



## From our President, **Phil Horgan**

Please accept our prayers for a blessed Christmas to you and your families.

While we acknowledge our many blessings, we remain

in need of the joyful message of Christ's coming into the world. His arrival in Bethlehem, until the events of His death and resurrection in Jerusalem, occurred in a real place, a subjugated part of the Roman empire. Christ changes history, and leads us to our redemption.

While the ultimate victory over death has been won, there remains much to occupy our efforts in Canada 2,000 years later.

We will be facing challenges in the year to come of the noxious spread of physician assisted killing into Canada,

with upwards of 450 such deaths already performed in 2016 alone. Court challenges have been brought on the conscience rights of doctors and other health care workers to avoid complicity with this barbaric practice, for which pressures have already been placed in our health system.

Continued vigilance will be needed in the areas of Catholic and Christian education rights, notably in the expected advance of arguments involving Trinity Western, which is expected to head to the Supreme Court in 2017.

And we can expect ongoing demands on issues of free speech, as we watch the imposition of gender politics into our schools and workplaces.

As part of your end of year giving, please consider the work of the Catholic Civil Rights League. We operate on a modest budget, and as can be seen by recent engagements, we are recognized for our work. But we rely upon your continued support to tackle future engagements.

And please keep us in your prayers, as we advance a robust place for Catholic teachings in the public square.



## From our Executive Director, **Christian Elia**

Euthanasia is now a reality in Canada, but the fight is not over. We, as League supporters, have

a responsibility to stay informed about how we can help our Catholic physicians and healthcare workers stand up against being forced to participate in the taking of lives.

As Catholics, we understand that it is our duty to defend life from conception until natural death and that we must

support our Catholic hospitals and long-term care facilities in their work to treat each human being with utmost dignity at all stages of life, particularly in dealing with the elderly, the sick, the dying. Palliative care that provides relief from pain and increased comfort is the correct response, not hastening death through a lethal injection.

We must help our institutions in the resistance to killing patients, and likewise we need to support vulnerable people for whom death may be near. We need to let them know that being prematurely killed is not the way to dying with true dignity. Simply put by Thomas Cardinal Collins, "dying is not the same as being killed."

This will continue to be a major focus for the CCRL in 2017 and we ask for your support, and especially your prayers.

I wish you all a Christmas filled with serenity and joy.

# CCRL AGM 2016 with Guest Speaker George Weigel



On October 26, we held our Annual General Meeting (AGM) in the hall of Holy Rosary Church in Toronto, proceeded by Mass.

George Weigel, who received his MA from the University of St. Michael's College is one of America's leading Catholic public intellectuals. The renowned Catholic theologian is Distinguished Senior Fellow at the Ethics and Public Policy Center, where he holds the William E. Simon Chair in Catholic Studies.

Mr. Weigel is the author or editor of over 20 books. His weekly column, "The Catholic Difference," is syndicated to 60 newspapers.

He spoke of "The New Soft Totalitarianism" exploring the ways in which the Autonomy Project – the claim that the Imperial Autonomous Self stands at the center of the 21st-century civilization of the West – is rapidly becoming what Pope Benedict XVI once called the "dictatorship of relativism."

He also discussed how meeting this challenge is integral to the New Evangelization, the Church's grand strategy for the new century.



# **Victory for TWU in BC: Triumph for Robust and Authentic Pluralism in Canada**

The Catholic Civil Rights League (CCRL) applauds the November 1 unanimous 5-0 decision of the BC Court of Appeal in favour of Trinity Western University (TWU) in its ongoing struggle against the Law Society of British Columbia (LSBC). The strong judgment from BC's highest court was recognized by TWU's own lawyers as significantly resonant of our submissions.

The League had acted as intervenors in the case alongside the Faith and Freedom Alliance (FFA) and the Roman Catholic Archdiocese of Vancouver (RCAV), with the generous support of Archbishop Michael Miller.

This court's ruling had followed wins for TWU in Nova Scotia from its Court of Appeal in July, in which the CCRL intervened, and a loss for TWU from the Ontario Court of Appeal, where the CCRL's application for intervention was rejected.

The LSBC had revoked the accreditation of the proposed TWU School of Law after complaints by members that TWU unlawfully discriminated against the LGBTQ community through its community covenant. Law societies in Nova Scotia and Ontario had done likewise, albeit on slightly different records. Other provinces have accepted the prospect of TWU law school graduates.

