

Topping: An attack against the freedom of one religious community is an attack against us all

Over the coming months, in churches, in coffee shops, in classrooms, and around kitchen tables, there will be much about which to lament.

There is the Supreme Court's brazen disregard for precedent. Fewer than 20 years ago the same body argued in favour of the same university over substantially the same question (whether Trinity Western University in Langley, B.C. could open a school of education). One can only imagine how the court's lack of self-restraint will further erode public confidence in our judiciary.

Those who are elated at the court's elevation of sexual license may for the moment rejoice, but they shouldn't. The blow struck against religious freedom this June erodes the freedom of everyone, including secularists and LGBT members.

We should be clear what this case was not about. It was not a conflict between Evangelical Christians and people of various sexual inclinations. Trinity Western University is a private institution that funds its own purse. No one has to join this club. People of any declared orientation can sign on.

Trinity Western simply asks those who do so to embrace a chaste sexual ethic. Such an ethic is just as difficult to embrace for a heterosexual male or female as for any other person. Are hockey teams now to be penalized if somebody shows up who insists on playing basketball?

Religious freedom has often been called our "first" freedom. There are two reasons for this. One is that religious questions call forth an act of conscience. Men and women, unlike dogs and cats, form reasoned convictions upon which they base their plan of life. Does man have a destiny? Does justice have an ultimate source? Is there life after death? These are questions none of us can avoid. Whether you come out for or against God, freedom in religion is a state's way of making room for such considered reflection. This ruling makes such safe spaces harder to find in Canada.

Religious freedom is called the "first" freedom for another reason: it expresses our freedom to form associations based upon common loves. As I write this I am squashed between two other passengers at the back of a Ford E350 van. Dusk approaches. Our airport shuttle is late and the six other passengers I ride with are not in a good humour. Though we travel together we are not

friends; we are merely associates united in our need to arrive at our hotel after a long flight.

But whether the court acknowledges this or not, human beings long for more than associates. We need friends. And friendship can only be based upon common loves. Like the family, and like the state itself, religion binds people for reasons more profound than utility. Even an atheist can appreciate how religion (potentially) joins otherwise isolated individuals around the highest good of all: God.

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Human flourishing requires that we share our loves with others. This is true for declared secularists and LGBT members as much as for those who prefer to identify themselves chiefly as Jews, Sikhs, Muslims, Catholics, Protestants, or Evangelical Christians. Common loves motivate collective deeds.

I am not an Evangelical Christian. But neither am I blind to the harm that the court's limitation will make on our common life. In Canada, think of the hundreds of camps, soup kitchens, sports clubs, and refugee sponsorships that Evangelicals have undertaken as expressions of their common faith. These, and other such goods, are now in jeopardy. In the new Canada, Evangelical Christians cannot open a school of law. In the new Canada, will Mother Teresa's nuns be told they can no longer open houses for the dying?

This ruling may be a slap against Trinity Western but the court has put us all on notice. No "Christian is denied the right to practice his or her religion..." the majority declare. If only it were so. What the court rules here is that you may keep your religions, you may own your sincerely formed beliefs, you may form distinctive plans of life... so long as you keep them to yourself. If citizens motivated by love of God are to be so limited, so also in principle are those motivated by other, far lesser loves, like political convictions, like economic doctrines, or, indeed, like sexual preferences.

Prime Minister Trudeau the elder famously quipped that the state has no business in the privacy of our bedrooms. Under this court it would be more apt to say that the state won't let us leave our own bedrooms.

This judgment raises a final question. How long can our democracy thrive without a public space for religion? Our history is filled with cautionary tales. In the 20th century it was not religions that hindered freedom but communist and fascist nations, that is, regimes that suppressed the free expression of public faith. The West was "free," so we argued, and so we fought, because individuals and communities should be able to act freely according to their consciences. Faith and family we once held as the basis of our liberty. This Court proposes in their place sexual license.

As our recent past teaches, keeping open a “safe space for God,” also keeps open a safe space for conscience, friendship, and communities based on common loves. And this is why an attack against the freedom of one religious community is an attack against us all.

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