



CHRISTIAN LEGAL FELLOWSHIP

— Alliance des chrétiens en droit —

INTEGRATING CHRISTIAN FAITH & LAW SINCE 1978

For Immediate Release from the **CHRISTIAN LEGAL FELLOWSHIP**
March 19, 2015

SUPREME COURT OF CANADA AFFIRMS RELIGIOUS RIGHTS OF PARENTS, COMMUNITIES

BURLINGTON, ON – Today the Supreme Court of Canada affirmed that faith communities are protected by the *Charter's* guarantee of freedom of religion, and parents have a legally protected right to form educational institutions to pass on their religious faith to their children.

In its long-awaited decision in the Québec education case, *Loyola High School and John Zucchi v. Attorney General of Québec*, the Supreme Court delivered two sets of reasons. While the court was divided (4-3) on some issues, it was unanimous in its affirmation that the state can not oblige a private religious school to teach morals and religion from a perspective that contradicts its own doctrine.

CLF's Legal counsel, Robert Reynolds, explains the importance of this ruling: "The purpose of the Ethics and Religious Culture Program is to shape children's thinking and character. It is imperative that a religious school be given the freedom to teach such a curriculum from its own faith perspective. The Court's recognition of this freedom is a welcome affirmation of the educational and religious rights of all parents in Canada, including those who choose to enroll their children in religious-based schools."

Christian Legal Fellowship (CLF) intervened in the decision and presented oral arguments to assist the Court in establishing the scope and nature of the right of freedom of religion in Canada. CLF was concerned about protecting the religious rights of parents and institutions; in particular, the parents of students attending Loyola High School (Loyola), which was being required to abandon its Catholic viewpoint in the teaching of the Québec government's Ethics and Religious Culture course (ERC).

One of the central questions at issue in the case was whether freedom of religion has application to individuals only, and not to communities or groups such as schools (as argued by the Attorney General of Québec).

The minority's reasons unequivocally rejected that assertion, stating "[t]he communal character of religion means that protecting the religious freedom of individuals requires protecting the religious freedom of religious organizations, including religious educational bodies such as Loyola" (para. 91).

Although the majority decided it was not necessary to determine whether corporations enjoy religious freedom in their own right, it affirmed that a community of religious believers does, including the right to organize a private school to teach and learn religious beliefs (paras. 61-62).

CLF's Executive Director, Derek Ross, observes: "A truly democratic and pluralistic society demands autonomous existence for religious schools, communities, and places of worship. Today, the Supreme Court has clearly recognized and protected the religious freedom of both individuals and communities, affirming that religion is not merely an individual right but one exercised in community with others."

The justices unanimously agreed that Loyola could not be denied the right to teach Catholicism from a Catholic perspective. However, they disagreed on whether the state could dictate to Loyola how to teach the beliefs, ethics, and practices of other religions. The majority saw no impairment of freedom of religion in requiring it to do so “in as objective and neutral a way as possible, rather than from a Catholic perspective” (para. 6). The minority, however, provided a more rigorous analysis and concluded that “[b]inding Loyola to a secular perspective at all times, other than during their discussion of the Catholic religion, offers scant protection to Loyola’s freedom of religion, and would be unworkable in practice” (para. 154).

In addition to *Charter* protection, CLF cited international covenants Canada has ratified as well as the *Québec Charter* to support its submissions that parents have a right to ensure the religious and moral education of their children in conformity with their own convictions. The majority’s decision incorporated CLF’s submissions (para. 64 - 65), affirming parents have a legally protected right to pass on their beliefs to their children, whether through instruction in the home or participation in communal institutions. The majority affirmed that an “essential ingredient of the vitality of a religious community is the ability of its members to pass on their beliefs to their children”, and measures which disrupt that vitality “represent a profound interference with religious freedom” (paras. 64, 67). The minority also stressed that parents have “the right to seek moral and religious education for their children” (para. 130).

BACKGROUND: The appellant, Loyola High School, is a private Roman Catholic school, run by the Jesuits, which has been in operation in Montréal since the 1800’s. Approximately seven years ago, the Québec government introduced a new course, Ethics and Religious Culture (ERC), which it required to be taught in all schools in Québec, both private and public, throughout the primary and secondary levels. It prohibits teachers from expressing a religious preference or tradition and is obviously at odds with the philosophy of Loyola High School. The Québec government refused, when asked, to grant permission to Loyola to teach the ERC course from a Catholic perspective. In 2010, Loyola obtained a favourable ruling from Justice Dugré of the Québec Superior Court, who described the Minister of Education’s refusal to allow Loyola to teach its own curriculum as “totalitarian in nature”, and required of Loyola, “a pedagogy contrary to the teachings of the Catholic Church.” On appeal, the Québec Court of Appeal ruled in the government’s favour.

The Supreme Court of Canada’s decision is available [here](#).

To read CLF’s Factum, click [here](#).

– 30 –

For further information or to arrange an interview, please contact:

JANINE VAN NUS
Office Administrator & Media Designer
Email: office@christianlegalfellowship.org
Telephone: 905-332-0597
CHRISTIAN LEGAL FELLOWSHIP
Alliance des chrétiens en droit