

Trinity Western University Law Faculty Case

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Preacher: Dr. George Egerton

- [0 : 0 0] Thanks, Harvey. When I heard your introduction of Ed last week, I was hoping you were going to introduce me. Ed's introduction was a little bit funnier, I think, though.
- And I also was hoping that you wouldn't just introduce me, but you would explain me and give a summary of what I was going to say here that would make it much more fun for all of us, including me.
- So, here I am. Yes, I did teach at UBC for some 40 years, and well after official retirement. Indeed, it's only in the last two years that I've stopped formal teaching, but I'm still doing my history work and writing and publishing.
- And for the last two decades, really, I've been working on the topic of religion and politics and jurisprudence law in Canada since the Second World War.
- And as you know, if you've come to past learn exchanges that I've given, I address several of the subsets within this larger topic that I'm working on.
- [1 : 1 8] But that's what I'm going to be talking about today, and particularly the Trinity Western University law faculty case. Now, I could have talked about a lot from what's happened in the past couple of months, and particularly the past few weeks, in that three major rulings have come either at the Supreme Court provincial status, or at the level of the Supreme Court of Canada.
- I'm going to be speaking about a couple of the other ones, too. The ruling on Loyola High School in Montreal, and also the Supreme Court ruling on the constitutionality of prayers before city council meetings in Saguenay, Quebec, but which has much wider implications for the public functions, traditional functions of religion in Canada.
- So there was good news and bad news in these very high-level rulings in Canada. But I'm going to be speaking primarily about Trinity Western University law faculty proposal, and how it's been treated by the courts.
- And I'm going to be doing this in the context of my previous presentations around these topics, two learners exchange, particularly the changing nature of Canadian pluralism.
- I see this at the heart of all of these specifics and many more. Now, I won't spend too much time reviewing my findings from last two years of presentations here, but let me just summarize this very quickly.
- [3 : 1 8] I'll be referring to this screen, but I'll try to talk to you. I don't think I need to carry this around for a while. I don't know if you can see this all night clearly at the back, but if you want copies of this, I can certainly get them to you in electronic format or in print format.
- But in my studies and publications, I would summarize the types of Canadian pluralism that we've seen. The old Christendom model of what we called often Christian pluralism, once the term pluralism began to be used in the post-World War II period, political and legal and religious leaders from the period from Confederation, right up until the 1950s and 60s, typified Canada, either from Protestant or Catholic perspectives, as a Christian democracy.
- That was emphasized very powerfully, particularly in times of crisis and most notably in the time of war, Second First, Second World War and the Cold War.

This shifts slightly in the 1950s under Diefenbaker and then more so under Lester Pearson from a type of Christian and largely Protestant condominium to a more broadly conceived religious pluralism, which first was extended very intentionally in the 1950s and then 1960 when the so-called Canadian Bill of Rights or the Diefenbaker Bill of Rights was passed to include the Jewish communities and leaders in Canada.

Nothing was to be put into the Canadian Bill of Rights that would cause any offense to particularly the Jewish leadership, which meant that Christian distinctives were muted in favor of a more general approach to what the objective then was to expand the purview of human rights through legislation at the federal level in Canada.

[5 : 35] This, indeed, was opened more under Lester Pearson and the Liberals, and so particularly at the time of Expo, 67, when all the pavilions were being established and all the tourists were coming to see Canada on display in Montreal in 1967.

How many made it to Montreal in 1967? A lot of the room here was there, very memorable. Well, anyway, here you have, again, intentionally manifest liberal pluralism, more open, more welcoming of all faith communities in Canada, several of which decided to establish pavilions at Expo 67.

And that was the model. Now, quickly through the 1960s, when the old social patterns of Christendom came apart, challenged by new migration patterns and demography in Canada, the declining church membership, declining status and functions for churches in Canada, the challenge of the Quiet Revolution, French-Canadian nationalism, the civil rights, human rights revolution, particularly in the United States, the Quiet Revolution, I've mentioned that, the pill and the sexual revolution.

