

National Affairs by Claire hoy ? There?s no balancing here

There's an old saying that a liberal is a person who believes you should be able to do whatever you want to do ? just as long as it's mandatory.

Which brings us ? sort of ? to a recent, decidedly liberal, ruling by an Ontario Superior Court panel siding with the excessively liberal directors of the Law Society of Upper Canada's decision last year to deny accreditation to the proposed Trinity Western University (TWU) law school, a Christian-based university in British Columbia.

Trinity, as you may have heard, is emphatically not liberal when it comes to the morality of its student body, and as such demands its students sign a covenant to agree to abstain from sexual intimacy outside of heterosexual marriage or face possible suspension or expulsion.

This rule applies equally to both heterosexual and homosexual students, but, as you'd expect, the entire focus of the criticism against it is that it discriminates against homosexual students.

Perhaps if TWU were the only law school in the province or the country, they may have a point. But we already know that there are too many universities churning out too many lawyers, and anyone inclined to study law cannot really argue that their only two choices are either go to TWU or miss out on a law career.

This same issue came up in 2001 when the Supreme Court of Canada ruled that the B.C. College of Teachers could not deny accreditation to TWO's education faculty, mainly because there was not a shred of evidence that TWU graduates discriminated against students who do not share their traditional Christian views.

No matter. Ontario's law society was outraged that TWU would exclude active homosexuals and three judges of the Divisional Court agreed with them, saying that if LGBTQ students wished to attend the law school they would have to ?essentially bury a crucial component of their very identity, by forsaking any form of intimacy with those persons with whom they would wish to form a relationship.?

Actually, the same would apply to heterosexual students as well, but, as we've said, that doesn't seem to matter. Then again, if students didn't like the rules, as we've also pointed out, they could go to one of several other law schools in the province. Nobody is forced to go to Trinity and sign the pledge. But that, too, apparently doesn't matter.

It's the principle of the thing, which is why the court said the TWU rule violates equality of opportunity ?a value of fundamental importance to our country. It is a value that state actors ... are always entitled to respect and promote.?

What about the ?equality of opportunity? for those devout Christians who believe the Biblical strictures against sex outside of marriage? How are their rights protected in a ruling which forces one side of the argument on a small school? No doubt their beliefs are just as fundamental and important to them as the liberal views are to those who hold such values.

Is there really any reason society can't accommodate both sets of beliefs, particularly when ? for fear of being overly repetitive ? there are all sorts of options for those who do not subscribe to fundamental Christian values?

Janet Minor, treasurer for the Law Society, was quoted in The Globe and Mail saying, ?We're very pleased with the decision and how the court respected how the law society balanced these rights.?

Balanced? Is she kidding? There's no balancing here. There's an outright ban on the fundamentalist Christian view and a completely open-door policy for the critics of Trinity. Some balance.

Since Ontario is obviously the largest market in the country for graduating lawyers, TWU has hinted that if it can't gain accreditation for its graduates it may have to cancel its plans for a law school altogether, thereby denying the community of Christians who subscribe to that theology the opportunity to study with like-minded people.

One could get somewhat silly about these things and argue that English-only universities ? or French-only universities ? clearly discriminate against those students who cannot speak either language. After all, language is a pretty fundamental characteristic, and since most universities are not private institutions per se, but are heavily subsidized by the taxpayers, both French and English, we are denying a large segment of the population opportunities for educational advancement.

Nobody would make that argument, of course, because it's so obviously absurd. An English-speaking student is not being denied a university education just because he can't go to a French-speakiing university.

By the same token, however, a homesexual is not being denied a chance to study law just because he can't agree to be celibate while attending Trinity.

The only people being denied the sort of education they desire here are the potential Christian students at Trinity.

But, in the name of liberalism, they're road kill.

Pity.

