



Archdiocese of Vancouver
ARCHBISHOP'S OFFICE

February 25, 2014

Mr. Timothy E. McGee, QC, Chief Executive Office and Executive Director
The Law Society of British Columbia
845 Cambie Street
Vancouver, BC V6B 4Z9

Dear Mr. McGee:

I write today to address the opposition being faced by Trinity Western University in its efforts to establish a Law School. The hostility the School is facing, based solely on the statement of community standards that TWU requires that its students pledge to observe, although not necessarily agree with, is of great concern to me.

The Catholic Bishops of Canada recently released a 12-page pastoral letter entitled *Freedom of Conscience and Religion*. We wrote the letter for two reasons:

- 1) because of our conviction that religious believers and their communities and projects can enrich society with their innumerable contributions to culture, political and economic life, health care and education; and
- 2) out of a growing sense that people of religious faith were finding themselves in difficult situations where they may be pressured to act against their religious faith or consciences.

We noted a disturbing trend of threats, around the world and here in Canada, where individuals' freedom of conscience and religion is being threatened with bias, prejudice, hate propaganda, discrimination and persecution.

Our Letter noted that attempts to limit expressions of religious faith to places of worship and certain areas of social justice represent a serious curtailment of a guaranteed right which necessarily entails aspects of public manifestation.

Canada's courts have consistently upheld this right, despite attempts to advance the concept of a "secular" society as being "free of religion." In *R v. Big M Drug Mart Ltd.*, (1985) 1 S.C.R. 295., the first decision of the Supreme Court of Canada dealing with the Freedom of Conscience and Religion, Chief Justice Dickson stated: "The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination."

True pluralism in Canada, as the courts have recognized, must allow religion to operate freely in our democratic society, rather than giving a preferred place to the convictions of non-religious believers and driving religious believers into the private sphere.

With the Supreme Court of Canada, I believe that Canada should have a "religiously inclusive" public sphere. While a religiously informed conscience should not be accorded any privilege, neither should it be placed under a disability. Canada is a diverse society and this means the co-existence of different spheres of belief in the public sphere as well.

When Trinity Western University was denied full accreditation from the B.C. College of Teachers, over a decade ago, for its teacher-training program because of "discriminatory practices that are contrary to the public interest and public policy," the B.C. Supreme Court, the Court of Appeal, and later the Supreme Court of Canada, ruled in favour of Trinity Western University, stating that there was no evidence for "the concern that graduates of TWU will act in a detrimental fashion in the classroom."

In *Chamberlain v. The Board of Trustees of School District #36 (Surrey)*, Mackenzie JA, speaking for a unanimous Appeal Court, held that "the division of moral conviction on (same-sex relationships) cuts across society and divides religious communities as well as people of no religious persuasion." In essence, the courts have rejected any notion that the beliefs of one group, such as gays and lesbians, have superior or trump value compared to the beliefs of other

citizens. This is as it should be in a society where different spheres of belief must co-exist in a free and democratic society.

I urge you to consider the worrisome ramifications of a society where religious freedom becomes increasingly restricted, and I respectfully ask you to affirm a commitment to the rights of freedom of conscience and religious liberty of the future graduates of TWU's proposed Law School.

With cordial best wishes, I am

Sincerely yours,

+ J. Michael Miller CSB

✠ J. Michael Miller, CSB
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