The TWU community covenant asserts, among other things, that TWU students act in a Christian manner, including on matters of morality. A provision conveys expectations that TWU students abstain from sexual intimacy outside of traditional marriage between a man and a woman.

Through a RCAV press release, Archbishop Miller stated:

I'm very pleased with the decision from the B.C. Court of Appeal upholding Trinity Western University's religious rights. It acknowledges and respects the right to freedom of religion, which is the first freedom guaranteed by in the Canadian Charter of Rights and Freedoms.

Citing the Loyola case in Quebec, where the CCRL also intervened on behalf of freedom of religion, Archbishop Miller continued:

In the *Loyola High School* case, the Supreme Court of Canada wrote, "Ultimately, measures which undermine the character of lawful religious institutions and disrupt the vitality of religious communities represent a profound interference with religious freedom." [Loyola para 67, cited at TWU v. LSBC, para. 128]

Indeed, Canada's social and legal tradition is based on balancing competing rights, rather than setting one against the other. The B.C. Court of Appeal ruling was consistent with our longstanding tradition.

The proposed law school has also faced challenges from Ontario's Law Society of Upper Canada and the Nova Scotia Barristers' Society. In July, 2016, the Nova Scotia Court of Appeal upheld the lower court's January 2015 ruling that rejected the demand for changes to the TWU community covenant as a condition for accreditation. While the Nova Scotia courts have been consistent in their support of TWU, the Ontario Court of Appeal upheld a Law Society of Upper Canada (LSUC) decision to reject graduates of the proposed TWU law school, by refusing to provide accreditation of TWU degrees.

There are expectations that these cases will ultimately go before the Supreme Court of Canada (SCC).

CCRL President Phil Horgan noted:

We are particularly pleased that the BC Court of Appeal made its unanimous decision in part having recourse to submissions which the CCRL has used numerous times when defending religious and conscientious freedom or the role of faith in the public square. We continue to maintain that a robust concept of pluralism in Canada is a key component of a healthy democracy, and of civil society. Religious beliefs cannot be subjugated to non-belief in our public debates.

There is much to be praised from the decision, including these references on the merits of whether offensive statements causing "hurt" should form a basis of constitutional disapproval in a balancing of rights case:

[188] We address here the submission, made by the Law Society intervenors and accepted by the Ontario Court of Appeal, that the Community Covenant “is deeply discriminatory, and it hurts”. The balancing of conflicting Charter rights requires a statutory decision-maker to assess the degree of infringement of a decision on a Charter right. While there is no doubt that the Covenant’s refusal to accept LGBTQ expressions of sexuality is deeply offensive and hurtful to the LGBTQ community, and we do not in any way wish to minimize that effect, there is no Charter or other legal right to be free from views that offend and contradict an individual’s strongly held beliefs, absent the kind of “hate speech” described in Whatcott that could incite harm against others (see paras. 82, 89-90 and 111). Disagreement and discomfort with the views of others is unavoidable in a free and democratic society.

[189] Indeed, it was evident in the case before us that the language of “offense and hurt” is not helpful in balancing competing rights. The beliefs expressed by some Benchers and members of the Law Society

that the evangelical Christian community’s view of marriage is “abhorrent”, “archaic” and “hypocritical” would no doubt be deeply offensive and hurtful to members of that community.

The court provided a helpful summary at the end of its ruling, language which is sure to become an oft-quoted passage from this case:

[193] A society that does not admit of and accommodate differences cannot be a free and democratic society – one in which its citizens are free to think, to disagree, to debate and to challenge the accepted view without fear of reprisal. This case demonstrates that a well-intentioned majority acting in the name of tolerance and liberalism, can, if unchecked, impose its views on the minority in a manner that is in itself intolerant and illiberal.

The League certainly hopes that the forcefulness of the BC Court of Appeal decision will have a lasting effect on our Charter jurisprudence.

### **Dear CCRL Supporters,**

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We are in the midst of a 2016 year-end appeal. If your financial situation allows, please do make a donation by placing a stamp on the return envelope provided and enclosing the donation card along with a cheque or credit card information. We no longer operate on a membership model and you will not be contacted about membership renewal. Instead, we ask that you simply donate what you can when we make our appeals at certain points throughout the year. Even donating the reasonable amount of \$15 for seniors/students/clergy/religious will ensure that as a CCRL supporter you will receive in-print mailings in addition to what we offer all of our supporters electronically.



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