

SPECTRUM

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In the Pink

by James Gill

I begin by offering my apologies for not providing a column last week. I had intended to provide a review of the *Chippendevils*, but decided that if I couldn't say anything nice...

Having read last week's *Brunswickan*, it seems apparent what I am going to have to address today. I had been reluctant to talk about homosexuality and religion for two principal reasons: it is divisive, and often persuades no one; and I make to claim to be a biblical scholar. I must respond to "Keener MacHiner's" letter, though.

My first question would simply be: is the "super cleansing agent" (Jesus' blood) supposed to absolve me of the 'sins' arising from my sexual or my religious orientation? With the best will in the world I cannot help but be deeply offended at MacHiner's implication that my religion is not sufficient to the task of my spiritual well being while hers/his is. When I want to make my peace with God, my own beliefs will be quite adequate to the task, thank you very much.

The logic which MacHiner uses is deceptively smooth. As a Jew, I do, indeed, accept Scripture as authoritative. However, that is not equivalent to MacHiner's conclusion that I must accept them as the Word of God, unadulterated through the millennia. I make no claim to Orthodoxy, and it is quite possible for me to be a 'true' Jew while believing that the Scriptures are to be read with an appreciation for the context in which they were written, and the context in which they are read.

As I said above, I make no claim to be a biblical scholar, however, there is ample theological authority for the proposition that read in the original Hebrew, the sins condemned in *Leviticus* are not homosexual acts *per se* but, rather, the paganism and idolatry with which many types of sexual acts (both heterosexual and homosexual) were associated. So too, according to one interpretation, there is nothing to indicate that the 'Sin of Sodom' was homosexuality. Paul's condemnation can also be read as a condemnation not of homosexuality, but again of paganism and idolatry. Passages of the Bible can be read to justify the

subjugation of women, the excommunication of the disabled, rape, and countless other activities which are not acceptable in our society. Being no expert in ancient Hebrew and Greek I do not propose to argue the merits of one interpretation over another. I merely want to demonstrate that as with anything confined to words, more than one interpretation is available. Clearly MacHiner's interpretation is different from mine. So who is right?

I believe that we both are. I see no paradox in this. Scripture speaks to each of us as individuals, and we are responsible, as human beings, for deciding what we believe. We cannot delegate this task to any other person, regardless of their wisdom or authority, for in so doing, we sacrifice our humanity. No one knows MacHiner better than s/he knows him/herself. Thus, only s/he can decide what is the truth with respect to her/his life. In presuming to know the truth, however, s/he must respect that I can so presume as well.

If MacHiner believes that homosexual acts are immoral, then s/he is perfectly free to abstain. I, on the other hand, truly believe that the expression of my sexual orientation is not, in and of itself, wrong, and so I can, in good faith, so do.

Is this to say that a murderer who thinks the killing is morally right is free to perpetrate it? Certainly not. We have laws which must be obeyed. Remember, however, that we have, on countless occasions, justified murder in the names of capital punishment or war. If a murderer truly believes that the killing was not wrong (if that is possible), then it is not up to us mere mortals to force that person to answer for the moral views that support that belief. We can only exact the legal penalty for the crime.

There are some friends of mine who are devoutly religious, and who, no doubt, view the expression of my sexual orientation as immoral. For them I have respect, however, for they are able to adhere to their own moral beliefs, confirm their lives to them, and do not attempt to inflict them upon me. They respect that as a human person I am free to find my own truth.

Perspectives

by Wm. Mott Stewart

It is better to debate a question without settling it than to settle a question without it. Joseph Joubert

Across Canada, affirmative action programs are currently a matter of hot debate.

The idea that able-bodied, white men should be denied equal access in the hiring process is coming under heavy fire—mainly from able-bodied, white men, but also from some members of the very groups that affirmative action is designed to assist.

At first glance, affirmative action appears to be discriminatory and unfair. If you believe in absolutes, you will conclude that affirmative action is wrong in fundamental principle, because it abrogates the idea that hiring should be based solely on merit.

My view is that the world is a fuzzy and uncertain place, where imperfect mechanisms—compromises—are often the best, and only, workable solutions.

From this perspective, the first and most obvious point is that current hiring practices are not based solely on merit—they are influenced by many secondary factors. Having sat on several selection boards when I was employed by the Federal Civil Service, I can attest to the disproportionate consideration of 'personal suitability', a category usually given an official weighting of about ten percent, but unofficially almost always the decisive criteria.

Most people are hired because their employers believe, first and foremost, that they can

DRUGS, ALCOHOL, AND THE LAW: PART 2

There are 5 main offences related to drugs:

DRUG OFFENCES

(1) POSSESSION

This is the offence of having knowledge and custody or control of a drug. The drug does not have to be on your body to be in your possession. If you have it hidden away somewhere or someone is keeping it for you, it is still considered to be in your possession. It may also be considered to be in your possession if someone in the same room has an illegal drug and you have consented to its presence. More than one person can be charged with possession of the same package of drugs. Theoretically, if a group of people are sharing a single joint, all people in the room could be charged with possession, even if not all were smoking it.

