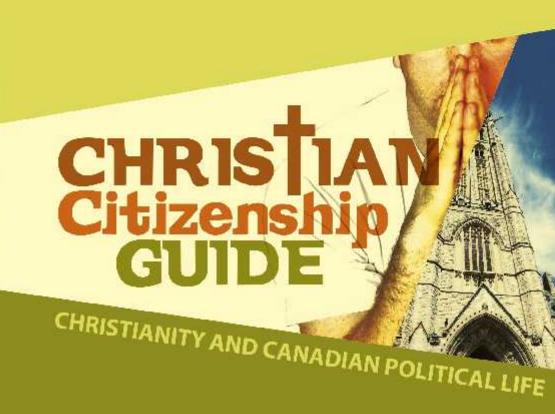
ARPA CANADA

ASSOCIATION FOR REFORMED POLITICAL ACTION



MICHAEL WAGNER

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About the Publisher

The Association for Reformed Political Action (ARPA) Canada is a political advocacy group that was started in 2007 with the two-fold mission of equipping members of Canada's Reformed churches for political action and bringing a biblical perspective to our governments. Learn more about ARPA Canada at www.ARPACanada.ca.

Association for Reformed Political Action (ARPA) Canada

Christian Citizenship Guide

Michael Wagner

Disclaimer

By calling this a "Christian Citizenship Guide" the Association for Reformed Political Action Canada is not suggesting that the views expressed in this book are the only perspectives warranted by the Bible or the Christian faith. Due to the inevitable bias and limitations from the author and the editor many Christians may have good grounds to disagree with some of the points and claims made. However, we hope this Guide will help us to consistently apply the full truth of God's Word to our lives in pluralist Canada. We invite you to share your thoughts with us by emailing info@arpacanada.ca so that together we can grow in faithfulness.

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Preface

"Give to Caesar what is Caesar's, and to God what is God's."

- Jesus Christ, Matthew 22:21

Jesus' response to the Pharisees, when asked whether it was right to pay taxes to Caesar, left them amazed and silent. The coin they presented him clearly had Caesar's portrait and inscription on it. No further questions were needed.

But Jesus wasn't only speaking about money. Upon further reflection, we can also apply Jesus' question "whose portrait and inscription are on it?" to the human race. Whose portrait and inscription are on us? Genesis 1 tells us that we were created in the image of God. All humanity owes submission to our earthly authorities but also to God Most High. Not only are we called to pay our taxes, we are also called to give our lives in service to our Maker.

It's not easy to know how to live in submission to these contrasting authorities. In a secular nation like Canada, our civil governments often make choices that are not in line with God's Word. We have drifted a long way from where we were fifty or one hundred years ago. Simply bringing a Christian perspective to public life is often challenged. How are we supposed to make sense of these conflicting beliefs and principles?

Michael Wagner has done a great service to Christians in Canada by writing the majority of this guide. We are quite sure that you will find it a joy to read. It is a very worthy investment of time as it will leave you educated, equipped, and encouraged to apply your faith in Canada's public square. Given that this is the primary mission of the Association for Reformed Political Action (ARPA) Canada, we are thrilled to make this available and we look forward to hearing how this guide has helped you, your family, or your study group to be salt and light in our communities and nation.

ARPA Canada is grateful to graphic designer Lynn VanEerden for her help with the cover design and to Jan Broersma for her editing expertise. We also are indebted to Premier Printing for the layout and printing as well as for going out of their way to make a second printing possible after we underestimated the demand for this book the first time around. Our thanks also goes to John Boer, Ralph Vis, André Schutten, and Will Gortemaker for going through the manuscript with suggestions, to the now-defunct ECP Centre who passed this education curriculum on to us, and especially to the author, Michael Wagner, who has provided a quality resource that will be of benefit to many in the years to come.

Mark Penninga Executive Director, ARPA Canada

Introduction

George Orwell once famously said, "Who controls the past controls the future: who controls the present controls the past." Orwell understood that history matters. It has political consequences that will impact us not only today, but in the years ahead.

Canada's history, much to the dislike of liberals and secularists, has a rich Christian heritage. Unfortunately, too few Christians understand its political implications, and more often than not Christians are satisfied with the sentimental trivia of a bygone era. However, Canada's Christian heritage is much more soluble than the memory of Sir Tilley's prayer that gave inspiration to our country's name. It is even more concrete than the biblical inscriptions chiselled into our Parliament Buildings. Canada's Christian history is the legacy of liberty. It is the legacy left in every small town across this country. Church buildings represent a Christian citizenry who built this great country through sheer determination and humble prayer.

Our long history of stable democracy and respect for human rights has few equals. These political fruits didn't happen in a vacuum and they certainly did not happen independent of a Christian ethos. Canada's legacy of liberty and peace is the fruit of Canada's Christian heritage.

Canada's forefathers would be shocked to see what has happened to their country. Along with several other Western democracies, Canada has veered far off course in the last 50 years. With the support of the media and political establishments, the public influence of Christianity has been increasingly marginalized.

Putting things right will take a lot of time and a lot of work, but you can play a part—if you are willing and know what to do. The Association for Reformed Political Action (ARPA) Canada has developed this citizenship guide to help Christians to be informed, active and effective citizens in a nation that is becoming increasingly closed to the public participation of Christianity.

One of Canada's best-known political scientists, Alan Cairns, has noted, "History is one of the many battlegrounds on which the struggle to control the future takes place." And that is why Canadian Chris-

tians need to be very familiar with Canada's rich heritage and history. Let this guide help you to find your past, so you can work for a brighter future in the public square.

Citizenship Guide Topics

- 1. Remembering Canada's Christian Past: Explains why Canada's history is important for today. Canada has a long and complex history. Many books on this history are available. But they don't emphasize the Christian element that was so important to our past.
 - This segment will attempt to fill that gap by highlighting information and key events that demonstrate the central place Christianity has had in Canada's history.
- 2. Canada's Government and the Charter of Rights and Freedoms: Helps you understand Canada's power structure and the central role of the Charter.
 - Canada is a democracy. The citizens of this country elect the government and have the ability to influence public policy. This segment will help you to understand the institutional mechanisms of government in Canada, and it will show how the Charter of Rights and Freedoms has shifted political influence from regular citizens to Canada's judges.
- 3. *The Hijacking of Human Rights:* Explains how a good idea can be corrupted for bad purposes.
 - Properly understood, human rights are a good thing. Historically, human rights protected people from governments by putting limits on government power. In recent years, however, rights have become warped into a tool for those attempting to extend the power of government over the people. Modern "human rights" are being used to violate genuine historic rights like the right to free speech. In some respects, the ideal of rights has been turned on its head. "Human rights commissions" are in the forefront of this effort to expand the state at the expense of common citizens.
- 4. *Now It's Your Turn:* Practical things you can do to foster positive change.

Knowing about Canada's Christian heritage, government, and human rights is not enough. You must put your knowledge to work if you want to make a difference. There are many things you can do to use your influence for good.

This segment will show you what to do. Various options for action are available, and you can probably find one (or more) that suits your own interests and skills set.

Chapter 1

REMEMBERING CANADA'S CHRISTIAN PAST

Is Canada a Christian country? Was Canada ever a Christian country? What does it mean to say that Canada was a Christian country? Clearly, no one would argue that all Canadians have been Christians. Indeed, in their heart-of-hearts, perhaps only a small number of Canadians have been sincere believers. We cannot know. To claim that Canada is (or was) a Christian country is not to claim that most Canadians have had a deep personal commitment to Christ.

But the dominant philosophy or worldview for most of Canada's history has been Christianity in some sense. Sure, there have been people of other religious groups here for many years, but they have had little if any discernable influence on Canadian law and society, at least until recently.

No one would seriously argue that Islam, Hinduism, or Buddhism have been major influences on Canada throughout its history. What, then, has been the major philosophical or religious worldview underlying Canadian society? Viewed in this light, it is easy to see Christianity, or at least the Judeo-Christian worldview, as the dominant influence for most of Canada's history. Recently, however, it seems that secular humanism has become largely dominant.

The fact that Canada has a Christian history matters in many of today's social debates. The views advocated by conservative Christians, such as opposition to abortion or same-sex marriage, are not just the peculiar perspective of a narrow "interest group." Conservative Christians do not constitute an "interest group" in the sense of most other politically active groups; they are not advocating on behalf of their own "interest." Rather, conservative Christians are advocating for the moral perspective that guided Canada for most of its history and that helped make this nation strong and free.

The Political Role of History

Many people seem to assume that the study of history is boring and irrelevant. "So what if such-and-such an event took place in 1944?

Who cares? It doesn't affect us now." As a matter of fact, it likely does affect us now. And not only do past events still affect us, but even what we *believe* about past events has a significant effect itself.

What we believe about the past is an important part of how we think about ourselves, i.e., who we are in relation to the rest of the world. Do you see yourself as being a member of an ethnic group or ecclesiastical tradition that has historically accomplished great things? That, for example, will influence your own self-image in a positive way.

Similarly, what people believe about the past—about history strongly affects their political views. This point has perhaps best been expressed in a novel, George Orwell's Nineteen Eighty-Four. As you may recall, this book is about life in a future totalitarian state. Society is ruled by an entity called "the Party," which controls everything, including the minds of the people. One of the Party's slogans is especially insightful: "Who controls the past controls the future: who controls the present controls the past" (Orwell 1954, 31). And so the Party "controls the past" by having books, as well as back issues of magazines and newspapers, constantly rewritten to fit with its political program. When a newspaper article is found to contain information that is out-of-step with the Party's current views or activities, it is rewritten, and the original article itself disposed of down a refuse tube called a "memory hole." There would be no indication given that the article had been rewritten, and the information in the original article would be lost forever.

So the Party was able to control the past by having it rewritten to fit their political agenda. Historical evidence would always support the Party's current position. "Day by day and almost minute by minute the past was brought up to date" (Orwell 1954, 36). Because history has political implications, it had to be altered to suit the Party. "All history was a palimpsest, scraped clean and reinscribed exactly as often as was necessary" (Orwell 1954, 36).

In our country there is, of course, no central agency directing the rewriting of history to fit a political program. However, a number of social movements have seen the political significance of history and have begun using it to promote their agendas. Political scientist Alan Cairns has written about the use of history in conflicts over the con-

stitution in *Reconfigurations: Canadian Citizenship and Constitutional Change*. What has been happening is that certain groups, such as women (read: feminists), First Nations peoples, some ethnic minorities, etc., have carefully studied their histories to uncover injustices done to them in the past. These past injustices can then be used as the rationales providing support for policies that will rectify the mistreatment. In this way, particular historical accounts become the basis, or the fundamental reason, that justifies desired political change. Cairns refers to this use of history as the "search for a new past" (Cairns 1995, 27), that is, an account of the past that will support the group's current political goals.

In its most extreme form, history is used to demand reparations and restitution.

This is adversarial, accusatory history. It challenges the majority society through its government to reprove what are now viewed as nefarious acts committed by its ancestors. The admission of intergenerational guilt, or vicarious responsibility, followed by absolution, will wipe a moral stain from the past (Cairns 1995, 24).

If group A can use an account of history to convince group B that group B's ancestors harmed group A, then group B will be more likely to make restitution. In constitutional politics, the restitution can take the form of the recognition of certain rights. For example, First Nations peoples have used their account of the injustices they have historically suffered to argue for a more explicit recognition of their desired rights in future constitutional change. History provides a powerful impetus for particular political goals. Or as Cairns himself puts it, "How we interpret yesterday, therefore, is integrally linked to our search for a better constitutional tomorrow" (Cairns 1995, 25).

As mentioned earlier, our view of history can affect our self-image depending on how we view the history of our own "group." Cairns refers to this kind of thing in the context of discussing how group members feel about their group's status in society. "The past," he says, "exists as memory, as a key source of our identity, and as a contributor to whether we feel valued or unrecognized. The past is the raw ma-

terial from which senses of pride or alienation derive or are fabricated" (Cairns 1995, 25). If we feel good about our group's status in the political order we are likely to defend that order, whereas if we feel our own group is alienated, we will more likely demand political change. But this perception, whether good or bad, is largely grounded on history.

Because of the political significance of history, then, political conflict can take the form of conflict between rival historical accounts. Groups with competing political claims will offer divergent historical accounts to justify their demands. This phenomenon is discussed in an article by Anne Norton, "Ruling Memory," in the prestigious journal Political Theory. The specific focus of her writing is nationalist movements in former European colonies in the third world. These movements understand the important political role of history. As she puts it, "Nationalist movements are born with the knowledge of history as contested terrain, they recognize the writing of history and the constitution of memory as means to political power" (Norton 1993, 459). Hence the conflict between rival historical accounts: "Histories will be challenged, contested, countered with other histories" (Norton 1993, 459). Or, as Cairns puts it in a specifically Canadian context, "History is one of the many battlegrounds on which the struggle to control the future takes place" (Cairns 1995, 15).

Is history boring and irrelevant? Far from it. Aside from other considerations, history has significant political implications. Particular historical accounts can (and sometimes do) undergird political programs or agendas. What you believe about the past affects what you believe is politically necessary for the future. Thus from a political perspective, history fulfills a very important role. In other contexts, such as the study of theology, history also plays an important part. But it is enough to understand the political significance of history to see the need for considering the central role of Christianity in Canada's history.

Public Expressions of Christianity

It's not unusual for Americans to think of their country as a Christian nation. Often political candidates or elected officials in the US speak about their faith in God and the importance of prayer, and the



Stockwell Day, former Member of Parliament and cabinet minister

media follow some politicians to church. Many presidents and other high level officials have spoken of the importance of Christianity to the US, and hearing such statements is not considered to be remarkable. Even prominent liberal politicians such as Jimmy Carter and Bill Clinton publicly profess the importance of Christianity in their lives.

In Canada political leaders usually do not make an issue of their religious beliefs. When a politician is considered to be unusually religious, like Stockwell Day, the media seem to portray that as a black mark and a potential threat to other Canadians. It's as if Christianity is a threatening feature in a public leader, as if being a committed Christian is an alien concept to most Canadians.

Viewing public Christianity in such a negative light is a relatively recent phenomenon in Canada. Like the United States, Canada has historically been considered to be a Christian nation. To say that Canada is a Christian nation, or at least was a Christian nation until recently, is not a radical notion from a historical perspective.

Christianity and the British Connection

Canada's Parliament is an offshoot of the British Parliament because Canada was originally a British colony. There can be no doubt

about the explicitly Christian nature of the British Parliament earlier in its history.

In 1643 the Parliament of England made a covenant with God, called the "Solemn League and Covenant," following the example of Israel's godly kings in the Old Testament. King Josiah, for example, made one of these national covenants with God in 2 Kings 23:3. Among Protestants in the seventeenth century, it was commonly believed that nations could covenant with the Lord, following the example of Israel in the Old Testament.

Much of the first part of the Solemn League and Covenant deals with issues facing England, Scotland, and Ireland in the mid-1600s. But the final paragraph reads as follows:

And, because these kingdoms are guilty of many sins and provocations against GOD, and his Son JESUS CHRIST, as is too manifest by our present distresses and dangers, the fruits thereof; we profess and declare, before GOD and the world, our unfeigned desire to be humbled for our own sins, and for the sins of these kingdoms: especially, that we have not as we ought valued the inestimable benefit of the Gospel; that we have not laboured for the purity and power thereof; and that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of him in our lives; which are the causes of other sins and transgression so much abounding amongst us: and our true and unfeigned purpose, desire, and endeavour for ourselves, and all others under our power and charge, both in public and private, in all duties we owe to GOD and man, to amend our lives, and each one to go before another in the example of a real reformation; that the Lord may turn away his wrath and heavy indignation, and establish these Churches and kingdoms in truth and peace. And this Covenant we make in the presence of ALMIGHTY GOD, the Searcher of all hearts, with a true intention to perform the same, as we shall answer at that great day, when the secrets of all hearts shall be disclosed; most humbly beseeching the LORD to strengthen us by his HOLY SPIRIT for this end, and to bless our desires and proceedings with such success, as may

be deliverance and safety to his people, and encouragement to other Christian churches, groaning under, or in danger of, the yoke of antichristian tyranny, to join in the same or like association and covenant, to the glory of GOD, the enlargement of the kingdom of JESUS CHRIST, and the peace and tranquillity of Christian kingdoms and commonwealths.

This Solemn League and Covenant was a major document of seventeenth century Britain. "The Solemn League was first taken by the Lords and Commons, legally assembled in Parliament, then by the generality of the people of England. It was sworn and subscribed by Charles II, on his ascending the throne, and was placed on the Statute book, as British law throughout all future time" (Lawson 1884, 16).

That is to say, the legitimate governing authorities of England bound themselves and their nation to follow and obey the Lord God of the Bible.

Unfortunately, King Charles II was a covenant-breaker and subsequently led an effort to overturn the Solemn League and Covenant. But the fact remains that England had bound itself to God by



British Houses of Parliament

covenant, and there are a few Christians even today who believe the Solemn League and Covenant is in some sense still binding upon Britain and the countries that descend from Britain, such as Canada.

For much of its history, including the period during which Canada was settled, Britain considered itself to be an explicitly Christian country. Indeed, the Church of England is still the formally established church in England, and Queen Elizabeth, Canada's Head of State, is also the Head of the Church of England.

Christianity Here in Canada

More directly at home, historians have often commented on direct Christian influence on the development of Canada. A book edited by Paul Knowles states that

it is truly astounding how many of the significant figures of Canadian history were, or are, dedicated followers of Christ. And those Christian founders of this country, its institutions and its cultural traditions, had an immense impact on the development of Canada (Knowles 1982, 124).

He goes on to point out,

There is not a province...probably not a community...whose roots are not deeply anchored in Christian principles and traditions. There are few if any Canadian educational institutions which do not owe their origins to the Christian church. The entire system of Canadian law stands upon Biblical concepts of justice (Knowles 1982, 125).

One of the most prominent historians of religion in North America is University of Notre Dame professor Mark Noll. His book *A History of Christianity in the United States and Canada* not only describes but compares the religious development of both nations. His conclusion would shock many people today: "Canada has an even better objective argument for being considered a 'Christian nation' than does the United States" (Noll 1992, 546).

In the last 30 or 40 years, Canadians have rapidly forgotten the dominant role of Christianity in so much of the country's history. This

has played into the hands of the secular humanists who want to portray Canada as much more secular than our neighbours to the south. But our past cannot be changed even if it is forgotten.

As fewer Canadians attend church regularly, the immense Catholic and Protestant contributions to Canadian history are fading from sight, and so also from memory. But the prominence of Christianity in both English- and French-speaking regions constitutes a remarkable historical legacy (Noll 1992, 547).

Recovering that legacy will enable Christians to obtain a more genuine perception of what being Canadian has meant historically.

Christian Influence in Canadian History

By the mid-1700s a relatively significant number of French-speaking settlers were living in what is now Quebec. Roman Catholicism was a central feature of their lives. Until the Quiet Revolution of the 1960s, the politics, society, and culture of Quebec were decisively influenced by the Roman Catholic Church.

The first significant wave of English-speaking settlers largely consisted of the Loyalists who were basically refugees from the newly independent United States in the late 1700s. The Loyalists were those who had opposed independence for the American colonies. Together with immigrants arriving directly from Britain, the English-speaking population of what would become Ontario and the Maritime provinces grew steadily. Although most of these people were Protestants, they were divided among different denominations, especially Anglican, Methodist, Presbyterian, and Baptist.

At the time of the American War of Independence, Quebec encompassed territory that included what would later become Ontario. With the arrival of the Loyalists into that area, the English-speaking settlers requested from the British Parliament a separate political administration from the French-speaking population. Thus with the Constitutional Act of 1791, Upper Canada (Ontario) was divided from Lower Canada (Quebec). Furthermore, "provision was made for state support of religion and for the designation of tracts of land for



United Empire Loyalist Statue in Hamilton, Ontario

that support (later called the Clergy Reserves)" (Noll 1992, 130). Income generated from leasing or selling these lands was used to fund first just the Anglican Church, then the Presbyterian Church as well, and finally the other Christian denominations. The Clergy Reserves were a source of much controversy between the denominations, and so were ultimately abolished in 1854.

Nevertheless, the fact that the Clergy Reserves had been established by law demonstrated that officially Christianity had a more privileged position in Canada than in the United States.

