

# SPECTRUM

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## METANOIA

By John Valk (Campus Ministry)

# Oka: A turning point?

It is hoped that the incident at Oka this summer will be a turning point in Canadian history. But, we will need to look deeply into our individual and collective souls.

We in Canada have (officially) heaped much wrath on the apartheid system of South Africa. But, while we have relished in exposing the splinter in the eye of the white South African government, we have failed to notice the beam in our own. Many in the international community feel we have our own "made in Canada" apartheid system.

For so long we have neglected and abused the aboriginal people. Oh, we give them welfare, and, according to many, too much. But, welfare creates a dependency. How is it that a once proud and free peoples, and fully able to take care of themselves, are now suffering from social and cultural disarray?

White society has always assumed its ways were more advanced: socially, economically, culturally, even religiously. That appeared to be justification enough to assume control of the newly "discovered" lands of North America.

Over the years our Western European sense of development, competitive nature and work ethic has resulted in an inordinately high standard of living. We have gained immense national wealth through economic development and a great sense of individual freedom. We proudly describe this as advancement.

Yet, advancement is a relative term, dependant on the criteria selected. We indeed have a high standard of living. But do we have greater quality of life? Much of what we deem to be superior and advanced has now in fact come to threaten our very existence. Out "civilization" has a very dark shadow: exploitation, environmental disaster, crime, drug abuse and alcoholism. Many suffer from wasted lives.

Native communities also suffer from wasted lives, but disproportionately. Much of it results from white society's encroachment on formerly thriving cultures? In fact, even today a glaring example is now beginning to unfold before our very eyes. In one short generation the Innu way of life in Labrador has become severely threatened. Why? Their land, vital for their survival, is now being used as a bombing range by the military. Do we care?

Naive communities were, and still are, quite willing to share. They believe that the land comes from God, and was meant to be used by all to meet our human needs.

Who of us considers the land sacred? Generally sacredness is something we limit to churchly activity. Who of us believes that it is God who gives us the land? For the most part we keep God compartmentalized for Sunday observance, or when we reach a crisis in our lives. Who of us believes that all the animals, fish, birds, water and forests come from God, to be used to fulfill our needs? We tend to look upon them as resources for exploitation to fulfill our greed. And, as one former wealthy (and now imprisoned) New York stockbroker once stated, "greed is good".

We want it all. Today we claim we need it from our economic "survival". What does economic "survival" mean? Western society has for hundreds of years regarded land as a private object, a thing to be manipulated or exploited to bring maximum prosperity or pleasure to the owner. And, we have a legal system to uphold these concepts.

We have used the law, however, to our own advantage. Few land claims have been settled, and the aboriginal users of the land have been pushed off into reservations.

Is there still a relationship between the spirit of the law and our own legal system? Are law students taught that the letter of the law is to serve as a vehicle for appropriating the spirit of the law? Or, has the letter of the law merely become

a device or means to pursue power, status and wealth?

We are in desperate need of healing. Is there a place for that in our courts of law? Or are we satisfied with the "one winner" concept? Native people insist that when brokenness occurs, punishment through incarceration is not sufficient. Harmony must be restored to the family or the community. Until both perpetrator and victim are healed there are no winners.

From the native communities we can learn (or relearn) such that would help eliminate our dark side, not least that of our concept of land and justice. Such a reorientation might go a long way in eliminating our own social and economic crises, as well as our involvement in Third World poverty and debt.

It is hoped that Oka will be a turning point. It is hoped that our eyes will be opened to the value and importance of the native peoples' claims and their ways of life. It is also hoped that all native peoples in Canada can rekindle and pride in their own unique cultural traditions.

The hands of time cannot be reversed; past deeds cannot be undone. We can, however, allow ourselves to be informed by the past, in order not to repeat its mistakes. That will entail a metanoia, a change and conversion in our attitudes and actions.

common-law relationships and enable cohabitating partners to receive the same benefits as those enjoyed by spouses in a marriage. Under federal legislation such as the Canada Pension Plan and the Old Age Security Act, common-law partners are included after one year of cohabitation, provided that the couple have not represented themselves as being married. If the couple is barred from legal marriage, as would be the case if one or both of the partners were already married to someone else, the time requirement increases to three years. It should be noted that merely living together does not make the parties eligible for the rights held by common-law partners.

At the present time, common-law relationships can only exist between members of the opposite sex. This area of law is being questioned and continues to develop.

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## Cohabiting couples.

*Legal Ease dispels some myths about marriage and cohabitation.*

A couple is said to be cohabitating when they are involved in a living arrangement similar to that of a husband and wife, but are not legally married to one another. These informal marriage relationships are often referred to as "common-law" marriages.

It is a common assumption that cohabitating couples become legally married after living together for a number of years. This is false. Cohabitating couples never become legally married unless they obtain a marriage license and go through a civil or religious marriage ceremony.

The law views cohabitating couples differently than it does married couples with respect to property rights. Unlike married couples, cohabitating couples cannot protect their interest in property acquired

during the relationship by using the Marital Property Act. This Act applies only to married couples.

There are ways in which a cohabitating couple may protect their rights. For example, before or during a relationship, a cohabitating couple may sign an agreement called a cohabitating agreement, which provides a method for dividing the property if the relationship ends. If the couple decides to marry, the cohabitation agreement will become a marriage contract.

If a cohabitating couple does not have a cohabitation agreement, the court may look at several factors in determining the division of property. It may consider whether the couple had any intentions of dividing the

property of if the contribution of money or work was equal. The court will also look at whether failure to divide the property would amount to an unfair enrichment to one of the parties. Any property that is individually brought into a relationship by a party will remain in the ownership of that party.

Deciding to live in a cohabitation arrangement as opposed to a legal marriage does not free couples from certain responsibilities. The law relating to child support, access and custody applies equally to any parent regardless of his or her marital status. Under the Maintenance Act, a cohabitating partner may be required to pay support if the relationship ends.

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