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Get set for Loyola West

Bill 10, the new law that requires every school in Alberta to host a Gay-Straight Alliance (GSA), is on a collision course with the Supreme Court of Canada's recent decision in *Loyola High School vs. Quebec*.

Nobody disagrees with the stated purpose of Bill 10: creating a "welcoming, caring, respectful and safe learning environment" in Alberta's schools. But how Bill 10 tries to do this — by requiring religious schools to host clubs and activities that are hostile to the school's mission, beliefs, character and culture — runs afoul of religious freedom as protected by the Charter.

GSAs are ideological clubs, embracing a wide range of sexual expression that is incompatible with the morality of many faiths, including most denominations of Christianity, Islam and Judaism. On their own websites, GSAs speak of curing society of "homophobia" and "heterosexism"; people who do not support gay sex or same-sex marriage are denounced as "fascist." While one could argue that the ideology of GSAs is laudable and correct, one cannot pretend that GSAs are neutral, or compatible with most religious teaching about human sexuality.

By imposing ideological clubs and activities on every school, Bill 10 removes the right of parents to have a meaningful say about the culture, character and learning environment of the schools that their children attend. Principals no longer have the authority to work with parents and teachers to develop what they see as the best ways to address bullying.

Instead, principals are legally obligated to help establish an ideological club, or to help facilitate an "activity," if one or more students so demand. The Alberta government has stated that parents will not be notified if their children attend a club, or participate in an activity, that is contrary to morals taught at home.

Alberta's Education Minister, Gordon Dirks, has argued that a school's culture and character are irrelevant to religious freedom because Christian, Jewish, Sikh and other religious schools retain their right to provide religious instruction. But in *Loyola* and other similar cases, the Supreme Court has made it clear that education is more than just curriculum. The school's character, learning environment and community life, and even the conduct of its teachers outside the classroom, are all vital parts of education.

The *Loyola* ruling was about the "Ethics and Religious Culture" curriculum imposed by the Quebec government on all schools in the province. *Loyola High School*, a private Catholic boys' school, objected to being forced to teach ethics and religion from a "neutral and objective" perspective rather than its own Catholic perspective.

Reaffirming the Charter right to manifest religious belief by teaching and dissemination, the Court held that the state cannot "undermine the character of lawful religious institutions and disrupt the vitality of religious communities," including religious schools.

The Court held that requiring Catholic teachers to explain Catholicism from a supposed "neutral and objective" perspective unjustifiably violated freedom of religion. Three of seven judges went further and held that even when teaching the beliefs, ethics and practices of other religions, *Loyola's* teachers should be "respectful" but need not be "neutral."

The Court noted that "an essential ingredient of the vitality of a religious community is the ability of its members to pass on their beliefs to their children" through "instruction in the home" as well as "participation in communal institutions." In contrast, Bill 10 does not permit parents to have a say in what clubs are permitted at their child's school, or even whether their child can attend such clubs. This violates the right of parents, recognized in *Loyola*, to ensure that the moral education of their children conforms to their own convictions.

Some Christian schools in Alberta have already informed Gordon Dirks that they will not allow clubs or activities that undermine the school's religious character. If the government fails to amend Bill 10 and thereby provokes a legal challenge, a court would follow the *Loyola* precedent and likely conclude that Bill 10 undermines the liberty of families which send their children to religious schools.

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