

The Supremes Shall Set Us Free

Municipal Prayer is Just the Start

Dan Mayo, “Primate of Carp, Ontario”

When the ultra-religious mayor of the city of Saguenay, Quebec, tangled with the Supreme Court of Canada in 2015, he got a rude secular shock. His prayer practices at city council were ruled illegal. This court case settled an important controversy that had been bubbling away in many municipalities across the country for a long time. It is now the law of the land that municipal councils may not have religious ceremonies as part of their meetings.

But the Supremes went much farther than that specific issue. In reaching their conclusion, the learned judges, by a unanimous 9-to-0 decision, established a new constitutional principle of far-reaching import, to wit (drum roll, please): **THE STATE HAS A DUTY OF NEUTRALITY IN RELIGIOUS MATTERS.** Now we’re talking. Think of the exciting promise this principle offers for secularists of a litigious persuasion: church exemption from property tax; public funding of religious schooling; mottos or inscriptions of a religious nature on

coats-of-arms, coinage and logos; civil servants who deal directly with the public while wearing religious accessories – all these should now be illegal. Readers with fertile minds can email me with more candidate subjects for secular justice and with strategies to make “the state” abide by its own laws.

So, how have we achieved this advance in civilized society? Believe or not, with the unintentional help of the very Municipalities which have refused to act in accordance with the Charter of Rights and Freedoms. This provoked some ordinary citizens to successfully challenge their intransigence. So, our new constitutional principle of state neutrality owes its thanks to citizens concerned about the conduct of their local councils.

The Saguenay case brought the issue finally to the Supreme Court. It started out with hero-of-secularism Alain Simoneau. Monsieur Simoneau was appalled that his mayor and council were hijacking public proceedings with aggressively Christian prayer and symbols. So

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he filed a complaint with the Quebec Human Rights Commission. He won, and Saguenay was ordered to stop their illegal praying. However, being a religious zealot, the mayor pursued an appeal to the Quebec Court of Appeal, using public funds, *bien sur*.

Now it was getting expensive for Monsieur Simoneau to secure his legal rights. So, others stepped into the fray to help. Enter the MLQ (Mouvement Laïque Québécois), led by another hero of secularism, Michel Virard. Tragically, the learned Quebec Court of Appeal judges ruled that Saguenay's outrageous prayer practices were justifiable, on the bizarre grounds that the decisions of municipal council were not harmed by prayer. Neither M. Simoneau nor anyone else had argued so! Of course, cynics might agree with me that this is

not the first time that religious apologists have missed the point or have advanced irrelevancies.

Fortunately, M. Simoneau and the MLQ were not discouraged by this setback and proceeded to appeal to the highest legal authority in our country, the Supremes. The legal analysis turned on the Charter of Rights section which guarantees Canadian citizens the right to freedom of religion. In deciding what this legal right covers, Supreme lead judge Clément Gascon said it means the state has a duty of neutrality in religious matters. Wonderful! Couldn't have said it better myself. And to his eternal credit as a fair-minded and right-thinking jurist, it must be noted that Clément Gascon is a Christian of the Roman Catholic faith. However he might be slightly embarrassed if we called him a hero of secularism too.

Before this seminal Supreme Court ruling, the issue of prayer at municipal council had

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a problematic history. Different lower courts across the country had ruled differently. For instance, in Ontario we had rulings that the Lord's Prayer was off-side because it was specifically Christian, coming directly from the Gospel of Matthew, whereas a non-sectarian prayer (*what dat?*) was okay. Clearly this was an unsatisfactory state of affairs, principally because it didn't address the rights of non-believers.

The reason why municipal councils became a battleground in the first place is that they are not exempt from the Charter of Rights. Provincial and federal legislatures by contrast, being sovereign bodies, get a pass from the courts concerning their prayer practices because of the doctrine of parliamentary privilege, in this instance privilege for their internal procedural and governance matters. This has always been a hard

proposition for me to explain to my fellow secularists – that our lawmakers are excused from following the constitutional Charter of Rights.

