

This e-mail is sent only to a voluntary subscriber list. If you no longer wish to receive these weekly columns, send a blank e-mail (no message) to [softedges-unsubscribe@quixotic.ca](mailto:softedges-unsubscribe@quixotic.ca). Or write to me personally, [jimt@quixotic.ca](mailto:jimt@quixotic.ca)

*Sunday August 24, 2014*

## **Freedom of religion can go too far**

By Jim Taylor

A landmark court case begins October 9, in the small community of Creston. The case will have huge implications, which will probably end up in the Supreme Court in Ottawa.

Two men, Winston Blackmore and James Oler, belong to an even smaller community called Bountiful, sandwiched between Creston and the U.S. border. Bountiful continues to practice a brand of Mormonism abandoned by its parent church. Blackmore and Oler have been charged with polygamy, and with transporting underage girls across the border to marry older men.

Blackmore is accused of having 24 wives, Oler of having four.

The two men claim that polygamy is a fundamental tenet of their religious faith. Since the Canadian Charter of Rights and Freedoms, embedded in the Canadian Constitution, guarantees religious freedom, Oler and Blackmore can and probably will argue that the polygamy charges violate their constitutional rights.

When religious rights conflict with criminal laws, they contend, religious rights take priority.

I disagree.

The polygamy at Bountiful has been common knowledge for years. But governments were loath to lay charges. Concerns about whether laws against polygamy would withstand a constitutional challenge scared off prosecutors.

The B.C. government finally got up enough courage to charge Blackmore and Oler in 2009. But the case got thrown out over government procedures.

In 2011, a B.C. Supreme Court judge ruled, in principle, that the law against polygamy was constitutionally valid. That won't, however, prevent Blackmore and Oler from claiming religious freedom in their defence.

## **Not an exemption**

I didn't write the Charter, so I can't know what was in Pierre Trudeau's mind when he referred to "freedom of religion." But I suspect the intent was to prevent anybody – government or individual – from requiring others to accept any particular religious faith or belief. It was not intended to provide an exemption from a nation's laws.

The issue came up a few months ago, when I accused Prime Minister Stephen Harper of basing his unquestioning support for Israel on his religious convictions. "Isn't he entitled to the same freedom of religion as every other citizen?" demanded an upset reader.

I think the same answer applies to Harper as to Blackmore and Oler: a citizen's religion is an option, a citizen's responsibility is not.

As an individual, Harper may attend any church he wants. He may practice his beliefs as rigorously as he wants. He's free to believe that the Bible is the literal word of God. He's also free to believe that two plus two equals five. And if he wants to run his personal finances on that belief, he's welcome to try.

As prime minister, though, he must set personal beliefs aside. When he's governing the country, he must not apply flawed mathematics to national budgets, he cannot ignore scientific realities, and he should not base foreign policy on a 2000-year-old text which asserts that God gave a particular piece of real estate to the descendants of Jacob, forever and ever.

## Just suppose

The point might come clearer with some hypothetical examples.

Suppose, for example, that a Jehovah's Witness became prime minister. Would his right to practice his religion justify outlawing all blood transfusions?

Could a Jewish prime minister enforce kosher food rules on the nation?

Or suppose that, sometime in the future, Canada elected a Muslim prime minister. It's not impossible – conservative Calgary elected Naheed Nenshi as mayor. If that prime minister believed as literally in the Qur'an as Harper believes in the Bible, would his constitutional right let him introduce stoning, beheading, or amputations as criminal punishments?

How about female genital mutilation?

Finally, if a descendant of Winston Blackmore's cult attained political power, would he be entitled to mandate polygamy as the marital norm?

## Religion is a personal option

To me, the answer is obvious. In all those cases, one person's religious beliefs must not be imposed on those who may hold different beliefs. Freedom of religion for all Canadians implies – nay, necessitates – that religion is not paramount over law.

Canadian courts have repeatedly affirmed that principle. Adults can choose to refuse medical treatment for themselves, based on their religious convictions. But they may not impose their convictions on others, such as underage children or infirm parents.

When one's religious beliefs conflict with existing laws, one has the right to lobby for change. Or else one must accept the consequences, social or legal, that result from holding those beliefs.

There are probably religions or cults, somewhere, that endorse incest, murder, torture, and human sacrifice. Maybe even cannibalism. Claiming freedom of religion will not make such practices acceptable.

The Bountiful community may worship any way they want. They may worship any god they want. They may establish any rituals and customs they want. But they cannot claim that their beliefs override their country's laws. As long as they live in Canada, universally applicable laws trump personal options.

\*\*\*\*\*

Copyright © 2014 by Jim Taylor. Non-profit use in congregations and study groups encouraged; links from other blogs welcomed; all other rights reserved.

To send comments, to subscribe, or to unsubscribe, write [jimt@quixotic.ca](mailto:jimt@quixotic.ca)

\*\*\*\*\*

## YOUR TURN

Last week's column about fundamentalism and its effects was actually the week before's column, which didn't get sent out because of a computer glitch. But it did get printed in the Kelowna paper, so some of these letters came from readers of the print version.

Scott Edwards wrote, "Brilliant column, sir. You have articulated, logically and succinctly, what I have always thought. I have often thought that, had fundamentalists held sway in the time before time, we would still be debating the relative merits of fire while squatting in caves!"

Bruce McGillis vented, "There are still plenty of quasi-fundamentalisms at work here too. I know and have known many people where their ego, vindictiveness, and all of the human adverse idiosyncrasies prevent them from

accepting that there are more enlightened concepts, that are not only worthy but are required to meet the societal changes we force upon ourselves. There seems to be a human need to be backward and vicious.”

