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Court actions launched by Trinity Western University (TWU) against the Law Societies of BC, Ontario and Nova Scotia raise important questions that go to the heart of Canada's free and democratic society.

Why doesn't TWU just get with the program, and accept the reality of gay marriage in Canada? Why cling tenaciously to outdated beliefs about sexuality and marriage that many Canadians consider to be silly and naïve, or even bigoted and hateful?

Authentic diversity in Canada's free society is the short answer to both questions.

The Federation of Law Societies of Canada has approved the law program of TWU, a private Evangelical Christian university in Langley, B.C., as meeting academic and professional standards. The three Law Societies admit there is nothing wrong with TWU's law program, but claim that TWU's Community Covenant discriminates against the LGBTQ+ community.

This claim wilfully ignores the fact that unmarried heterosexuals who insist on being sexually active are also not welcome to attend TWU. Further, the Community Covenant prohibits numerous legal activities such as vulgar or obscene language, drunkenness, viewing pornography, and gossip. In short, TWU's expectations "discriminate" against the majority of Canadians, for a myriad of reasons, all of which boil down to an unwillingness to practice an Evangelical Christian lifestyle.

Every voluntary organization discriminates. The Constitution of Out for Kicks, Vancouver's gay

soccer league, has as one of its purposes the elimination of prejudice and discrimination based on sexual orientation. It would be safe to assume that an Evangelical Christian who disagrees with LGBTQ+ worldviews, especially one who claims to have experienced a change in her sexual orientation, would not feel welcome to join Out for Kicks. Or, more accurately, she would be welcome to join only if she refrained from openly sharing her personal experiences with, and beliefs about, sexuality. She might argue that she is not welcome there, and cannot abide by the Out for Kicks constitution and also be true to herself because her religious beliefs and her own experience of sexuality form the core of her identity.

Nevertheless, she is not a victim, and can play soccer elsewhere. To suggest that Out for Kicks needs to change its own constitution, in order to make every individual feel welcome, is the antithesis of the free society.

Tolerance for unpopular groups, practices, and beliefs – not popular ones – is what separates the free society from the totalitarian state. As the Supreme Court of Canada held in *Zundel*: "The view of the majority has no need of constitutional protection; it is tolerated in any event." For a free society to remain free, its citizens must acquire the maturity to cope with their feelings of incomprehension and outrage when confronted with doctrines or practices they consider putrid and offensive. Freedom depends on citizens accepting that other people can and do have radically different conceptions of reality, including unpopular ideas about sexuality.

I cannot enjoy freedom of expression myself unless I grant my neighbour – whose opinions I may abhor – the same freedom. A legal right to be free from hurt feelings, if it existed, would destroy freedom of expression as well as freedom of association.

A free society tolerates an authentic diversity of groups and organizations, including unpopular ones. The Liberal Party, the United Way, the United Church, and the Vancouver Pride Society all discriminate on the basis of their beliefs, goals, rules and practices. That is their right, and the right of every charity, temple, church, ethnic and cultural association, sports club, and political group. Freedom of association ceases to exist when government bodies (like the Law Societies of Ontario, BC and Nova Scotia) try to coerce a private and voluntary association (like TWU) to alter its rules, in order to please those who disagree with the association. A court ruling against TWU's freedom of association would undermine the freedom of association of every other group in Canada as well.

The TWU law school controversy provides an opportunity to choose the free society and authentic diversity over authoritarianism and conformity. The freedom to express offensive opinions, practice minority religious beliefs, and create unpopular organizations forms the cornerstone of Canada's free and democratic society. These fundamental freedoms benefit all Canadians, including the LGBTQ+ community.

Calgary lawyer John Carpay is president of the Justice Centre for Constitutional Freedoms (JCCF.ca), which is an intervener in Trinity Western University v. Law Society of British Columbia.