Part of loyalism in Upper Canada, as also in the Maritimes, was the belief that the institutions of the church had an official public role to play in a responsible civilization. For these Canadians, freedom was meant to protect traditional values as

well as to provide for individual opportunity. The sharp separation of church and state was an American, but never a Canadian, principle (Noll 1992, 130).

To the first waves of English-speaking settlers in Upper Canada, Christianity was a vital part of life. "It was axiomatic to almost all who settled in Ontario after the American Revolution that Christian faith was essential to public well-being" (Noll 1992, 267).

Dedicated Christians from both language groups would subsequently move West to settle Canada's frontier regions.

Canadian believers mobilized to preach the gospel in new settlements spread over a vast frontier. Canadians also linked the progress of Christianity with the advance of civilization. And they succeeded in bequeathing a Christian tone to the institutions, habits, and morals of public life (Noll 1992, 246).

Although Canada as a colony (or a number of colonies) was under British rule, and Britain had an established church (Anglicanism was established in England and Presbyterianism was established in Scotland), Canada itself did not have a formally established church. Roman Catholicism had a privileged position in Quebec, but English-speaking Canada did not really have a comparable arrangement (though Roman Catholic schools receive public funding in some areas of this country still today). Nevertheless, that certainly did not signify that Christianity was of less importance to English-speaking Canada than it was to Britain or Quebec. The purpose of leaving Canada without an established church

was not to deny the nation's allegiance to the Christian God but merely to allow equal opportunities to all denominations. The status of Canada as a Christian nation was never in question, and in practice the churches were regarded more as public than as private institutions. This belief in the existence of Christendom and in Canada's place within it was a common presupposition that made possible mutual understanding and occasionally even collaboration among Christians of various denominations (Grant 1998, 213).

The idea that Canada was a Christian country was not confined to one or two denominations. This was an assumption that all of the churches shared. "Churchmen of all parties assumed that it was their responsibility to impart a Christian content to Canadian nationhood and to ensure that this content would be passed on both to future generations and to newcomers to the country" (Grant 1998, 215).

Christianity was an inescapable aspect of English-Canadian life. By the middle of the nineteenth century, *The Canadian Encyclopedia* describes the situation as follows:

There arose a public rhetoric that was often biblical (eg, Canada was called a "Dominion" because the term is found in Psalm 72:8) and laws pertaining to personal morality reflected popular Christian standards. The public calendar was marked by Christian holidays, particularly Christmas and Easter, and Sunday was traditionally a day of rest (Faulkner 1999, 468).

The 1800s has been described as a period where "Canadians transformed a wilderness into a significant Christian civilization" (Noll 1992, 284). Christianity was arguably the dominant cultural force at the time.

The nineteenth century may properly be regarded as a "Christian century" in Canada. Both in Quebec, where Roman Catholicism provided the dynamism and the institutions for an entire way of life, and in English Canada, where Protestants enjoyed a cultural influence even greater than their counterparts exercised in the United States, the Christian faith provided the foundation for personal and corporate existence (Noll 1992, 284).

Canada as a Christian Country

In answer to the question, "Was Canada ever Christian?" evangelical leader Brian Stiller points out that there are different ways of defining a "Christian country" and so the answer to that question depends on which definition is chosen. Clearly, from a Christian perspective Canada has had many failings in its past. Thus, as he points

out, "we cannot look back to any one time in Canada's history as some kind of Christian golden age" (Stiller 1997, 43).

Nevertheless, the dominant influence of Christianity on Canada's history is unmistakable. "Christianity is considered by many scholars to be the most formative influence on Canadian society" (Stiller 1997, 23). And, like Noll, Stiller points to English Canada in the nineteenth century to demonstrate this fact. Consider the following information he provides:

In the late 1800s, the church in Ontario was at the centre of community life: in 1871 the three largest Protestant denominations—Methodists, Presbyterians, and Anglicans—made up 70 per cent of the population. Ministers had influence. Most Ontarians attended church, including politicians. The church spoke to and for the people. Sunday was a day for reading religious books or periodicals, and newspapers carried devotional columns. Underlying these practices was a profound belief in God's order: church life shaped not only belief, but the way people lived.

But it did not end there. Churches played an important role in education, health care, and social-reform movements, for



Our Lady of Mont Carmel Church, in Ontario

Christian faith was the basis for social order. "Family life, educational institutions, many philanthropic and voluntary organizations, the drive for moral and social reform, and the understanding of civilization and human nature were all somehow dependent on Christianity," observes historian David Marshall. Canadian sociologist S. D. Clark said that "there are few countries in the western world in which religion exerted as great an influence" in shaping the social and cultural life as in Canada (Stiller 1997, 45-46).

Andre Siegfried's Observations on Canada

The perspectives provided by outside observers can often be help-ful for people within a particular organization or society. Alexis de Tocqueville (a Frenchman) wrote a famous analysis of the early United States called *Democracy in America*. More than a century-and-a-half after the publication of that book, Americans still vigorously study it and discuss its comments on American society and politics.

Unfortunately, Alexis de Tocqueville did not write a similar analysis of Canada. However, decades later, another Frenchman of Tocqueville's bent did write such an analysis. In 1906 Andre Siegfried wrote *The Race Question in Canada*, a lengthy discussion of society and politics in Canada, seen through the prism of the conflict between English-speaking and French-speaking Canadians. The presence of those two linguistic groups, and the conflicts between them, have been the central focus of politics throughout Canada's history. It was only natural, then, that a perceptive outside observer would highlight this fact.

Siegfried's description of Canadian society in the early twentieth century has been recognized by Canada's academic community as accurate and compelling. There's nothing else quite like it. And he paints a picture of a country dominated by Christianity in one form or another.

The English-speaking and French-speaking components of Canada have historically been quite different from each other. In religious terms, the French-speaking component has been largely Roman Catholic and the English-speaking component mostly Protestant. In a broad sense, then, Canada has been largely influenced by

Christianity in either its Roman Catholic or Protestant forms.

Until the 1960s, the influence of the Roman Catholic Church in Quebec was legendary. The dominant French-speaking population of that province was almost monolithically Catholic. Naturally, the role of the Catholic Church in the lives of French Canadians did not escape Siegfried's notice. In fact, he discussed the Church's place in Quebec society in great detail.

The first major segment of his book deals with the impact of religion (that is, Christianity) on Canadian society and politics. Referring to the country as a whole, he states that

There need be little fear of our exaggerating the part played by religion; both with Protestants and Catholics it is immense. In the case of the French Canadians the ascendancy of the Church is so great that it may be regarded as the principal factor in their evolution (Siegfried [1906] 1966, 19).

More than any other factor, Roman Catholicism was a determining influence on Quebec.

Siegfried discusses, among other things, the basic social views of the Catholic Church in Quebec. Of course, the Church feared Protestant influence from Britain. At the same time, however, the Church was fiercely loyal to Britain and its political institutions which had been transplanted in Canada. Britain had given the Catholic Church a privileged role in Quebec, and the Church was grateful for that.

So despite the Church's fear of British Protestant influence, it was much more fearful of influences from France and the United States. The French Revolution of 1789 had been stridently anti-clerical, and subsequently France was much more secular than before. The Church wanted to prevent the principles of the French Revolution from gaining a foothold in Quebec. Similarly, the United States was seen as a liberalizing influence and therefore a threat to the kind of society favoured by the Church in Quebec.

The Catholic Church in Quebec was very active politically, and not in a subtle way either. It made no effort to hide its activity. Referring to the freedom of priests to be involved politically, Siegfried describes the situation as follows:

There is no law to prevent him from holding forth from the pulpit on the most burning questions of the day. As to the bishops, they are free to throw all the weight of their authority into the balance either by means of pastoral letters or of collective mandements. They have intervened in this way from time to time, and the government has had no power to cope with them effectively. The utmost that could be done has been to annul certain elections in which clerical interference has gone beyond all reasonable limits and has taken the form of refusing the sacraments to influence votes. But these cases have been very rare, and even the leaders of the Liberal party, though opposed by the Church, recognized the priest's right to take part in the electoral contests (Siegfried [1906] 1966, 22).

With such an extensive role in politics, as well as other spheres of life, Siegfried writes that the clergy "tends in the province of Quebec to constitute a veritable little theocracy" (Siegfried [1906] 1966, 35).

But of course, the Catholic Church was a force in many more areas than just politics. Basically it had some role in just about every area of life. "So, in French-Canadian society, the individual, the family, worldly relations, are surrounded by a close network of ecclesiastical influences which it is almost impossible to escape" (Siegfried [1906] 1966, 35).

The point here is not to argue that Quebec should return to a situation where it is dominated by the Roman Catholic Church. Many Canadian Christians would no doubt have differing views on that subject. The point, however, is to show how deeply rooted one branch of Christianity was in this part of Canada. The first part of Canada to be settled by substantial numbers of Europeans was dominated, to one degree or another, by the Catholic Church until the 1960s.

In English-speaking Canada it was Protestantism that reigned supreme. One difference, though, is that the Protestants were divided into differing denominational groupings, at this time mostly Anglicans, Methodists, Presbyterians, and Baptists. Despite this division, Siegfried was able to write, "If Catholicism is one of the essential factors in the development of the French Canadians, Protestantism does

not count for less in that of the English race in the Dominion" (Siegfried [1906] 1966, 51).

Siegfried does not dwell on Protestantism in English Canada to the same degree of detail that he does of Catholicism in Quebec. But his conclusion about the role of Protestantism parallels that of Catholicism in Quebec.

As in England and Australia and the United States, it is undoubtedly the Protestant religion that has had the chief influence upon the formation of the character of the English, also in Canada it has stamped itself so strongly alike upon the individual, upon the family, and upon public life, that the laws and politics of the country bear marks of its effect (Siegfried [1906] 1966, 51-52).

The method of influencing politics was a little different for the Protestants than the Catholics, however. "The Protestant clergy do not aim at controlling the government in the ultramontane Catholic fashion, but they do aim at informing it with their spirit" (Siegfried [1906] 1966, 55).

In a couple of places, Siegfried uses Winnipeg as an example of Christian moral influence in English Canada. He calls Winnipeg "one of the most puritanical cities in the Dominion" (Siegfried [1906] 1966, 54). Personally, he's not very favourable to the puritanical side that results from the strength of the Presbyterian Church in that city. That influence distinguishes Winnipeg from American cities: "Winnipeg, for instance, so American in so many ways, is Scottish on Sundays; the Presbyterians exercise a sort of moral dictatorship, just as in Edinburgh, Sydney, or Melbourne, and everyone must submit to it willy nilly" (Siegfried [1906] 1966, 191).

The point of referring so much to Andre Siegfried's observations on Canada is to demonstrate how thoroughly Christian influences appeared to be settled in this country early in the twentieth century. Siegfried offers a snapshot of Canadian life in 1906. It's a fair and accurate account that helps to establish the significance of Christianity to Canada. He was not describing an Islamic society, or a Hindu society, or a secular society for that matter. Canada was a Christian so-

ciety. And the displacement of Christianity by secular humanism was yet many years in the future. As he put it at the time, "The only serious rivalry in Canada is not that of religion and irreligion, but that of Protestantism and Catholicism" (Siegfried [1906] 1966, 57).

Explicitly Christian Politics and the Lord's Day Act of 1906

For much of Canada's history, prohibiting certain activities on the Lord's Day (viewed by many to be the Christian Sabbath) was seen as a legitimate task of the government. In fact, it wasn't until the Charter of Rights was adopted that federal legislation regulating business on Sunday, the Lord's Day Act, was struck down by the Supreme Court of Canada.

Although the Lord's Day Act was not enacted until 1906, Canada had restrictions on the Sabbath long before that. In 1868 the editor of a periodical called the *Christian Guardian* wrote that Canada had "the best kept Sabbath in the world" (Grant 1998, 224). By the late 1800s, most of the provinces had laws protecting the Lord's Day because it was believed such legislation was a provincial responsibility.

Nevertheless, many Presbyterians were not happy with the existing laws because they were considered to be too lax, and permitted such things as railway business traffic and post offices to be open. These people wanted federal Sunday legislation. To deal with this issue, in 1888 the Lord's Day Alliance of Canada was formed in Ottawa under a minister, Rev. W. D. Armstrong, who was also the convener of the Presbyterian Church's Sabbath Observance Committee. Although the Lord's Day Alliance was technically nondenominational, it was dominated by Presbyterians.

In 1899 the Alliance appointed its first full-time paid field secretary, Rev. John Shearer, himself a Presbyterian minister. Under his leadership the Alliance grew to 512 branches across the country by 1902.

Then a court decision made the role of the Alliance more important than ever: the Privy Council in England struck down all of Canada's provincial Sunday laws.

The judges reasoned that since Sunday laws were based on the fourth commandment, and as the commandments against perjury, murder, and theft had become part of the criminal legislation of the Christian world, all religious legislation was part of criminal law. Under the British North America Act, criminal legislation was a federal responsibility. Thus all provincial Sunday laws passed after Confederation in 1867 were void (Laverdure 1994, 86).

Although the effect of this decision was the elimination of laws regulating Lord's Day activities, the reasoning clearly portrays Canada's criminal laws as being based (at least in part) on the Bible.

The Alliance now had a much better case for pushing for federal Sabbath legislation. It established a newspaper called *The Lord's Day Advocate* that soon had a circulation of 40,000. Presbyterian influence was particularly evident in the *Advocate*, and it published pieces by prominent Presbyterians such as Rev. Charles Gordon, who was Canada's best-selling novelist of the time under the name "Ralph Connor."

In 1906 the Liberal government of Prime Minister Wilfrid Laurier introduced the Lord's Day Act which would severely curtail business activities on Sunday. Despite heavy opposition from business interests and the province of Quebec, the law was passed.



Rt. Hon. Sir Wilfrid Laurier, Prime Minister of Canada from 1896 to 1911

By the time of the First World War the general secretary of the Lord's Day Alliance was another Presbyterian minister, Rev. William Rochester. At the World's Christian Citizenship Conference of 1920, he was elected to be the chair of the World Commission on the Christian Sabbath. Rochester "thanked God for the survival of the Canadian Sunday as a day free from newspapers, theatres, and paid sports. The Presbyterian General Assembly thanked Rochester for the reputation Canada's Sunday had around the world" (Laverdure 1994, 91).

Slowly, however, support for the cause dissipated. The Alliance began to decline, and during the Second World War the Lord's Day Act was suspended in order to allow for munitions production. But a few years later, Hockey Night in Canada chose to broadcast on Saturday, rather than Sunday, due to the Act.

As Christianity declined in Canada it's also likely that popular support for restricting activities on Sunday also declined. But it was the Charter of Rights that put an end to the Lord's Day Act. In 1985 the Supreme Court of Canada struck down the law because it amounted to compulsory observance of the Christian Sabbath. This could no longer be tolerated in a "secular" country.

It is interesting, however, that for so many years the Sabbath was enforced, at least to a certain degree, in Canada. And it's also interesting that the driving force behind the push for the Lord's Day Act had been Protestant ministers. The idea that Canada's laws should be based on the Bible has a good historical pedigree.

Canada in the 1950s: Still More Christian than the USA

As we have seen above, historian Mark Noll provides considerable evidence for the central role of Christianity in Canadian history. His point that historically Canada has a better claim than the United States to being a Christian nation carries over into the twentieth century. In short, Noll states that history has "left Canada at the midtwentieth century with a much stronger claim as a 'Christian nation' than its neighbor to the south" (Noll 2007, 18).

That is to say, in the mid-twentieth century, it looked like Christianity had a stronger influence in Canada than in the United States. Church attendance was higher in Canada, for example.

Put generally, in 1950 Canadian church attendance as a proportion of the total population exceeded church attendance in the United States by one-third to one-half, and church attendance in Quebec may have been the highest in the world (Noll 2007, 15).

Subsequently, however, Christianity in Canada took a nose dive. By the 1960s church attendance was in decline and the political influence of Christianity was rapidly shrinking.

Pierre Berton's Criticism of Christianity in Canada

In 1963 the Anglican Church of Canada asked one of the nation's foremost writers, Pierre Berton, to write a critique of its role in modern society. Berton agreed, provided his analysis could cover all mainline Protestant denominations, not just the Anglican Church. The result of his effort was the book *The Comfortable Pew: A Critical Look at the Religious Establishment in the New Age*, published in 1965. It created a sensation when it was released; 170,000 copies were sold in Canada and 130,000 copies were sold in the USA.

Basically, Berton called on the churches to get with the times and liberalize their doctrines and social views, especially regarding sexuality. The churches, in his view, should conform to fashionable social views if they wanted to be relevant to modern people.

Despite the fact that the book's recommendations were unacceptable by conservative Christian standards, Berton mentions some facts and anecdotes that help to reveal the strong Christian influences that have historically been a part of Canada's society and culture. He saw that Christianity was the foundation of our society:

If the Christian Church is ailing, it is certainly worth reviving; and whether or not it declines and falls, these concepts are part of our heritage. They form the basis of our Western ethics and even of our Western democracy. Every Christian nation has a national conscience that springs directly from the New

Testament and which, when aroused, can shape the course of history for the betterment of mankind (Berton 1965, 13).

Berton correctly saw Canada as part of Western civilization, and therefore vitally shaped by a Christian heritage.

Nevertheless, Berton was very critical of Christian doctrine and morality. He personally did not enjoy various aspects of his encounter with Christianity in his own life. Although he went to church in his early years, he quit attending as a young man. But when he joined the Canadian army, he was forced to attend once again.

I joined the army and was at once subjected to that peculiar form of military torture, the compulsory church parade. I have often wondered from where the impetus came to make weekly attendance at church compulsory. My experience as a private soldier, a non-commissioned officer, and a commissioned officer suggests that it was compulsory because the weight of the religious establishment insisted that it be so (Berton 1965, 22).

The fact that soldiers in the Canadian army were compelled to attend weekly church services says something about the central role Christianity has played in Canada. Compulsory church attendance is arguably not a good idea (many soldiers resented it), but it demonstrates that the military saw Christianity to be relevant to life.

When Berton proceeds to discuss his liberal views on sexuality, he mentions in passing the influence of Christianity on certain Canadian laws. He states that the existing laws in Canada against birth control (which weren't eliminated until 1969) were "church-inspired." He then states that the "present laws, again church-inspired, make it technically illegal for a child who has been conceived in rape to be aborted" (Berton 1965, 60). Canada's law against abortion was "church-inspired."

A couple more anecdotes in his book attest to the continuing influence of Christianity in Canada up to the mid-1960s. One of these was in the area of adoption policy. As Berton relates it, "In many parts of the country (it was true of both Great Britain and the Province of Ontario until 1964), a childless couple cannot adopt a child without producing proof of some religious affiliation" (Berton 1965, 87).

Even more telling was the denial of Canadian citizenship to a cou-

ple because they were atheists.

The power of the religious establishment in Canada and the necessity of paying lip service to conventional beliefs came to light in September 1964, when it was revealed that a Dutch couple, Mr. and Mrs. Ernest Bergsma of Caledonia, had been refused Canadian citizenship after ten years' residence. A study of the exchange in Hansard between the justice minister, Guy Favreau, and members of both opposition parties, makes it clear that the paramount reason for the Bergsmas' rejection was their professed atheism (Berton 1965, 87).

One does not need to agree with the rejection of citizenship for this couple in order to recognize that the denial of citizenship resulted from the view that their religious perspective was not welcome in Canada. In some respects, atheism was not acceptable to the Canadian government as late as 1964.

The 1960s

It was during the 1960s that the decline of Christianity in Canada became a widespread and undeniable phenomenon. As noted previously, this was especially true in Quebec which was then experiencing the Quiet Revolution.

However, there were still areas of the country where Christianity was making its presence felt. Perhaps ironically, in the most secular of the English-speaking provinces, British Columbia, the influence of evangelicals in politics was becoming more pronounced in the 1950s and 1960s. The election of a Social Credit government, and its longevity in power, was attributed in part to the political significance of the growing number of evangelicals in that province. As Robert Burkinshaw puts it, "The stunning rise of the Social Credit party to power in 1952 provided some indication of the significance of the growing evangelical presence in the province. . . . [A]lmost all observers cite the growth of evangelicalism as one of the factors in the rise of Social Credit" (Burkinshaw 1995, 196).

