

SPECTRUM

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LEGAL EASE

Drugs, Alcohol, and the Law:
Part 1

The object of this series of articles is to reinforce and add to the information students may already have with regard to the legal implications related to the use of drugs and alcohol.

WHAT IS A DRUG?

Health and Welfare Canada offers the following definition: "a drug is any substance other than food, which is taken to change the way the body or the mind functions." As well as the drugs we think of as dangerous and illegal, this definition also includes such everyday substances as alcohol, painkillers, tobacco (nicotine) and coffee or cola (caffeine). All of these substances, although common and readily available, cause some physical or mental changes.

The term "street drugs" is meant to include drugs that are always illegal or legal drugs that are used illegally. There are three main legal categories dealing with drugs:

(1) NARCOTICS

This category of drugs is dealt with by the Narcotic Control Act. It includes such

drugs as marijuana, opium, and cocaine. Technically, a narcotic is a drug that produces a numbing effect, but legally, is any drug that is listed in this Act. One characteristic of many narcotics is that they are natural in origin, having been derived from such plants as the opium poppy, the coca plant (cocaine), and cannabis.

It is a criminal offence to possess any drug listed under the Narcotic Control Act.

(2) CONTROLLED DRUGS

These drugs are generally made from chemicals. They are dealt with under the Food and Drug Act. The main function of this Act is to control the use and manufacture of drugs which have medical uses.

Controlled drugs are basically stimulants and depressants. Common controlled drugs include valium, amphetamines ("uppers"), and barbiturates ("downers"). These are drugs that are usually available with a doctor's prescription. Therefore, mere possession of these drugs is not illegal.

However, it is illegal to possess such drugs with the intention of selling them.

It is an offence to obtain a prescription for a controlled drug without informing the physician of all previous prescriptions for controlled drugs within the past thirty days. Penalties for this offence can be quite severe, reaching up to a fine of \$5000 or three years in jail.

(3) RESTRICTED DRUGS

Restricted Drugs have no medical uses. They are known to be hallucinogenic in nature, which means that they distort reality and create illusions or delusions. Such drugs as LSD (acid) and magic mushrooms are included in this category. It is an offence to even possess such drugs.

NOTE: The information for this article was obtained from a pamphlet entitled Drugs, Alcohol and the Law, which is published by the Public Legal Education Association of Saskatchewan (PLEA).

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

WOMEN'S ROOM

DATE RAPE...AND OTHER ISSUES

by Maria Kubacki

Date/acquaintance rape has become a hot topic lately, especially on university campuses. No longer merely a "women's issue", date rape has become a "social problem" which should be addressed by the university community as a whole. Professors and university administrators agree that students should be enlightened through films and lectures on the subject. Nevertheless, date rape continues to be a "problem". If everyone's consciousness has been raised, why won't this issue go away?

I suspect that, while date rape is finally beginning to be discussed, it is being discussed as though it were a minor aberration in a system that is, for the most part, egalitarian - s though there were no such thing as patriarchy. Date rape is not merely a vestige of some distant sexist past, however; it is part of a complex system of practices that continues to oppress women today.

A feminist philosopher has developed an image that helps to illustrate the nature of this patriarchal system. Marilyn Frye points out that if you look very closely at just one wire in a birdcage, you cannot see the other wires. You could look up and down the length of that wire and be unable to see why a bird would not simply fly around it. Even if you examined each wire, you would still have trouble understanding why the bird might not be able to get past the wires. It is not until you step back to look at the whole cage that the problem becomes clear: the bird is surrounded by a "network of systematically related barriers, no one of which would be the least hindrance to its flight but which, by their relations to each other, are as confining as the solid walls of a dungeon".

Consider the following scenario: a woman is sexually assaulted by an acquaintance, who happens to be a prominent businessman, a 'good husband and father' and a friend of her husband's. She tells her husband about the incident but, although he wants to believe her, her husband suspects that she 'asked for it.' The woman's husband refuses to support her and, in fact threatens to leave her if she attempts to take the matter to court. The woman has three young children and is financially dependent on her husband.

Obviously, the woman is stuck between a rock and a hard place: she can report the incident despite her husband's threat and end up on the street,

or she can drop it and endure her rage and pain in silence and fear.

Of course, I am simplifying the matter - the situation is actually much more complex. Even if the woman's husband were supportive, chances are that the police would be less than sympathetic, particularly if the woman had been under the influence of drugs and/or alcohol at the time of the assault, if she happened to be on friendly terms with the assailant before the assault or if she had been experiencing difficulties with her husband. Furthermore, even if the case actually went to court, and the man were found guilty he would probably get no more than a slap on the wrist.