Possession is an offence for all drugs under the Narcotic Control Act and for all Restricted drugs under the Food and Drug Act. Possession of Controlled drugs is not an offence because these substances can be legally obtained by prescription.

The punishment for possession can vary widely depending on the circumstances. You may get off very lightly and escape a criminal record if the amount of the drug involved was very small and it was your first offence. However, the penalty can be as harsh as a 7 year jail term.

work well with them. It is normal human nature to feel most comfortable with someone most like yourself; therefore, current hiring practices more often than not choose an able-bodied, white man, because the selection board—more often than no—is entirely composed of able-bodied, white men. It is important to realize that in this way the system perpetuates itself, and only official policy—an affirmative action program—can break the cycle.

This is unfair to able-bodied, white men, but, then again, the present system is unfair to almost everybody else. It is regrettable, but unavoidably true, that we cannot make up for years of past injustice without some present injustice against the group that has benefited for so long.

The second point, and the most important justification for affirmative action, is the need people have for role models. People—female, Native Canadian, African Canadian, physically disabled—will not aspire to enter a profession without people in that profession that they can identify with. This is a basic feature of human nature. Able-bodied, white men, who have always been told they can aspire

LEGAL EASE

(2) TRAFFICKING

May people think that this only means selling drugs. However, trafficking also includes such acts as manufacturing, giving, delivering, or transporting drugs, or offering to do any of these things. Technically, if you pass a joint to a friend, you could be convicted of trafficking.

It is not a defence to trafficking that the substance with which you are dealing is not actually a drug. For example, if you were trying to sell someone sugar which they thought was cocaine, you might still be convicted for trafficking.

Punishments for trafficking vary depending on the circumstances and whether the drug falls under the Narcotic Control Act or the Food and Drug Act. Trafficking almost always results in a jail term, which can be as long as life imprisonment.

(3) POSSESSION FOR THE PURPOSE OF TRAFFICKING

To prove this charge, the Crown must prove all the elements of possession as well as the intent to traffic. Because you cannot read another person's mind, the intention to traffic can be demonstrated by other evidence, such as how much drug is found - if there is too much for personal use it can be logically inferred that this person intended to sell the drug.

Like a conviction for trafficking, a conviction of possession for the purpose of trafficking almost always results in a jail term which is

usually lengthy.

(4) IMPORTING

This offence is found only in the Narcotic Control Act. Importing or exporting means taking a drug across the Canadian border. You need not be physically present to be charged with importing. If you made the arrangements for the drug to be transported, you are as guilty as if you actually carried the drugs over the border yourself.

This is a very serious offence which results in a minimum sentence of 7 years imprisonment and a maximum of life imprisonment. It does not matter that you may have had only a few joints in your suitcase - you will automatically get a minimum of 7 years in jail.

(5) CULTIVATING

It is illegal to grow marijuana plants or opium poppy. The maximum punishment is a 7 year jail term.

NOTE: The information presented in this article was obtained from a booklet entitled *Drugs, Alcohol and the Law*, which was 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.

to be anything they want (and are amply represented in every profession from law professor to astronaut) should try to appreciate the central importance of this fact.

If you accept these two points, then the hardest part remains: implementation. The proper mechanism makes all the difference in the efficiency, and acceptability, of an affirmative action program. The best system is flexible, and fair: it must re-address the injustice intended, but not go to the opposite extreme.

As a model for the re-addressment of the under-representation of women in some given organization, I suggest the following mode: at least two out of every three future positions must be filled by women, until their representation reaches forty percent.

This model is fair: women are favoured, but men are not excluded.

More importantly, the model is flexible, because of the possibility of 'banking' male positions. That is, the first two positions must be filled by women, of course but if the following four also happen to be filled by women, then as many as the next three in a row may be filled by men. Similarly, if the first twenty positions are filled

by women, then as many as the next ten may be filled by men.

When the female representation reaches forty percent, we may assume that (1) the men in the organization will have become used to the idea of women as colleagues, and (2) that the women will have the internal political resources to protect their own. The affirmative action program may then be dropped, and fairness will presumably reign henceforth.

Affirmative action programs are not reverse discrimination, they are forward-thinking fairness. It is the current, everyday hiring practices that are discriminatory: this is the essential point, the *raison d'être* for affirmative action, and must not be forgotten.

Current hiring practices will not reform themselves: they require active intervention in the form of official policy. If fair and flexible mechanisms are implemented, those of us who are able-bodied, white men should not be upset. We should welcome affirmative action as a temporary, required process that demonstrates our tolerance, societal civility, and willingness to be judged by one of the oldest, harshest, and most difficult tests of all: how fairly we treat our minorities.