The influence of evangelicals in politics is even more apparent in the Social Credit government in Alberta. Radio evangelist William



Ernest Manning

"Bible Bill" Aberhart widely publicized the theory of Social Credit on his broadcasts from Calgary in the early 1930s. Many of his supporters accepted the theory and helped to build the Alberta Social Credit Party which swept to power in a landslide in the 1935 provincial election. Aberhart became premier, but also maintained his evangelical radio broadcasts. When he died in office in 1943, his protégé Ernest Manning took over the premiership as well as Aberhart's radio evangelism. Manning remained premier continually until he retired from office in 1968, and he kept preaching on the radio until the 1980s.

Alberta had conservative evangelical radio preachers as premiers continuously from 1935 to 1968. The province was widely viewed as being under evangelical political influence during that period. Indeed, one journal published by a University of Alberta professor contained an article describing Alberta's political regime in the 1960s as a "theocracy" (Wagner 2007, 22).

Recent Decades

In the late 20th century and early 21st century, our public officials have gone out of their way to avoid mention of Christianity. Largely a result of changing demographics and multiculturalism as well as a

misunderstanding of the concept of the separation of church and state (see next section), our courts, legislatures, and Parliament have all attempted to make and interpret laws without reference to the Christian faith. Sadly, it took the horrible events on September 11, 2001 to force the issue of religion back to the foreground, but only because of the harm caused by Muslim terrorists.

Christian organizations have attempted to counter the increased secularization of Canada, with partial success. The Evangelical Fellowship of Canada, Christian Heritage Party, Citizens for Public Justice, the Work Research Foundation (now Cardus), REAL Women of Canada, Focus on the Family Canada, Canada Family Action, Campaign Life Coalition, the Catholic Civil Rights League, MY Canada, and others were started with a broad range of goals and visions but a common desire to apply their faith-based perspective to public life.

This may sound like a large movement, but the reality is that there are relatively few people involved in all of these organizations. Furthermore, over time many have seen declining interest, involvement, and influence. A big reason for this has been a steady move among many churches, especially Roman Catholic, mainline Protestant, and Evangelical, to distance themselves from anything "political." Conservative Christians are ridiculed in the media and many in these churches have chosen to disassociate themselves with politics or only address politically correct issues like homelessness rather than respond to the flawed characterizations of the media. Sadly this has come at the expense of our voice for truth. Although these organizations are sometimes still profiled as having an influential voice, the reality is that we have much less influence than secular-humanist organizations.

ARPA Canada is grateful to note that many in the Reformed church community continue to hold to the Lordship of Christ over all aspects of life, including politics. We generally do not have to make much of a case for public participation of our faith because this message is consistent with what is being proclaimed on the pulpits of these churches. But we are a small group in a broader Christian community and a much broader Canadian community.

Conclusion: Mixing Religion and Politics, Separating Church and State

Christianity has played a major and undeniable role in the creation and development of Canada, its people, culture and politics. This does not mean that every Christian contribution was a good one. Many examples could be raised that illustrate how religious battles and political initiatives that were done in the name of the Christian faith, or a branch of it, harmed this country. Indeed, examples could also be given of how Christian denominations and organizations *contributed* to the secularism of Canada. But the point is that regardless of the positive and negative outcomes, Canada's heritage is intertwined with Christianity.

The kind of political and social issues that have concerned Christians the most in recent years have arisen since Christianity began to decline in Canada in the 1960s. Abortion, homosexual rights, pornography and other such things are recent problems from a historical perspective. Yet somehow the opponents of Christianity now portray such things as abortion and homosexual rights as "Canadian values." In this way, they pit so-called "Canadian values" in opposition to the traditional moral perspective held for most of Canada's history. How can Canada's historically dominant values be opposed to "Canadian values"?

In 2001 the Law Commission of Canada, a federal government body, published a study favouring same-sex marriage entitled *Beyond Conjugality*. Among other things, it concluded that "fundamental Canadian values and the secular nature of the state's interest in marriage require that the state not discriminate against same-sex couples" (Law Commission of Canada 2001, 131). But how could those "Canadian values" be so "fundamental" if they are absent from the country's history until recently?

No doubt the supporters of abortion and homosexuality will argue that our values as Canadians have changed over the last three or four decades. That's certainly true to a point. But if we cast the latest views of sexual activity as "Canadian values," that means that the majority of generations in Canada's history did not hold to "Canadian

values." That's an arrogant assumption. Sure, some can point to polls that show large proportions of Canadians supporting abortion and homosexual rights, but are the transient views of the current generation a real measure of "Canadian values"? A much more accurate description is simply to refer to them as secular-humanist values. We have seen the transformation from a society largely influenced by the Christian worldview to one that is increasingly guided by the secular-humanist worldview.

In many respects, the more recent imposition of secular-humanist values in Canada is the mixing of religion with politics, just as Christianity did before. There are differences, including the lack of an explicit secular-humanist creed. But the underlying principle of applying one's worldview to Canadian public life is exactly the same. Like all other worldviews it answers life's fundamental questions: Who am I?; Where did I come from?; What is the purpose of life?; Where am I going? According to this worldview we are the products of millions of years of evolution and yet possess dignity and rights because of our autonomy. We give our own meaning to life and define our morals according to what we prefer, recognizing that our preferences will change. Our future is completely in our own hands so we had better control our population and environment to ensure our continued wellbeing. Secular-humanism then applies the answers to Canadian law and public policy, as evidenced in the next chapter about human rights and the Charter.

What this means is that there remains a fundamental misunderstanding about the role of religion in public life. When politicians refer to their Christian faith as a guide for decision-making, they are ridiculed for "mixing church and state." But this is not what the separation of church and state means. That concept (which is American, not Canadian) refers to the separation of the *institution* of the church and the *institution* of the state. An example of infringement would be if the Prime Minister decided who should be the pastor of a particular church, or if a church decided who should be selected for a cabinet position. We don't have that or anything close to that. What we do have is the mixing of religion with politics, and that is impossible to avoid. Every political decision requires an underlying worldview. It has to be in keeping with basic beliefs about what is good and bad for people. Either this decision will be influenced by a Christian worldview, or a secular-humanist one, or an Islamic one, or something completely different. But it has to be influenced by something.

Who were the people who built this country and what did they believe? What motivated them to make the sacrifices they made for future generations? Why did they basically all see heterosexual marriage as an ideal and consider sex outside of marriage to be sinful? And why did they oppose abortion? Because they didn't believe in "Canadian values"? Only a fool would say so. Then what really is the test of Canadian values? The answer is Canadian history—Canada's Christian history.

Some may want to leave this heritage behind and embrace a new worldview of one stripe or another. But let's not kid ourselves and call it "Canadian" or pretend that it's not mixing religion with politics. The choice is not between religion or no religion, worldview or no worldview. The choice that Canadians have to make is which religion or worldview will we be guided by as we move forward. What role will this worldview have in a pluralist country? How will the competing worldviews be given consideration in decisions relating to policy and law? We can only answer these questions when we get rid of the fallacy that the secular-humanist worldview is somehow "Canadian" and morally neutral and that policy decisions have to be made devoid of an underlying worldview or religion.

QUESTIONS

- 1. Do you personally believe it is correct to refer to Canada as a "Christian nation"? Why or why not?
- 2. Does it matter whether or not Canada can be considered to be a Christian nation in some sense?
- 3. According to historian Mark Noll, which country has a better claim to be a Christian nation, Canada or the United States?
- 4. Canada has never had an established church. Is this because Christianity was not important to Canadian society and politics?
- 5. Have Christian ministers or priests historically played much of a role in Canadian politics?
- 6. Does secular humanism appear to have had much influence in Canada before the 1960s?
- 7. From your understanding of history, do you believe that homosexual rights have been a component of "fundamental Canadian values"?
- 8. From a historical perspective, do you think it's accurate to say that Christianity has influenced fundamental Canadian values?
- 9. What does the "separation of church and state" mean? What has it come to mean?
- 10. How can Christians respond to criticisms that applying their faith to public life infringes the "separation of church and state"?

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Chapter 2

CANADA'S GOVERNMENT AND THE CHARTER OF RIGHTS AND FREEDOMS

Canada's Head of State

Canada's form of government is known as a constitutional monarchy. Our Head of State is Queen Elizabeth II, but her powers are limited by a Constitution that stipulates her role in government, as well as the roles and responsibilities of the other components of government. The Constitution is the fundamental law which establishes the various governments (federal and provincial) and delineates their powers. Historically, in the tradition of the countries descended from Britain, a major purpose of the Constitution is to limit what governments are permitted to do. It has long been recognized that governments pose the greatest threat to the rights and freedoms of citizens, and constitutionalism is the most successful way of decreasing that threat.

As the Head of State, the Queen must grant Royal Assent to a bill in order for it to become law. However, normally Royal Assent is given by the Governor General, who is the Queen's official representative in Canada.

Section 9 of *The Constitution Act*, 1867 (formerly the *British North America Act*), reads as follows: "The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen." Also of interest is section 15 which reads, "The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby declared to continue and be vested in the Queen." Technically, that is, according to the letter of the law, the Queen exercises the executive power of Canada's government.

The Queen is also involved in the legislative activity of Canada's government. Section 17 of *The Constitution Act, 1867* states that "There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons." The

important point here is to note that the term "Parliament" encompasses the Queen, the Senate, and the House of Commons.

Although according to the letter of the Constitution the Queen is very powerful, in reality she doesn't exercise this power. A Governor General is appointed by the Queen on the advice of the Prime Minister. Basically this means that the Prime Minister chooses who he wants to be Governor General. And the Governor General exercises his powers primarily in a symbolic role. As mentioned, he must grant Royal Assent to any bill in order for it to become law, and he always does grant Assent.

The Senate

With regard to Canada's federal government, real power resides in the House of Commons and the Senate, especially the House of Commons. This stands to reason since the House of Commons is the elected body of Parliament. Members of the Senate are appointed by the Governor General on the recommendation of the Prime Minister. Or to put it more crudely, the Prime Minister personally selects Senators for the seats that are periodically open to be filled in the Senate. A Senator remains in office until he or she turns 75 or misses two consecutive sessions of Parliament.

Technically the Senate has considerable power, but it rarely uses this power to thwart the will of the House of Commons.

The Senate can initiate any bills except bills providing for the expenditure of public money or imposing taxes. It can amend or reject any bill whatsoever. It can reject any bill as often as it sees fit. No bill can become law unless it has been passed by the Senate

In theory these powers are formidable. But the Senate rarely rejects a bill passed by the House of Commons, and has very rarely insisted on an amendment that the House of Commons rejected. In other cases, the Senate has not adopted bills before the end of a session, thereby effectively stopping them from becoming law (Forsey 2005, 35-36).

One example of the Senate stopping a bill passed by the House of Commons is Bill C-43. This bill would purportedly place some re-

strictions on abortion in Canada, but it was opposed by some prolifers and "pro-choicers" alike. It passed the House of Commons in 1990, but it was defeated in the Senate in 1991 and never became law.

Reforming the Senate was a priority for the now-defunct Reform Party of Canada but the effort has not ended. There have been ongoing initiatives to continue this campaign, including a push by the Harper Conservative government to move towards the election of Senators and limit their terms.

Canada's House of Commons

Canada is divided into over 300 federal political districts called constituencies or ridings, and each of these districts elects one member to the House of Commons. These elected officials are known as Members of Parliament or simply MPs. Whoever receives the largest number of votes in a constituency becomes the MP, even if he or she receives less than half of the total number of votes cast. Most people who compete to be elected in each constituency represent a political party. A political party is basically a formal organization of people



Centre Block of Canada's Parliament Buildings in Ottawa

who broadly share certain views on public matters and want people holding those views to be elected to the House of Commons.

In an election, the party which has the most MPs elected normally becomes the government. In most cases one party wins over half of the seats and this party becomes the government, with its leader becoming the Prime Minister. The next largest party forms the Official Opposition, and its leader becomes the Leader of the Opposition.

The Prime Minister is by far the most powerful elected official in Canada. He or she chooses which MPs will be Ministers of the various federal government departments, and these Ministers form the Cabinet. The Cabinet is the main decision-making body of the federal government. But the Prime Minister dominates the Cabinet since he can replace any Cabinet Minister at will.

Cabinet decisions do not necessarily go by majority vote. A strong Prime Minister, having listened to everyone's opinion, may simply announce that his or her view is the policy of the Government, even if most, or all, the other Ministers are opposed. Unless the dissenting Ministers are prepared to resign, they must bow to the decision (Forsey 2005, 39).

Again, the Prime Minister is extremely powerful in Canada's system of government if he heads a majority government, that is, his party has a majority in the House of Commons. Some people who are critical of the degree of power exercised by the Prime Minister have seen that office as a kind of "elected dictatorship."

In those instances where an election leaves none of the parties with an absolute majority of MPs, the party with the most MPs normally forms a "minority government." In this case it must rely on votes from MPs of other parties to get bills passed and to remain in power. Because the parties are rivals for power, this can be difficult, and historically most minority governments have been of relatively short duration.

Provincial Governments

The provincial governments are structured similarly to the federal government. Each province has a legislature that is elected like the House of Commons. People elected to the legislature are sometimes

known as Members of the Legislative Assembly (MLAs) or Members of Provincial Parliament (MPPs). The leader of the majority party becomes the head of the government as Premier and exercises a role in the province analogous to the Prime Minister on the national level. None of the provinces has an upper house like the Senate, however. Each of the provinces has a Lieutenant-Governor who acts as the Queen's representative and must grant Royal Assent to all bills passed by the legislature.

In Canada's system of government the main power-holders are elected officials: MPs at the federal level and MLAs (or the equivalent) at the provincial level. These are the people who can pass laws, change laws, and so on. The Prime Minister and the Premiers are the most powerful elected officials.

Canada's Judiciary

Of course, Canada's governmental system also includes a number of courts. Most courts are provincial courts, although the judges are appointed by the federal government. The Supreme Court of Canada, as the name indicates, is the highest and most powerful court of all. Basically, Canada's court structure can be described as follows:

[T]he Canadian system is a single pyramid (possibly best conceptualized with a large lump on one smooth side representing the federal courts), with pronounced provincial input at the lowest levels. The input diminishes as we move up the hierarchy and disappears altogether for the Supreme Court at the apex. This single pyramid deals with all provincial laws and almost all federal laws, and any case may rise to any appropriate level (McCormick 1994, 24).

With the adoption of the Charter of Rights in 1982, Canada's courts received a large political role that they didn't have before that time.

The Canadian Charter of Rights and Freedoms

The Canadian Charter of Rights and Freedoms is Part I of *The Constitution Act*, 1982. There are 34 sections to the Charter, all of them im-

portant to one degree or another. But certain sections play a larger role in terms of the social and political issues that concern conservative Christians. The following are probably the most pertinent sections:

Canadian Charter of Rights and Freedoms

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

- 1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.
- 2. Everyone has the following fundamental freedoms:
- a) freedom of conscience and religion;
- b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- c) freedom of peaceful assembly; and
- d) freedom of association.
- 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
- 15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
- (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
- 27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

- 28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.
- 33. (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

A constitution is the supreme law of a country, and the Charter of Rights is part of Canada's Constitution. Any federal or provincial law that violates the Charter is invalid and can be struck down by a court.

When a law is challenged in court as being a violation of the Charter, the judges first must determine whether a Charter right is, in fact, being violated. If a right is being violated, the judges must then determine whether that violation can be justified under Section 1 of the Charter as a "reasonable limit."

A person challenging a law must first show that rights are being violated by the law.

When faced with a Charter case, the courts first ask the rights claimant to demonstrate that a Charter right has indeed been violated. That involves determining the meaning and scope of the right, to see whether it covers the situation of the claimant (Knopff and Morton 1992, 37).

If the claimant is successful in showing that a right was violated, the government must then demonstrate that the violation is a reasonable limit to the right.

While the onus for establishing a rights violation lies with the claimant, the onus for defending the violation under section 1 falls upon the government. If the government succeeds in persuading the court that its policy is indeed "demonstrably justified," the law stands and the claimant loses. If the court remains unpersuaded, the law is declared of "no force or effect" under section 52 of the Constitution Act, and the claimant succeeds (Knopff and Morton 1992, 37).

An example of a law being struck down can be found in the infamous *Morgentaler* decision of the Supreme Court of Canada in 1988.

Section 251 of the Criminal Code was enacted in 1969, allowing abortions to be performed in Canada only if they were approved by a hospital's therapeutic abortion committee (TAC). Three doctors of a TAC would need to agree that an abortion was necessary to protect the life or health of any woman requesting one. And abortions could only be performed in hospitals.

Henry Morgentaler wanted to be able to perform abortions in clinics, and after being arrested for performing illegal abortions in a clinic, he challenged section 251 as a violation of the Charter. To make a long story short, a majority of Supreme Court judges agreed that section 251 of the Criminal Code violated section 7 of the Charter because of procedural flaws in the process required for women to get abortions. Those flaws violated "the principles of fundamental justice." Therefore section 251 was struck down, and Canada has been without any legal restrictions on abortion since that time.

In an earlier case in 1985, the Supreme Court struck down Canada's Lord's Day Act in *R. vs. Big M Drug Mart*. This Act had placed some restrictions on Sunday business activities. A business in Calgary that had been charged under the Act (for remaining open on Sundays) claimed that it violated the Charter of Rights section 2 "freedom of religion" clause. The Supreme Court agreed, and struck down the Act. Because the Lord's Day Act was based upon Christian beliefs, and therefore entailed government enforcement of a Christian teaching (i.e., not working on the Lord's Day), the Court said it violated the Charter's guarantee of religious freedom for non-Christians.

In recent jurisprudence, the Supreme Court has also taken upon itself the authority to amend legislation it believes violates the Charter. In the 1998 *Vriend vs. Alberta* decision, the Court added sexual orientation to Alberta's human rights legislation. Delwin Vriend worked for King's University College in Edmonton. Because he was openly homosexual, and therefore in clear violation of the College's Christian code of conduct, he was fired. However, he could not appeal his dismissal to Alberta's Human Rights Commission because the province's Individual Rights Protection Act (IRPA) did not include sexual orientation as a protected category. Thus Vriend challenged the IRPA as violating the Charter's section 15 equality rights provision for not protecting sexual orientation. The Supreme Court agreed, and ruled

that the failure to include sexual orientation as a prohibited ground of discrimination was unconstitutional. This decision clearly extended the scope of homosexual rights.

When judges make a ruling based on the Charter, they are giving concrete meaning to the general language of the Charter. That is, the judges use their own discretion in determining what the Charter rights actually mean. They choose between competing interpretations of those rights. Doing so sometimes involves making political choices.

Charter politics arises because judges have the power to make important choices between alternative readings of what the Charter requires, choices that can significantly influence political symbolism and public policy. Political partisans are drawn to the courtroom because they understand that judges have great discretion in placing the considerable moral weight of the Charter on one side or another of a political controversy (Knopff and Morton 1992, 57).

The Notwithstanding Clause

Section 33(1) of the Charter, commonly called the "notwith-standing clause" reads as follows:

33. (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

This provision enables politicians at the federal and provincial levels to override certain parts of the Charter and therefore protect laws from judicial scrutiny. It can only be enacted for a five-year period, but it can be re-enacted every five years perpetually. The purpose of this section is to enable Parliament and the provincial legislatures to protect legislation from Charter challenges. With this power, politicians can overrule Charter-based judicial decisions that they think are wrong or bad for the country.

However, section 33 has been discredited and is unlikely to be used in the future. Saskatchewan used it in 1986 to end a strike and

Quebec used it in 1988 to protect laws privileging the French language. These instances were generally unpopular among many Canadians. Even worse, though, is the widespread impression that section 33 allows for people's rights to be violated. This makes it seem like a tyrannical provision. All in all, section 33 is commonly disparaged and therefore unlikely to be used.

Unfortunately, without section 33, the Charter allows even greater power to the courts. As political scientist Christopher Manfredi argues, an effective notwithstanding clause encourages the courts to be moderate in their decisions, because radical decisions could be blocked by Parliament or the legislatures. But without that threat provided by section 33, there's no deterrent to prevent the courts from becoming too radical. Referring to the Supreme Court of Canada, Manfredi writes that

the decision to include a legislative override provision in the Charter created a strategic environment in which the Court had to incorporate calculations about likely legislative responses to its judgments. Section 33 generated uncertainty about the institutional locus of constitutional supremacy, and this uncertainty encouraged strategic moderation of judicial review to avoid a political confrontation that might undermine the Court's long-term institutional status. However, the unfolding of events after 1988 gradually shifted the balance of power towards the Court. As the likely use of section 33 has declined, assertions of judicial power have increased. The Court can thus be much less reticent about asserting supremacy over constitutional interpretation (Manfredi 2001, 188).

