October 9, 1992

MUGWUMP

by Aime Phillips

Don't you find people on campus really friendly this year?

For instance, a couple of weeks ago I was working late at the office. Despite everyone's insistence not to, I decided to walk home alone.

Here I am, halfway down the walk when suddenly a voice calls out.

"Aiiiiiiiiiiiiiimmmmeeeeeeeeee!"

"Aiiiiiiiiiiiiiimmmmeeeeeeeee!!!!"

After turning in several directions in an attempt to pinpoint the area from which the cry was emitted, I just gave up and called back

"Yes?!!!"

Again, the mysterious voice rang out through the still of the night.

"Donnnnnnnnnt go-o-o-o-o-o! I will drive you hoooooooooome!"

Well. That was fine and dandy, and I had located the voice. It was coming from the second story of the SUB. But still, I inquired...

"What?"

And peered at the figure framed by the window and surrounded by the soft light of the hallway inside. It was quite the angelic stance.

"Youuuu donnnnnnn't have to waaaaaaaaalllk! I will drive you hooooooome!"

By this time, I was beginning to wonder which was more dangerous: walking through campus alone, or allowing this stranger to inform everyone else on campus what I was doing. Being the responsible journalist that I am, I decided to enlighten myself.

"Who ARRRRE you?"

It turned out to be one of our Student Union executives, whose name is unimportant because he/she was offering to give me a lift out of the goodness of his/her heart, and not for any other reason. Wouldn't it be nice if the Student Union was able to pull together like that all the time?

This is the time of year when I'm supposed to be getting all excited about the Media Bowl. The media bowl is a traditional football game between The Brunswickan and CHSR. What happens is the people up at the radio station send us threatening letters for about two and a half weeks before the big game, and we in return show them up by printing whatever we want about them in the paper. Both staffs are pretty fanatical about the whole thing, and frankly, it's bugging me. I don't mean to make generalizations, but how can anyone get so passionately involved in one game? Or in anything for that matter. I mean, in grade nine I went through this General Hospital phase, but I grew out of that after a few years. Ever since I've been working with the newspaper, I notice the staff gets a little, well, psycho around this time. Now that I've thoroughly convinced you of our social compatibility, I know I'll see you up on the field by the Heating Plant on October 17 th.

OPINIONThe opinions found in this column are not necessarily the views of the Brunswickan

Law and justice

by Matin Yaqzan

Law and justice seem to go together. A law abiding person or society is supposed to be fair and impartial. A society without law is considered to be anarchistic or disorderly. However, justice depends upon who makes the laws, who interprets them and who enforces them. "Justice under the law" may not be justice at all.

It is self evident that unless a person is alone on an island, rules are needed to govern the conduct or behavior of human beings, whether in a marriage of two persons of opposite sex, or in a community of thousands, or in a country of millions of people. The difficulties arise because the rules or the laws may be unreasonable, obsolete or may be misinterpreted or misapplied.

Our legal system has evolved with an emphasis on the wording of the law, rather than the purpose of the law, and it is considered respectable for the lawyers to win a case on the basis of play with words or an interpretation of the law which might defy the purpose of the law. For example, a lawyer in the United States boasted recently to have won 500 cases of drunk driving, not because his clients were not guilty, rather on some technicalities which were not germane to the fact of their being drunk drivers.

It is impossible to condemn any human institution of long standing or a profession on the basis of a few odd examples. Our judicial system in Canada has admirable features and works well in most cases of "crimes" known to humanity throughout history, like theft, robbery, murder, etc. But it is not well suited for arbitrating certain social, religious and philosophical issues, that are nowadays being thrust upon it, for which not all the lawyers and judges are qualified to make judgments.

Many politicians who make the laws are also lawyers, and yet their language is not precise enough and court battles are fought due to different interpretations of the language used. For example, one of the statements proposed for the Constitution is that all provinces are "equal", which is a false statement, unless qualified. Or the assertion about "gender equality" which is liable to lead to senseless court battles in the future.

Since the legal profession is like a closed society, living on its past prestige and power (because the police force is there to enforce its decisions), it can become an instrument of terror. Here is an example.

On September 29, 1989, *The Brunswickan* published an Opinion Column by me under the heading "Human Rights", in which I pointed out how a school teacher by the name of Malcolm Ross was being victimized under New Brunswick Human Rights Act, Section 5, which reads as follows:

"No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall (a) deny to any person or class of persons any accommodation services or facilities available to the public, or (b) discriminate against any person or class of persons with respect to any religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status or sex."

It was charged that the Moncton School Board was guilty of "discrimination" against the Jews, because it employed Malcolm Ross a teacher, who has written books in which he questions the figure of 6 million Jews having been killed during the Second World War and believes that some Jews are out to destroy Christianity. The argument by the accuser, David Attis, was that it made him a poor role model for the school children, although his own children were never taught by Malcolm Ross.

The Brunswickan 5

The Student Union leadership conference is on the weekend of the Media Bowl. Isn't it odd how they always seem to schedule it at the one time when neither media outlets are able to attend? What was I saying about everyone working together?

The holiday weekend has finally arrived. Unfortunately, I won't be making it home to Green Valley for the big day. Sorry mom.

Mid terms are right around the corner, so unless I'm hit with a massive inspiration every Wednesday night for the next two months, this may very well be one of my last attempts at humour. Try not to be too dissapointed. The above reasoning is so far fetched, and so far removed from the purpose of Section 5 above, that there was no rational basis for entertaining the complaint. However, the complaint was laid, and a one-man Board of Inquiry was established. That was three years ago. After extensive hearings, the Board could not establish a single wrong-doing on the part of the School Board, under the Act, or on the part of the teacher, but the teacher was ordered out of the classroom nevertheless, as the Premier had previously publicly declared.

It has cost the taxpayers more than half a million dollars, and is costing thousands of dollars to the teacher for legal fees, but nothing to the accuser. What kind of "justice under the law" is this? The teacher has already been traumatized and penalized without being charged for any wrong-doing. As for a role model, the teacher is a Christian, morally upright, with a wife and young children, conscientious, with an excellent teaching record, a writer, and willing to fight for his deeply held beliefs. Is it not ridiculous to condemn him as a role model in a society where young school children are provided with condoms so that they can have illicit sex? What teachers are role modeling for them?

I have written letters to the newspapers, to provincial and federal attorneys general, and to politicians, but to no avail. Either there is no response, or there is the meaningless standard excuse "the case is before the courts". No one outside the closed society has the right to point out the flaws in the judgments of the society members. They can be above reason and logic, but they are the law.

I hope that by the time UNB celebrates the second centennial of its law school, in the year 2092, our legal system will have fewer formalities, will be more amenable to commonsense, reason and logic, with less emphasis on play with words, and justice will be its primary concern.

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