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The End of Religious Liberty in Canada

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On April 28, the Canadian Senate passed bill C-250 by a vote of 59 to 11. In passing this legislation, the Canadian Parliament added "sexual orientation" to the nation's laws criminalizing "hate speech." The end result is that the Bible may now be considered a form of criminalized hate literature and Christians who teach that homosexuality is sinful may face criminal charges.

Even before the passage of C-250, Canadian legislators had been moving to restrict free speech and religious liberty. The concept of "hate speech" implies that certain forms of speech are to be criminalized for being out of step with the government's ideological positions. Canada's extensive hate speech laws already criminalized any statements considered to be disparaging to ethnic and minority groups. By adding sexual orientation to the list of protected classes, the Canadian Parliament has not only shut down free speech; it has opened a legal can of worms that will be most difficult to handle. Since "sexual orientation" is undefined in the law, lesbians and homosexual men are unlikely to be the only persons demanding coverage under the law. As the statute now stands, criticism of pedophilia or polygamy—or any sexual act or relationship for that matter—could well be cause for criminal action.

The law was promoted by Svend Robinson, the Member of Parliament [MP] for Burnaby-Douglas. Robinson is a notoriously liberal and flamboyant legislator, who also promotes himself as something of a symbolic leader for Canada's gay community. Robinson's animus toward Christianity has been evident for some time, and he has described Christian leaders as "ecclesiastical dictators." Responding to one critic, Robinson showed his true colors: "You people are sick. God should strike you dead."

In a bizarre twist to this tale, Robinson missed the critical vote in favor of his bill, because he had just taken an extensive medical leave from his political responsibilities after admitting to the theft of a ring he had intended to give to his male partner. His theft was caught on camera and, in the aftermath of the scandal, Robinson released a statement which may or may not have constituted a resignation from office. No one seems to be exactly sure about exactly what Robinson meant by what one Canadian newspaper called his "non-resignation resignation letter."

Robinson aside, the Senate's passage of this bill represents an immediate threat to free speech and Christian conviction in the nation of Canada.

Editorial opinion in Canadian newspapers has been mixed, but the threat to religious liberty is immediately clear when one listens to the arguments made by C-250's proponents. Writing in *The Toronto Star*, Carol Lowes explained that C-250 is necessary because, "Some Christian charities, priests and pastors attempt to convince people of their wrongs and cultivate guilt or shame about perceived sins in their target audiences." Really? The obvious implication of Ms. Lowes' argument is that pastors must never tell anyone that they are sinners. How convenient.

A challenge to Christian publications was offered by Lois Sweet, a journalism professor at Carleton University in

Ottawa. “Ways in which gays and lesbians have been portrayed in the religious media can lead people to believe that they are not human and [are] totally defined by their sexuality,” she said. “To present them as people who threaten society in some way is hate mongering.”

Marianne Meed Ward, writing in *The Toronto Sun*, warned preachers that they will have to be careful in addressing any issue of sexuality. “Expressing views on alternative expressions of sex is not a crime,” she said. Nevertheless, she presented a blatant warning about “expressing” such views: “But preachers (and everybody else) will have to exercise caution in how they express their views. And that’s not a bad thing. We don’t need ads showing a slash through a gay couple. We don’t need placards saying ‘God hates fags.’ We don’t need people quoting Leviticus out of context...” So, preachers in Canada have now been warned that their interpretation of Leviticus could now become a matter of hate speech. Ms. Ward gets to decide what Leviticus means in its context? Hermeneutics is now translated into a potential crime.

When preachers are told that they will “have to exercise caution in how they express their views,” religious liberty is effectively dead. This is especially clear when comments made by the bill’s proponents identify any criticism of homosexuality—whatever its motivation and form—as criminalized hate speech.