And so, still today our parliamentarians open their sessions with a generic prayer for guidance from an almighty deity. The best take on this odd situation goes to the late senator Eugene Forsey who is reported to have slyly remarked: "When I look around this chamber, I pray for the country." And that was before the Mike Duffy expenses scandal! May I suggest that some aggrieved plaintiff ask the courts if it is now time to revisit parliamentary privilege in light of our enlightened new constitutional principle of state neutrality in religion?

A worrisome corollary issue, common to many legal matters, is compliance with the law. While most municipalities have obeyed the Supremes' no-prayer ruling, there are troubling reports of some defiant scofflaws. We

have already been down this shocking road with Ontario municipalities for years. Although the Ontario Court of Appeal had ruled in 1996 that the Lord's Prayer was illegal in the town of Penetanguishene, dozens of municipal councils (mostly in rural Bible-belt areas) simply ignored the ruling and carried on Lord's praying. One might ask the obvious question: if our government officials won't respect the rule of law, why should citizens, if their beliefs differ from laws arrived at by due and democratic process? The slippery slope to anarchy? Are these not the times that can try men's souls?

The upshot of non-compliance is that enforcement of the law against public prayer is up to private citizens. They have to act as prayer police by taking court cases for injunctions, as there seems no other mechanism to stop rebellious municipal councils. In Ontario, again, I was involved in four cases where we had local heroes of secularism step forward and sue their municipal councils: Bob Allen in Renfrew County, Dagmar Gontard-Zelinkova in North Hastings Township, Veronica Abbass in the City of Peterborough, and Peter Ferguson in Grey County.

Theoretically, provincial ministers of municipal affairs have the power step in, but they

seem reluctant to act, no doubt fearful of political blowback from the parties of god. I personally wrote to the Ontario minister of municipal affairs asking him to intervene with his law-breaking councils. The weasely response was that he didn't want to interfere with local autonomy! Obeying the law is a matter of local option apparently. The privileges of religion are truly remarkable. The eternal verity revealed here is that courageous secularists must be ever-dedicated and vigilant. And now we have a fresh and refreshing constitutional principle on our side: **THE STATE HAS A DUTY OF NEUTRALITY IN RELIGIOUS MATTERS.**

Volunteers, anyone, to put "the State" to the test? We will always need more heroes of secularism. Courage, Miss Prism, courage...•

***Dan Mayo** (dmayo@sympatico.ca) is a country lawyer in Carp, Ontario. Born in Alberta, with a good head-start in life, to an atheist father & agnostic mother, Dan has so far litigated four municipal prayer cases: one loss, two wins and one pending. When not suing people, Dan enjoys life on the farm with his wife Sarah, their trees & their dogs and occasionally performing & recording folk music.*

On Faith

Plato Mamo

Faith, in our language, is a more solemn sort of belief. It is generally thought to be a very good thing, a necessary condition for a happy and meaningful life. In religious discourse it is one of the theological virtues. All this is assumed and no account of such belief is given.

Ordinarily we say, "I believe that something or other is the case," when the evidence is incomplete, unclear or second hand. Where we have personal experience or solid evidence we say "I know." I believe that the monk Rasputin was shot by a British agent, having survived attempts to poison him. I certainly do not know

this and no one knows it “for sure” as we say. So far there is nothing very wonderful about our belief. We would rather have the certainty of knowledge.

Yet as soon as we speak of religious belief, we have certainty, the virtue of Faith. How is this transition from doubt to wonderful certainty accomplished? We notice that the religious person speaks of “believing in the Bible, believing in Christ.” Indeed our expression *I believe in someone or in something* is different from *I believe that x is the case*. To say “I believe in” a certain person means that I know this person very well, that I have total confidence in her. I could even say that I know how this person will behave in any situation given her character. In this case, our belief is a good thing. But what is most important here, and will be exploited by the religious, is that because it is based on knowledge, not belief, our confidence is *certain*. We have now introduced the element of value and the element of certainty which were lacking in the “I believe that x is the case.”

