

The Canadian Secular Alliance invites our government to make the Canadian Charter of Rights and Freedoms a secular document



What is the Canadian Secular Alliance (CSA)?

- The Canadian Secular Alliance is a non-profit, public policy research and advocacy organization advancing church-state separation and the neutrality of government in matters of religion. We seek to represent all Canadians, religious and non-religious alike, who believe that the Canadian government should adopt public policies consistent with a secular state.
- The CSA believes in church-state separation — the idea that the government of Canada should not favour one religion over others, or religious belief over non-belief. Our commitment is to liberal-democratic principles of equality, fairness and justice for all under the law, regardless of religious belief or lack thereof.

Does the Canadian Charter of Rights and Freedoms invoke God?

- Yes. The Charter, which is one of the documents comprising the Constitution of Canada, begins with the phrase: "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law".

Why should the Charter make no mention of God?

- A poll conducted by Harris-Decima in May 2008 found that 23% of Canadians say that they do not believe in any god. For Canadians under age 25, the figure was 36%.
- It is nonsensical for Canada's constitutional documents to recognize the "supremacy" of a deity who is dismissed as non-existent by 1 in 4 Canadians.

Is "the supremacy of God" a coherent or useful legal concept?

- No. The Supreme Court of Canada has been understandably reluctant to elaborate on the meaning of the God-clause, so not even the most basic questions about its purpose in the Charter have been explored. Which of the thousands of gods that humans have worshipped over the millennia is "supreme", and what are the consequences of this god's "supremacy"? Are "the supremacy of God" and "the rule of law" principles in harmony, or at odds with one another?
- Given the religion of the preamble's drafters, many argue that they specifically had the god of Christianity in mind when they wrote the God-clause. If true, we are left with 2 possibilities: (1) the God-clause is a purely symbolic acknowledgment of Canada's Christian heritage – in which case it is meaningless from a legal standpoint; or (2) it is a real recognition that Christianity's deity is the one true god – in which case it directly contradicts the right to freedom of conscience and religion guaranteed to all Canadians in section 2(a) of the Charter.

Does acknowledgment of “the supremacy of God” reflect the actual principles upon which laws are made, or how rights and freedoms are defined in Canada?

- No. The CSA recognizes the undeniable historical influence of the Judeo-Christian tradition on the development of Canada's legal system, and the great contributions believers have made towards the development of a more just society. However, religion is only one of many motives for creating a system of laws designed to be fair to all. In a secular, liberal democracy like Canada, laws are the result of ongoing critical ethical inquiry within the framework of a shared "social contract" among all citizens. Although religion provides many Canadians with moral and ethical benchmarks, the foundation of the Canadian legal system is not theistic belief.

The God-clause is in the preamble rather than the main body of the Charter. Doesn't this mean that it has no legal weight and is therefore harmless?

- Legal scholars recognize that although constitutional preambles do not technically have the force of law, they are nevertheless important tools for the interpretation of law. They can be used to infer the underlying logic or purpose of a law, interpret ambiguous language, and fill in conceptual gaps. Importantly, the Supreme Court of Canada has cited and applied the “rule of law” clause in the preamble several times with far-reaching consequences — and the God-Clause, potentially, has equal legal weight.

Does the God-clause have real legal, social, and political consequences?

- Yes. The God-clause represents a mechanism by which the judiciary can privilege theism in its interpretation of the law. There are several examples of Canadian courts interpreting the God-clause as an indication that religion in general (and Christianity in particular) should be accorded special status.
- Apart from its legal implications, the God-clause also clearly undermines the premise that Canada is a secular state. In the political arena, it is routinely exploited by forces that seek to have Canadian public policy conform to a particular religious doctrine. (Ironically, many different religious groups take it as a given that the “God” referred to in the God-clause is their particular god.)
- If Canada truly is a secular state, then its constitutional documents should reflect that fact — to do otherwise only lends legitimacy to those who seek to model Canadian public policy after their religious beliefs.

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