Chris Duxbury wrote, from Australia, “Fundamentalism is dangerous in any form. It has the audacity to say that my way is the only way. It sees the world in narrow terms and is judgmental and prejudiced – if you are not one of them then you are considered an enemy of the truth. That’s why I see it as dangerous.”

Isabel Gibson punned, “Fundamentally, I agree with you.” Then she added, “I’m not necessarily a believer in the wisdom of the crowd -- there is such a thing as expert knowledge -- but do think we need to find forums that work to incorporate the best of every party’s/position’s perspective, rather than thinking any one group has a stranglehold on the truth.

Jean Hamilton wrote, “I agree wholeheartedly, just wish your column had wider distribution in the church.”

Dale Perkins echoed her views: “Fundamentalism is the curse which afflicts every discipline, and most certainly Christianity in all its manifestations. It’s deeply embedded in conservative, literalist versions of Christianity, but I too can see it in other places. For instance, I think it’s there in the current UCC phenomenon of ‘going by the book’ on every kind of behavior some church bureaucrat can identify. Insidious. So thanks for highlighting it -- we need to be tenacious in pointing it out and purging it from where ever it raises its ugly head.”

Christa Bedwin commented, “I love when you bring history and book-learnin’ together and make even more sense of the ideas.”

Bob Stoddard wanted to correct an impression I left: “Although you stated that ‘all books are out of date’, the same applies to all written documents. Unfortunately some of the members of the US Supreme Court seem to believe that only the original wording of the Constitution should guide US law, even though GPS, drones, and electronic media are now important elements in our contemporary society and need regulation.”

And Mike Crockett in England, while agreeing in general, wondered if “you might have overstated, giving the impression that because the Bible is an ancient record, that that might relegate its basic principles to the past, along with its pages. I would prefer to think of scripture as being in tension with contemporary understandings and insights, and still able to both challenge and confront, because it remains inspired - even if not all literally true.”

Helen Arnott also questioned one of my statements: “I’m not so sure that fundamentalism is becoming increasingly on the fringe. Perhaps it’s the opposite -- rising fundamentalism all over the world, in all the religions, political and other ideologies. Maybe the colder, northern hemisphere countries are happier because of the weather?”

Charles Hill suggested, “I believe that most people live in fear. Fundamentalism gives certitude, lowers the level of fear. Additionally, most fundamentalism is led by males. Throughout history, men cannot admit weakness, cannot say, ‘I don’t know’.”

The column, wrote JohnMcTavish, gave him “lots for a theological animal like myself to chew on. The critical issue would seem to be (not that you’re denying this) whether Christianity is a historical faith or not; that is, a faith based on historical happenings ... The moment history enters the picture we’re dependent on eye witness accounts of those historical happenings. We may be smarter in any number of ways than the people offering the first-hand accounts; we may know far more about science, psychology, spirituality, etc. But the decisive advantage they have over us is that they were there at the time that the historical events were taking place. And so we are forever dependent on their first hand testimony.

“Of course this doesn't mean their testimony is infallible. God is working with these people *as human people* -- and people can goof up. The miracle is that in spite of all the goof ups the message still gets through. Or at least gets through sometimes. Or at least gets through often enough to keep the community of faith going.

“The fundamentalists are simply control freaks who basically divinize the human witnesses in order to control revelation and keep the religious turnstiles turning 24/7.”

\*\*\*\*\*

#### TECHNICAL STUFF

This column comes to you using the electronic facilities of Woodlakebooks.com.

If you want to comment on something, send a message directly to me, at [jimt@quixotic.ca](mailto:jimt@quixotic.ca).

To subscribe or unsubscribe, send me an e-mail message at the address above. Or you can subscribe electronically by sending a blank e-mail (no message) to [sharpedges-subscribe@quixotic.ca](mailto:sharpedges-subscribe@quixotic.ca). Similarly, you can un-subscribe at [sharpedges-unsubscribe@quixotic.ca](mailto:sharpedges-unsubscribe@quixotic.ca).

You can access several years of archived columns at <http://edges.Canadahomepage.net>.

I write a second column each Wednesday, called Soft Edges, which deals somewhat more gently with issues of life and faith. To sign up for Soft Edges, write to me directly, at the address above, or send a note to [softedges-subscribe@quixotic.ca](mailto:softedges-subscribe@quixotic.ca)

\*\*\*\*\*

#### PROMOTION STUFF...

If you know someone else who might like to receive this column regularly via e-mail, send a request to [jimt@quixotic.ca](mailto:jimt@quixotic.ca). Or, if you wish, forward them a copy of this column. But please put your name on it, so they don't think I'm sending out spam.

Other sources worth pursuing:

- Ralph Milton's HymnSight webpage, <http://www.hymnsight.ca>, with a vast gallery of photos you can use to enhance the appearance of the visual images you project for liturgical use (prayers, responses, hymn verses, etc.)
- David Keating's "SeemslkeGod" page, [www.seemslkegod.org](http://www.seemslkegod.org);
- Alan Reynold's weekly musings, punningly titled "Reynolds Rap" -- [reynoldsrap@shaw.ca](mailto:reynoldsrap@shaw.ca)
- Isobel Gibson's thoughtful and well-written blog, [www.traditionaliconoclast.com](http://www.traditionaliconoclast.com)
- Wayne Irwin's "Churchweb Canada," an inexpensive service for any congregation wanting to develop a web presence, with free consultation. <http://www.churchwebcanada.ca>
- Alva Wood's satiric stories about incompetent bureaucrats and prejudiced attitudes in a small town are not particularly religious, but they are fun; write [alvawood@gmail.com](mailto:alvawood@gmail.com) to get onto her mailing list.

\*\*\*\*\*