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Dear Sisters and Brothers in Christ,

This week's Supreme Court of Canada's ruling on the Trinity Western University law school is of great concern for all who support faith-based education in our country.


I am writing to echo Vancouver Archbishop J. Michael Miller, CSB, in expressing disappointment in the court decision that has the potential to undermine freedom of religion, conscience, and association in Canada.

As Archbishop Miller stated June 15: "The decision runs counter to Canada's tradition of balancing rights and freedoms, and the implications of this decision for constitutional freedoms in Canada are severe."

I also join with Archbishop Miller and others who agree with the ruling's dissenting justices, who pointed out that the decision "betrays the promise of our Constitution that rights limitations must be demonstrably justified" and who noted that the law societies' powers are not absolute with respect to approving law programs.

As Archbishop Miller said: "Not only is freedom of conscience and religion a fundamental principle recognized in international human rights law, it is the first freedom guaranteed in the Canadian Charter of Rights and Freedoms." Perhaps more disturbing is that the court has undermined rights actually written in the Charter in favour of unwritten charter values," Archbishop Miller added.

In an earlier 2001 TWU teachers college ruling, the Supreme Court respected the country's social and legal tradition of attempting to balance competing rights, rather than giving preference to one right over another, as noted by Archbishop Miller. However with this latest decision about the law school, the court has moved away from Canada's historic tradition of reconciling competing rights, and closer to a prioritization of rights, essentially ruling some rights are more important than others.

 In all things we are *rooted in Christ*,
in His desire to bring God's love to all peoples.

The decision is confounding on many levels. As TWU president Bob Kuhn recently pointed out, “In a very long complex ruling, with four sets of reasons, eight of nine judges agree that Trinity Western University's religious freedom is violated - but the majority still uphold the law societies' decision not to approve the law school.”

Dr. Andrew Bennett, director of the Cardus Religious Freedom Institute, stated that the Supreme Court decision, “...has consigned the fundamental right to freedom of conscience and religion to second class status. This upholds a narrow understanding of diversity in which people of faith are relegated to the private sphere.” Dr. Bennett also stated that now Canadians of all religious traditions, “... will have less latitude to dissent from majority opinions on social issues that clash with their beliefs.”

I would encourage all to consider the implications of this ruling. As Archbishop Miller pointed out: “The Court’s willingness to disregard the Charter of Rights and Freedoms means the threat of state influence expanding beyond its authority is increasing. The Court is allowing governments and government-mandated regulators to decide which beliefs, and values are favoured in society, narrowing pluralism and freedom of conscience, beliefs, and thought in a serious way.”

Along with Archbishop Miller, and many other concerned Canadians, I believe that the Court has erred in breaking with precedent, threatening fundamental human rights in Canada.

I would ask you to join me in praying that our social and legal tradition will continue to affirm the conscience and religious rights of all Canadians and the ability of all to participate in the civil life of society. As Dr. Bennett states, “Now more than ever we need a robust and clear defense of freedom of conscience and religion and public faith.” Please continue to advocate for public policies that respect and uphold the clear and broad protections of conscience and religious freedom that are a bedrock of Canadian law.

I conclude by thanking our One God and Creator, who sustains our lives with such love and blessing, and calls us to promote justice and freedom in a country blessed with such diversity.

Sincerely in our One God,



✠ Most Reverend Mark A. Hagemoen
Bishop of Saskatoon