

New law school offers real diversity to students

by JOHN CARPAY

Earlier this month, the president of the Law Society of Alberta wrote to Alberta lawyers to express his opposition to the new law school at Trinity Western University, an evangelical Christian university in Langley, B.C.

The Federation of Law Societies of Canada recently approved the Trinity law school program, but Carsten Jensen wants to see a court strike down this decision.

Jensen disagrees with Trinity's code of student conduct, called the "community covenant," which students voluntarily agree to adhere to when choosing to attend the university. Based on Bible teachings, the community covenant prohibits drunkenness, witchcraft, gossip, pornography, all forms of sex outside of marriage, and a long list of other behaviours and practices.

Jensen is deeply troubled by the fact that Trinity, as an evangelical Christian university, believes that sexual intimacy is "reserved for marriage between one man and one woman."

Jensen claims the community covenant has a negative impact on gays and lesbians, and therefore Trinity should not be allowed to have a law school. This claim is nonsense, because the community covenant applies equally to all students, regardless of sexual orientation. Unmarried heterosexuals who insist on being sexually active are not welcome to attend Trinity. Put simply: those who disagree with evangelical Christian teachings are not compelled to attend Trinity, or to abide by its rules.

Those who reject traditional religious teachings about sexuality (and other

topics) will not be interested in attending Trinity. They are not victims, but free citizens, with every right to study law (and other subjects) elsewhere.

Jensen states correctly that the inter-provincial mobility of lawyers requires harmonizing educational standards to ensure that those entering the legal profession have demonstrated relevant legal competencies.

But Jensen errs when he asserts that having the "correct" views on sexuality and marriage is relevant to providing clients with competent legal services. Further, lawyers already reflect to a large degree the diversity of Canada's population, including a very strong representation in the legal community of those who would share Jensen's "correct" views of sexuality and marriage.

Opposing Trinity's new law school has nothing to do with the law society's mission, which is to serve the public interest by promoting a high standard of legal services and professional conduct. If the Trinity law program were to exclude contracts, criminal law or civil litigation as mandatory courses, Jensen would have cause for concern. But in fact, the Trinity law program has met all of the existing academic and professional standards, which is why the Federation of Law Societies of Canada approved it.

Jensen claims "diversity" as his reason for opposing the creation of Trinity's law school. His claim is ironic, since anyone looking for actual diversity of thought and

opinion would have difficulty finding it at a Canadian law faculty. The faculty and curriculum at most law schools in Canada are suffused in the politically correct views of feminism, socialism, cultural relativism, and other sacred cows of the left. Alternative views, including those of religious adherents, are rarely presented, and the purpose of discussing such views at all is often just to mock and deride them.

Trinity's recently accredited law school will introduce real diversity into Canadian legal education, hence the hysterical opposition from some law school deans. In opposition to diversity, Jensen argues essentially that the only people who should be allowed to teach law are those who agree with the state's current definition of marriage as including same-sex couples. Those who disagree with Jensen might still be entitled to attend his "orthodox" law schools, but they would not be allowed to start their own.

If in future the Supreme Court of Canada extends the definition of marriage to include polygamy, must people then support and agree with polygamy in order to establish a law school? In a totalitarian state, the answer is yes. In a free society, the answer is no.

Regardless of how the state defines marriage at any given time, a free society does not require its citizens to agree, and does not bar those with differing views and social habits from full participation in society.

What Jensen seeks is not diversity, but conformity.

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