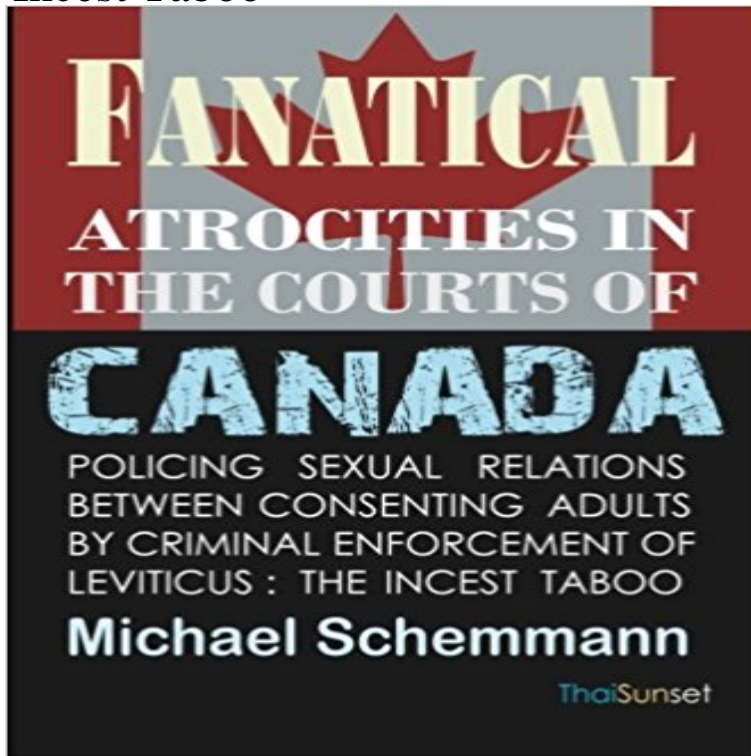


Fanatical Atrocities in the Courts of Canada: Policing Sexual Relations Between Consenting Adults by Criminal Enforcement of Leviticus: The Incest Taboo



This book is both a narrative and a case study of a couple with two children charged under Canada's adult incest statute after a common law marriage of 11 years that began in Germany, Switzerland, continued in the United States and eventually in Vancouver, British Columbia, Canada. The father fought his conviction in the BC Court of Appeal from the confines of his prison cell and was dismissed at a flick out of the judicial hand by a judgment criticized in academic journals. The book covers the history of the incest taboo, citing literature by Sigmund Freud, Joel Feinberg, Robin Fox, Verrier Elwin, Lord Justice Devlin, H.L.A. Hart, Markus Dubber and Otto Lagodny. The denial of basic human rights in an area that matters the most privacy, sexual intimacy, freedom from religious dogma raises the question whether we are living in countries and states that have not dealt with their fascist and racist past, and although signatories to the United Nations Universal Declaration of Human Rights like Canada, deny fundamental human rights enshrined in its Charter of Rights and Freedoms by committing fanatical atrocities of justice in the Courts in order to uphold and enforce religious dogma. Perhaps the nearest counterpart ... in modern European jurisprudence is the idea to be found in German statutes of the Nazi period that anything is punishable if it is deserving of punishment according to the fundamental conceptions of the penal law and sound popular feeling. [Act of June 28, 1935.] The idea that we may punish offenders against a moral code, not to prevent harm or suffering or even the repetition of the offense but simply as a means of venting or emphatically expressing moral condemnation, is uncomfortably close to human sacrifice as an expression of religious worship. But even if we waive this objection another remains to be faced. What is meant by the claim that the

punishment of the offenders is an appropriate way of expressing emphatic moral condemnation? The normal way in which moral condemnation is expressed is by words, and it is not clear, if denunciation is really what is required, why a solemn public statement of disapproval would not be the most appropriate or emphatic means of expressing this. Why should a denunciation take the form of punishment? -- L.H.A. Hart. 1962. Law, Liberty, and Morality. Oxford and New York: Oxford University Press, pp. 55-56.

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