The 1960s are a watershed decade. We can say this historically. We can say this for the most of us personally and in our faith communities as well.

This was where the old order really began dramatically to come apart. Now, we get, I'll say a few nice things about Pierre Trudeau.

[7 : 23] He's always wonderful to talk about. And he is indeed the philosopher prince of this era in Canadian history, first as justice minister, then as liberal prime minister as of 1968, with all of the Trudeau mania that went into the upcoming election then.

He was the one who, more than anyone else in Canada, charted the path to a new liberal Canada, bilingualism, biculturalism, and then multiculturalism, participatory democracy, and a new pluralism to address the multiple revolutionary challenges faced in Canada by the late 1960s.

And finally, as the thing I know and understandably so, he was most proud of, the patriation of the Canadian Constitution, from where it resided in the British Parliament, to Canada with the inclusion of the Canadian Charter of Rights and Freedoms, which was indeed the first part of the new Constitutional Act of 1982.

Now, at the core of Trudeau's liberal agenda was the removal of religion and theology from Canadian law and public life.

Canadian pluralism would be secularist. Religion could best be protected and exercised in the private sphere. Trudeau, as justice minister, instructed Parliament in 1967 on the cardinal themes of the new jurisprudence and secularist pluralism.

[9 : 10] Just let me go down here a bit now, too. Now, I quoted this last year when I was looking at the many features of the human rights revolution in Canada and the changing nature of Canadian pluralism.

Here it is again, and I think it's worth citing again, because this, if anything, summarizes the direction where Canada was going right up until the major decisions of the last few months and last week.

This does it. We are now living in a social climate in which people are beginning to realize, perhaps for the first time in the history of this country, that we are not entitled to impose the concepts which belong to a sacred society upon a civil or profane society.

The concepts of the civil society in which we live are pluralistic. So he's using the term very intentionally. And I think this Parliament, he's speaking before Parliament, realizes that it would be a mistake for us to try to legislate into this society concepts which belong to a theological or sacred order.

Well, when it came then to the Canadian Charter of Rights and Freedoms and the tremendous debate that surrounded that key moment in Canadian legal and political history, Trudeau at that time opposed any religious legitimator or referent in the preamble to the Canadian Charter of Rights and Freedoms.

[10 : 47] As he put it, and I always like to cite this one, this will be the only thing that people will remember from this lecture. When he was addressing the Liberal Caucus on this question, this wasn't public.

I got it from Senator David Smith, who was the House leader under Trudeau, and managing the brief on the Constitution in relations with Britain at the time, he told me in a wonderful interview and gave me all the documentation on this.

But anyway, Trudeau said that he didn't think, where is the exact site here? Right at the target. He didn't think God gave a damn whether it was in the Constitution or not.

Now that was Trudeau's way, his quitting, and everybody would remember these types of things. But behind this was several things that I think are quite serious.

First, his preference was reflecting much European and British and American jurisprudence of strict separation of church and state, and mindful of his own growing up in the Duplessis era of enforced Catholicism through politics and law.

[12 : 04] He wanted the church out of state organization and that religion should not guide directly or be referred to in the passage of law.

Similarly, he believed the church would be much better protected if they didn't get themselves mixed up in the type of public functions that were normative in the Quebec of Duplessis and the ultra-Catholic culture of that time.

So there it is. He said that, and those are the kinds of things more broadly that he met. But nevertheless, given the very impressive mobilization across Canada, led primarily by evangelical Protestants, including the Evangelical Fellowship of Canada and particularly 700 Huntley Street and David Maines, but also working with many of the Catholic leaders.

This was the first time, I think, in Canadian history where Catholics and evangelical Protestants saw a natural convergence rather than the battles they had often fought in the past.

Trudeau then saw the writing on the wall here, as it were. The political support for putting a religious referent in the preamble to the Charter of Rights and Freedom of 1982.