The Supreme Court of Canada has become even more powerful because section 33 has been discredited.

The Canadian "Revolution" of 1982

When we speak of a political "revolution," we usually think of a violent event that replaces one political system with another. Among the best known revolutions are the French Revolution of the late eighteenth century and the Russian Revolution of 1917. Canada, thank-



Pierre Trudeau

fully, has never experienced anything of this sort. Nevertheless, Canada did experience a dramatic change in its political system in 1982.

In that year, Canada's constitution (the *British North America Act*, or BNA Act of 1867) was patriated from Great Britain, and the Constitution Act of 1982 was added to the Constitution. The latter Act included the Charter of Rights and Freedoms. In effect, the adoption of the Charter amounted to a political revolution.

For most people, talking about the Constitution is probably rather boring. It appears to be just a dull legal document with little relevance for day-to-day life. But what if a change in the Constitution initiated the uprooting of the original underlying Christian basis of our society? Wouldn't that affect the day-to-day life of Canadian Christians? Something like this has been happening in Canada. The government of Prime Minister Pierre Trudeau staged a non-violent revolution in 1982, and although Trudeau himself is now dead, the implications of his revolution continue to work themselves out in our political and legal systems.

Historically speaking, there have been two major approaches to protecting rights and liberties in liberal democratic countries such as Canada. One is the British parliamentary model, and the other is the American separation of powers model. These models, and their relevance for Canada, are discussed in a lengthy article by Prof. Ted Morton,

of the University of Calgary, entitled, "The Living Constitution." Morton summarizes the differences between the two approaches this way:

The American model is ultimately based on and organized by a single document— a written constitution. By contrast, the Westminster model is based on an unwritten constitution—a combination of historically important statutes, the common law tradition, and numerous unwritten conventions and usages. The second difference is that the written constitution of the Americans includes an enumeration of the fundamental rights and liberties of the individual against government, known collectively as the Bill of Rights. While individuals enjoy basically the same rights and freedoms under the British parliamentary model of democracy, they are not spelled out in any single basic document of government—that is, they are not constitutionally entrenched (Morton 1995, 52).

In the American system, the courts play a much larger political role since they can be appealed to in order to enforce explicitly enumerated rights against the government. In the British system, however, there is an understanding that Parliament is the supreme political institution, and that the courts are primarily to interpret the laws that are passed by Parliament. Thus court challenges against the government are usually ineffective in the British model.

With the exception of its federal structure (i.e., separate federal and provincial governments), Canada's constitution was based on the British model until 1982. "Accordingly, Canada until very recently followed the British approach to the protection of civil liberty: parliamentary supremacy, the rule of law, and the conventions that support them" (Morton 1995, 53). While it is probably natural to think that the American approach to protecting rights would be more effective, since there is an explicit declaration of rights, this is not necessarily so. A comparison of Canadian and American history does not show that rights were better protected under the American system than under Canada's British-style system. Think of the treatment of black people in the southern states, for example. So it cannot be argued that Canada needed the Charter of Rights to protect the otherwise threatened rights of citizens.

In 1960 the Canadian government adopted a Bill of Rights, but since it was just a simple piece of regular legislation, it had virtually no noticeable effect on Canada's political system. The Charter of Rights is an entirely different affair than the 1960 Bill of Rights. "The adoption of a constitutionally entrenched Charter of Rights fundamentally altered the Canadian system of government by placing explicit limitations on the law-making power of both levels of government. Parliament was no longer supreme; the constitution was" (Morton 1995, 54). Morton notes that the exception to this is section 33 of the Charter which allows governments to pass legislation that violates certain sections of the Charter, although only under certain conditions. However, as previously noted, this "notwithstanding clause" is rarely used (being widely viewed as illegitimate) and is therefore unlikely to play much of a role in Canadian politics.

It is important to note, as Morton does above, that the Charter "fundamentally altered the Canadian system of government." This was the initial revolutionary change. The effects of the revolution primarily work themselves out through court decisions, especially decisions by the Supreme Court of Canada. The courts interpret the Charter and it is through this role that they are implementing the changes required to complete the revolution.

The Charter of Rights was not adopted to codify and protect the existing rights and freedoms of Canadian citizens, but instead to bring about important political changes. Some left-wing scholars have noted (and celebrated) the fact that the Charter promotes "egalitarianism," i.e., the modern notion of social equality. Kathleen Mahoney, a prominent feminist law professor at the University of Calgary, points this out in an article she wrote for an American legal journal. She states:

It is my view that the Supreme Court of Canada, to quite a remarkable degree, has recognized the egalitarian challenge the Charter presents. In the past few years, it has launched a promising new era for equality jurisprudence quite unique in the western world. The equality theory it has developed goes far beyond that which underlies constitutional law of other western societies including Europe and the United States (Mahoney 1992, 760-761).

The Charter, then, contains within it the seeds for dramatic left-wing change in Canada. Mahoney refers to "the transformative potential in the Charter, a potential to achieve social change towards a society that responds to needs, honors difference, and rejects abstractions" (Mahoney 1992, 791). Note again that the Charter has a "transformative potential . . . to achieve social change."

The constitutional change of 1982 fundamentally altered Canada's political system. The adoption of the Charter of Rights and Freedoms was the most significant component of this change. As a result of court decisions interpreting the Charter, Canada's abortion law was struck down, homosexual rights have been greatly expanded, and other left-wing policies have been advanced as well. Canada would likely be taking a somewhat left-wing path even without the Charter, but the implementation of the Charter has greatly strengthened and accelerated this trend.

The Charter Changing Canada

It would be very difficult to determine all of the ways in which the Charter has changed Canada since some of the changes are likely still underway. But it is possible to point to particular institutional, ideological, and cultural changes that have occurred due to the Charter. These sorts of changes are discussed by Robert Martin, a University of Western Ontario law professor, in his book *The Most Dangerous Branch: How the Supreme Court of Canada Has Undermined Our Law and Our Democracy.* Martin states the point succinctly; "The Charter has led to a transformation both of Canadian institutions and of the way Canadians think, and the Supreme Court has been in the vanguard of these transformations" (Martin 2003, 23).

The institutional change inaugurated by the Charter is the most obvious and commonly recognized. Many conservatives in Canada complain at length that the Supreme Court has used the Charter to supplant the power of Parliament and the provincial legislatures. Before 1982 the principle of "parliamentary supremacy" inherited from Britain was generally followed in Canada. Basically, Parliament and the legislatures (i.e., elected politicians) were the dominant forces in the enactment of public policy. However, with the advent of the Char-

ter, courts, and especially the Supreme Court, have taken an active role in the public policy process. Laws are regularly struck down or amended by the Supreme Court. As Martin puts it, "in a number of decisions the Supreme Court has been prepared to exercise legislative power, using a doctrine it invented for this purpose and to which it gave the name 'reading in'" (Martin 2003, 157).

In short, then, the institutional change involved the Supreme Court acquiring power previously reserved for Parliament and the legislatures. Parliamentary supremacy is a thing of the past, and "The dominant institution in Canada today is the Supreme Court" (Martin 2003, 175). As Martin sees it, this has made Canada less democratic.



Supreme Court of Canada, Ottawa

Martin also recognizes an ideological change associated with the Charter. The legal establishment (most notably judges and law professors) hold to an ideology that Martin calls "the orthodoxy." This view is so pervasive among the ruling elite in Canada that he calls it "a secular state religion" (Martin 2003, 1). In substance, the orthodoxy is the ideology of the social Left, embracing feminism, abortion rights, homosexual rights, and the like. Martin places himself among those Canadian nationalists who "believe in the value of our traditions and our institutions." But those who hold to the orthodoxy

despise our traditions and our institutions. The orthodoxy, like so many intellectual and social fashions which have done damage to Canada, originated almost entirely in the U.S. The practitioners of orthodoxy are Canadians who have been culturally and intellectually colonized by the U.S. (Martin 2003, 24).

This ideological colonization has apparently resulted in part from university legal education in Canada. According to Martin, "prospective teachers for Canadian law schools were often sent to the U.S. for a final, ideological polishing. American teachers, likewise, invaded Canadian law schools" (Martin 2003, 71). Catharine MacKinnon, a prominent American feminist legal scholar, has been especially influential in the development of Canada's jurisprudence on pornography and sexual assault under the Charter. The educational influences of American scholarship dovetailed with the constitutional change of 1982 to bring about ideological change. "The Charter has played an essential role in the ongoing Americanization of Canada" (Martin 2003, 70).

The adoption of the Charter has also led to a kind of cultural change whereby Canadians view their country and their history differently than before. From a world-historical perspective, Canada has been one of the freest, safest, most prosperous countries, truly a great place to live. But from the new Charter-inspired perspective, Canada for many years was a horrible country, until the Charter set us free in 1982. In this view, "for decades [Canada] was a truly awful, oppressive place; then, that water-shed in Canadian history occurred—the Charter—and we began, thanks to our judges, to be transformed into a decent, respectable country" (Martin 2003, 89).

This view does not do justice to Canada's past. Nevertheless, it is apparently common among some people in the legal community.

First-year law students are unshakably convinced, as it seems are judges of the Supreme Court, that Canadian history began on 17 April 1982, the day the Charter became part of our Constitution. A corollary belief has developed that, prior to the Charter, Canada was a vile and oppressive country in which citizens were absolutely without rights. This abandonment of our past has had a destructive effect on our democracy (Martin 2003, 70).

In a sense, the Charter has led many Canadians to view their own country's history (before 1982) unfavorably. This is undoubtedly a negative cultural change. Compared to most other countries in the world, Canada has been a virtual paradise. That's why millions of people have wanted to come here from all around the world—even before 1982. Yet Canada's original traditions and institutions are clearly disparaged by this new, Charter-inspired view.

Following American Precedents

Adopting the Charter entailed fundamental changes to Canada's constitutional structure. Canadians were given the opportunity to

use legal challenges to change public policies, just like the Americans had been doing for years. But because this was a brand new feature for Canada,

when cases based on the Charter reached the courts, Canadian judges often couldn't rely on Canadian precedents because there weren't any. They were starting from scratch when it came to Charter cases.

What could they do? Well, the obvious thing to do if you have to make a decision based on an American-inspired document is to look to American legal precedents for guidance. And this, in fact, is what often happened in the early years of Charter jurisprudence.

McGill University political scientist Christopher Manfredi noted this in an article in the Canadian Journal of Political Science. He states near the beginning of the article that "the evolution of the Charter suggests a conscious effort by its drafters to allow for the incorporation of some elements of US civil rights jurisprudence into Charter adjudication while avoiding the more problematic details of the US experience" (Manfredi 1990, 500). Basically, there was a deliberate effort to adopt certain American legal principles, without having to slavishly follow every precedent.

Manfredi notes two main ways that American jurisprudence has exerted its influence in Canada under the Charter. First of all, the number of US decisions cited in Canadian legal decisions increased dramatically. And secondly, some constitutional doctrine of the US Supreme Court was adopted by the Canadian Supreme Court.

Because Canada's Constitution was originally derived from Britain, British court decisions had historically been considered relevant to Canadian cases. Once the Charter was adopted, however, there has been a shift away from British to American legal precedents. Manfredi found the following:

During the pre-Charter era the ratio of British to US citations was almost 11 to 1; since 1984 this ratio has fallen to less than 2 to 1. Given the Canadian bar's traditional preference for British rather than American precedents, this shift is significant. Thus, while US cases still constitute a relatively small proportion of the cases cited in Supreme Court decisions, their influence has increased substantially during the first five years of Charter adjudication (Manfredi 1990, 505).

But not only has American influence been expanding through the increase in the number of US cases cited in these decisions, the actual substance of American constitutional theory has also been deeply imbibed. Manfredi puts it this way:

With respect to constitutional interpretation, the [Canadian] Supreme Court has adopted the modern reinterpretation of [US Supreme Court Justice] John Marshall's call for a generous interpretation of constitutional language. Viewed from this modern perspective, Marshall's theory leads to a form of judicial review in which constitutions are continuously amended through judicial construction of new rights and limitations on legislative and executive power (Manfredi 1990, 517).

Canadian judges have become very involved in determining public policy in this country partly due to their adoption of the American doctrine of judicial review.

Canada's Court Challenges Program

As a result of the Charter, the Supreme Court also changed its attitude towards "interveners" in cases that it hears. Interveners are people or organizations that receive legal status to present arguments in a case, even though they are not original parties in the case. Some people or organizations that are not parties to a particular court case may nevertheless have an important stake in the outcome of the case. The outcome of the case would have implications for these third parties, and therefore they would like to present arguments to the court to help influence the final decision. In some cases the legal presentations made by interveners have significant impacts on the courts' decisions because they present information that is neglected by the original parties to the case.

The Supreme Court has allowed interest groups to be interveners at least since 1945, but the actual presence of interest group interveners was rare until the 1980s. Even in the first few years after the Charter was adopted, the Supreme Court did not allow very many interveners in the cases it heard. This was disappointing to many leftwing activists who hoped that the Charter would lead to an Americanstyle court system; in the United States, groups such as the American Civil Liberties Union (ACLU) have had a significant political impact through court cases. However, these activists got their wish in 1987 when the Supreme Court implemented new rules for interventions, making the Court very receptive to interveners. This led to a dramatic increase in the number of interventions in Supreme Court cases.

Participating in a case before the Supreme Court, even as an intervener, is a very expensive proposition. Thus an organization needs considerable financial resources to become involved. The same leftwing activists who wanted an American-style politicization of Canada's Supreme Court looked to the federal government to create a program to fund their interventions. The federal government agreed and instituted that funding in the Court Challenges Program.

The history and development of the Court Challenges Program (CCP) is chronicled by Ian Brodie in his 1997 doctoral dissertation "Interest Groups and Supreme Court of Canada." Brodie writes that

the Court Challenges Program actually began as part of the federal government's response to the election of a separatist government in Quebec in 1976. The new Quebec government introduced Bill 101 to restrict the use of English in that province. The federal government did not want to directly attack Bill 101, fearing that to do so would strengthen Quebec nationalism. Thus the federal government created a program to fund court cases challenging Bill 101 in Quebec, and also to fund legal challenges to restrictions on the use of French in the other provinces. "Between 1978 and 1982, the new program funded six cases, three challenges to parts of Bill 101 and three cases in Manitoba and Saskatchewan" (Brodie 1997, 97). The Program's budget was \$200,000 for the year 1984-85, and was used exclusively for cases directed against provincial governments since the federal Department of Justice decided which cases would be supported (Brodie 1997, 98).

In 1985 the equality rights provisions of the Charter (section 15) were to take effect. The House of Commons set up a Committee on Equality Rights early in that year to investigate the implications of that section. A number of interest groups presented their views on equality rights to the Committee. Left-wing groups such as the National Action Committee on the Status of Women (NAC) and the Women's Legal Education and Action Fund (LEAF) requested that the federal government fund the legal challenges of groups making claims based on section 15 of the Charter. In response, the federal government decided to expand the Court Challenges Program to cover cases involving section 15 (equality rights), section 27 (multiculturalism), and section 28 (gender equality). The Program would now fund cases against the federal government itself.

Furthermore, the government

also granted the Program considerable autonomy by hiring the Canadian Council on Social Development (CCSD) to administer it at arms length. This administrative arrangement allowed the Program to fund language and equality rights challenges to federal legislation. The Program's budget was set at \$9 million over five years, of which not less than \$300,000 per year would fund language cases. The government allowed

the Program to commit up to \$35,000 to each case it funded at every court level it reached (Brodie 1997, 99).

Thus the Program was set up to fund legal challenges based on certain sections of the Charter. However, it did more than sit back, waiting for applications for its resources. Brodie notes that the "Program actively solicited applications through the media and interest groups" (Brodie 1997, 100). Moreover,

It began sponsoring workshops and meetings that created new networks of equality rights groups and, in turn, created new cases. . . . Even after it had received an application, the Program took an active role in creating supporting groups of various people involved in similar cases (Brodie 1997, 100).

In short, the Program was initiating activities to generate the cases that it would fund. The Program was pushing an agenda, and it was a left-wing agenda; conservative groups need not apply.

For example, the Program funded many LEAF cases, including LEAF's pro-choice intervention in the *Borowski* abortion case. Yet it refused to fund REAL Women's pro-life intervention in the same case, claiming that REAL Women's position in the case would not advance the cause of women's equality (Brodie 1997, 100-101).

Before the CCP was to expire in 1990, the left-wing groups that had benefited from the Program began a campaign to have it renewed. Brian Mulroney's so-called "Conservative" government happily complied. "The Program was given a new five-year budget of \$12 million and the federal government entrusted the administration of the Program to the Human Rights Centre at the University of Ottawa" (Brodie 1997, 103). Unexpectedly, however, the government cancelled the Program in 1992. The leftist groups funded by the Program were outraged, and demanded that it be reinstated. As a result, during the 1993 federal election both the Progressive "Conservative" and Liberal parties promised to reinstate the Program. The Liberals, of course, won the election and fulfilled their promise to re-establish the Program.

"The Program's intended interest group beneficiaries quickly took

control of the new government's efforts to establish a new court challenges program. Heritage Minister Michel Dupuy told them that they would decide how to structure and administer the new program" (Brodie 1997, 107). Clearly, these groups were able to "seize control of the new program." As Brodie puts it, "they set down the parameters for the new program's budget, administration and structure. Most importantly, they ensured the new program would be run by a corporation firmly under their own control" (Brodie 1997, 108). This new Court Challenges Program was established in October, 1994.

The federal government, through the CCP, ensured that left-wing groups (not conservative or pro-family groups) had adequate financing to pursue their agendas in court. This is a notable contributing factor to the left-wing judicial decisions that have become frequent since the 1980s.

Thankfully, the Conservative Government cancelled the CCP in 2006. But much damage had already been done and there continue to be calls to reinstate it.

Politicians, and Therefore Citizens, Still Have Real Power

There is no question that the courts have advanced the cause of social liberalism in Canada since the Charter came into effect. Thus for many conservatives, the judges are at fault to a large degree for the negative direction of our country for at least two decades. If only the judges had left public policy to our elected representatives, rather than intruding on legislative ground, Canada would be better off. The judges have used the Charter to seize too much power, and this is the root of many of our problems.

However, this line of reasoning lets the politicians off too easily. Canadian legislators at both the federal and provincial levels are often the ones responsible for social change in Canada. But they are happy to let conservatives blame the courts. In fact, many politicians likely want people to believe that their unpopular policies are being compelled by the courts.

With regards to both abortion and homosexual rights, politicians are largely responsible for our current situation, not judges. Homo-

sexual activity was decriminalized by Parliament in 1969, and restrictions on abortion were substantially liberalized at that time. The courts had nothing to do with these measures.

Then in 1982, it was Parliament that hammered out and adopted the Charter of Rights. It was Parliament that granted a raft of new powers to the courts. The politicians are responsible for this transfer of powers even if they didn't realize the consequences of their actions, because they should have investigated the consequences before changing the Constitution. You don't change the Constitution willy-nilly; you must know what you're doing when you tamper with the nation's most fundamental document. Pierre Trudeau knew what he was doing. But did the other federal politicians know what they were doing?

Shortly after the Tory government of Brian Mulroney was elected in 1984, an all-party committee of Parliament was formed to look at the changes to legislation that would be necessary to conform all of Canada's laws to the Charter. This committee argued forcefully that the Charter mandated homosexual rights. The Justice Department issued an official reply to the committee's report, and it too adopted the view that the Charter mandated homosexual rights. This was in the mid-1980s, before any judicial decisions on homosexual rights had been rendered. Parliament was telling the judges beforehand that homosexual rights were to be considered as being included in the Charter. Don't blame the judges for that.

One could respond that the Supreme Court struck down Canada's abortion law, leaving the country without any restrictions on abortion at all. True enough. But the Supreme Court also said that the law was struck down primarily for violating procedural fairness and that Parliament was free to enact, and even encouraged to enact, new restrictions on abortion. To be fair, Prime Minister Mulroney tried to enact a new abortion law, but failed. He wanted to please both sides of the debate with his proposed law, but that was impossible—the law was opposed by pro-lifers and "pro-choicers" alike. The fact remains that Parliament has the power to enact at least some restrictions on abortion but refuses to do so.