Date rape, then, cannot be examined in isolation from other issues. Women who are sexually assaulted soon discover that they are oppressed on many levels: economically, legally, psychologically and politically. As far as we

know, the majority of victims of sexual assault are women, and the majority of assailants are men (about 95%). The majority of police officers are still men, as are the majority of lawyers and judges. Sexual assault laws have been written by men. Thus, women are being sexually assaulted by men, and then are victimized by a male-dominated judicial system.

About a month ago, I gave a 'speak' on date rape at the Correctional Centre for Adults in Silverwood. I had every intention to talk about date rape specifically, but, as the men in the audience began to speak out, we began to touch on a wide range of other issues. What started out as a discussion about date rape became a discussion about gender socialization, which led to a discussion about family violence...Somehow, we ended up talking about capitalism and, before you know it, we were talking about...revolution!

Perhaps it is no accident that date rape is examined in isolation from other issues. It seems that, as soon as we begin to make connections between different forms of oppression, we end up talking about structural social change. In other words, we cannot solve any particular "social problems" without addressing the basic structure of our patriarchal/capitalistic society. We have to look at the birdcage as a whole.

SMOKER'S RIGHTS

These comments are dedicated to two female students in the solarium section of the SUB cafeteria at noon on Wednesday, February 7, 1990. I hope you know who you are.

I would like to open my article by informing the readers that I am an avid non-smoker. This is not to say that I condemn those who smoke, rather that I truly find the habit useless, costly to the individual in terms of the pocketbook and to his health, and a crippling contribution to an already collapsing national health care system. I, therefore, do not "indulge".

The contemporary concern of human rights issues opens the door to numerous forums and debates through which two or more camps may air their concerns on a variety of social issues. With respect to current smoking policies in public places, namely the SUB, there exists at least two sides each with supporting valid arguments. One of the principle issues at stake here is that there IS a bylaw or regulation in place which prohibits smoking in the SUB cafeteria. The fact that this regulation exists does not seem to deter people from smoking in this prohibited area, however for the most part, the smokers accommodate our non-smoking rights and I thank them. The smokers tend to congregate at the front window and raised terrace sections of the cafeteria. This clustering is politely tolerated by most courteous non-smokers as we know that this group should be entitled to a smoking area just as we are entitled to a non-smoking environment. The fact remains that presently the WHOLE SUB CAFETERIA is designated non-

smoking so I encourage ALL patrons to honor the "law" just as they would (should) any other regulation in our society.

Our governments (all levels) have sought to rectify many social problems by hastily imposing various rules and regulations. Although legislation may have been passed, the enforcement is not such a black-and-white issue. When enforcing an emotional issue (eg. smoking or non-smoking) many factors must be considered--environment, population, and the rules and regulations themselves to name a few.

Last week (I am sure it repeatedly occurs) a student "lit up" in an area CLEARLY MARKED and traditionally assigned as NON-SMOKING. Another student POLITELY approached her and asked in a calm and quiet manner to either refrain from smoking in this area or please move somewhere else. Instead of civilly obeying the regulation (and request) the smoker rudely and aggressively responded with a barrage of defensive comments and excuses. The non-smoker reluctantly retreated, obviously extremely disappointed with the conduct of one of her peers.

I am sure all would have been fine except that the girls at the "smoking" table started making numerous snide remarks about the non-smoker and the situation in general. I was both disgusted and appalled at this immature behavior. There was no need to be so rude or aggressive especially over an issue of relatively minor importance. (as compared to world hunger for instance) Where do today's youth (especially those right out of high

school) lose their manners? Maybe they never learned them in the first place!

I hate to generalize about today's youth because there are always refreshing exceptions but as I look around each day I wonder how traditional things such as common courtesy have been allowed to erode so greatly. Since my return to school after a 10 year absence, I have been shocked and disappointed by poor and immature attitudes toward things ranging from lack of respect to person and property, to inattention to study and learning development in general.

We are all presumably mature adults attending an institution of higher learning. Let us all learn to work together on dissenting issues toward a more harmonious environment. This theme is global in nature, especially recently, so let us start out small. The university committees responsible for smoking policies could help by establishing an area just for smokers. Regardless of the outcome of this request, I still expect smokers to respect non-smokers privileges (and laws), just as we should respect the smokers' side of things. This, my friends, is called common courtesy.

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