Equality

For a Canadian in 2005, one of the most notable aspects of Raymond Williams's discussion of *equality* is that he perceives the word to be used only in relation to individuals. Canadians who for decades have discussed *equalization payments* from the federal government to the provinces, or argued whether a province, within a system of asymmetrical federalism, could be both different and equal, have routinely in recent years employed the word in discourses of group rights. The Canadian Oxford dictionary lists both *equalization payments* and *equality rights* as specifically Canadian terms. *Equality rights* have been since 1985 in Canada a constitutional entitlement, and although described in the compound main clause of Subsection 15(1) of the *Canadian Charter of Rights and Freedoms* as "individual" rights ("Every individual is equal before and under the law and has the right to the equal protection of the law, without discrimination"), have become also group rights through judicial interpretation of the long appositional phrase attached to it ("and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability"). The Supreme Court in *R v. Swain* (1991) stated that "the overall purpose of s.15" was "to remedy or prevent discrimination against groups subject to stereotyping, historical disadvantage and political and social prejudice in Canadian society," although in *Miron v. Trudel* (1995) it moved back to an emphasis on the individual when it restated the section's purpose as being "to prevent the violation of human dignity and freedom by imposing limitations, disadvantages, or burdens through the stereotypical application of presumed group characteristics rather than on the basis of individual merit, capacity, or circumstance." Equality here, as Williams wryly observed in 1976, is each individual's "equal opportunity to become unequal (118)." More recently the Court has distinguished (in *Law v. Canada,* 1999, a case in which an able-bodied surviving spouse under the age of 35 and without dependent children was denied Canada Pension Plan survivor benefits) between permissible inequality and inequality that is impermissible because it has a "demeaning" effect on the individual.

In his analysis, Williams distinguishes between an understanding of equality as normative, in which "newly created" inequalities are to be redressed, and an understanding of it as a starting point, in which individuals ideally begin life with equal opportunities to display and exercise their particular abilities. Since the adoption of the Charter of Rights and Freedoms, Canadians have been preoccupied with equality before the

law, seeing it as a way of addressing both of Williams's understandings, including for example the legal rights of gays and lesbians—presumably rights of opportunity—and the apparent inequalities "newly created" by the Canadian government's program of assistance to those who contracted hepatitis-C through blood transfusions between January 1, 1986 and July 1, 1990, but not to those who contracted it before or after that period.

To some extent this concern with *equality* has conflicted with a similarly strong concern in the past few decades in Canadian society for the acknowledgement of *difference,* as in the continuing Canadian problem, noted above, of how to define a Quebec province that may be different but equal. (In gay and lesbian rights, a similar question arose in 2004 about whether different nomenclature for opposite-sex and same-sex marriage could result in kinds of marriage that were also different but equal. Most likely, the Supreme Court's "demeaning" criterion implies not.) In individual legal rights, equality has tended to be ranked higher than difference, whereas in arguments for group rights, difference has often been argued to outweigh equality. Canadians, for example, had to ponder before and after the passing of Bill C-31 in 1985 whether Canadian aboriginal individuals who marry an individual of another race should, depending on their gender, have unequal rights to live with their spouses on reserves merely because such inequality may be one of the "differences" that has characterized recent aboriginal cultural practice. Or should the individual right of an aboriginal woman trump the apparent masculinism of her group's claim of difference? Similar debates have attended the cultural practice of cliterectomy and, currently in Ontario, the proposed introduction of Sharia law to the arbitration of some marital disputes.

Because of this always potential conflict between concepts of equality and difference, equality can at times be perceived as a weapon against difference—on the group level when, for example, some Canadian provinces attempt to oblige Quebec to accept "equality," and on the individual level when the state attempts to provide equal access to blood transfusions to all children regardless of the religious beliefs of their families. Williams's normative equality for individuals could appear at some times to share ground at the group level with normative homogeneity.

