citizen? The traditional answer was to exercise certain self-evident truths. The newly authorized answer (Question 86) lists only: to get a government job, travel with the blue passport, or petition to bring relatives here.

What does this test teach? Those who take it are already receiving one reward for breaking the law; compliance will bring them more. We ask them to learn some of the symbols of American life while gaining experience in it. Whatever they may have learned about the American way of life while living here, current law teaches them that they are part of a special group. With the "affirmative action state" being the antithesis of traditional ideas of American citizenship, this test implicitly leads its students further down that road.

Assimilation into our common culture seems like thin gruel to those who learn the lessons of this test. In it and in today's nation we plant seeds for a new crop; will these new immigrants wither, hyphenate, or grow up to be like most other Americans? Whatever happens, we should see now that we fail them twice over as to the meaning of American citizenship.

Philip Marcus is a member of the J. William Fulbright Foreign Scholarships Board.