

SPECTRUM

THE NEW FAMILY

by James Gill

One may well laugh at the joke, "God bless Uncle Joe and his roommate Tom, who we're not supposed to talk about". This serves to illustrate an inherent hypocrisy in the "family values" we supposedly hold in Canadian society.

In arguing against equality for lesbian and gay people, many heterosexuals will assert that homosexuality runs contrary to "family values". So, too, in arguing against the legal recognition of same-gender marriages, we hear the argument that the purpose of marriage is procreation, something which is impossible in a same gender relationship (for the time being).

In its legal sense the whole nature of marriage is vastly different. Legal marriage is, in the final analysis, a special contract between two people. Each party to the agreement gain certain benefits, and in recognition of the contract, the state provides further benefits. However, our social system provides a vast array of support structures which exist solely to deal with children of unmarried parents, and for the parties to a dissolve marriage. Furthermore, the legal benefits which attach to marriage do not depend on procreation. So, while the religious concept of marriage may be immutable and have the purpose of procreation, our legal system conforms with that concept only insofar as it recognizes the religious solemnization of marriages. If the religious principles do not apply to the legal nature of the relationship between a woman and a man, then why should they apply to the relationship between two women?

If one wishes to make the arguments of family values and the procreative purpose of marriage, that is all very well, but they must be made consistently. A moralist cannot pick and choose the morals that he or she will apply to one situation, and in the next breath distinguish them out of another. This does not mean that the moralist can avoid the hypocrisy by simply saying, "I don't agree with divorce or having children out of wedlock". For the hypocrisy is perpetuated in the legal structure of society. To argue against recognition of same-gender relationships one must also argue for the disestablishment of our structures for the dissolution of marriage, and the support of unmarried parents. However much a person may not agree with the work done by the family Division of the Court of Queen's Bench, I do not see the moralist protesting outside the legislature.

I, for one, feel that the religious arguments have a place in the congregation. There is validity in these arguments, but only insofar as they apply within that place. Religious views cannot be said to be universal to all people because they conflict with the equally valid views of others. Religious truth is universal from the perspective of the adherent, but that cannot be blindly applied to a non-believer. If my truth differs from another person's who is to judge who is correct? In reality, we both are, but we cannot order a society that way, so, we ignore both views, and structure our society not on the basis of religious principles, but rather on the basis of secular principles we adopt, such as the equality of all people.

The nature of families is changing rapidly. One need only look at the new extended family composed of mom, dad, mom's new husband, dad's new wife, all the new step-brothers and step-sisters, and mom's new husband's children from his first marriage. The gay and lesbian community will play a role in determining those changes, so do not forget Uncles Joe and Tom.

This discussion is particularly appropriate for this time of year. The holiday season is thought of by many to be a time for people, especially families, to come together. For many people in the gay, lesbian and bisexual community, though, this season only serves to throw into sharp relief their alienation from their families. Many lesbians and gay men are, quite simply, not welcome in the homes of their families. Others are not welcome in the homes of their lovers' families, often estranging their lovers from their families. The holiday season is also a time for children, yet many gay fathers and lesbian mothers are separated from their children by homophobic ex-spouses, grandparents or in-laws. Surely this runs contrary to "family values".

Secretary - the worst job in the world

D. MacDONALD

I wonder where secretaries fit into the theory of Darwinism, the struggle to survive? I haven't witnessed people being treated so badly since I watched re-runs of 'ROOTS'. Honestly, my heart goes out to you secretaries. You are so underpaid and taken for granted. There must be plenty of 60-year-old secretaries who have been working for 40 years who are only earning \$25,000 in 1989. Sure times have changed, but that's ridiculous! But more disheartening is the wear and tear of nerves, the verbal abuse, the unrealistic demands they must meet, the half-dozen things they must do at one time, the noise, the confusion and the crush of it all! And no matter who is really to blame or why, it's the secretary's fault; she's the cat's paw. I for one, could NEVER be a secretary.

After class one morning I went into the secretary's office to drop off an assignment. I patiently awaited an opportunity to get her attention while I witnessed the most incredible series of events. Here Maggie sat (I'll use fictitious names for may account), trying to type a document which a prof said he needed right away. (and I've seen his writing - WOW). Meanwhile her phone rang three consecutive times . . . "Yes, I"; connect you, I'm sorry he's not answering, No, I'm sorry I don't know where he is, No I'm sorry I don't know when he'll be back, No he didn't tell me, May I take a message, Yes I'll tell him to pick up his daughter". I understand the fairly new UNB telephone system is one giant hemorrhoid for the secretaries. How nice for them! In between these calls came a pitiful plea from one of UNB's finest academicians "Maggie the photocopier is out of paper". Maggie had to get the paper, fill the tray for the poor helpless soul, and she no sooner got back to her desk when we both heard "Maggie the machine is jamming". It's hard to believe a PhD recipient cannot follow super simple instructions on the Xerox and do it himself after 15 years use. Back to her desk, Maggie answers the phone, and while she is talking on the phone, is rudely interrupted, (so help me I witnessed it) by another Instructor. "Maggie can you send this out purulator this morning"! Can't he see she's busy on the phone trying to listen and write down a message? I mean that's just plain ignorant. As she hangs up, another ignoramus charges in front of me...

