

SPECTRUM

"Do You Swear to Tell the Truth ..."

Metanoia

It has been a longstanding tradition in the federal and provincial law courts of this land to swear an oath. With a right hand on the Bible, one promises to "tell the truth, the whole truth and nothing but the truth, so help me God." Taking such an oath was not to be a light matter. Implicit was a notion that although one could fool the people, one cannot fool God.

Such an oath appeared also to be some guarantee that witnesses would co-operate with authorities in the justice process. God demanded justice be done. Authorities and witnesses were to join forces to that effect. So in this co-operative venture God was also invoked as part of the process.

But things are changing. We have successfully achieved a secular society. Invoking God's presence into the public forum is frequently considered impolite, even intolerant, certainly not politically correct. One can appreciate, therefore, that the practice of swearing on a Bible appears in for rough times. A meaningful practice for some, it has become meaningless for others. Can we, in our multi-faith society, expect a Muslim, a Sikh, an atheist to swear on a Christian Bible?

In some courts a so-called "affirmation" is now often accepted to circumvent difficulty. But even here a subtle yet serious problem surfaces. In the heat of an intense court battle, would a witness merely "affirming" to tell the truth appear as credible as one willing to swear to tell the truth, so help them God? How do we

resolve the problem?

One proposal has attempted at a neutral option. Offered by a former Attorney-General of Ontario, it is most likely originated with numerous others surrounding his office. The best possible solution was deemed to be that of requesting all witnesses to simply give an "affirmation". That way a level playing field would be attained. No one would be placed in the awkward position of refusing to swear an oath on a Bible for which they had no regard anyway.

At first glance this solution may seem to be the best course of action. But is it? It certainly is not to the Christian, who still derives great meaning from the Bible and to whom swearing an oath on it would be of great significance. It would not be for those of the Jewish community to whom the Hebrew Bible is of great value. It would not even be a good course of action for Muslims, who might prefer to swear by the Qur'an. It might not even be acceptable to members of other religio-cultural communities, who may prefer other means of invoking the powers of the Great Being as a powerful incentive to speak the truth. So who would it benefit?

The solution would be of value to only one group: those for whom religion is of no importance, or those who have little or no regard for God. All others would have to abide by their wishes.

Such a solution, according to the political theorist Paul Marshall, is likened to four people trying to decide on a common

course of action regarding sports. One likes baseball, one football, and another hockey. The fourth detests sports, of any kind. To reach a consensus it is suggested that no sports be played. In this way the least number of people would be offended.

It is clear from the illustration, however, whose point of view does in fact dominate. Not four people's interest is served, but only one. Such would be the same when insisting merely on an "affirmation" in Canadian courts. What may appear to be a good and workable solution initially, turns out to benefit only a few.

I think about this frequently when it comes to the teaching of

religion in the schools, even in university. For decades now the approach has generally been to ignore it. It is regarded as a private matter, and as such too sensitive a subject to teach in the classroom.

But who benefits from its elimination from the curriculum? Certainly not those for whom religion is an integral aspect of all of life, including classroom learning. It benefits only those who reject religion, or those who might affirm that it is OK to be religious but please keep it at home, or in a church building. Public education, they affirm, must strive to be value-free, or at least value-clarified.

But such an approach is not as tolerant as it appears. It assumes a certain relativism, and relativism is intolerant of any position that disagrees with its basic premise.

It is noble and just to strive for individual freedom. But that freedom must be for all individuals, even for those whose values, norms and beliefs we may not necessarily like.

If religious freedom is to mean anything in this country, it must have a meaning beyond the privacy of one's own home. As such that freedom ought also to apply to our courts of law, our educational system, and beyond.

Oh Canada, what will your future be?

Canada! Canada! Oh Canada! Convinced you have no past, fearful you have no future; your elected representatives too long elected and barely representative; your democracy in tatters; where have all your leaders gone? I mean, besides Florida?

Actually, Canada does have a past, and quite a bit of it, too. The problem is, we're too busy doing something else to listen to it. In the following, we take a brief look at Canadian views of Canadian M.P.'s throughout our rich and colourful history.

In 1855, R.J. MacGeorge didn't think much of them: "How many Canadian M.P.'s could obtain third class certificates from the most lenient of our educational examination boards?" Perhaps that explains John A. MacDonald's oft-quoted comment a few years later: "A new member requires the experience of his first session in the house to teach him how to hand up his overcoat and hat, and take his seat in a manner befitting a gentleman."

Of course, women couldn't vote back then. As recently as 1970 the Royal Commission on the Status of Women succinctly observed that: "Women who have been successful at the polls confirm that winning the nomination is a more formidable hurdle than winning the election".

Joseph Howe, in an 1841 speech in the N.S. legislature, put his calling in a noble light: "You are representatives of the people, and I put it too you - as you are greatly honoured, should you not greatly dare? You are sent to do your duty to your constituents, whether your acts always give you satisfaction or not". Apparently, not all of Howe's colleagues listened. Two years later, Alexander MacDougall wrote about a member of the Nova Scotia House of Assembly who was "not remarkable for his veracity" in verse: "Brown promised, in terms that could not be withstood, if we gave him a seat, it should be for our good. Nor can we complain that he's altered his tone: He sits for our good, but he lies for his own".

Stephen Leacock had much the same perspective in 1907, when he wrote in "University" magazine that: "Harsh is the cackle of the little turkeycocks of Ottawa, fighting the while as they feather their own nests of sticks and mud, high on their river bluff". In 1921,

Augustus Bridle felt differently: "A man goes to Ottawa burning with zeal to inaugurate political liberation; six months or a year produces sleeping-sickness".

Judging by John Turner's feelings in 1968, if you weren't Prime Minister, there wasn't much to do: "Whipped by the discipline of the party machines; starved for information by the mandarin class; dwarfed by the Cabinet and by bigness, generally in industry, labour, and communications; ignored in an age of sum-mitry and the leadership cult". Upon leaving Parliament four years later, Douglas Hogarth put it more

succinctly: "What the private Member gets as a law-maker is a fast ride on a square-wheeled chariot".

The great Canadian civil libertarian Gordon Fairweather, former New Brunswick M.P. for Fundy-Royal, said in 1973: "The truth is, I am engaged in a passionate love affair with people and places in the area I represent in Parliament".

But perhaps an Englishman, Edmund Burke, put it best in his famous speech to the electors of Bristol in 1774: "Parliament is not a congress

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Perspectives

by William M. Stewart

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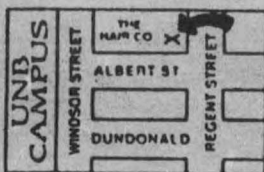
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