In 1996 Parliament added "sexual orientation" to Canada's

Human Rights Act. In the 1998 *Vriend* decision, the Supreme Court added sexual orientation to Alberta's human rights legislation. The Alberta government could have escaped this by invoking the notwithstanding clause of the Charter, but instead decided to accept the decision. Politicians chose to acquiesce to the Court.

Similarly, in 2003 when an Ontario court ruled that the traditional definition of marriage violated the Charter, rather than invoke the notwithstanding clause, the government of Paul Martin decided to embrace same-sex marriage. Parliament changed the definition of marriage. Parliament was given the option of re-opening the discussion on same-sex marriage towards the end of 2006, but voted against doing so.

And who appointed the judges in the first place? The duly elected government. Judges are not selected randomly, they are carefully chosen. So if we have a Supreme Court full of leftist judges, that's because the appointing Prime Minister wanted it to be that way. Politicians are responsible for the kinds of judges appointed to the bench.

The ultimate responsibility for public policy in Canada's political system rests with Parliament. If Parliament did not want unrestricted abortion and same-sex marriage, we wouldn't have them. Don't let the politicians escape the blame. They've had an easy ride as conservatives have focused their ire on judges.

The Charter has had a major impact on Canada, and it has empowered judges to become deeply involved in political decision-making in some cases. There is no doubt about that. But ultimately, elected officials still hold the reigns of power and could make important changes if they really wanted to. Because politicians receive their offices through elections, they must try to please their constituents. Thus citizens can still have influence on public policy by pressuring politicians and by other means. The political power exercised by judges under the Charter should not dissuade citizens from working for positive change. You can still make a difference.

QUESTIONS

- 1. Who is the most powerful person in Canada's political system, according to the "letter of the law"? Is this power exercised in practice? Why or why not?
- 2. Who is the most powerful person in Canada's political system in practice? Is he/she a politician or a judge? How does he/she receive his/her position?
- 3. Can you point to any institutional linkages between Canada's government and Christianity?
- 4. If Canada discarded its connection to the Monarchy, how would that affect the country's official ties to Christianity?
- 5. How did the adoption of the Charter affect Canada's political system?
- 6. What is the difference between the British and American methods of protecting rights? Which one has Canada historically followed?
- 7. In what ways has the Charter of Rights made Canada more like the United States?
- 8. What kinds of groups have received government funding through the Court Challenges Program? From a Christian perspective, has that Program been beneficial for Canada?
- 9. Now that judges exercise a certain degree of political power due to the Charter, do you think common citizens are still able to make a difference politically? Give reasons for your answer.

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Chapter 3

THE HIJACKING OF HUMAN RIGHTS

Properly understood, human rights are a good thing. Historically, human rights protected people from governments. That is, rights put limits on government power. In recent years however, rights have become transformed into a tool for those attempting to extend the power of government over the people. Modern "human rights" are being used to violate genuine historic rights like the right to free speech. "Human rights commissions" are often in the forefront of this effort to expand the state at the expense of common citizens.

What Are "Rights"?

A "right" can be defined as "a legitimate claim that one person can make against others" (Waldron 1993, 576). Nevertheless, there are different theories and conceptions of rights, some of them incompatible with others.

Among human rights theorists, conceptions of rights are divided into three "generations": First-generation rights are the traditional liberties and privileges of citizenship: religious toleration, freedom from arbitrary arrest, free speech, the right to vote, and so on. Second-generation rights are socio-economic claims: the right to education, housing, health care, employment, and an adequate standard of living. . . . Third-generation rights, by contrast, have to do with communities or whole peoples, rather than individual persons. They include minority language rights, national rights to self-determination and the right to such diffuse goods as peace, environmental integrity and economic development (Waldron 1993, 578).

First-generation rights are the traditional rights historically associated with the developed English-speaking countries. They are generally considered to be "negative" rights in the sense that governments are prohibited from doing things that impinge on an individual's life.

Second- and third-generation rights are considered to be "positive" rights in the sense that they require government action rather than inaction. As John Warwick Montgomery puts it,

The object of "first-generation" rights is primarily to restrain government from encroaching on the liberties of the subject. In contrast, "second-generation" rights (economic and social rights) require positive government action and seem to identify rights with needs (Montgomery 1995, 69).

Conservative and libertarian thinkers often disagree that what are called second- and third-generation rights are, in fact, rights. These kinds of critics see those rights as involving "a degradation of the currency of rights, a hijacking of the concept by ideologues who are very little concerned with its liberal provenance" (Waldron 1993, 578). The word "liberal" in this context basically refers to the Western tradition of limited government.

When it comes to "negative" rights, it's easy to see that there is an obligation on people and governments to refrain from impinging on someone's entitlement. Person A has a right to life, so no one should kill him. He has a right to his property, so no one should steal from him, etc. But if it is said he has a right to health care, or a right to an education, then who is obliged by this right to ensure he receives what is his due? It is assumed his government has the obligation to provide for these rights.

Many governments, however, cannot afford to provide health care and education for all of their citizens, so how can people in those kinds of countries be said to have rights to health care and education? And in countries like Canada that do provide health care and education for their citizens, how much of both is necessary to fulfill the rights of all citizens? And how would we know how much is enough? Does every citizen have a right to government-provided university education? Or just to secondary education? And how do we know?

Recognizing that things like health care and education are very important isn't the same as declaring that all people have "rights" to them. There's no "right" to have all of one's needs provided for by others. But it seems that when people try to stretch the idea of rights beyond first-

generation rights, they may just be identifying the term "rights" with "needs" or "wants." This certainly cheapens the term "rights" and makes it to express a concept that it wasn't originally intended for.

Early Rights Theorist John Locke

The idea of human rights, which Canadians take for granted, has really only been around for less than four hundred years. As University of Toronto political scientist Thomas Pangle puts it,

the idea of rights—meaning to say *human* rights, *natural* rights, the "rights of man," rights understood to belong to all human beings as individuals, and understood to constitute the moral foundation of legitimate political authority—becomes a clear theme only in the mid seventeenth century in northern Europe, and especially in England (Pangle 1992, 93).

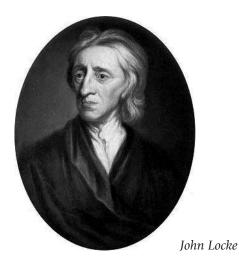
One of the best known political philosophers of that period, and one that is widely recognized for his theory of rights, is the English philosopher John Locke. Locke is a key thinker in the early formation of rights theory. And it's important to note that Locke provided a Christian theological basis for rights in his thought.

From a Christian perspective, this is a significant point. One American scholar, Jeremy Waldron, mentions this when discussing theoretical justifications for rights.

Though people differ in their virtues and abilities, the idea of rights attaches an unconditional *worth* to the existence of each person, irrespective of her particular value to others. Traditionally, this was given a theological interpretation: since God has invested His creative love in each of us, it behooves us to treat all others in a way that reflects that status (Waldron 1993, 582).

With this comment Waldron cites Locke as an example of the early theorists who provided a Christian basis for rights. And it is good to see what Locke himself says about the foundation for rights:

For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker; All the Servants of our Sovereign Mas-



ter, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, made to last during his, not one anothers Pleasure. And being furnished with like Faculties, sharing all in one Community of Nature, there cannot be supposed any such *Subordination* among us, that may Authorize us to destroy one another, as if we were made for one anothers uses, as the inferior ranks of

Every individual is the property of God and therefore no one has the authority to abuse another individual. It is each person's status as a creature made by God that is the foundation of rights. As Waldron pointed out above, this has "traditionally" been the basis of the view that each person has worth and is therefore invested with certain rights.

Creatures are for ours (Locke [1689] 1988, 271).

Locke's political theory states that each person has natural rights, and that people come together to form civil governments in order to protect those rights. That is, the central purpose of government is to protect individual rights. Without a government people would live in a "state of nature" where they are unsafe and insecure. So although they technically have natural rights in such a situation, they constantly face danger. In order to escape the danger people join together to form a society with a civil government. That is, as Locke puts it, they "unite for the mutual *Preservation* of their Lives, Liberties and Estates, which I call by the general Name, *Property*" (Locke [1689] 1988, 350).

Keeping in mind, then, that Locke uses the word "property" in this case to encompass life, liberty, and property ("property" in the narrow, modern sense), he states the following: "The great and *chief end* therefore, of Mens uniting into Commonwealths, and putting themselves under Government, is the Preservation of their Property" (Locke [1689] 1988, 350-351).

If a government is constituted for the main purpose of preserving people's natural rights, then that has significant implications for what the government can legitimately do. It cannot take away the life, liberty or property of any citizen without just cause. "It is a Power, that hath no other end but preservation, and therefore can never have a right to destroy, enslave, or designedly to impoverish the Subjects" (Locke [1689] 1988, 357). The government cannot "destroy" a citizen, that is, take away his life; it cannot "enslave" a citizen, that is, take away his liberty; and it cannot "impoverish" a citizen, that is, take away his property.

John Locke has been one of the most influential political philosophers of all time. He was especially influential in the founding of the United States. As John Warwick Montgomery has written, "John Locke's contract theory, philosophy of limited government, and affirmation of inalienable rights were the most immediate ideological influences on the founding documents of American constitutionalism" (Montgomery 1995, 170). This is a widely accepted idea.

Because Locke was also very influential in Britain, and because Canada and its political system descended directly from Britain, Locke has had a significant impact on this country as well. However, it is possible to see an even more direct connection between Locke and Canada. McMaster University political scientist Janet Ajzenstat has recently written a book where she argues that Canada's founders "were John Locke's disciples" (Ajzenstat 2007, xvi).

The various British colonies in North America that would join together to form Canada each had their own legislative assembly. The members of these assemblies had to debate and decide whether or not to join the Canadian political union. According to Ajzenstat, the topic of rights was discussed in these debates. Referring to Canada's Founding Fathers she states that "most or all believed that security for

the individual—the right to life, liberty, and property, to use Locke's phrase—is Parliament's original and primary purpose" (Ajzenstat 2007, 50).

The particular term "human rights" was not in circulation at that time, but the idea of rights was an important issue.

The Fathers and ratifying legislators did not often speak of "human rights" in the abstract. They referred to British rights, the rights secured by the American Constitution, the rights of Englishmen, the "dearest rights of Nova Scotians," and so on (Ajzenstat 2007, 51).

Despite the fact that the terminology identifies rights with particular countries or colonies, it was believed that rights were universal, that is, that they applied to all people.

The seventeenth-century philosophers—men like John Locke—were well aware that throughout history men and women have been deprived, abused, and enslaved. But they continued to insist on the universality of rights. And their insistence—their pious assertion, if you like—transformed modern politics. We can indeed say that the Canadian founders were thinking of *human* rights (Ajzenstat 2007, 52).

It is important to understand the original conception of human rights as it existed in the English-speaking world in general and in Canada in particular, because the idea of human rights would subsequently evolve and become severely distorted. The earlier conception was strongly compatible with Christianity, and was in fact based to a large degree on Christian theological foundations. But modern ideas of human rights have largely abandoned the Christian foundation. And the lack of a Christian foundation has allowed the idea of rights to now encompass protection of homosexual behaviour and the aborting of unborn children.

Human Rights in Transition

The Second World War had a profound impact on the direction of human rights theory. It illustrated in dramatic fashion the evil consequences of racism. People were understandably horrified by the Holocaust that resulted from the ideology of Nazism. The awareness that racial discrimination can lead to unspeakable horrors created a widespread willingness to support efforts to eliminate discrimination. This desire to oppose discrimination is called "equality rights consciousness."

Before the War, Canada's classical liberal culture placed a high value on individual rights and freedoms. Despite this, Canadian society generally permitted discrimination against minorities, especially Jewish people and non-whites. But the liberal conception of rights provided a strong basis for the development of anti-discrimination views.

[I]n Canada's early political culture the soil did exist for equality rights consciousness to take root. And in the 1940s that soil proved to be productive. In a rights-oriented political culture, the experience of the Second World War stimulated the growth of equality rights consciousness. By focusing attention on the evils of racism and discrimination, the importance of human dignity, and the importance of human rights—including the right to be free from discrimination—the wartime experience brought out what was latent in the political culture (Howe and Johnson 2000, 27).

So because of the War, human rights theory was pushed in a particular direction, namely, opposing discrimination.

Along with this was influence from the American civil rights movement. By the 1960s African-Americans had mobilized to remove the discriminatory laws and practices that had held them back from full participation in American society.

The American civil rights movement of the 1950s and 1960s and the women's movement of the 1960s and 1970s were sources of inspiration for many social activists and human rights groups in Canada. Many American developments in human rights law were quickly replicated in Canada after a period of interest group pressure (Howe and Johnson 2000, 27).

The War and the subsequent civil rights movement in the United States were major influences upon the development of human rights theory in Canada.

The growth of equality rights consciousness in the wake of World War Two and then the American civil rights movement created an atmosphere within which human rights commissions were established in Canada (more information about these commissions is available later in this chapter). Subsequently, the commissions worked to expand and promote the further development of equality rights consciousness and human rights legislation. This generated additional support for the modern conception of human rights among the general population.

[T]he educational programs of commissions and the very existence of the legislation and the complaint procedures served to encourage a further growth of equality rights consciousness and societal pressures for stronger legislation. By providing education about rights, and by publicizing the existence of a system of rights protection, human rights programs and institutions politicized Canadian society in the direction of making demands for wider rights. Rights consciousness and awareness of human rights commissions encouraged more and more groups to pressure for more and more rights (Howe and Johnson 2000, 35).

The homosexual rights movement began to develop by the late 1960s. It has succeeded in portraying homosexuals as a minority suffering from discrimination. Just as African-Americans demanded equal rights with other Americans, the homosexual rights activists demand what they consider to be equal rights with heterosexuals. This is advanced as being protected from discrimination on the basis of "sexual orientation."

Modern human rights theory conceives of a particular "model" of society and the relationship between the majority population and minorities.

As applied to sexuality, the model represents society as having always contained a majority of heterosexuals and a minority of homosexuals. Often, this is made explicit through reliance on the concept of immutability—that sexual orientation is fixed genetically or in early childhood, and is only waiting to



Anti-Christian sign at gay rights protest at Federal Plaza, Chicago in 2008

be discovered. There have always been and will always be those who sexually prefer their own sex. This preference, occurring without any conscious agency on the part of the individual, should not, liberal argument goes, be a basis for discrimination (Herman 1994, 38).

In this view, because sexual orientation cannot be changed, like race and ethnic origin, it should be a protected ground under human rights law.

One can see how the early conception of liberal individual rights—to life, liberty, and property—evolved into a concern about racial discrimination due to World War Two, and subsequently continued to evolve into advocating protections for non-racial minorities, like homosexuals. Unfortunately, as it evolved in this way, it often lost its concern for the earlier rights in favour of protecting groups such as the homosexuals. Human rights theory was moving away from its original foundations and was morphing into something different.

Human Rights and the Bible

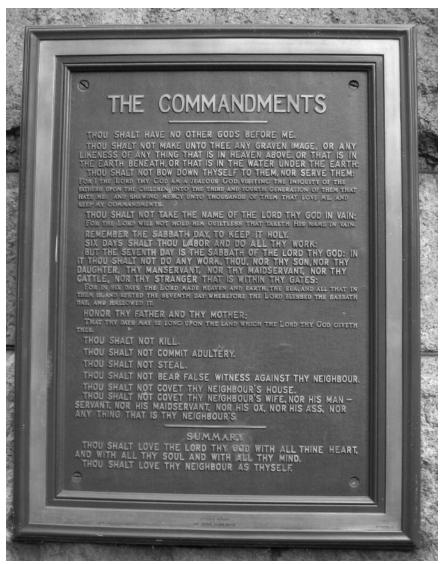
There is a way in which biblical Christianity can be said to support human rights, but it is a very different conception of rights than that currently promoted in Western countries. This Christian perspective is outlined by T. Robert Ingram in his book *What's Wrong With Human Rights*. As Ingram sees it, the Ten Commandments are the moral foundation for the civil government. All law must be in conformity to the Ten Commandments. Some of the Commandments involve protecting people from other people, and in this sense a form of "human rights" is established.

The Sixth Commandment forbids murder. An innocent person cannot be killed, not because he has an inherent right to life, but because God's law forbids such killing. "Wrongs are not seen as infringements of individual rights, but violations of God's commands. It is wrong to murder, not because each has a right to live but because God said it is wrong for any person to kill a man except as a public official acting in the administration of justice or the conduct of war" (Ingram 1978, 21). In this respect a kind of "right to life" is established by the Sixth Commandment.

In a similar sense, the Eighth Commandment establishes a right to private property. Since one person (or even the government) cannot steal the property of another, the owner of the property is safely protected in his ownership by God's law.

Under the law, then, a man has a 'right' to his life, his limbs, his liberty and his property simply because it is wrong to take them from him except in just punishment for breaking that same law. The law is a closed circle, a complete fence. Within it men are free and have innumerable 'rights' if one wants to think of them that way. But these rights appear from the wrongs specified by [God's] law (Ingram 1978, 54).

The Ten Commandments form the moral foundation of a Christian legal and political system. The citizens living under such a system are protected from harm by the stipulations of God's law. As such they have the rights to life, liberty and property. These can be referred to as "human rights," but they are based on a very different foundation



The Ten Commandments at the Allegheny County Courthouse in Pittsburgh

than the "human rights" commonly promoted today. Under this Christian system the idea of abortion rights or homosexual rights would obviously be absurd.

Properly understood, then, "human rights" can be compatible with biblical Christianity. The Ten Commandments provide a much

better Charter of Rights than anything that can be devised by man.

Rights or Privileges?

Governments will at times create entitlements to certain benefits for their citizens. It is not unusual for people to refer to these entitlements as "rights," such as the right to education or the right to health care. However, from a Christian perspective, only God can grant rights so these other kinds of rights are more properly called "privileges."

Citizenship rights, being politically created, will vary from country to country. They will also vary from time to time within the same country. This is because all citizenship rights are alienable. They are relative rather than absolute. Relative rights are politically created civil rights rather than God-created absolute rights. They are not permanent like the inalienable rights attached to personhood. That is why citizenship rights, or relative rights, are more correctly termed "privileges" rather than rights (Amos 2000, 34).

From this Christian perspective then, first generation rights, namely the rights to life, liberty, and property, are inalienable rights because they have been given by God Himself. But second generation rights and third generation rights are not actually "rights" at all, but rather "privileges" granted by particular governments for their own citizens.

Human Rights Commissions

Human rights commissions are government agencies that have been established to deal with the problem of discrimination. Some people discriminate against others just because they are of a different race, religion, nationality, etc. For example, there are people who have been denied a job just because of their skin colour. These people can complain to a human rights commission, and the commission will investigate the situation. If racial discrimination is found to have occurred, the commission can punish the discriminator, and have him compensate the victim. In a situation like this, i.e., overt racism, it is not unreasonable to see the commission as fulfilling a positive social

role. However, there is more to human rights commissions than this.

Historically speaking, human rights commissions are relatively new institutions. Every Canadian province, as well as the federal government itself, has a human rights commission for dealing with discrimination within its jurisdiction. These commissions were established in the 1960s and 1970s.

The modern preoccupation with human rights is an international phenomenon. It manifests itself somewhat differently in each country where it is felt, and in Canada one significant effect was the establishment of human rights commissions. As mentioned earlier, this international concern, as well as its Canadian manifestation, is to a large degree a byproduct of World War Two.

The Second World War was a pivotal event in the evolution of human rights legislation. The nature of this global struggle against fascism, and the realization after the war ended of the true extent of the Holocaust, changed the way people thought. The war, by mobilizing Canadians against state-sanctioned racism, by illustrating the evil consequences to which racism can lead, and by demonstrating — through the mistreatment of Japanese Canadians — the shortcomings of Canadian society itself, served as a catalyst for human rights awareness and for legislation against discrimination (Howe and Johnson 2000, 6).

Thus for the most part, it was after the War that human rights became a legislative concern. In 1944 Ontario enacted the Racial Discrimination Act, "the first piece of modern human rights legislation in Canada" (Howe and Johnson 2000, 7). Three years later, Saskatchewan enacted the Saskatchewan Bill of Rights Act. Through the 1950s, other provinces began adopting forms of anti-discrimination legislation. The next major development occurred in 1961 when Ontario created the Ontario Human Rights Commission, the first such commission in Canada. "Other provinces soon followed Ontario's lead, and human rights commissions and consolidated human rights codes (or acts or charters) spread across the country" (Howe and Johnson 2000, 11). As a result, "by the late 1970s legislation and

commissions had been established in every province and at the federal level" (Howe and Johnson 2000, 11).