And what is it to believe in something? It must be ideas or theories. But in this case, the element of value we found in the belief in someone is lacking. For the phrase means only that I approve of x. If I say I believe in universal education, I mean that it is a very good thing, that it should be implemented. But the value of my conviction depends on the soundness of the idea, not the fact that I have it. If I believe in the supremacy of the white race, my conviction is not good.

We now have three elements obtained from the *belief in* locution: value, conviction and cer-

tainity. So when the Christian says “I believe in God,” he brings to the phrase all three elements and calls that his unshakable and holy Faith. But he has no right to do that. The certainty comes from knowledge of the person.

He has no knowledge of God; not even in the minimal sense of his existence. Before he can say that he believes in God, he must establish that God exists. To establish that anything exists we must look at the evidence and this evidence is to be judged in the same way that all of our beliefs about the world are established: by experience and reason.

Is there any evidence that a man named Iesous actually existed? Well, he is mentioned by Tacitus and Suetonius and we have accounts of his life by his followers. So we can say yes, we believe that such a man existed in Palestine, though we cannot say that we know this

in the same way we know that Pierre Trudeau existed. Is this acceptable to the religious believer? Not in the least. He will say that he has all the evidence he needs in the Scriptures. He is so certain that what he reads there is the truth that he *knows* that God spoke to the Jews, that he got angry and punished them if they strayed after other gods etc. As far as the divinity of Christ is concerned, he has the evidence of all the miracles he performed. Who but a god would be able to restore life to a decomposing corpse?

Now we know that people unaccustomed to thinking, ignorant of philosophy, are not disturbed by inconsistencies, contradictions or, as in this case, circular reasoning. Is it not obvious that before you can use the miracles as evidence you must believe that they oc-

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curred? Yet even the Angelic Doctor, the great Christian theologian, who reconciled Aristotle and Christian dogma, says somewhere that “we must believe the Scriptures because they are inspired by God and God cannot lie.” But perhaps this was for the edification of the ignorant. Thomas Aquinas really thought that some evidence is required in order to convince the skeptic. And he thought that he had produced arguments proving the existence of a first cause. Such arguments, based on reason alone, would enable the skeptic to know that God exists and thus be more receptive to revealed Truth.

But this gives too much credit to human reason. Tertullian and Luther had read the gospels more carefully. John tells us that Thomas touches the wounds of the resurrected Christ and says “my Lord and God.” Christ then says: “You believed because you saw. Blessed are those who did not see and believed” (John 20:29). We have heard this so many times over the centuries that we do not see how preposterous it is. He is not saying that, at times, it is possible to believe without any evidence. He is saying that such belief is the highest form of mental activity; that it will be rewarded by the same God who fashioned our minds to look for evidence which will lead to knowledge. It claims that absolute certainty can be had in the absence of any evidence. It destroys our slow, painstaking learning of the fabric of the world. It destroys all our achievements as rational beings. In our slow ascent from the brute, we learned to observe, to collect data and draw gen-

eral principles. And even then absolute certainty eludes us. Now we are told that certainty can be ours in the absence of any evidence. It is the apex of irrationalism. It promotes and glorifies irrationalism.

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And there is more and worse. He who takes a shortcut to certainty, abandoning both experience and thinking, will be rewarded with great bliss. He who finds this feat impossible to perform, as well as unworthy of a rational being, will be punished and “the wrath of God will stay on him” (John 3:39). This goes beyond irrationalism; it is morally offensive. Having absolutely certain beliefs based on no evidence necessarily leads to fanaticism, intolerance and eventually crimes.