[13 : 36] So what we got was, whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law, and then it went on from the preamble to list the foundational civil rights, human rights and liberties that are there in the Charter.

Well, Trudeau didn't get his way with what he really wanted in all of this, but in many ways, we've been living in the age of Trudeau since the 1960s. He truly was a philosopher king in that sense of the term.

Whatever criticisms many of us have made of Trudeau, there's no denying the power and brilliance and intentionality determination of his style of leadership for good or for ill.

We are living in the age of Trudeau. Two distinct visions of pluralism have struggled for primacy in Canadian jurisprudence through the succeeding decades.

An open liberal pluralism which welcomes or at least permits religious participation in public life. And by contrast, an exclusionary secularist pluralism which assigns religion to the private sphere.

[15 : 03] So, there's been lots of case law in recent decades on all of this. as I have been reading it increasingly over the last years. And then, again, in preparation for today, I must say I am really impressed with the level of logic, rationality, clarity, and often goodwill that come from the courts, which contrasts in many ways with many of the lobbies who are at each other's throats and contrasts often with what happens in Parliament.

as well. But lawyers don't always get it right as we're going to see a little bit further on here. So, as the jurisprudence has evolved and case law has evolved over the last few decades, there is increasingly a focus centered on contests between religious freedom rights of individuals and their religious communities.

And, on the other hand, equality rights claiming charter protections against discrimination. Now, there's a very fine book on all of this. You might want to note this.

It's really just out by Janet F. Buckingham, *Fighting Over God, A Legal and Political History of Religious Freedom in Canada*, published in 2014, but actually it's only out in the market as of the beginning of 2015.

Now, she heads the Laurier Institute in Ottawa. Previously, she was legal counsel for the Evangelical Fellowship of Canada.

[16 : 49] She is very good, very bright, and very articulate. And this is a very important book that addresses in much greater depth than I can do today the questions of how religious freedom has been adjudicated in Canada and what the prospects are and how it can best be protected.

It's a historical treatment, but it certainly has its interpretive aspects at the heart of it all. Okay, we come now to Trinity Western University.

And I'm sure most of you are familiar with this university, which has a history of 62 years, I think.

No, it was founded in 1962 as a college and then was granted university status later on by the BC government. It has now about 4,000 or so students.

It is a superb college. Everybody, secular, hostile, or supportive, agrees that it has excellent faculty resources, support, and programs, and students particularly.

[18 : 01] The quality of graduates coming out of their programs is right at the top of student accomplishment in Canada. There's no doubt about that.

This is not a highly sectarian, isolated, rural, backward type of religious institution.

It is a principal and superb institution. Now, everybody can agree on that. And so the hope was that Trinity Western, in the summer of 2012, they began to present a proposal to establish a faith-based law school.

They had to go to the BC Ministry of Advanced Education. They got his support. Later on, alas, he withdrew the support for interesting reasons.

But also, they got the support of the Federation of Law Societies of Canada, granting the necessary permissions and accreditation.

[19 : 12] Now, that is how the Provincial Law Societies of Canada, or Bar Associations, or Barrister Societies, or Ventures, all these names are there to confuse us all, but the law societies across Canada at provincial levels, rather than doing accreditation on each case themselves, they, of course, want to know what's happening in their own provinces, but they generally, and fairly recently, have handed this accreditation process over to the Federation of Law Societies of Canada.

So, there was nothing that the Federation could see that, you know, that made it problematic to grant the necessary permissions for this law society to function.

On the merits of Trinity Western's case, quality of students, faculty, curriculum, resources, distinctions of their program and mission, Trinity passed all the hurdles.

This was despite the university's transparency about their confessional nature and their community covenant, which all students are required to sign to be admitted to studies.

The covenant does not require students to agree to a religious or theologically grounded statement of faith or code of faith.

[20 : 42] This is, this community covenant is a code of conduct, of behavior, and that's a very, very important distinction.