Early in their history, the commissions were normally only designed to combat discrimination based on such things as race and religion. However, over time the list of prohibited grounds of discrimination has grown to include age, disability, sexual orientation, and a host of other traits. Furthermore, the authority of the commissions has been enlarged in many jurisdictions so that they can initiate actions themselves, rather than waiting for a grieved person to lodge a complaint. In short, the scope and power of the commissions has been growing over time.

It is interesting to note that the expansion of both the scope and power of the commissions has been strongly enhanced by judicial interpretation. Albertans will remember that the scope of their human rights legislation was expanded to include sexual orientation by the Supreme Court in the *Vriend* decision of 1998. And the power of human rights law has also been extended. In 1982 the Supreme Court ruled "that human rights legislation in Canada was 'fundamental law,' and thus took precedence over other legislation" (Howe and Johnson 2000, 24). Three years later the same court declared

that although human rights legislation is not quite constitutional, it does have primacy over ordinary legislation. As quasi-constitutional law, said the Supreme Court, the courts are obligated to grant human rights legislation a broad liberal interpretation (Howe and Johnson 2000, 24).

Early in the development of human rights legislation, the courts themselves were considered to be a potential avenue for punishing discrimination. Indeed, early anti-discrimination legislation could only be enforced by bringing matters before the criminal courts where the prosecution had to prove guilt beyond a reasonable doubt.

This level of proof was very difficult to achieve, and human rights activists wanted an easier way to convict discriminators. Furthermore, these activists viewed the judicial system as being inherently conservative. Thus they called for the establishment of a semi-judicial administrative agency to oversee the implementation of human rights

legislation. It was also believed that this would be less expensive than resorting to the courts. Human rights commissions were therefore created as an alternative to the traditional court system.

HRC's: Restricting Rights to Advance Rights

Human rights commissions were thus created so that incidents of discrimination could be handled by administrative agencies specializing in human rights issues. There were a number of factors that made the idea of these agencies appealing. One significant reason was that the criminal court system provides certain rights to an accused person which make conviction difficult. Human rights activists did not want people accused of human rights violations to receive the same kinds of procedural protections available to accused murderers, rapists and thieves. So one purpose of the human rights commissions was to circumvent the longstanding legal protections available to accused persons in Canada.

Strangely, "human rights" activists were eager to bypass traditional legal rights available to accused persons in order to facilitate their agenda. Criminal law protections for accused persons in Canada would inhibit efforts to punish discrimination.

The accused is presumed innocent until proven guilty beyond a reasonable doubt, and the burden of proof rests with the prosecution. Under the early antidiscrimination statutes, prosecutions for violating statutory obligations were to be carried before the criminal courts. This approach . . . introduced a dynamic in which alleged discriminators were provided with a panoply of criminal law protections while the prosecution faced the most onerous test in law: proving guilt beyond a reasonable doubt, with guilt requiring evidence of direct action and of intent to discriminate (Howe and Johnson 2000, 40-41).

It was very difficult to achieve a conviction under these circumstances. Indeed, these particular legal protections were put in place to prevent innocent people from being victimized by the judicial system. But to antidiscrimination activists, they were obstacles to the enforcement of human rights. Thus by creating separate administrative agencies to handle discrimination cases, important traditional legal protections

for accused persons could be avoided. Instead of the criminal law standard of proof "beyond a reasonable doubt," the commissions used the civil law standard of "proof on a balance of probabilities" (Howe and Johnson 2000, 46).

This made it easier for human rights activists to pursue their agenda. "In opting for the civil over the criminal standard of proof, rights advocates were supporting an adjudicative framework that was more conducive to the laying of complaints, the bringing of cases, and the resolution of disputes in favour of complainants" (Howe and Johnson 2000, 47). The human rights commissions provided an avenue for prosecuting alleged discriminators without having to overcome the legal protections afforded accused persons under criminal law. Even Howe and Johnson themselves, strong supporters of human rights commissions, note that "an argument could be made that the civil standard unfairly limits legal rights of the respondent" (Howe and Johnson 2000, 48).

It is a matter of significant concern that a major rationale for the creation of the commissions was the desire to avoid traditional legal protections for those accused of discrimination.

HRC's: Social Engineering

Human rights commissions are more than just alternative disputeresolution agencies. They are also supposed to actively advance the cause of the human rights movement and help to change people's behaviour. This too was revealed in the campaign to establish the commissions.

Advocates of human rights legislation contended that human rights policy must inevitably involve a proactive role for the state; rights were to be not only affirmed but also advanced in society as a means of resolving particular disputes and fundamentally changing the manner by which people interacted with one another. In this light, human rights law reform required careful oversight, administration, and initial adjudication by officials specializing in and committed to the human rights project (Howe and Johnson 2000, 42).

Note the emphasis on changing how people act. This could easily be interpreted as social engineering. "Much more so than the courts, the

commissions were designed to change social behaviour by highlighting not only injustices but also desirable forms of interaction" (Howe and Johnson 2000, 43-44). In other words, "the primary goal of the commission is not to exact retribution but rather to change how people think and act toward one another" (Howe and Johnson 2000, 55).

Human rights commissions, as noted above, are not neutral agencies, but instead are actively committed to what Howe and Johnson call "the human rights project."

All commissions in Canada are animated by an interest in rights advocacy. Senior officials uniformly believe that rights policy is just and proper, that commissions play an integral role in promoting social justice, that rights policy must be more deeply entrenched and more widely expanded, and that commissions should play a leading role in this effort (Howe and Johnson 2000, 158).

Human rights commissions, then, are (among other things) advocacy organizations for the modern human rights movement and one central purpose of the commissions is to get people to conform their behaviour to the expectations of that movement. In recent years this has included the promotion of homosexual rights and the attempt to punish conservative Christians who are alleged to have discriminated against homosexuals. For reasons such as these, conservative Christians have rightly viewed the commissions as political opponents.

There is further reason to be concerned about the social engineering that is implicit in the commissions' work. As University of Calgary political scientist Rainer Knopff has pointed out, the modern "human rights project" is based on a conception of human nature that is fundamentally at odds with the Christian view. Knopff discusses two views of human nature and how they relate to issues of discrimination and human rights. Although he doesn't use the term "Christian," he describes one view of human nature that he calls "classical liberal" that roughly approximates the Christian view. In this view, "human beings are naturally rather nasty and anti-social. . . In this account vanity, pride, and selfishness are considered ineradicable aspects of human nature" (Knopff 1990, 18-19). If this is an accurate

portrayal of human nature, "it will be impossible to expunge discrimination altogether except by undermining the individual freedom that permits it to flourish. From the perspective of classical liberalism, then, discrimination poses a permanent and insoluble dilemma or tension" (Knopff 1990, 19).

The conception of human nature underlying the modern human rights project is very different. Here people are considered "to be inherently good rather than naturally anti-social. . . In this view human nastiness is the product not of 'nature' but of 'society' or the 'system'" (Knopff 1990, 19-20). In short, if people don't behave properly, it's because their society has made them behave this way. They are, in a sense, blank slates and their societal environment makes them what they are. If an improperly ordered society will cause people to behave badly, then the logical corollary to this is that a properly ordered society will cause people to act acceptably. This view is known as "constructivism": society can be reconstructed according to

intellectually derived criteria. . . using the coercive power of the state if necessary. Constructivists are confident that such transformatory projects can succeed because they attribute man's unpleasant characteristics to the effects of a "system" that is within man's power to alter and control (Knopff 1990 20).

This view can take somewhat different forms.

At the extreme this orientation can become a form of "political messianism," believing that state action can solve all problems by making society over according to the abstract image of the social theorist. More moderately it engenders confidence that society can be indefinitely improved through a continuing series of state-sponsored reforms (Knopff 1990, 20).

The modern human rights movement is probably imbued with this more moderate form, rather than "political messianism," but it still poses a danger. In order to create a better society, one where discrimination will no longer exist, "those who were molded by the old environment cannot be permitted the freedom and power to perpetuate it" (Knopff 1990, 21-22). The freedom of these people must be suppressed.

If human beings really are the product of their social environment, and if it is possible successfully to remake them by reconstructing their environment, this suppression of freedom can be seen as a temporary expedient in the historical march to a greater and more comprehensive freedom (Knopff 1990, 22).

Short-term pain for long-term gain: suppressing freedom temporarily to create a better society. If people are naturally good and only become corrupt due to their social environment, this is entirely possible.

If, on the other hand, anti-social tendencies are rooted in nature, as both ancient and early modern political philosophy agreed (and as I believe), such projects in social engineering are fundamentally misconceived and the suppression of freedom they require will be permanent, not temporary (Knopff 1990, 22).

What this suggests is that the philosophical foundation of the modern human rights movement, and hence human rights commissions, is flawed. The conception of human nature underlying this view is in error, and thus the solutions it proposes are also in error. While a person's environment certainly influences his attitudes, views, and behaviour, the Christian position is that people are inherently sinful, and that sinfulness (as well as its manifestations) cannot be eradicated by a change in the social environment. As Knopff suggests, then, the restrictions on freedom imposed by human rights commissions will be permanent. The "anti-social" characteristics that those restrictions attempt to eradicate will always be present.

HRC's: Modern "Human Rights" as a Threat to Free Speech

Right across Canada Christians have had to face the wrath of various provincial human rights commissions. Among the most threatening aspects of the commissions is their lack of concern for the traditional right to free speech. This is clearly illustrated in the case of Stephen Boissoin in Alberta.

In 2002 Stephen Boissoin (then the executive director of the Concerned Christian Coalition, or CCC) wrote a letter to the editor of the *Red Deer Advocate* newspaper that was published on June 17 of

that year. It contained strongly worded criticism of the homosexual rights movement. The following month, Dr. Darren Lund filed a complaint against Boissoin and the CCC with the Alberta Human Rights Commission. Lund claimed that the letter incited hatred against homosexuals.

To make a long story short, on November 30, 2007, the Alberta Human Rights Panel agreed with Lund. The panel chair, Lori Andreachuk, found "that the statements made by Mr. Boissoin and the CCC are likely to expose homosexuals to hatred and contempt due to their sexual preference" (Andreachuk 2007, 72). She claimed that she weighed the issue of "freedom of expression" versus "the eradication of discrimination." But then she found "in balancing the two freedoms, that the eradication of hate speech, such as that promulgated by Mr. Boissoin and the CCC is paramount to the freedom Mr. Boissoin and the CCC should have to speak their views" (Andreachuk 2007, 75-76). In other words, preventing public expression of opposition to the homosexual rights movement is more important than freedom.

What makes this decision even more grievous is that prior to making the decision, the panel had received expert testimony from University of Calgary political scientist Barry Cooper. Prof. Cooper stated that in his expert opinion, Boissoin's letter fell within the legitimate scope of free speech. He further stated that "in his expert opinion he does not believe there is any evidence of hatred" (Andreachuk 2007, 21). Thus Andreachuk rejected an expert on free speech issues in Western democracies in order to use her power against Stephen Boissoin.



Stephen Boissoin

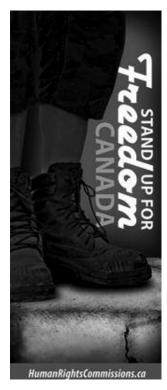
On May 30, 2008, Andreachuk released her "remedy" whereby she ordered Boissoin to pay Lund \$5000 even though Lund was not a homosexual and therefore not a "victim." Also, Boissoin had to apologize to Lund in writing and refrain from making "disparaging remarks" about homosexuals in the future. That restriction would include personal emails, sermons, and any other avenue of communication.

Boissoin appealed the decision to the Alberta Court of Queen's Bench, which ruled in December of 2009 that the Alberta Human Rights Commission's decision was wrong. Lund is attempting to appeal this. Even though the court sided with Boissoin, this whole ordeal has cost him well over \$100,000 in legal expenses while the complainant gets his costs covered by tax dollars.

Other Christians in various parts of Canada are facing complaints

through human rights commissions due to their opposition to the homosexual rights movement. The use of the commissions to thwart the expression of conservative Christian views is likely to continue into the foreseeable future. Human rights, which originated as a Christian ideal, have now been distorted into a tool to prevent Christian opposition to certain forms of sexual immorality. This is certainly a tremendous irony.

In 2010, ARPA Canada launched a national campaign in response to the country's human rights commissions called *Stand Up for Freedom Canada!* The campaign launch was covered by mainstream newspapers across the country, as well as a prominent talkradio show in Vancouver. The website (www.HumanRightsCommissions.ca) is directed towards all Canadians and includes details about the problems



ARPA Canada's campaign in response to Canada's human rights commissions

with the commissions and tribunals, options for what can be done by policy makers to address the problems, and suggestions for what each of us can do to encourage their reform or removal, along with petitions, sample letters, and talking points.

"Children's Rights" and the Expansion of Government Power

One area where the modern conception of human rights leads to a dramatic expansion of government power is the concept of "children's rights." In 1998 two professors at the University College of Cape Breton, Katherine Covell and R. Brian Howe, wrote that parents should all be required to obtain licences to have children. In their words, "a licence to parent should be mandatory" (Covell and Howe 1998, 33). Such mandatory licensing is an outgrowth of protecting rights. "Children have basic rights, including ones related to parenting, and the state has the responsibility for ensuring that children are provided those rights" (Covell and Howe 1998, 34).

Of course, children are frequently too immature to claim their rights or exercise their rights, so certain adults must claim and exercise those rights on the children's behalf. In this way the idea of children's rights extends power, not to the children themselves, but to adults purportedly acting for the children's best interest. Usually those adults are agents of the state. In short, then, "children's rights" are really a vehicle for empowering the government, usually at the expense of the family.

Covell and Howe are correct to point out that many children these days manifest notable problems such as antisocial behaviour, poor school performance, substance abuse, and in later years, depression and even suicide. Current policy is not adequately addressing these problems. If they were to dig a little deeper, Covell and Howe would find that a root cause of this situation is the decline of the traditional family. But the solution they propose, instead of strengthening the traditional family, is to strengthen the power of the state. They want the government "to institute a system of parent licensing" (Covell and Howe 1998, 34).

In order to qualify for a parent license, one would have to fulfill

three basic requirements. First, the applicant would have to demonstrate that he lives his own life responsibly. Basically that means he would have achieved a certain level of maturity and have completed at least a high school education. Secondly, the prospective parent would have to sign a contract promising not to neglect or abuse his child. Considering that earlier in the article Covell and Howe refer to "physical punishment" as an inappropriate discipline method, the contract would likely be understood as forbidding spanking. Thirdly, in order to receive a license, a parent would have to complete "a certified parenting course on early infant development. Subsequent courses, appropriate to developmental stages (toddlerhood, preschool, school-aged child, early adolescence, later adolescence), would be required for license renewal" (Covell and Howe 1998, 35).

What would happen if a parent's license was not renewed? Probably the same thing as what would happen if a license is revoked for breaking the contract mentioned above: the child (or children) would be removed from the parents—whisked away by uniformed people intent on enforcing "children's rights."

In keeping with Canada's commitment to equality, all parents would have to obtain licenses. "Parent licences would be required for all Canadian parents, fathers as well as mothers, biological and adoptive parents. Immigrants with children would be given provisional licences for a limited time period during which they must apply and meet the conditions for a licence" (Covell and Howe 1998, 35). People who flee oppressive countries to come to Canada would suddenly be faced with the possibility of losing their children if they don't have a high school-equivalent education, or fall short in some other way.

The Convention on the Rights of the Child

The issue of children's rights is not confined to Canada or a small number of countries. In 1989 the United Nations General Assembly adopted the Convention on the Rights of the Child (UNCROC) which is intended to apply to all nations of the earth. Thus the push for children's rights is an international movement, and it is taken seriously in many countries. A recent Australian book has provided an important discussion on children's rights in general, and the UNCROC in par-



ticular, that is also very pertinent to Canada and other Western countries. This book, by Barry Maley, is entitled *Children's Rights: Where The Law Is Heading And What It Means For Families*.

No one would deny that children have rights in some sense. They are not objects to be treated like animals. Indeed, conservative Christians strongly maintain that even unborn children have a right to life. So the real issue is not whether children have rights or don't have rights but rather what the nature of those rights is. The children's rights movement has a particular conception of children's rights which are called "autonomy rights." As Maley explains,

This is the claim that children, as citizens, should enjoy the same fundamental freedoms as adults in a liberal democracy, and, where necessary, be able to call upon public authorities to assist them to uphold these rights — if need be, against the opposition of their parents (Maley 1999, 14).

This last part is the key. Modern children's rights advocates see children's rights primarily as a tool to be used against parents.

UNCROC is probably the most significant statement of principles of the children's rights movement. As such, it clearly manifests a tendency to downplay parental authority and exalt the independence of children. Maley points out that UNCROC "promotes a radically new conception of the legal and personal autonomy of children which overrides, or is in conflict with, traditional parental prerogatives" (Maley 1999, 21). For example, the first part of Article 12 of UNCROC guarantees a right to freedom of expression to each child who "is capable of forming his or her own views" and states that the views of the child be "given due weight in accordance with the age and maturity of the child." But how can it be determined whether a child meets the appropriate conditions?

And by whom are such judgments to be made? The Article obviously envisages that this would be courts and other authorities outside the family, to whom the child may appeal if he or she believes that free expression has been denied within the family and elsewhere (for example, in school) (Maley 1999, 22).

The second part of Article 12 gives a child rights in judicial and administrative proceedings. This provides "the child with independent rights and capacities, including its own representatives, in order to initiate proceedings to enforce against parents not shown to be unfit, and others, the rights expressed in the first part of Article 12" (Maley 1999, 24). In short, Article 12 "undermines parental authority from the very beginning by making it open to constant challenge, and greatly increases the scope for interference in fit families" (Maley 1999, 22).

Other articles in UNCROC guarantee children the right to have access to information of all kinds, freedom of thought, freedom of religion, freedom of association, freedom from arbitrary interference, etc. And these rights are to be enforced by the state against the child's parents. The view underlying UNCROC is "that children's interests are under threat, and that the primary source of the threat against which they must be protected is their own parents" (Maley 1999, 28).

Maley concludes that the kinds of rights advocated by the children's rights movement and UNCROC are dangerous to the well-being of the traditional family. These rights

would undermine parental prerogatives and the authority necessary for adequately managing children and preparing them for adulthood and social living. Children would suffer because they could be authorised (even encouraged) to struggle against their parents, and more easily, immaturely and incompetently to follow paths in defiance of their parents that would work against their own interests. All would be losers, including the wider society (Maley 1999, 84).

Thus the rights being advanced by UNCROC and its supporters are actually harmful to the well-being of children themselves!

If UNCROC was to remain just an idealistic statement of principles, and was ignored by government officials, it wouldn't pose much of a threat. However, Maley demonstrates that in the case of Australia, UNCROC is being favourably cited in court decisions and government documents related to family issues. Thus it "may significantly affect the development of the common law and statutory interpretation in Australia" (Maley 1999, 52). UNCROC, in other words, is not just a paper tiger, but a real and substantive threat to the traditional family.

Because of their immature state, children are not able to exercise their own rights. Adults will always be guiding and overseeing the activities of children. The Christian view is that it should be the parents who are in authority over the children. The secular humanist view, as expressed by children's rights advocates, is that government officials should be the ultimate authority over children, with parents being simply "trustees of the state." The children's rights perspective does not actually grant authority to children, it simply transfers authority from parents to government officials. Children are still subject to adults, but instead of those adults being the ones to whom God entrusted the children, it is adults in the employ of the government. As a result, the children's rights movement really represents an attempt to enlarge the power of the state at the expense of the traditional family.

International Imposition of Modern Human Rights

UNCROC is not the only international effort to impose the modern ideal of human rights. There are also international conferences of legal scholars and jurists that coordinate efforts to implement human rights in their respective countries. There has recently also been "a proliferation of international tribunals that apply treaties or codes of some kind to all nations that have succumbed to internal pressure to sign on to them" (Bork 2002, 148). While the decisions of these courts or tribunals are often unenforceable, these institutions are "allies of the left in the international war of political propaganda" (Bork 2002, 149).

