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A free society should tolerate a Christian-based law school

by JOHN CARPAY

William Flanagan argues that Trinity Western University (TWU) should not be allowed to set up its own law school because this Christian university is guilty of “discrimination on the basis of sexual orientation.”

As the dean of the faculty of law at Queen’s University, Flanagan should know that a free society tolerates a wide range of opinion on all topics, including sexual morality. No law compels anyone to agree with Flanagan’s opinions about sex and sexuality, nor is he compelled to agree with Christian teaching about sex and sexuality.

A free society allows adherents of all religious and non-religious faiths (including agnostics, atheists, and people who believe in God without adhering to any particular religion) to proclaim what they believe to be the truth. A free society also allows people of like mind to associate together and establish their own institutions, including charities, schools, hospitals, churches, universities, and even law schools. For Flanagan to suggest that all Canadian law schools must comply with one, single government-enforced ideology about sexual behaviour is the opposite of a free society. The imposition of one world view on all institutions is the hallmark of totalitarianism.

Further, Flanagan is wrong in accusing TWU of “discriminating” against gays. Consistent with over 2,000 years of Christian teaching, TWU’s “community covenant” imposes a range of penalties (including expulsion) on heterosexual students who engage in sex outside of marriage. This community covenant applies to all staff

and all students, regardless of sexual orientation, prohibiting adultery, pornography, promiscuity, etc. Any student, whether gay or straight, who does not wish to abide by TWU’s code of conduct is free to attend another university. Nobody is required to abide by these rules, unless a person voluntarily submits to them. For Flanagan to characterize these rules as “anti-gay” is misleading.

In *TWU v. College of Teachers*, the Supreme Court of Canada addressed Flanagan’s concerns by ruling that “there is nothing in the TWU Community Standards, which are limited to prescribing conduct of members while at TWU, that indicates that graduates of TWU will not treat homosexuals fairly and respectfully.” The court also noted that religious public education rights are enshrined in Section 93 of the Constitution Act, 1867.

Canada has indisputably the most monolithic body of law schools in the western world. They are all of the same model, promoting a politically correct world view which rarely if ever questions the progressive orthodoxies of radical feminism, socialist economics, aboriginal entitlements, and libertine sexual politics. Those who shout the loudest for “tolerance” and “diversity” are in fact the most intolerant of any real diversity in opinion, as can be seen by the Canadian Council of Law Deans opposing the creation of a law school which might be different from all the others.

Whatever Flanagan’s views about sex may be, he is free to persuade other people of their correctness. Apparently

not content with this freedom, Flanagan seems to believe that every law school in Canada must comply with and teach his ideology. This hostility to authentic diversity runs counter to the fundamental freedoms of expression and association, both protected by the Canadian Charter of Rights and Freedoms.

Canada’s fundamental freedom of religion and conscience is not limited to people who are religious as such. Every person holds metaphysical beliefs in respect of questions like: Why do we exist? What is right and wrong? How should we behave? Science can tell you how to end the life of a convicted murderer, but not whether it is right or wrong to do so, or why, or under what circumstances, if any. The Charter protects the rights of atheists, agnostics and theists alike to ponder these questions, arrive at their own conclusions, share those conclusions with their fellow citizens, and act upon their convictions.

A free society protects atheists and agnostics from government coercion as much as it protects theists. To insist that all law schools (or other institutions) must subscribe to a particular set of beliefs about sexual behaviour threatens the freedom of everyone — including Flanagan’s freedom.

Calgary lawyer John Carpay is President of the Justice Centre for Constitutional Freedoms (www.jccf.ca)