

THE CHANGING OF THE GUARD IN WASHINGTON

by Stephen Clarkson

Unlike the ideological oscillations of post-war British politics, the left-right cycles in Canada have not been synchronized with those of the United States. In 1968, when Richard Nixon ushered in a quarter century of American conservatism, Pierre Trudeau invigorated Canadian liberalism with his charismatic pitch for a renewed commitment to an activist, bilingual federalism. In 1984, Brian Mulroney came to power having indicated his opposition to the panacea of free trade and his support for the welfare state. It was only in 1985, when the Reaganauts were already moving into their less crazed, less xenophobic phase, that Mulroney, wallowing aimlessly on the political sea, grasped the neo-conservative chart handed to him by the Macdonald commission and swung the ship of state to starboard.

Although this historical syncope suggests that the Democrats' recent feat of capturing the White House while holding on to their majorities in Congress and the Senate will have little immediate impact on Canadian politics, common sense suggests otherwise. Most signs indicate, on the contrary, that the end of the neo-conservative phase in American history will also terminate Canada's unhappy experiment with an ideology so foreign to its culture.

I do not want to overstate the case. Bill Clinton's dramatic victory does not represent a radical rejection of conservatism. As a right-wing Democrat, he subscribes to much of the conservative critique of the welfare system even if he does want to expand health care to cover the 50 million Americans in the underclass. He inherits such a large budgetary deficit and national debt

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from Reagan's time that any inclinations toward social-democratic munificence will be strictly curtailed by the greater priority of keeping the markets calm and the dollar steady.

SEARCHING FOR A CANADIAN CLINTON?

Nevertheless, Clinton's attractive political persona and interventionist economic message are likely to have a direct impact on Canadian parties.

This smarter, more savvy, and less libidinous version of John Kennedy gives Canadian Tories one more powerful reason to urge their leader to retire before he brings electoral disaster down around their heads. With the Clinton model very much in mind, they would be able to replace Mulroney with their own smart, savvy newcomer from the periphery who has the capacity to shift her party back to a more government-friendly stance. A Tory conservatism revived by Kim Campbell would be politically all the more salable given the Liberals' rejection in 1990 of Paul Martin, who not only talked the language of Clinton's lead economic adviser, Robert Reich, but understood it.

Bill Clinton may make Jean Chrétien seem even more out of step with his times than he naturally seems, but the U.S. president makes Bob Rae and Mike Harcourt appear positively sensible in their attempts to invent industrial strategies that are compatible with the shackles imposed by NAFTA. It is dangerous to write off a government that has two more years to rule; the spillover effect of Clinton's economic platform should make the NDP's shaky grip on office considerably more secure, particularly if the U.S. eco-

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conomic recovery pulls Canadians out of their economic despair.

CANADIAN-U.S. RELATIONS UNDER CLINTON

As for the Canadian-American relationship, speculation has to draw on such symbolic acts as the gestures of each head of government. When Prime Minister Mulroney goes out of his way to pay court to President Bush, visiting him at Camp David to make a pointed fond farewell, he is underlining his lack of either contact or rapport with the incoming administration. When President-Elect Clinton gives his first audience with a foreign head of government to President Salinas and manages to hold an open-air press conference about NAFTA with his Mexican counterpart without giving the impression that Canada exists, he is telling us something about the new administration's interest in its other neighbour.

Do these indications of non-communication between the new president and the old prime minister matter? Intimate, not to say fawning, relations between Brian and Ronnie, then Brian and George, did not prevent a severe worsening of trade relations between the two countries (as measured in U.S. countervailing actions against Canadian exports).

Happy CanAm summitry produced a trade agreement so damaging to the fabric of the Canadian polity that the country's survival as a nation state is now an open question. Unfortunately, it does not follow that cooler feelings between the White House and 24 Sussex Drive will improve Canada's only crucial for-

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ign relationship. More than Bill Clinton's pleasantries, it is better economic conditions in the United States that are needed to reduce the proclivity of beleaguered American businesses to harass their Canadian competitors.

Where Clinton could make a difference is in moderating the American response should a Liberal/NDP government decide to abrogate the free trade deals. Although the two

agreements he inherits give his government unprecedented powers to intervene in Canadian (and now Mexican) affairs, the former Arkansas governor has no personal capital involved in their negotiation, so he would be less vindictive in considering retaliation than would a re-elected Bush. Like Carter before him, Clinton's internationalism promises less gratuitous military adventurism in U.S. global policies and hemispheric initiatives. As a result, Canada should find itself, as in the 1970s, with more room should a new prime minister wish to pursue directions different from those of the State Department, and if the Uruguay Round of the GATT is brought to a successful conclusion, the Canadian business class may be able to raise its horizons from its continental fixation and test its capacities beyond the confines of Fortress America.

In sum, the end of the Reagan/Bush era and the arrival of Bill Clinton may offer Canada a new margin of manoeuvrability, giving it a chance to turn the clock back and return part of the way to the situation before Mulroney headed it toward the rocks.

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WHAT DID THE JUDGES KNOW, AND HOW DO THEY KNOW IT?

by *Thelma McCormack*

Less than a decade ago, any textbook in criminology would have described pornography as a "victimless crime." Sociologists and social psychologists were studying the pathology of censors and various right-wing social movements, while the Law Reform Commission of 1975, chaired by the Honourable E. Patrick Hartt, recommended that

obscenity be removed from the *Criminal Code*. The late chief justice of the Supreme Court, Bora Laskin, wrote: "We espouse this freedom [of expression] because of a conviction supported by experience, that individual creativity, whether in the arts or in the humanities or in science or in technology, constitutes our social capital."

Yet, in 1992, when the Supreme Court of Canada had an opportunity to remove obscenity from the *Criminal Code*, or at least pave the way to more enlightened regulation, it chose not to. In the *Butler* case, the court reviewed a Manitoba Court of Appeal decision that had found that a group of videos were protected by section 2(b) of the Charter even