The European Convention for Protection of Human Rights and Fundamental Freedoms is an example of international law being used to implement left-wing social change. That Convention is interpreted by the European Court of Human Rights, and that court's decisions are binding on the nations that have accepted its jurisdiction. Great Britain accepts its jurisdiction, and has also incorporated the Convention into its own domestic law. "Both before and after incorporation, the Convention, as interpreted by activist judges, has had a marked effect on British autonomy and culture" (Bork 2002, 163). The Convention has served to advance homosexual rights in Britain, and it is likely that much more change will yet come in Britain as a result of the Convention. This change will be in a consistent direction: the European Court of Human Rights "pushes the various European cultures to the left" (Bork 2002, 167).

Australians are familiar with the use of international law to force domestic social change. During the 1990s there was a highly publicized (and ultimately successful) effort by homosexual rights activists in Australia to have the state of Tasmania repeal its legislation that criminalized homosexual behaviour.

Beginning in the late 1980s, the Tasmanian Gay and Lesbian Rights Group (TGLRG) initiated efforts to eliminate two sections of Tasmania's Criminal Code that outlawed homosexual behaviour. At first, the TGLRG tried to have the state legislature remove those sections, but there was a popular uproar among Tasmanians opposing that change, and the legislature backed away from doing so. As a re-

sult of this legislative failure, the TGLRG "began to develop a strategy which utilized resources outside the parliamentary sphere" (Henderson 2001, 43). In December, 1991, a TGLRG member, Nick Toonen, appealed to the United Nations Human Rights Committee (UNHRC) claiming that the sections of Tasmania's Criminal Code outlawing homosexual behaviour violated his rights under the International Covenant of Civil and Political Rights (ICCPR).

In March, 1994, the UNHRC ruled in favour of Toonen and called on the Tasmanian government to repeal the offending sections. Conservatives in Tasmania were outraged that an international organization was being used in an attempt to change domestic law.

Adding to the sense of outrage in Tasmania (even for a considerable number of politicians who professed to support the decriminalization cause) was the fact that the UNHRC does not meet in public, is not required to publish the reasons for its decisions, and was at the time made up of a number of members who came from non-democratic countries or countries that retain criminal laws against homosex, as well as five countries who had not themselves ratified the First Optional Protocol of the ICCPR (Henderson 2001, 45).

To some degree, then, there were committee members representing dictatorships telling a democratic state that it must change its laws to conform to "human rights." It seems absurd that representatives from dictatorships were lecturing Tasmania (Australia) about "human rights."

While the implementation of the UNHRC decision could not be forced on Tasmania, the international embarrassment caused by the decision was a major factor leading the Tasmanian government to decriminalize homosexuality in June, 1997.

Activists and politicians alike were forced to ask, during the United Nations case and in the aftermath of that decision, whether Tasmania was a state that could make its own laws or one which could have a legislative agenda forced on it unwillingly by outsiders (Henderson 2001, 48).

As the jurisdiction of international tribunals continues to expand, that may be a question that citizens of all Western countries will need to ask.

The Civilisational Contradiction

Modern human rights theorists advocate strongly for the adoption and expansion of human rights, all the while rejecting the original philosophical basis of rights. This is part of what Canadian philosopher George Grant calls the "civilisational contradiction."

The contradiction arose because human beings held onto certain aspects of justice which they had found in the ancient account of good, even after they no longer considered that that account of good helped them to understand the way things are. The content of justice was largely given them from its foundations in the Bible (and the classical philosophy which the early Christians thought necessary for understanding the Bible), while they understood the world increasingly in terms of modern technological science (Grant 1985, 75).

Canadian government and law have increasingly been based on a secular humanist worldview over the last 40 to 50 years or so. However, Canadian society had originally been based on a general Christian worldview. Much that is good about Canada, such as individual rights, is the fruit of Canada's original Christian foundation. But many people want to hold onto the fruit even as they undermine the Christian source of the fruit. "In so far as the contemporary systems of liberal practice hold onto the content of free and equal justice, it is because they still rely on older sources which are more and more made unthinkable in the very realization of technology" (Grant 1985, 86). The Christian worldview is unacceptable by the modern standards of secular thought, but the concept of human dignity and individual rights that arose from the Christian worldview are tenaciously held. This involves embracing a philosophical contradiction.

Conclusion

The idea that people have rights simply because they are human beings emerged from a Christian worldview. In this respect Christianity is the original source of the modern human rights movement. In the early period, rights were primarily directed towards protecting people from governments, because governments had been particularly oppressive and harsh towards their own people. Theorists like John Locke then argued that the central purpose of civil government was to protect individual rights. Thus governments that killed, enslaved and robbed their own people were illegitimate.

Canada inherited this early rights tradition which focused on protecting people from oppressive governments. Then the Second World War alerted people once again to the extreme repression that governments can be guilty of. Only this time something was different: the extremity of government violence was directed primarily at people due to their race. An extreme form of racial discrimination led to the Holocaust and other evils.

Because people who believe in rights will want to protect others who may otherwise experience discrimination, human rights theory began increasingly to focus on eradicating discrimination. If discrimination can lead to the horrors of the Holocaust, it must be eradicated to prevent future occurrences. One important consequence was that African-Americans overcame race-based restrictions to their full participation in American life.

Other minorities and quasi-minorities subsequently claimed rights for themselves as a way of overcoming their perceived experiences of discrimination. Homosexuals, for example, argued that they were discriminated against due to being a sexual minority in comparison to heterosexuals. As the government moved to eradicate discrimination against this minority, however, it began to trample on the rights of religious people who hold to moral principles that prohibit sexual activity outside of heterosexual monogamy.

So the process of rights evolving from protecting religious freedom to suppressing certain aspects of religious freedom was gradual and not easy to discern. But in the Boissoin case, as in some others,

one person's right to express his religiously-based views has been suppressed in the interest of homosexual rights. The historical view of rights would entail restrictions on the government to prevent it from suppressing someone's religious expression, but the modern view of rights empowers the government to suppress that opinion. This is the kind of change that has occurred.

Eradicating perceived discrimination has become the dominating agenda of human rights activists, even at the expense of traditional individual rights. What began as a movement to limit government power has become a movement to expand government power. And even something that sounds so innocent as "children's rights" has become an instrument used to expand government power contrary to the original idea of rights.

QUESTIONS

- 1. Do you think it is correct to see the idea of human rights as being Christian in origin? Why or why not?
- 2. Did Canada's founding fathers believe in human rights? Please explain.
- 3. How can "rights" be distinguished from "privileges"?
- 4. Explain why human rights theory changed dramatically beginning in the middle of the twentieth century.
- 5. Why were human rights commissions established in Canada?
- 6. On balance, do you think that human rights commissions have a positive or negative influence in Canada? Please give reasons for your answers.
- 7. Are "children's rights" good for Canadian families? Why or why not?
- 8. The original idea of rights was to protect individuals by restraining the power of the state. Do "children's rights" restrain the power of the state or expand the power of the state? Please explain.

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Chapter 4

NOW IT'S YOUR TURN

It should be clear to all Christians that something is seriously wrong with our country. Canada has drifted far from its original Christian foundation. For many years now there have been no legal restrictions on abortion at all, and tens of thousands of unborn children are killed every year under the banner of "choice." The federal government has changed the definition of marriage to please the homosexual rights movement. People and organizations that publicly oppose the homosexual rights movement often find themselves in conflict with human rights commissions. Although much of the focus so far has been on these two issues (because of their landmark significance in our courts and Parliament), many other examples can be raised, including no-fault divorce, the pervasive welfare system, human trafficking, the politics of "climate change" and the ever-increasing expansion of the role of the State.

Turning back to God is Canada's only hope. First of all this requires each Christian to sincerely turn to the Lord in repentance for any sins in his or her own life. God will not honour hypocrisy. We can't call on our government to follow the Lord if we aren't willing to follow Him in every aspect of our own lives.

The remedy to our nation's moral and spiritual woes must begin at the house of God. The process starts with personal repentance. And if Christians truly want to see God's blessing on our society, *we* ought to be models of genuine contrition and humility, rather than merely pointing fingers of blame at the evils of secular society (MacArthur 2002, ix).

It is also true, as John MacArthur continues to point out, that "society as a whole cannot be delivered from moral bankruptcy unless individual lives are redeemed and transformed by the power of Christ" (MacArthur 2002, x-xi).

These are important points to keep in mind. Sadly, from this point

Dr. MacArthur proceeds to draw false conclusions about Christian social activism. He correctly points out that the church's task is to fulfill the Great Commission and evangelize people. This is certainly true as far as it goes. But then he seems to suggest that if Christians as individuals are involved in activism, this means that the church has forsaken its evangelistic task in favour of promoting superficial, outward moral changes in society.

It needs to be stated very clearly at the outset that when we speak of Christian activism, we mean action undertaken by Christians as individuals. God has assigned particular tasks to the institutional church, and for the most part, being involved in politics is not one of them. So arguing for Christian activism should not be construed as involving the church in its official capacity. That task is for the Christian citizen.

But Dr. MacArthur doesn't seem to understand this when he states,

When the church invests time, money, and human energy in political causes, we waste our resources. It ultimately matters very little whether someone goes to hell as a prostitute or a policeman. Our energies should not be spent just trying to make sinners better people. We need to be telling them the solution to sin and the way of salvation. All this effort to clean up America smacks of trying to make the leopard change his spots (Jeremiah 13:23). It is a waste of the church's resources (MacArthur 2002, 86).

This passage sounds somewhat plausible and convincing because there is truth mixed with error. He is correct that we shouldn't just be trying to make sinners into better people because a policeman goes to hell just as easily as a prostitute. But MacArthur is arguing against a false caricature because Christian activism is not an attempt to clean people up on the outside. It's about having the government fulfill its role as "God's servant" (Romans 13:4).

Take, for example, what is perhaps the greatest ongoing crime in our nation right now: abortion. Killing unborn children is a heinous activity that is certainly hated by God. He is undoubtedly angry with

Canada over this continual spilling of innocent blood. Working to outlaw abortion does not simply lead to "cosmetic changes to our nation's moral climate" as MacArthur suggests (MacArthur 2002, 86). It is an attempt to save thousands upon thousands of innocent lives as well as remove God's hand of judgment from our land. Saving innocent lives is not a "cosmetic change."

MacArthur persists in making a false dichotomy between evangelism and social action.

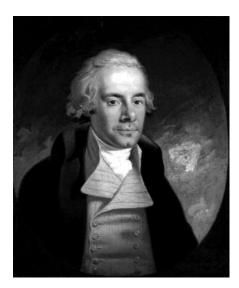
When the church elevates the pursuit of cultural morality above the biblical mandate to proclaim the gospel, it essentially forfeits its distinctive voice and takes its place among a myriad of lobbyist groups and political parties peddling earthly agendas. *Heaven's* agenda is summed up in the Great Commission; it is the task of evangelism, not political and moral reform (MacArthur 2002, 85).

Again, as one can see, he is mixing truth with error to make a plausible case. If the church had given up on evangelism to try to obtain political power, he would be right. But no one is suggesting that the church should do such a foolish thing. No one is suggesting that the church give up its unique role in order to attain earthly influence.

Christians can be active citizens in their respective countries without the church compromising or watering down its God-ordained tasks. Let the church be the church. But why should that prevent Christians from exercising the rights they are entitled to as citizens? It's not a situation of either evangelism or social activism. Each has its proper place in the life of a Christian. It's unlikely that any organization promoting conservative Christian activism has ever suggested that the church should opt out of evangelism in favour of political activism. That idea is simply a straw man.

MacArthur is on stronger ground in arguing that the New Testament doesn't include examples of political activism in a democratic society. As he puts it,

there is no New Testament model for political action. Jesus didn't try to overthrow slavery. The apostles didn't organize protests against the immorality, inequity, abusive tax system,



William Wilberforce

or even the ruthless persecution of Christians by the Roman Empire. Nothing in Scripture suggests we are called to such a task (MacArthur 2002, 90).

The statement of facts here is basically correct. Only the conclusion is false. Note carefully the sentence, "Jesus didn't try to overthrow slavery." The implication, as MacArthur sees it, is that Christians shouldn't try to overthrow slavery either, or, one can reasonably assume, other evils such as abortion; not if they want to be like Jesus, anyway. That's an interesting thought. Historically many Christians were involved in the successful fight to overthrow slavery. The role of William Wilberforce in overthrowing slavery in the British Empire is almost legendary. By MacArthur's reasoning, these Christians were not following Jesus' example.

In his reading of the New Testament, MacArthur sees the early church involved in evangelism and not political activism. Therefore he concludes that Christians can either do one or the other, not both. But the New Testament also says in Romans 13:4 that a civil ruler "is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain. For he is the servant of God, an avenger who carries out God's wrath on the wrongdoer" (ESV). How does the civil ruler determine what is "good" from what is "wrong"? From God's

Word, of course. God expects his servants to govern according to His Word, whether it be in church or state.

God has established the civil government and expects it to rule with His Law as the supreme standard. If Christians live in a liberal democratic society (like Canada) where they have the right to influence government policy, why shouldn't they encourage the civil ruler to fulfill his obligations as God's servant? The Apostle Paul was willing to exercise his rights as a Roman citizen (Acts 22:25-29). Certainly Canadian Christians can also exercise their citizenship rights as well.

MacArthur is correct that inward spiritual life is more important than outward appearances. But laws passed by governments also have an important influence that should not be forgotten. Although government cannot make people into moral citizens, what it says and does certainly affects morality in the country.

> Government policies play an extraordinary role in determining the moral tone of a nation. Many citizens believe things are right simply because they are legal. The law is an influential teacher of right and wrong, and it is the responsibility of citizens to make sure that laws are compatible with moral truth and are enforced. I suspect that many women seeking abortions believe they are right in doing so for no other reason than that abortions are legal. If that changed, many abortions would be stopped; women would assume that since abortion is not legal, it must not be right to get one (Minnery 2001, 158).

The following line of reasoning by Mark Penninga also provides a powerful response to John MacArthur's false dichotomy of evangelism versus activism:

There is no doubt that God needs to change someone's heart first, in order for them to see the truth. It is only the Spirit of God, not our political persuasions, which will lead people to confess the truth in all spheres of life. That is why prayer is essential. A large part of our political action must be heartfelt prayer for our nation.

But we can't stop there. We are commanded to love God with not just our hearts and souls, but also our mind and strength.

A spiritual conversion is not going to automatically solve the problems that our nation faces. I am not so sure that even a country full of Christians would automatically be serving God in the public sphere. Just look at our own denominations and notice the lack of civic and public engagement. Many self-professing Christians lack a Christian worldview - we don't always understand how our faith is supposed to shape every part of our lives. That explains why Christians can be so ideologically diverse on political issues even though we all claim to believe the authority of God's Word.

Loving God with our mind requires understanding. It is something that we have to cultivate by being intimately familiar with God's Word and living it in our daily lives. If Christians are only focused on promoting revival and then stop there, we fail to love God with all of our heart, soul, mind, and strength. We also have to get our "hands dirty" and apply our faith to politics and many other spheres which we may want to avoid. Spiritual revival, either individually or on a bigger scale, is much needed in this country.

But we also need a revival of our minds. We need to spend time understanding the consequences of our faith on tough issues like justice, poverty, freedom, and war. That is why ARPA Canada emphasizes the importance of being a light in our nation. Sharing the Gospel includes sharing its truth on public and civic issues (Penninga, 2008).

Getting Active and Setting Priorities

When it comes to being a Christian activist, the most important thing you can do is to be the person God wants you to be—to be the best Christian you can be in every area of your life.

If you are a husband and a father, you need to be the best husband and father you can possibly be. If you are a wife and a mother, you need to be the best wife and mother you can possibly be.

These are the most important things. Your own family must be your top priority. In many areas of life there are others who will do the things you don't do. But only you can be the father or the mother that

your children need. So put your family first; there's nothing worse than a "pro-family" activist who isn't a good father or mother. If you are really "pro-family," that will be visible in your own family life.

Governments come and go; politicians come and go; policies come and go; popular ideas come and go; but you are a unique link in the chain of your family, and your family needs you. So keep your priorities straight: put your family first. You'll never regret making your family the top priority. It's more important than money, possessions, and even political influence—nothing can replace your family.

Prayer

Prayer is one activity that all Christians without exception can use to influence the direction of our country. Prayer for civil leaders is expressly required in the Bible.

First of all, then, I urge that supplications, prayers, intercessions, and thanksgivings be made for all people, for kings and all who are in high positions, that we may lead a peaceful and quiet life, godly and dignified in every way (I Timothy 2:1-2, ESV).

It is important to keep in mind that God is in control of all things. He may choose to answer the prayers of His people by working through political leaders. Proverbs 21:1 states that "The king's heart is a stream of water in the hand of the LORD; he turns it wherever he will" (ESV). So pleading to God to change the minds of political leaders or other governmental officials is a good practice to follow.

Know What's Going On

Keep yourself informed. If you want to make a positive contribution, it's important to know what the important issues are and why they are important. Whether you're writing a letter to an editor, phoning a politician, debating an opponent, or even just talking to a friend, knowing an issue well will help to gain you respect and increase your persuasiveness.

Gaining knowledge takes time and does not occur instantly. All of us have more to learn. For in-depth background knowledge of an issue, books are essential. (There is a list of recommended books at the end of each chapter.) When you visit the ARPA website you will also regularly find links to periodicals, newsletters, and resources from other organizations that are well worth subscribing to or visiting regularly.

Communicating With Elected Officials

Elected politicians are the most powerful decision-makers in Canada's political system. They are supposed to represent the people in their constituencies. Therefore communicating your views to your own MLA or MP is one of the most effective ways to have an impact on policy in Canada. It's their job to listen to your concerns and represent them.

There are basically three methods for communicating with your representative: by phone call, by letter (or email), or actually meeting with him or her.

A phone call is the quickest and easiest way to register your opinion. The staff at your MLA's or MP's constituency office are happy to take the calls of constituents and relay your concerns to the representative. Making the call will get your opinion on record and bring your matter to the attention of the staff.

You can reach your representative's local constituency office (the number should be in your local telephone directory) or call your member at his/her government office in the capital. When you call the local office, indicate that you want to register a citizen opinion or talk briefly with a staff member who is handling a particular issue. Briefly state your position and ask for a reply from the elected member. As always, be courteous, respectful and polite. Even if you strongly disagree with a stance your member has taken, it will not help your cause to appear inarticulate or rude to the member's assistants (Focus on the Family 2003, 9).

A phone call is one way to communicate with your MLA or MP, but writing a letter is also effective. Because you have taken the time to compose a letter, that shows you are particularly concerned about the

issue. As with a phone call, it's best to write your own MLA or MP because these are the people most directly responsible to you. But if you have the time, it's also helpful to write to the Premier or Prime Minister, and even the cabinet minister most directly responsible for the issue of concern.

It is best if your letter deals with only one issue. If you try to cover too much, it is less likely your letter will receive appropriate attention. Also try to be concise and keep the letter to one page. Letters longer than that are also less likely to receive proper attention.

It is always better to write your own letter rather than using a form letter. Your effort in composing the letter shows that you are genuinely concerned. If your letter is about a particular piece of proposed legislation, include the bill number or the popular title to make it immediately clear what your letter is about.

Try to keep the tone of your letter unemotional and non-threatening.

If you disagree with your representative or are complaining about his/her actions on an issue, be mindful of the differences in opinion. Your attitude will inevitably show and it should be polite and respectful. Displaying anger or resentment in a letter will only make it easier to ignore. Your legislator will assume that you wouldn't vote for him even if he did what you ask, and you want him to think of you as a potential supporter. If you ever hope to convince your Member of the rightness of your opinion you must engage him/her in dialogue. An argumentative approach will not allow that to happen (Focus on the Family 2003, 12).

It's a good idea to politely request a response to your letter. Of course, always include your name and address on both the envelope and letter. You may also send an email instead of a letter, but it is recommended to keep the email message shorter than a regular letter. Include your physical address in the email so the MLA or MP can see that you live in his or her constituency.

The best time to write is when you hear that the provincial legislature or federal Parliament is going to consider a particular matter.

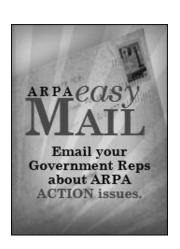
The earlier your representative hears from you, the less likely he or she will have already committed to a firm position on the issue.

It's a good idea to keep a copy of your own letter on file in case you need to refer back to it at some point. Keep it in the same file as the response you receive to it.