There have been some, like Pascal and William James, who thought that belief, unsupported by evidence, may, nonetheless, bring some benefits to the believer. Even some agnostics will claim that there is no evidence one way or the other. That is certainly not true. The vast amount of human and animal suffer-

ing is evidence that the “all good” God does not exist. Why would a compassionate being design and create the teeth of *Tyrannosaurus rex* so that the monster can plunge them in the flesh of a living, feeling being? Sadly, even the unimaginably vast amount of pain, suffering and slow death fails to shake the faith of the fanatics.

And now, perplexed as we are, we ask, how is it possible to go against our rational nature and maintain our absolute certainty in the face of contrary evidence? Aquinas, it seems, was enough of a philosopher to ask this very ques-

tion. His answer seems satisfactory, indeed the only possible one, but it is not pleasing to the faithful. They, therefore, are more likely to go to Augustine and Calvin and say that it is God who gives his grace and the gift of faith to the ones he chooses. This is more mystification and no explanation. But it has a great psychological benefit: If I have this unshakable faith, and it is God who has favored me with his grace, I must be among the elect!

For Aquinas, the rational soul has two faculties: the intellect and the will. The intellect considers propositions or arguments, judges the evidence and either assents to the proposition or denies it. The intellect, he thinks, is *moved* by the evidence. He is right about this. Our mind is made so that the soundness of an argument or the immediacy of a fact is readily seen and accepted. But what happens when there is no evidence? How is the intellect moved in this case and why is it moved at all? His answer¹ is that the will moves it. The will is the faculty of desire, that which initiates action. We *want* a certain proposition to be true and the intellect, pushed by the will, gives its assent. This appears to be a satisfactory explanation. It exposes the solemn notion of faith for what it is: “I want this to be true therefore it is true.”

But how is this “pushing” to be understood? I have this proposition in front of me. God is one and three. For some reason I want it to be true; I want to believe it. But my intellect says: nothing can be one and three. The will cannot push the intellect since it is the intellect that rejects the proposition. Let us take the phrase “God is love.” I want this to be true. But then I remember that he once drowned many infants and toddlers and another time a whole army. My intellect will not be pushed to assent to the proposition. The only way I can come to believe that God is love is to entirely disregard the contribution of the intellect. So the philosopher’s explanation is really the old irrationalism of the gospel of John. It makes sense only by assuming the fiction of “no evidence either way” and then only shows that we believe something to be true because we want it to be true.

It is easy to see why Christianity appealed so strongly to the lower strata of society, the slaves, the laborers, the soldiers. Life was not easy for the poor in the Roman Empire; it was nasty and short. The old gods did not help, sacrifices did not help. Then someone comes along who says there is a God who cares for you, who loves you, who will forgive your sins and give you eternal life. All you have to do is *believe in him*. Who but a philosopher would mention historical evidence, probability, inconsistencies and such things. The vision and the promise were so overwhelming. Oh, they believed, they went to their death believing. Their death was their guarantee of eternal blissful life. To tell such people that their “leap of faith” was irrational would not disturb them at all. Perhaps it would not disturb some fundamentalists of today. But these people do not have the same excuse. We have had many years of philosophy and science, we are no longer poor and ignorant. We understand things about the world and ourselves that the people of the first century did not. We are no longer willing to accept the irrationality of “I want this to be true, therefore it is true.” We also know history. We have the record of centuries of conflict and horrendous bloodbaths fuelled by irrational faiths. •

Endnote

1. “Since to believe is an act of the intellect, insofar as the will moves it to assent, as was stated above, the object of faith can be considered either on the part of the intellect, or on the part of the will that moves the intellect.” Thomas Aquinas, *Summa Theologica*, II, II, Question 2, Article 2.

Dr. Plato Mamo, Associate Professor Emeritus, is retired from the University of Calgary, where he taught in the Department of Philosophy. During his retirement, he began writing short, non-technical essays to help people who were struggling to leave religion but did not have arguments to counter the official story. Two years ago (HP 189), we published his article “On Puritanism.” Other essays by Plato Mamo include On Gods, On Atheism, On Evil, On Death, and On Love and Fear.