Okay, it pledges, students have to pledge to behave according to specific norms which reflect the confessional basis of the university. Most of these behavioral norms are pretty standard, both positively and proscriptively.

Acceptance of the divinely inspired Bible as a guide to holy life, modeling one's life and the example of Jesus and more specifically, now here we get into the key citation of this covenant.

Again, most of, let's not lose this now, most of this, I hope we could all try to qualify if we wanted to be students at Trinity Western University.

You know, cultivate Christian virtues such as love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self-control, compassion, humility, forgiveness. Okay, and most of these reflect the more general things that certainly evangelical Christians are happy to subscribe to.

[22 : 00] But then it went on and this is where we got into a lot of trouble. In keeping with biblical and the university ideals, community members voluntarily abstain from the following actions.

Now remember, they would have to sign on in a pledge to this even though it was voluntary. If they volunteered not to do it, well, they couldn't then become students at Trinity Western University.

Of course, the choice is theirs. They can go to some other university. Okay, so again, most of these aren't all that bad and I hope we could all subscribe to these.

Maybe St. Peter will have this list at the pearly gates, who knows? But most of this was acceptable also to, of course, it all was acceptable to the Federation of Law Societies of Canada, but many secular or minimally religiously engaged lawyers and the leadership were not, you know, absolutely offended by these types of Christian behavioral standards, except for this one here.

Okay, sexual intimacy that violates the sacredness of marriage between a man and a woman. Well, that was the thing that caused the explosion.

[23 : 26] This, of course, is reflective of the change of law on marriage in Canada at the federal level with the Civil Marriage Act 2005, I think it was, which is, you know, it's a revolution of the common law standards and of traditional historic standards for defining marriage, marriage as distinct from partnerships or civil unions, whatever one could have called it.

The Liberal Party under Chrétien and then Paul Martin, who passed this, insisted that know the term marriage must be in this to grant total equality for those that want to go down this route in their lives.

Well, putting this barrier up was what then caused a tremendous explosion. As I say here, impassioned objections from the LGBT community and their supporters, including Human Rights Commissions, the Nova Scotia Human Rights Commission ruled that this was discriminatory, other lobbyists, progressive academics, which means like 100% of them, especially within gender and women's studies departments.

There were two powerful submissions out of one UBC, other Simon Fraser from leading gender and women's studies department people.

So the argument here is that an institution such as Trinity Western University and its proposed law school would promote unlawful and damaging discrimination against the LGBT community, especially for those who were in same-sex marriages.

[25 : 28] And a big kerfuffle was made that those that came to Trinity Western University that were in this type of civil marriage then would be explicitly discriminated against in terms of their sexual intimacy.

Of course, would they ever choose to go to Trinity Western University? Would they choose to sign on to the covenant? Well, that was looking for straws as it were, but that was the principle that was being put forward.

And although the Federation of Law Societies, well, you can see, soon the lawyers and their bar associations took notice. law societies had affirmed the application and although the executive of the Law Society of British Columbia had done the same, several of the provincial law societies now had second thoughts and held special meetings, a broader membership, polling them and organizing general meetings and votes were held that resolved in several instances to withhold recognition of graduates, typo there, of Trinity Western University's law school, unless the community covenant was made voluntary or removed or amended to remove the objectionable items, which in particular the one I pointed out.

Now this reaction came as a shock to Trinity's leaders who had carefully played by the rules, counted on the legal ruling by the Supreme Court of Canada in the matter of the university and the BC College of Teachers in 2001, when the College of Teachers attempted to prescribe the program on the same type of grounds, the Supreme Court of Canada had ruled that the Teachers College's attempt to deny accreditation to graduates of Trinity Western University's education faculty was itself unlawful on several grounds, notably the right to freedom of religion, spelled out in section 2 of the Charter of Rights, in the absence of any evidence that Trinity Western's students were prone to illegal discriminatory behavior or unprofessional behavior as teaching in the public schools.

So that was a very, very important ruling by the Supreme Court and Trinity Western, of course, thought they could count on all of that.