Christian groups in Canada have responded with understandable alarm. “Today the Senate sounded the final death knell in legislation that will severely limit free speech and freedom of religion and even freedom of the press in Canada,” said Brian Rushfeldt, executive director of the Canada Family Action Coalition. Rushfeldt described C-250 as “a draconian piece of legislation that will criminalize people who express an opinion contrary to homosexual behavior, including views based on religion, conscience, morality, and even medical or humanitarian concerns.” He continued: “Given the undefined, ambiguous wording in this severely flawed piece of legislation, Christians and other faith groups are worried that expressing their religious or moral views, or even quoting from the Bible or another religious text, may become a criminal act.”

Indeed, some Canadian legal experts argue that adding “sexual behaviour” to the hate speech legislation now makes it a crime to teach that sex outside of marriage—whatever its form—is wrong.

Anne Cools, a senator from Ontario, described the bill as “an intent to create . . . a section which would be used to cleanse many people of their moral opinions.” Canada’s first black senator, Cools expressed concern that the law will be used to criminalize churches opposed to homosexuality. “Once you put a power before [authorities], and then try to rely on goodness for the power not to be exercised, you’re indeed naive.”

“All sexual acts are not equal,” Cools asserted. “I believe in justice for all...but I also understand that the essential requirement of life itself is that men mate with women.” Better watch it Senator Cools, you may have just committed a hate crime.

University of Western Ontario professor Robert Martin has described Canada as “a totalitarian theocracy.” He went on to argue that Canada is “ruled today by what I would described as a secular state religion (of political correctness). Anything that is regarded as heresy or blasphemy is not tolerated.”

Svend Robinson and other promoters of C-250 played a crude game of doublespeak in arguing for the legislation. Their explanations are reducible to the claim that C-250 will never be used to criminalize Christian speech—except when such speech needs to be criminalized. Some have described Christians as “paranoid” in responding to the bill. That’s not the way Jason Kenney, a Roman Catholic MP from Calgary sees the situation. “This isn’t at all a hysterical reaction. It’s a completely reasonable fear, given the trends in the courts and human rights commissions. In Owens, a Saskatchewan judge ruled that parts of the Bible can constitute hate speech against gays. In the Surrey School Board case, they were ordered to put gay material into a Grade 1 class.”

Alan Borovoy, general counsel to the Canadian Civil Liberties Association, once described Canada as “a pleasantly authoritarian country.” Columnist John Leo of *U.S. News and World Report*, agrees with Borovoy’s description.

As Leo explains, “Since Canada has no First Amendment, anti-bias laws generally trump free speech and freedom of religion. A recent flurry of cases has mostly gone against free expression.” Leo went on to suggest that parents might be held legally liable for a child who says something irritating about homosexuals to a classmate in school. Religious groups

could quickly get in trouble for teaching certain biblical passages or defending historic church doctrines.

The pattern of criminalizing speech about homosexuals is spreading across liberal societies. In Sweden, pastors are explicitly warned that any sermons critical of homosexuality can lead to criminal charges. The same logic is spreading through the courts and legislatures of many European countries—and now has jumped the Atlantic to Canada.

The truly threatening character of the Canadian legislation is further demonstrated in the fact that police do not have to charge persons with breaking a law. Any Canadian citizen can file a complaint against any other citizen, resulting in charges. At that point, the defendant is simply left to the dangerous whims of the liberal judiciary and governmental human rights commissions. The potential legal costs would alone intimidate some persons from talking about homosexuality.

The most important part of the newly-revised criminal code reads: “Every one who, by communicating statements, other than in private conversation, willfully promotes hatred against any identifiable group is guilty of . . . an indictable offense and is liable to imprisonment for a term not exceeding two years.”

During a recent debate, the Canadian attorney general refused to comment on whether or not the Bible is, in itself, hate speech. That matter, we are now warned, will be left for the courts to determine.

We are fooling ourselves if we believe this threat to religious liberty will stay on the Canadian side of the border. This same logic is already accepted by many law professors and judges in the United States. The passage of C-250 is a warning to us all. When free speech is denied and the preachers are told what they can and cannot say, religious liberty is effectively dead.

