

SPECTRUM

In The Pink

Equality Rights

by James Gill

One of the most important goals of the lobby effort for gay and lesbian rights is the amendment of provincial human rights codes. In order to achieve this, it is important that people understand the implications of such an amendment.

What must be understood is that sexual orientation has a strong degree of immutability. It is physically possible for a gay man or lesbian to have a sexual relationship with a person of the opposite sex. Indeed, far too many of us are channelled into such relationships, not only to our own detriment, but to the detriment of the other person as well. By the same token, though, it must be remembered that it is physically possible for a heterosexual man to have a sexual relationship with another man! For every story of a gay man or lesbian who has been "cured", there are a score of stories of people leaving their spouses because they are no longer able to repress their sexual orientation under a mask of heterosexuality. We must question whether it is proper for us, as a society, to take away a person's right to self-determination.

It is already clear from cases like *Vesey v. Commissioner of Correctional Services* and *Vancouver PWA Coalition v. B.C. Minister of Health* that section fifteen of the *Charter of Rights and Freedoms* includes sexual orientation as a prohibited ground of discrimination. It must be noted, however, that the *Charter* applies only to the federal and provincial governments.

In order to complete the legislative protection, the Federal and Provincial Human Rights Codes must be amended to include sexual orientation. Currently only Manitoba, Quebec, Ontario and the Yukon have done so. These pieces of legislation are binding upon private individuals and prohibits them from discrimination in the areas outlined by the code. In New Brunswick for example, such an amendment would guarantee that lesbians, gay men, bisexuals and heterosexuals could not be denied accommodations, services, or employment because of their sexual orientation, or association with people of a particular sexual orientation. Currently there is no remedy whatsoever if an employer refuses to hire a person, a landlord refuses to rent to a person, or a provider of a public services refuses to provide it to a person, enter into a contract with that person, or refuses a person admission to a facility simply because that person is, or is thought to be of a particular sexual orientation

whether it be homosexual, heterosexual or bisexual, or associates with people of a particular sexual orientation.

In one case, a student was refused a summer job despite the fact that he had been told he was the ideal candidate for the position, and that he would be recommended to the owner. During the interview he was asked if he was gay, and when the student said yes, he was asked if he would deny it if someone asked. The student responded that he would attempt to defuse the question, but if pressed he would tell the truth. He was not hired.

This is but one example of discrimination, however, heterosexuals have also suffered discrimination because they were perceived to be gay. A part time employee in a fast food restaurant was fired for having his ear pierced because the employer did not want people to think he had gay staff (to the best of my knowledge, the employee was not gay). Several landlords have refused to rent one-bedroom apartments to

two people of the same sex, later renting to same apartments to single individuals, or two people of the opposite sex (how many of you straight university students share a one-bedroom apartment?). A human rights amendment would protect heterosexuals from discrimination because they are heterosexual, associate with homosexuals, or are perceived to be homosexual.

Such an amendment would not eliminate discrimination overnight, nor would it force churches to hire gay or lesbian clergy, legalize any sexual act which is currently illegal, force people to take gay and lesbian people as boarders of volunteers, nor would it give gay and lesbian people special rights.

I am not naive enough to think that legislation or court orders is going to make people over their neighbours and accept their lifestyles, however, what it will do is provide more equal opportunity for lesbians and gay men to participate in society.

Legal Ease--

Engagement and Marriage

As with most other aspects of our lives, the law has something to say about engagement and marriage. The union of two persons in marriage brings with it many changes, not the least of which is a change in legal status. When planning a wedding, it is important that you be aware of the requirements for a legal marriage and see to it that all the necessary formalities are respected.

Are there any legal consequences attached to breaking a marriage engagement?

Many people would be surprised to learn that an engagement is considered to be a contract to marry another person. Under certain circumstances, a person who breaks an engagement may be required to pay damages to the innocent party, his or her former fiancée.

What happens to gifts between couples and gifts to couples from other people if an engagement is broken?

When a marriage engagement is broken, problems may arise with respect to the property rights of the parties involved. A common problem is that of who is entitled to the engagement ring. In general, if the recipient of the ring breaks the engagement, the person who gave it is entitled to recover. On the other hand, if the person who gave the ring is responsible for breaking the engagement, it usually cannot be recovered. Gifts to engaged couples (wedding gifts) are said to be conditional on the marriage taking place, and in most cases must be returned if the marriage is called off.

What steps must I take in order to get married in New Brunswick?

In order to be married in the Province of New Brunswick, you must obtain a marriage licence. To do this, both you and your intended spouse must appear before an issuer of marriage licences and file an application. The fee for such a licence is thirty dollars. Unless the circumstances of your marriage are urgent and exceptional, you must wait five days after making your application before the licence will be issued. After you have obtained your licence, your marriage must then be solemnized (the ceremony performed) within three months.

Who has the authority to solemnize a marriage?

Your marriage may be solemnized either by a member of the clergy (a religious ceremony) or by a Clerk of the Court of Queen's Bench (a civil ceremony). There must be present two or more credible witnesses who are nineteen years of age or older. If you are married by a Clerk of the Court during regular office hours, the fee is twenty-five dollars. After the ceremony, the person who has solemnized your marriage will give you a marriage certificate.

Can a member of the clergy from outside New Brunswick perform my wedding ceremony in this province?

Yes, this is possible, but the member of the clergy in question must apply to the Marriage Act Section of the Vital Statistics office for a temporary registration permit. He or she will then be able to legally solemnize your marriage. It is important to make such arrangements well in advance of your wedding date, as it could take up to five weeks for the necessary permit to be issued.