[28 : 22] Well, it turns then, and we're going to have to speed up here to Nova Scotia where the battle has its first round and were just finished through that round basically.

Trinity Western had appealed for judicial review of the regulations passed by the Nova Scotia Barrester Society, which denied recognition in the province of graduates of this proposed law school unless the community covenant was made voluntary or amended to remove its illegal discriminatory pledges as they saw it, which cultivated homophobia.

Of course, this word will be central to the charges regarding discrimination. Now, homophobia was used by, that term was used by the council for the Barrister Society.

The principal arguments of the society and other critics were that Trinity's covenant fostered discrimination prohibited by section 15 of the Charter Rights of the Equality section, that the Supreme Court ruling of 2001 on the teachers college no longer served as the guiding precedent as Canadian laws had moved on, the Civil Marriage Act of 2005, and Canadian society had evolved, and that law societies had the responsibility to serve as guardians against discrimination within their own profession and more broadly in Canadian society, and that to permit the operation of Trinity Western's law school would send the wrong signal to the LGBT community and to Canadians generally, especially since Trinity Western sought accreditation from a governmental or quasi-governmental regulatory institution, institutions as in the case of the

Federation of Law Societies of Canada. Okay. Again, more generally, the argument was that in these governmental or quasi-government regulatory institutions, secularist principles demanded strict neutrality, not any affirmation of religion in its belief or behavior.

[30 : 55] The recommended sanctions would mean that Trinity Western University law graduates would face a bleak future for employment prospects if the prescriptions that were passed in Nova Scotia, Ontario, and BC, I think those are the three principal ones, I think they were recognized and affirmed by Alberta, Manitoba, and New Brunswick.

New Brunswick was a squeaker, it was a vote of 12, and 12 of which the chair broke to extend recognition then.

Well, the hearings on judicial review resulted, took place in December, that recently, sorry, that should be December 1914, where the appellants, respondents, interveners, and many understood groups and individuals were granted leave to make submissions and address the court, Supreme Court of Nova Scotia, with Justice Jamie Campbell as the judge.

His ruling was published the 28th of January, 2015, and here I go on to cite his major points. Now, this is legal, dense, but in many ways beautiful language.

It's clear, it's resolute, it's determined, it is thoroughly grounded. I mean, I'm very positive on this. I was surprised that this was going to come out. I was thinking the worst was going to happen, and that Trinity would be effectively suppressed in its hopes to establish its law school.

[32 : 44] Well, what you have here, I think there's about 18 or so paragraphs that are summation paragraphs, but it is to summarize the summary, and I can't do it justice in the time I've got here, but it is an affirmation of almost everything that Trinity Western and its intervenors, supportive intervenors, argued on the basis of the charter, the religious freedom rights, and precedent law, particularly the Supreme Court ruling regarding the BC Teachers College.

It's interesting, as I went through 30,000 words plus, not to mention all the submissions and hearings that you can watch on video if you want.

This is a big and important, well-recorded case. The way that Justice Campbell proceeds is to give very fair shape to the arguments from the Nova Scotia Barrister Society and their intervenors, and particularly from the gender studies and women's studies programs from UBC and Simon Fraser, absolutely fair and detailed coverage from these.

He hardly ever mentions specifically the arguments put into the Trinity Western University Council's brief, nor the briefs put in by the Evangelical Fellowship of Canada.

Nevertheless, although this is a bit of an imbalance, I think he wants to make sure he's got his back covered. I mean, Jamie Campbell, from what I can understand, is no evangelical Christian.

[34 : 54] He is a true liberal, and thank God for that and the way he's treated this case. But he's accepted virtually all of the arguments, constitutional arguments, and precedent arguments, case law, that were included in the principal briefs and intervention briefs that supported Trinity Western University's religious freedom rights.

So, I could read several of these. The language is wonderful, and the language has a subtext of a type of bitter, if ironic, and witty sarcasm about the quality of the Novus Hocchiabar Association's submissions.