In the context of individual economic well-being, there is now even more inequality than in 1976 when Williams hinted that the persistence of economic inequalities might be making "legal or political equality merely abstract." Thomas Jefferson's fear that individual accumulations of wealth could make a mockery of the newly asserted political rights of American citizens has come true several times over. In Canada, recent election finance

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laws have been enacted in an attempt not to eliminate but to limit such economically based political inequality. Almost all individuals are presently unequal to large corporations in the ability to marshal legal resources—causing many Canadian authors to fear the censorship effects of "libel chill" to such an extent that it is now one of the two main domestic focuses of PEN Canada. Among nations, and among individuals within nations, are vast inequalities of wealth which in turn create vastly unequal developmental opportunities for children and vastly unequal conditions in which to learn and create. Such disparities are systemic in competition-based economies which necessarily reward and penalize differences in performance and achievement. Moreover all economic systems appear to produce economic inequality through the toleration of corrupt practices. Within nations, progressive taxation of income, estate taxes, and land transfer taxes recognize legitimately produced inequality, but attempt merely to mitigate rather than minimize it. The difficulty in aiming to operate on the basis of "equality" within a competitive system was evident in the 1980s in a certain Canadian English department which in some years attempted to distribute merit pay by declaring its members "equally meritorious." Not only was it eventually opposed by the faculty union, but several of its members were lured away by competing universities that offered higher salaries, or were retained only by means of matching offers from the dean.

An aspect of Williams's keywords that is often lost in when debating social questions such as the foregoing is that a word such as *equality* is for him an evolving concept and practice (discursive, legal, social) rather than an ideal. He begins almost every entry by dating when the concept began to be imagined and constructed. In Canada, with its now constitutionally regulated understandings of equality existing both alongside and over common law understandings and those of social opinion, understandings of equality are negotiated both within the courts and within society—mostly within the latter (only 47 "equality" cases were decided by the Supreme Court between 1985 and 2004, and the record shows its understanding of equality to be itself social, relational, and evolving). Nevertheless the Court's various decisions have acted as equality benchmarks, influencing general opinion on what is constructed as fairness in everyday life. The generalizing of "equality of opportunity" understandings have seen granting agencies attempt to broaden representation on juries, literature professors enlarge "group" representation on reading lists, employers insert equity clauses into their job advertisements, and governments offer "redress" to Japanese-Canadian Second World War internees and an apology for the

Chinese immigration "head tax"—as the general social understandings within which they all function have changed.

One might say that the "prestige" of equality has risen in the past decades in Canada, particularly within the classes that have access to institutional influence, even while distressing and often racially based inequalities have continued to be tolerated within public view. Most questions of equality have practical stakes in terms of such things as quality of housing, nutrition, social benefits, educational opportunities; others, however, have been mainly symbolic, such as the same-sex "marriage" question, or the question of whether Quebec's assembly should be called "provincial" or "national." The curricular and research choices open to college and university teachers are also mainly symbolic, although for living writers they can have some material effect on that person's grant applications and royalty income. As Bourdieu's research has indicated, symbolic capital is not equally available nor in infinite supply. From a Bourdieuian perspective, canon-related arguments that appear based on fairness or equality may also be the familiar gambits for competitive positioning that occur whenever there are new entrants to a cultural field. However, symbolism can have important social and psychological consequences; equality and status are as much unlegislatable matters of respect and acceptance as they are ones of statute and regulation.

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Experience

The entry "experience" in *Keywords* seems to me one of the more cryptic, even obscure ones in the collection. Williams's technique of sketching an often confused word-history with just a few strokes is only partly responsible for the impression this entry gives of shedding as much shadow as light on its topic. Nor is it just that Williams's writing shows here and there too little concern for the reader's comfort by setting several demonstrative pronouns afloat in a small sea of possible antecedents, with the result that one is often left puzzling out exactly which "this," literally, he is talking about. All of the entries are potentially affected by these same limitations, but few come out of the experience as badly as "experience."

Perhaps the simple wordplay just indulged in can give a hint as to why this should be the case. Differently from the examination of other terms, the