The views found in SPECTRUM are not necessarily those held by the BRUNSWICKAN. Writers interested in writing for SPECTRUM should submit at least three articles of no more than 500 words each. The BRUNSWICKAN retains the right to publish material at its own discretion

The woman's room Plus Ca Change, Plus C'est La Meme Chose

by Maria Kubacki

The beginning of the second wave of feminism was characterized by a faith in the willingness of men to help women to change a sexist society. Having established among themselves that women were systematically oppressed under patriarchy (rule by the Fathers), the feminists of the 1960's presented their conclusions, expecting men to do everything in their power to rectify the situation, once they recognized the validity of the feminist analysis. As we move in to the 1990's, it is becoming more and more difficult for women to believe in men's goodwill. I'm about as naive as they come - at least as naive as the feminists of the 1960's - but, if even the excruciatingly slow pace of social change and the remarkable adaptability of patriarchy, I've come to believe that Lillian Allen was right when she said: "No change without struggle/No one in power ain't givin' up nothing".*

Here in Fredericton, the events of the past few months seem to suggest that things really haven't changed very much; nor do they appear to be very likely to change in the foreseeable future, unless women (and sympathetic men - they do exist!) unite in protest.

About two weeks ago, the Daily Gleaner reported that the students who had been selling sexist T-shirts at the UNB law school had been ordered to remove the T-shirts from Ludlow Hall by Dan Karl Dore (Daily Gleaner Friday, March 16/90). The T-shirts, bearing such slogans as "He-Man Woman Haters' Club" and "F3" (Find Them, F--k Them, and forget Them), were evidence of a contemptuous and even violent attitude towards women, but the incident was brushed off with the usual sorry excuse for an apology: Dean Dore said that he took action as soon as he knew, but stressed that he considered it an "ill-advised joke with no malice intended" (Daily Gleaner, Friday, March 16/90). Thank you, Dean Dore. That's right, we feminists have no sense of humour.

What if the T-shirts had said: "White Supremacist Nigger Haters' Club"? or: "Aryan Anti-Semite Club"? Would the groups under attack have been told that it was just a joke if they had protested? Maybe. But I think that most people have no problems recognizing that people of colour are oppressed by whites, and that Nazis did try to exterminate the Jews during WWII. And, by the way, all you budding lawyers, the dissemination of hate literature is illegal. Maybe you missed that class, being too busy printing up those misogynist T-shirts.

Would the situation be any different if a group of women had printed up some T-shirts bearing the slogan "She-Woman Man Haters' Club"? I would say that yes, it would have been completely different, because women, as a group, have no significant power over men. Behind every misogynist joke made by men is the whole weight of male power and privilege (economic, social and political power). The difference is that men who hate women are in a position to act on that hatred - that hatred is translated into violence in all its forms.

Of course, maybe we can't expect much more from a campus where women make up less than 20% of the professorate (the ratio of male professors to female professors had not changed significantly in the past 70 year or so). How can we expect students to be sensitive to women's oppression when neither the professors nor the administration take the problem of gender inequality seriously? The university has agreed to implement the federal government's employment equity program, but, so far, no concrete steps have been taken. Over the course of the past few months, both the English and law department at UNB have tabled affirmative action proposals.

One would think that after the Montreal massacre, people would begin to see that things have to change. Alas, it appears that the spirit of Marc Lepine lives on at UNB. If anyone tells me that we are making progress, I will have to reply that "Plus ca change, plus c'est la meme chose".

N.B. I can't help but wonder about the sexual orientation of the male law students who make the infamous T-shirts. If they hate women, do they sleep with men? Nah, they're probably homophobic, as well as sexist.

*Lillian Allen, "Why Do We Have To Fight" (from the *Conditions Critical* album)

How old must I be before I am free to marry?

You must be eighteen years of age or over in order to be married. If you have attained the age of sixteen years, but are not yet eighteen, you may be married with the consent of your parent or legal guardian. If you are under the age of sixteen, you will require a declaration by a Judge of the Court of Queen's Bench permitting the marriage in addition to the consent of your parent or legal guardian.

Do banns of marriage have to be published, by a church before I can get married?

No, the publication of banns is not necessary and does not take the place of a marriage licence as it once did. However, the *Marriage Act* does not prevent your place of worship from publishing banns according to its traditions.

Do I need to have blood tests performed in order to obtain a marriage licence?

No, blood tests are not required in New Brunswick.

What options do I have for choosing a surname after I am married?

The *Change of Name Act* presents you with a number of alternatives. You may retain the name you had been using at the time of your marriage or you may decide to assume the name of your spouse. If you wish, you may use a combination of the two, such as Smith-Jones. Finally, you may choose to revert to your registered surname.

NOTE: THIS LEGAL COLUMN IS WRITTEN FOR INFORMATION PURPOSES ONLY. IT IS NOT INTENDED TO BE A REPLACEMENT FOR PROFESSIONAL LEGAL ADVICE.



Sexual

Dear Editor,

A reply to M column in which that there are pr twelve gays li male residence a James, please ke fantasies betwe your friends. TH S T

Fantasti

Dear Sir,

I would like the Grad Class 1990 on th fantastic job th planning this ye

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This year ha of my life. I ca non-stop actio Week Activiti there!!!

"Disgruntled Gra

P.S. - And bef say, "Why participate?" - I every meeting given more th notice of) and what good does