The two principal things are, I'm going to just leave it to you if you want to read this. I love reading this stuff. Not the same after I do it though. The principal argument is they did not have the authority under the provincial legal, it's, there's legal profession act here.

They did not have due authority to do what they did in terms of attempting to prescribe a law faculty and its program in another province.

Okay, that was the first thing. And, as the attorney general argued, the barristers or law societies do not have the legal authority to recognize or not recognize faculties on grounds other than the traditional ones of academic excellence and faculty and resources and all the rest of it.

[36 : 46] So, he hammered them on the fact they were ultra-veros on this. That's the legal word. They were beyond their authority. They couldn't do this. But then he went on to say, even if they couldn't do it legally, I'm going to assume that they could and tell you why, even if they had the authority, they got it all wrong in terms of protecting the charter freedoms of all concerned in this particular issue.

And here are his principal arguments. I'm just going to try and pull them out of my head. And that is, they derive when you're faced with specific violations of charter freedoms.

And, of course, a Trinity Western is arguing that their religious liberty, foundational rights and freedoms, are being attacked by the Nova Scotia Barristers Association.

On the other, another of the foundational freedoms, in section 15, equality rights, that they are being, those that, of course, are within the LGBT community, are being discriminated against illegally.

by the proscriptions or the code that Trinity Western University has put forward. Now, as Justice Campbell points out, rights in the charter are not absolute.

[38 : 25] And rights often are in conflict. So what do you do when they're in conflict? Well, the Nova Scotia barristers essentially want to establish a hierarchy of rights supported by all the LGBT community, or much of it, anyway, in all of this, so that equality rights would trump religious freedom rights.

And Justice Campbell says, no, we don't do that, the law doesn't do that in Canada, the Supreme Court has refused to go down that path. When you have rights in conflict, and when there is some public interest in constraining or limiting a due right, this is spelled out in section 1 of the Chartered Rights and Freedoms, there are procedures and processes and precedents that are in place, and they go back primarily to what's called the Oakes Test that was put up in the mid-1980s, I won't go into all the details of that, but it includes, there has to be something really substantial in public interest to constrain or limit fundamental rights.

The case has to be made that there's going to be major consequences in suffering and violation of rights. The limitation of rights has to be put specifically into law or regulations.

A rational case has to be argued in order to support this constraint on fundamental freedoms, i.e. religious freedoms.

The penalties put forward have to be proportional to the violation of rights that's being argued.

[40 : 13] There's a whole list of these things that make an awful lot of sense as they've evolved over time since the charter came into effect. And in each case, he argues the regulation from the Barristers' Association fails to meet these established tests.

And so he rules. Let's just go down to the end. I would have loved to have read some of these. reasons are very interesting.

I know, I know, I know. Okay. Okay, so let's do the last two ones. The Nova Scotia Barrister Society refuses Trinity Western Law degree and puts that obstacle before the individual graduate, even though he or she may not agree with the university's policies, and even may be a member of the LGBT community.

It's possible that is happening now. Yet, quite properly, it does not prevent lawyers from practicing law who may agree with the religious tenets that underlie Trinity Western's policy, i.e.

lawyers practicing already, and lots of them in Nova Scotia, or who belong to religious or private organizations that espouse those moral positions and impose similar restrictions on their members.

[41 : 38] Any rational distinction in principle between those lawyers and the Trinity graduate would have to be very finely drawn. He loves those kinds of witty stain.

The value of the statement of principle made by refusing to recognize Trinity law degrees is not proportional to the direct and substantial impact on freedom of religion.

That's part of the Oaks test. The Barristers' Association acted unreasonably by failing to properly or adequately consider charter rights in making the decision to refuse Trinity Western University's law degrees and in passing the regulation that put that resolution into effect.

Okay, so that's what came out of the January 2015 ruling. What can we say about all of this now? I'll just say a few things and then I, how are we doing for time?

