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# Harper playing hardball

Conservatives' 'three strikes' proposal for repeat offenders a foul bill indeed



SCOTT  
LILWALL

Last week, Prime Minister Stephen Harper stepped up to the plate, pointed out to left field and announced to the Ottawa home crowd that his Tories would introduce legislation to play hardball with repeat offenders in Canada, similar to the "Three Strikes" laws used in some US states. But while the Conservatives were looking for a home run with the proposed changes, a closer look reveals that the legislation would be better off riding the pine.

The proposed law would make it the responsibility of the criminal to prove that he or she isn't a danger to society and therefore shouldn't be locked up until such time that the courts decide to let them free. At first, the law seems to make sense—after all, these offenders would be convicted of three serious crimes already. Why should the Crown have to prove that they're dangerous?

The biggest problem with the proposed changes is that there are no real guarantees that it'll actually do any good. Most criminology studies have found very little to suggest that this type of legislation has any real effect

on crime rates. In fact, the idea that stiffer sentences will lower the crime rate has been largely debunked for a long time. What the Conservatives fail to recognize is that increasing the punishment for violent crime doesn't dissuade people from committing these acts. The vast majority of violent sexual assaults and attempted murders are planned and executed in the heat of passion, without much forethought to the consequences afterwards, making longer jail terms a poor deterrent. Even for crimes such as robbery, countless researchers have found that certainty of conviction and speed of punishment are far more important factors than severity. Strike one, Mr Harper.

The second pitch is a bit of a financial curveball; how is Canada's prison system going to accommodate more inmates serving for longer periods of time? Many of the country's detention centres are already of nose-bleed quality: undermanned, poorly maintained and extremely crowded.

With the infrastructure already straining under the weight of all of those attendees, how will our prisons be able to handle a massive influx of new season-ticket holders? Massive amounts of funding would be needed to keep these dangerous offenders housed and fed. Where's the money going to come from? Because our current hotdog and popcorn sales alone won't be anywhere near sufficient. Swing and a miss, Steve-o.

Finally, a changeup pitch. Moving from the practical considerations to the abstract, our legal tradition clearly states that it shouldn't be on the shoulders of a defendant to prove that they're not a danger to society.

Supporters of the proposed bill reason that the current system, which forces the Crown to present evidence that the offender should be held indefinitely, is too high a standard and discourages prosecutors from attempting to argue dangerous offender status.

But when it comes to society locking up a criminal for an indefinite term, the bar *should* be set damned high. If the Crown wants to put someone away, possibly for the rest of their life and with very little hope of gaining freedom, then prosecutors should have to hit a grand slam instead of just forcing a walk. And with this final strike, the Tories' tough-on-crime bill is on its way back to the dugout.

Even though violent crime in Canada has been falling since the early '90s, one can't fault the Tories for trying to force the statistics lower. But, instead of a sensible, practical grounder, Harper instead tried for a wild swing to impress the Canadian crowds. And, while everyone likes to see someone try to make a big play, the Conservatives would do well to remember that those who don't put up good numbers might just find themselves bumped back down to the minors.

# The rules of engagement—and dating—are meant to be broken



ELIZABETH  
MCMULLAN

"But walking the line isn't the worst thing in the world. After all, there's a statute of limitations on who you can get involved with. As much as you want an ex to fall off the face of the earth, a short-lived, dysfunctional relationship shouldn't turn a well adjusted person into a social leper for life."

In our constantly increasing web of friendship circles, it's inevitable that we encounter the incestuous realm of double dating—and I don't mean the, "Let's pair up and go for dinner and a movie," kind of double date. We're talking the, "Yes, I woke up with your ex," kind of double date. Before you can say mutual friends, you'll often find yourself entangled in messy webs of drama, deceit and strained loyalties.

We've all heard the rules. No friends' exes. No exes' friends. No friends' or exes' roommates or roommates' friends. No roommates, no siblings, coworkers or teammates. Definitely no parents, teachers or bosses. And don't even get me started on residence relationships.

The problem with rules is that it's a lot of fun to break them. Let's face it, the second someone goes off limits, they suddenly become more desirable. But does this mean they should stay that way? Maybe the trick is making sure you don't have any explaining to do later. Sound easy? Not really.

Take a *Seinfeld* moment: how much of the general population is dateable? Narrowing down your pool of potential partners to include people with similar interests, goals and social lives can mean that like it or not, you're going to see familiar faces. So unless

you pack up and start fresh across the country, you're bound to run into repeats—or threpeats.

The underlying issue here is respect. You violate the confidentiality agreement with your friends when you listen to stories about their relationship and then get involved with his or her significant other. It could have meant nothing to you but you still disrespect other people's relationships by messing around with someone they care about. Don't be surprised if they don't trust you—or like you—any more. Besides, you might not be so self-satisfied if the tables were turned; it's not so hilarious when the former love of your life makes out with your roommate.

It's not just friendship that mixes up the pot of social taboos. Before you know it, things can get pretty complicated: people you work and sleep with might start asking for character references. Family parties get awkward when you know more people than expected.

But walking the line isn't the worst thing in the world. After all, there's a statute of limitations on who you can get involved with. As much as you want an ex to fall off the face of the earth, a short-lived, dysfunctional relationship shouldn't turn a well adjusted person into a social leper for life.

This isn't *The Days of Our Lives*; this is our daily life. How then to approach this complicated array of interrelated love interests? As far as I'm concerned, being ethically dubious all depends on your perspective. Maybe everyone should have an off-limits list consisting of certain friends and acquaintances. People on that list could range from "the high school sweetheart who broke your heart" to "the best sex you've ever had" to "the one that got away," so that you can be free and unfettered in the future.

The reality is, unless things are explicitly stated, you might be stuck saying "that lucky bastard" and get left out in the cold. Even if you're the evil other, as long as you're up front about things, no one can hold it against you. Just remember: no one likes being the last to know.

While it might not be feasible to work through a group of friends before you find a perfect mate, it's not impossible or abominable if you realize that your first inclination wasn't your best one. Live and learn, as they say—and live with the mistakes. Because at the end of the day, no one is sacred. All's fair in love and war, and everyone is in it for themselves. Just watch out for those STDs: nothing says mutual friends like a trip together to the Health Centre.