If you feel the response you receive is unsatisfactory, it may be beneficial to write a follow-up letter to express your continuing concern. This will help the representative to understand how important the issue is to you.

All mail to Parliament can be sent free of charge (no postage necessary). Send it to: [Name of MP], House of Commons, Ottawa ON, K1A 0A6.

ARPA Canada's website (www.ARPACanada.ca) includes EasyMail



technology that allows readers to send customized letters on a variety of issues to their Member of Parliament in very little time. The software was made to assist people who have difficulty writing to their elected officials. Although it is not quite as effective as regular letters, it results in hundreds of letters being sent that would not have been written otherwise. It has also generated very favourable responses from MPs. ARPA Canada adds new letters as issues arise in Parliament.

To make a greater impact than a phone call or a letter, try to visit your Member to discuss the issue face to face. Call his or her office to arrange an appointment. At certain times the representatives are too busy to meet with their constituents, so you can then request to meet with a staff assistant who is knowledgeable about your issue.

Make sure you prepare well before the meeting. Learn as much as possible about the issue and have some reasonable alternatives to suggest in the meeting. If possible, bring along some written material about the issue that you can leave with the representative.

It is a good idea to take a couple of friends or church members

with you to show that there are more people who stand behind your perspective. But be sure to decide ahead of time who will be speaking to each issue and what thoughts you want to express.

Meeting with a government official should not be a one-way conversation. Take the time to ask them for suggestions about what you can do to assist them with their difficult job as a political representative of your area. You can also ask for suggestions about issues that they think need more attention and involvement from the community. A meeting can also provide a good opportunity to pray with and for your leader.

Dealing with your local MLA or MP can be frustrating. Oftentimes they have form letters that are sent out to people who have expressed views on particular issues. They say things like, "Thank you for expressing your concerns about issue X. Rest assured I will take your views into consideration, blah, blah, blah." This is how citizens' letters are replied to at times.

But in spite of these frustrations, it is still worthwhile to make the effort to express your views. When ARPA Canada interviewed MP's to ask them about how citizens can best participate in politics, all of the leaders replied that letters from constituents are valuable and that they *always* take the time to read them, even though they don't necessarily have time to respond.

Keep in mind to phone or write a letter when your MLA or MP has done something good. Encouraging politicians who do right should be a regular part of your phoning and/or letter writing. They sincerely appreciate hearing from constituents who believe they have done the right thing.

Also keep in mind that it is always better to be nice to people when dealing with political issues. As Tom Minnery of Focus on the Family points out,

To treat people with respect, especially people with whom one viscerally disagrees on a matter of abiding importance, and to act toward them this way day after day, in the most distressing of circumstances, is no small accomplishment. It is not human nature to do this. . . .

But the kind treatment of people is a godly trait, and many people find such traits to be useful, whether or not they honor the source of those virtues. The reason for this is simple. In most situations, when you display these characteristics, people are more apt to like you. If someone likes you, he's more likely to believe what you say or to respect what you stand for (Minnery 2002, 119).

Letters to the Editor

Writing a letter to the editor of a newspaper or magazine is also a helpful way of making an impact. Letter to the editor sections of periodicals often receive more attention than many other sections. Vern McLellan lists the following advice on writing these sorts of letters:

Write when you're mad. It gets the adrenalin flowing. You turn a better phrase. Say the things you often wish you had nerve enough to say. Edit it after you cool down. Re-read as though you were an uninvolved member of the public. Honestly check to see if you make any more sense than the opposition.

Have someone else proof-read your letter. Check for grammar, spelling, structure, usage. Don't allow your position and points to be lost because of a poor presentation of them.

Keep it short. Long letters will not get printed. Cover one subject per letter. Scatter-gun letters will not get printed. Above all, DO IT. Do it while it is fresh, and there is interest in your subject in the general audience.

Remember, newspapers love controversy. It sells newspapers. Avoid personal attacks. Keep on the issues. Issues don't sue for libel. People do (McLellan 1986, 124-125).

Often periodicals have certain rules for the letter section that are listed in that part of the paper. Be sure to follow the rules of the publication you are writing to. Ignoring the rules will likely lead to your letter being rejected. Also, if you are writing to your local newspaper, try to have a local angle to your letter. They like to include letters dealing with "backyard issues."

Forming a Local Political Action Group or ARPA

There are many things you can do as an individual that have an impact. But if you are able to work together with others, you can potentially increase your impact. One way to organize a group that can work together is by forming a social issues committee within your own local church. It is common for churches to have a committee for things like missions, so having a committee to deal with social activism would not be a dramatic innovation for churches in many cases.

In the Reformed church community there are local groups called ARPA's (Association for Reformed Political Action). These groups are made up of a diversity of people from local Reformed churches who work together to respond to social and political issues from a Christian perspective. They also endeavour to get their whole church community active. Although these ARPA's are autonomous, they benefit from the coordination and resources provided by ARPA Canada. You can find the location of these ARPA's at www.ARPACanada.ca. The ARPA's within a province and across the country can share information, ideas, and resources on the online forum that is accessed through the ARPA website. They also meet at provincial and national conferences. If you are interested in starting one of these groups in your area, contact ARPA Canada at 1-866-691-2772.

According to Tom Minnery of Focus on the Family, there are five basic steps someone should follow to organize a social action or community impact committee within a local church. First of all, be sure to pray to the Lord for guidance in this endeavour, as you would when undertaking any other important project in your life.

Secondly, seek the approval of your church leadership. You cannot have a successful committee within your church without the support of church leadership. As well, the leaders will have insight into whether you have the gifts for organizing such a committee. The Scriptures exhort us to receive the counsel of those in spiritual oversight roles, so involving your pastor in the planning stage of the committee is important.

Third, recruit those in your church who have an interest in social issues for your committee. Depending on the size of your church, you

may already know who these people are and can therefore approach each one yourself. For larger congregations, or if you are working with a number of congregations in your area, you may want to plan an initial meeting for the committee and announce it in the church bulletin for all interested people to attend.

At your first meeting, let those in attendance share their burdens and interests relating to moral and social issues. In this way you will get to know something of the personal and common concerns of the group. Become apprised of the group's concerns for relevant community issues. Pray together about these matters, for each other, and for specific discernment, guidance, and direction about what to do. Then begin a study on biblical principles for social involvement (Minnery 2002, 191).

Fourthly, the committee will need a mission statement that includes at least three elements. First, a reason for its existence. Second, a brief explanation of the function it will perform. And third, a list of the activities the committee will undertake to perform its function.

The size of the committee will determine how much it should try to achieve. You will need to ask what you can reasonably attempt to



accomplish based on the number of people in the group and the resources that are available to work with.

Fifthly, it is vital that the committee members become informed about the issues it will deal with.

Solid education should undergird the actions of every community impact committee and must be an important function of your mission. Effective education is crucial in building a consensus within the church regarding social and political involvement. Furthermore, the dissemination of timely, accurate, and pertinent information on moral and social issues is a prerequisite to informed and responsible activism. Addressing the "why," "what," and "how" questions of social and political involvement must be a priority (Minnery 2002, 194).

Reading books and periodicals on contemporary social issues is an important way to continually receive the information you need.

If certain committee members have special interests or expertise, they can cultivate knowledge in those areas by focusing on them in particular.

Keeping the leaders and members of your church informed of important issues is an important service that the committee can render. Many Christians don't have the time or inclination to keep on top of these issues, so providing this information in the church bulletin or a separate newsletter is certainly helpful.

If you are providing relevant, accurate, and reliable information in a format of professional quality, people's interests will be piqued. When you touch people with information that affects their lives, you will have an opportunity to move them to some level of activism or involvement (Minnery 2002, 197).

The committee itself can do much good by focusing on the kinds of activities mentioned earlier, such as phoning politicians, writing to politicians or editors of periodicals, or visiting with politicians.

When visiting a politician as a group the standards you should require of yourself are higher than just that of an individual citizen making the visit. Especially if the group is having the meeting to push for a particular policy outcome, it should be as professional as possible.

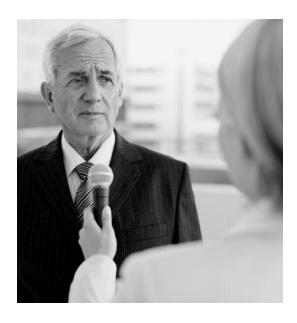
Officials and senior politicians deal with groups continuously and are not impressed by tantrums. As one community activist puts it, 'don't wing it—and don't whine. Don't make outrageous demands, or back government people into corners. Do your homework.' Nor do they tolerate poor organization and amateurish presentations. They expect groups to make the best use of their time. They prefer to read briefs that are crisp, well documented, and effectively organized, culminating in recommendations that are clearly set out and take account of the changes in programs that would be caused by changes in policy. They like group representatives to be well organized in their oral presentations with their facts at their fingertips (Pross 1992, 152-153).

Although local groups and local ARPA's may operate informally and are not registered as charities, it is important that they understand that Canada Revenue Agency (CRA) has strict guidelines about what kinds of political activities charities (most churches) may be involved with. If a local group is going to work directly with churches, it should be aware of these guidelines so that the church's charitable status isn't compromised because of their activities.

The details of which political activities are allowed are available on CRA's website. An article that spells out the implications on Christian political action groups and churches is available at www.ARPACanada.ca. In sum, the law requires that charities not promote or oppose any political parties or candidates. They can speak about political issues and policies from a faith-based perspective but they must refrain from promoting or opposing a particular party or candidate. Urging members to write letters in response to a piece of legislation, putting a petition table in a church lobby, or distributing a questionnaire that lists the positions of all of the candidates of an upcoming election are all acceptable activities. But using a church or church resources to mobilize support for a political candidate who aligns with your values is not acceptable.

Handling the Media

If you become seriously involved in Christian activism, and especially if you hold a leadership position in a social action committee,



you may find yourself having to deal with reporters. It's important to do your best to maintain good media relations.

Before you accept a request for an interview, try to get as many details as possible. Who will be doing the interview? What will it be used for? When it comes to Christians in politics, the media isn't always friendly and may be looking for an opportunity to belittle your cause. Sometimes it may be wise to turn down a request.

If you have time to prepare before an interview, be sure to write out a list of talking points that you want communicated. Stick to these points in the interview, even if the reporter wants to push you into a different direction. The reporter will be able to use the parts of the interview that they chose to include so it is important that you only say things that you want communicated to a broader audience.

Always be truthful when dealing with a reporter. Of course, Christians want to be truthful in all situations. But apparently there have been situations where Christians have not known answers to questions posed by members of the media, and they have tried to bluff their way through. It's much better just to say you don't know if you honestly don't know. Also, keep in mind that you don't have to answer every question, even if you know the answer. This is especially the

case if you know that the reporter is using the question to cause harm to you or your cause.

Always answer questions straightforwardly. Give direct answers to direct questions rather than beating around the bush. You can always add other pertinent information after answering the particular question. But violating this rule will reduce your credibility.

Christians have their own catch-phrases and lingo that they use among themselves, and many people who don't attend church are not familiar with the way Christians commonly use certain terms and phrases. Be sure to use "non-religious" terminology to ensure that you are understood.

While there are many religious people who work in the media, there are many others who can't tell a priest from a pastor and who think a Corinthian is some kind of architectural support column. In other words, theological understandings and biblical images which religious people take for granted are completely foreign to many reporters. For religious people working with the media this means refraining from using religious language when communicating with the media (Longhurst 1996, 51).

Never belittle anyone, especially the reporter you are dealing with. "If you mock anyone or use excessive sarcasm, it will usually backfire. If you try to communicate your message by ridiculing another person, members of the media will privately call you 'a jerk,' and you will not like the coverage you receive in the press" (Farris 1992, 175).

Don't forget that everything you say can be reported, even things that you thought were "off the record." Many people have been harmed because they assumed that it wouldn't be included in a report or article. If you don't want something to be public, don't say it.

Related to this is the general point of treating reporters with decency and politeness. Basically, being as friendly and as helpful as possible is likely to pay off at some point. "If you build a relationship with members of the press as a truthful, straightforward, decent person, you will be surprised at how much of the 'left-wing bias' will disappear" (Farris 1992, 177). Most reporters are reasonable people and will be less likely to give you negative coverage if you treat them well.

Involvement in Political Parties

Being involved in a political party can be one way of effecting the political process. Among conservative Christians, there has traditionally been some controversy over what kind of party to support. On the federal scene, the emergence of the Christian Heritage Party (CHP) in 1987, which had roots within the Reformed church community, created a new option in contrast to the traditional brokerage parties such as the Liberals and Conservatives. For some Christians, this is the only option because the brokerage parties follow the sentiments of the people rather than the Bible. But for others, brokerage parties offer reasonable avenues through which to have influence.

Brokerage-type parties do not identify themselves with a fixed ideology or platform. Instead they attempt to appeal to a broad cross-section of the Canadian population and have a membership that includes a wide diversity of beliefs. These parties are favoured by those who argue that being involved in a minor ideological party can be a waste of time and resources. Minor parties do not get MPs elected to the House of Commons (or MLA's/MPP's to the provincial legislature) so there is little point in helping them. After all, the goal of a political party is to have a presence in government. Better to help a party that will likely have some Members elected and who can therefore make a difference.

Ideological parties, like the CHP, are favoured by people who argue that there's no point in helping a political party that refuses to stand up for key issues such as ending abortion and defending the traditional family. Why help a party that defends the status quo? The major parties support the positions of our opponents, so helping any of them is counterproductive. It's better to help a party that stands for what is right, despite the unlikelihood of having anyone elected.

Whether to choose a party that is ideologically driven or works with a broader range of views can be a dilemma for conservative Christians. Political circumstances change over time, so sometimes one approach looks more attractive than the other, but then the circumstances change and the other approach looks better.

Regardless of which party you vote for or support, we all have to remember that we will be accountable to God with the decisions we make

and with the opportunities He gives us. Too many use this debate over which party to support to become cynical of the whole political process and abdicate their responsibility to be involved. Others become so convinced of the merits of their choice that they conclude that everyone who disagrees with them must be out of line with their faith. As with other controversial matters, we have to show both grace and truth. This raging debate has a positive effect by challenging voters to think again at every election whether their vote is in line with their faith.

Once you decide which party you can support, get a membership. Memberships are inexpensive and will go a long way toward strengthening the party and increasing your influence. Members have an opportunity to advance policies, choose leaders, and have a direct role in determining which candidate will run in their riding. These are very important matters and need not take much time or commitment.

Contributing Money

Everything costs money, of course, and Christian activism is no different. Some members of the Christian community have been especially blessed financially, while others have more modest incomes. Organizations such as ARPA Canada require funding to maintain their activities, so if you are committed to making Canada a better country, you may want to consider the possibility of financial support to one or more of the organizations that promote justice and righteousness in the public square. Every little bit helps. And if you don't have much time to be an activist at this point in your life, you can still make an impact by giving money to a worthy organization, candidate, or party.

Your Role

When considering what kinds of activities you should personally be involved with, there are a few things that are probably good to keep in mind. First of all, you'll need to consider how much time you can commit to activism. Life has its seasons, as they say, and in some stages of our lives we have more time for this work than at others. A mother with a number of small children at home should not feel guilty that she doesn't have much time or energy for activism. First things first.

At the same time, we have to be aware of the fact that so many people have an excuse for not becoming involved. Being "too busy" is all-too-common a reason. We have to look at what exactly we are busy with and search our hearts whether any of these activities should be put aside to make room for an hour or two of political action. Politics isn't just for people who "like that sort of thing." It is a civic duty to participate in this nation. Your leaders are calling you to involvement and Romans 13 makes it very clear that we have to honour our leaders. ARPA Canada's resources are prepared with busy people in mind. Many of our action items (available in our free e-Luminary newsletter) take only 30 minutes to complete.

Another factor to consider is whether you have particular skills that can be used for social or political action. You may have leadership skills for managing a committee. Perhaps you have fundraising skills, or public speaking skills. Some are gifted at writing. You don't have to have specific skills to get involved, but if you do have pertinent skills, they can be put to use.

You may also want to think about your own personality and the kinds of tasks that are most suitable for you. If you are able to choose tasks that you don't find to be onerous, it's easier to stay involved over the long term.

Related to that is to consider getting involved in issues that are of deepest concern to you personally. Few people have the time or energy to be active on every issue, so it's a good idea to devote your time to the issues that touch you the most. Although much of the focus of this book has been on the issues of abortion and homosexuality, there are a host of other important issues that need our attention too.

Even though being an activist is a way of contributing to the wellbeing of your community and the country as a whole, be forewarned that it may not always be a positive experience.

Society desperately seeks the answers you have. The world needs your salt. The world needs your light. But make no mistake. If you do step into an arena in which God's truth is facing the agents of spiritual darkness, you may be pummeled, and you may be bruised, if not physically then emotionally (Minnery 2002, 138).

Nevertheless, it's always right to do what's right. Don't neglect the work that needs to be done to make Canada a better country.

An Invitation from ARPA Canada

We all need help to "shine our lights" into all aspects of our lives. The people behind ARPA Canada have made it a goal to help members of Canada's Reformed church community do this in the political realm. Regardless of whether you are a member of a Reformed church, be sure to make use of our free resources.

- 1. If you have internet access, check out our website: www.ARPACanada.ca and save it as a favourite so that you can stay updated.
- 2. At the website, sign up for our free newsletter, the e-Luminary, which gets sent straight to your inbox every couple of weeks. It will call you to action when important matters arise.
- 3. Use the site to find out if there is a local ARPA group in your area. If so, get in touch with it and offer your help. Local groups have their own guidelines for membership and participation. From there we can set you up with resources that go to members of local groups.
- 4. Get your church community more involved by distributing our printed newsletter each month. It is always just one page, making it easy to photocopy and distribute.
- 5. If you don't have internet access but still want to get involved with these things, be sure to phone us at 1-866-691-2772 and we will be happy to help you.

If you think that more people should read this book, please consider purchasing a bulk order of 10 or more and distributing them to your friends, the public library in your area, and your local Christian high school. Some schools have already purchased sets for their Social Studies or Civics classes. Perhaps you may want to purchase a set for your school. Contact us and we can send you these books at minimal cost.

The fact that you read this book shows you have a heart for this. With all of this help available, now is the time to bravely take a stand for truth. May God bless you as you live out your convictions and beliefs in the community and country where He put you.

QUESTIONS

- 1. How would you reply to someone who argues that Christian social activism detracts from the church's mission of evangelism?
- 2. "Jesus didn't try to overthrow slavery." Do you think it was wrong for Christians to spend their time and money to "overthrow" slavery? Give reasons for your answer.
- 3. The Bible says that a civil ruler is God's servant. If that's the case, then where will the servant find the moral guidelines he is supposed to use in governing the nation? Please explain.
- 4. How important is it for Christian activists to be properly informed of the issues that matter most? How can they best get informed?
- 5. What are the three main ways for a citizen to contact his or her MLA or MP?
- 6. It is commonly believed that letter to the editor sections of periodicals are widely read. Could writing letters to the editor help readers better understand the Christian view of an issue? Is writing such letters a worthwhile activity?
- 7. When it comes to considering a political party, are you more inclined toward a pragmatic approach or a principled approach? Why?
- 8. What kinds of activities do you think you can do effectively?

RECOMMENDED READING

- Bloedow, Timothy. 2007. *State vs. Church: What Christians Can Do To Save Canada From Liberal Tyranny*. Russell, ON: Timothy Bloedow.
- Farris, Michael P. 1992. *Where Do I Draw the Line?* Minneapolis, MN: Bethany House Publishers.
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- McLellan, Vern. 1986. *Christians in the Political Arena: Positive Strategies for Concerned Twentieth Century Patriots!* Charlotte, NC: Associates Press.
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OUR CHRISTIAN FAITH seems to pull us in a very different direction than where

OUR SECULAR SOCIETY is going. And yet God put us here

with a purpose. He calls us to be faithful regardless of our context.

This Christian Citizenship Guide is intended to help us better understand Canadian political life and the valuable role that we each can have in applying our faith to politics. The easyto-read ideas and discussion questions make it a very suitable resource for young and old alike, regardless of one's political interest or experience.

Topics tackled include the Christian contribution to Canada's history, understanding our Parliament, courts, and Charter of Rights and Freedoms and measuring up the modern understanding of human rights to our faith. This is all capped off with a look at what we can do to make a positive impact in the communities and country where God has put us.



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