

Canada: In the Senate and the Courts, an Erosion of our Humanity

by Conrad Black



The Fall of Lucifer by Gustave Dore

Almost three years ago I wrote a column here criticizing the dismissal from his employment ahead of an expected indictment of former prime ministerial assistant Bruce Carson. I was skeptical of the grounds for the indictment, which was eventually produced, and was the subject of an acquittal. The Crown prosecutors appealed the acquittal and were upheld two to one by an appeal court panel, with the panel chairman in dissent. Carson is now appealing to the Supreme Court of Canada.

This is not the place to discuss the merits of this case, where a man's life has been severely disrupted and he has been seriously depleted of resources over more than three years, and at this point two judges have found against him and two for him. He is accused of improprieties in attempting to sell water purification equipment to a First Nation group, and no

money changed hands, no transaction was completed, and the argument that it had anything to do with the federal government, the basis of the charge, is a tenuous one. I was roused to comment on the case by the prejudgment of it before a charge was laid by Carson's employers and the customary media lynch mob. Having read summaries of the findings, I am as unconvinced now as I was at the outset that the prosecutors had any business bringing the charges. Nor do I think appealing the acquittal was justified, but the disposition of it lies now with the country's highest court.

Reading of this matter in the last few days coincided with the controversy referred to in this column last week, about senators Lynn Beyak and Don Meredith. Beyak was attacked for pointing out that some faculty members of the residential schools that native militants and their sympathizers have battered like a piñata were dedicated and admirable people. That is essentially all she said and it is illustrative of the uncritical hallelujah chorus that has been accorded to the aboriginal rights movement that she was assailed and in a few cases her resignation from the Senate demanded, because she said what any sane person would know was true. For all the failings of those who conceived and administered the residential school program, and which was largely run by the country's different Christian churches, the program, contrary to what the fanatics would have us believe, was not designed and operated by our very own Gestapo. No person of sound mind could imagine that all the teachers and staff were sadistic racists, and for making this point, Beyak earned the gratitude of the country and showed why we have a Senate, as none of our elected federal legislators, to my knowledge, has spoken up to the same effect. My extensive correspondence with readers generally reflects this.

Much less clear-cut is the status of Don Meredith. I understand and have replied at length to correspondents who were so repelled by his affair with a young woman, which began

when she was 16 and lasted until she was 18, that they want him, a married Protestant clergyman and youth counsellor, expelled from the Senate. The Senate ethics officer, Lyse Ricard, appears to have conferred jurisdiction on herself in a legally questionable manner, ignored the testimony of Meredith and the young woman to conclude the relationship had been consummated prior to her 18th birthday, and coldly dismissed as an insufficient remedy the Senator's evidently sincere and heartfelt repentance. There were a total of three incidents of sexual intercourse and Meredith withdrew from the relationship due to, as he said to the woman, guilt and what he felt to be God's disapproval of his conduct. Ottawa police determined that there were no grounds to charge a crime and the woman, who was legally of age, gave her story to the Toronto Star, potentially destroying Meredith's career, while retaining complete anonymity for herself.

My correspondence was divided on the issue, but I want to make several points now that I did not have space to make last week. I place greater stress on retention of society's capacity to accept confession and repentance of wrongdoing, and to forgive after the imposition of reasonable penalties, than on blind, stupid vengeance. A year's suspension from the Senate without pay would certainly suffice as a penalty, and Ricard, who was effectively a prosecutor, acknowledges there is little chance of recidivism. There is something deeply inhumane, in a case where there was no crime, no coercion, no apparent manipulation of a younger woman, for other senators to bray like orchestrated donkeys to expel Meredith like Lucifer from a chamber which is no stranger to sinfulness.

I fear we are losing the capacity for proportionate response to misbehaviour, to temper justice with mercy, to forgive the penitent, and to remember that we are all sinners, living to some degree in moral glass houses. We are slipping into the practice of consigning moral, ethical, and even legal questions to a sort of Manichaean lottery, where those who are

not legally convicted of egregious offences, but are tripped up, caught out in naughty or tawdry behaviour, however sincerely the misconduct is regretted for moral as well as tactical reasons, don't make the cut, are ruthlessly reclassified as bad and cast out like Old Testament lepers. Meredith's actions were reprehensible but they were not satanic.

In treating those who seriously misbehave but are not criminals in this arbitrary and severe way, the majority is dispensing with the system of moral gradations that is inherent to all serious religious and moral and penal theory. We are all good and bad to varying extents at different times. If we draw a line before which all is permitted and after which everything leads to chastisement and damnation, we unjustly divide people into the good and the bad. This is not only unjust to the losers; it is an unearned psychic enrichment to the winners. Instead of striving to behave ourselves generally as well as we can, people are effectively encouraged to game the system; to get away with what they can and to join in the group self-delusion that in throwing the book at those who cross the double line, we are dispensing condign punishment to them and affirming the virtue of the unpunished.

I had sensed for a long time, but learned when I was in prison in the United States, that many who are convicted are not guilty, many who are guilty just made a mistake, from weakness before temptation, not inherent wickedness, and had paid heavily for it; and that many who had consciously decided to base their livelihood on illegal conduct had been over-sentenced vastly beyond what was necessary to punish them and show them the error of their ways.

This conducts me to the broader question of the systematic dehumanization of our civilization. This is a largely unsuspected and unnoticed, and generally unsought, result of excessive secularization. Because the Enlightenment was

essentially atheistic and anti-theistic, reason was gradually construed as being incompatible with religion. The great majority of people, whether they practice or even acknowledge a religion (though most people throughout the West do), believe in some sort of supernatural intelligence. Most people recognize that there are some spiritual forces in our lives, there was some sort of creation at the start of things, and the human mind can't grasp the infinite – what there was before there was anything, or what there is beyond the outer limits of everything. So people have always, until relatively recently, in a general collective sense, recognized their limitations.

But now academia, the media, and the governing elites are almost entirely atheistic. Under the spurious cover of separation of church and state, as if there were the slightest possibility of commingling them or anyone would stand for it here, there is a war of extermination being waged by government, academia and the media against the philosophical origins of our civilization. Our state religion is effectively atheism, and the same atheistic mind that believes in the perfectibility of man starts by separating people between the good and the bad. Since there is no supernatural intelligence, men can become gods, as the ancients, especially the Romans, tried to show. Fake elections elevated leaders, often very great leaders like Alexander of Macedon and Julius and Augustus Caesar, to be gods.

I accept that I am getting a long way from Bruce Carson, Lynn Beyak and Don Meredith, so I will conclude this point next week, or soon. In the meantime, please don't fear that I have taken leave of my senses. I'm not beating a tambourine for religious practice, just reflecting on Dostoevsky's assertion that if there is no God there is no right and wrong, not because of fear of fire and brimstone, but because of the role of the human conscience. I am concerned but not mad or even fervent, and will come back to this.

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