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CONTRACTS

Contracts are a part of everyday living. They can be simple or very complicated. Basically, a contract is an agreement, written or spoken, between two or more persons. It creates an obligation to do or not to do something. Contracts protect the parties who enter into them. Usually when a contract is entered into, the parties expect something from each other, and often will act in reliance on these expectations. Because of this reliance, it would be unfair to allow one party to back out on his promise to the other party.

HOW IS A CONTRACT MADE VALID AND BINDING?

The first requirement in making a valid contract is that both parties be fully aware of the terms of the contract and its implications. As well, both parties must agree on what is expected of them under the contract, and be willing to bind themselves to these promises. The final basic requirement of a valid contract is that something of value be exchanged between the parties. This might be money, a particular object, or even a favor.

WHAT ARE SOME COMMON TYPES OF CONTRACTS?

Many people enter into contracts every day without realizing it. A contract does not have to involve a long document written in very small print. It can be a very simple process, such as paying for something at the check-out counter, or accepting a ticket at the dry-cleaners.

SALES CONTRACT: When you buy something at a store, you enter into a contract with the store for merchandise in exchange for a sum of money. Usually the receipt or invoice contains terms that are favourable to the party who has drafted the document, the store. Even if you do not take the time to read the terms, they are still binding on you, unless they are very unreasonable.

STANDARD FORM CONTRACTS: When you park your car in a parking garage, or take cleaning to the dry-cleaners, you will usually receive a ticket stub that states "we are not responsible for loss or damage", or something to that effect. This is a clause which the business relies upon to disclaim any responsibility for your goods. Even if you do not notice the clause, it is binding unless it is completely unreasonable.

CANADA STUDENT LOANS: A student loan is a contract negotiated between a student and a Canadian Chartered Bank. The student has the responsibility of ensuring that all information declared is accurate and that the government is kept informed of all changes in the student's financial status. These loans are contingent upon the individual attending an approved educational institution.

UNIVERSITY REGISTRATION: When you pay your tuition fees, you enter into a contract with the university. In exchange for your payment, the university promises to provide you with an education that should result in your receiving a degree.

LEASE: When you rent an apartment, you enter into a tenancy agreement which involves a place to live in exchange for a sum of money. A lease binds both the landlord and the tenant to its terms.

WHAT SHOULD YOU KNOW BEFORE ENTERING INTO A CONTRACT?

Before you sign, or give assent to a contract, you should be sure that you understand all that it will involve. If you can, you should try to read the contract in its entirety. When you sign a contract, even if you have not read it, or do not understand it, it is considered to be binding. Your signature is proof that you did intend to enter into this contract.

It is helpful to include in a contract an outline of what will occur if one of the parties should breach his or her obligations.

Note: This legal column is written for information purposes only. It is not intended to be a replacement for professional legal advice.

have you seen Dr. Briggs or Weston?" Another phone call... No more said than done, in walks a physical plant employee looking for a key to get into one of the rooms. He announces "No one seems to be there" (Oh really - that's unusual). So poor Maggie is up off her seat, gets the key, back to her chair when... "Maggie, can you give me some pens and a transparency?" Phone rings.

Well I tell you this went on for what seemed like forever. I thought to myself - at this rate poor Maggie will never get that document done. How can she even concentrate with all the distractions. Everyone wants everything right away. Each faculty member thinks his/her work is more important than everyone else's. And everyone waits to the very last minute. Obviously, very few use the work basket that was in front of me, they merely shove the work in the secretary's face.

Yet it's these unfortunate secretaries who must be at their desk 7 1/4 hours/day, accounting for every minute, while the rest of the department members come and go as they please with no record. Just how much leave do Profs get anyway? I've heard there are faculty members who teach their classes each day, then run off, Sept - April. Damn good pay for 10 hrs/week, summers off, great benefits.

Anyway, back to Maggie... She's on the phone again! Maybe I'll just slip my assignment under his door! Poor Maggie. Give her a break would ya!

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