How long do we have? Until 10. Okay, well, okay. Just a few things here and then we can get into some discussion on all of this. Hey, I've been handling this technology fairly well.

[42 : 51] Okay, it's a strong affirmation of Trinity Western University's religious freedom rights in seeking to establish law school. That's obvious. It is a stinging indictment of the Barristers' Society in acting beyond the authority they're granted in the legal profession act and its failure even to attempt to balance charter rights to freedom of religion and conscience and association with equality rights while inflicting non-proportional penalties on the university unless it's changed its ways.

More broadly, the willingness of lawyers to jump on the LGTB bandwagon and preemptively suppress Trinity's law school is pretty shocking.

This I find pretty shocking. nevertheless, having been knocked over by Jamie Campbell, the Barristers' Society, that should be the Nova Scotia Barristers' Society, has sought to leave appeal to the Campbell ruling.

So this will probably go to the Supreme Court of Canada. I don't know where else it can go to in Nova Scotia because it was the Supreme Court of Nova Scotia and I don't think there's anything above that.

Maybe some of the lawyers will know that here. So I presume if the Supreme Court of Canada will accept it, as remember they didn't accept our attempt to take it to that level when we were in battle with the diocese here over the property at the Shaughnessy Church.

[44 : 24] nearly all the arguments made by the brief submitted by Trinity Council are affirmed in the ruling. What is equally impressive is the scope and quality of the intervening groups.

This I found very very important too. That the religious communities in Canada and not least the evangelical Protestant religious community and the Catholics often working together now are up to speed on these questions.

The briefs put in by the Justice Centre for Constitutional Freedoms, the Association for Reformed Political Action, the Evangelical Fellowship of Canada, and Christian Higher Education in Canada, the Catholic Civil Rights League, and the Faith and Freedom Alliance, the Christian Legal Fellowship, the Canadian Council of Christian Charities, not to mention the support we got from the BC Civil Liberties Association on this.

Thank God for them on this anyway. So the ruling is cause for celebration on the part of faith communities in Canada that the judiciary will rule to protect all the rights of the Charter, including religious freedom rights.

Rights can obviously be in conflict, but when they are, courts and judges eschew the creation of hierarchies. Rather, the search is for balance between and among rights, reasonable accommodation, and the rule of law, as distinct from the rule of special lobbies, media noise, and political correctness.

[46 : 04] Jamie Campbell uses some of those terms anyway. Okay, I'm arguing that his ruling here reflects a truly liberal pluralism in Canada, opposing any effort by government or quasi-government agencies to impose conformity on the religious conscience or belief systems of Canadians.

Again, underline this. The emphasis in the 2001 teachers' college ruling from the Supreme Court of Canada that freedom of belief is much wider than the freedom of behavior, and as the courts can deal only with behavior, not belief.

Much to applaud in it. Similarly, the Supreme Court ruling on Loyola High School, read that, I won't go into the details here, but very positive of the rights of Catholic institutions, educational institutions, to teach their worldview and ethics and sexuality from a distinctly Catholic perspective, while, of course, doing everything they can to do recognition to the ethics and religious culture that comes out of the Ministry of Education, but not have to teach it without putting it in a Catholic context.

However, the unanimous ruling of the Supreme Court of Canada just over a week ago, that the mayor of Saguenay could not recite a traditional Christian prayer before meetings of the municipal council, which they've been doing for decades and decades' history.

This, perhaps, signals more accurately, I think, the way Canadian pluralism and the public rule of religion are heading in Canada. The Supreme Court ruled that such public prayer, conducted in a governmental context, and certainly on government property, violated the conscience of the non-religious and the principle of secularism and neutrality upheld by the state.

[48 : 16] So, I put out the question, does this mean, as both our national newspapers have put out in headlines, the end of public prayer in Canada? What does it mean for the nature of Canadian pluralism?

have big questions. Yes, you can sense I'm not too optimistic about what's going to happen here. Thank you.