

## Chapter 1

### Introduction

*Harold Coward and John McLaren*

What are we to do if the dictates of our religious conscience bring us into conflict with the state and its laws? Or, conversely, what are politicians and governments to do if religious people, by following the teachings of their own tradition, seem to endanger others or to threaten the underlying stability of the state? The tension between state or civil authorities and religious belief is as new as today's news from India and as old as the conflict between the Hebrew prophets and the rulers of ancient Israel. Indeed, it is from the prophets and their clashes with the rulers of their day that the term "the prophetic tradition" has arisen—a tradition embodying religious and ethical critiques of secular and majority policy and action, and providing a basis for moral dissent within political communities.<sup>1</sup> Throughout history repression of religion has often occurred when faith communities have not shared the belief of the rulers or the majority of the population, or worse, have been viewed as "infidels" or "heathens" by adhering to an "alien" or "other" religion. Early Christians were viewed this way by the Roman State and subjected to persecution,<sup>2</sup> Jews were treated badly throughout medieval Christendom and in modern Europe.<sup>3</sup> In both western and eastern Europe, Albigensians, Lollards, Hussites, Mennonites, Hutterites, Quakers, and Doukhobors, by virtue of preaching a more personal relationship with God, rejection of materialism, and the primacy of conscience in matters of faith, were branded as heretics by religious and secular authorities.<sup>4</sup> During the colonial period there was the subjugation and attempted destruction of native spirituality around the world.<sup>5</sup>

Of course, there have also been examples of tolerance in history such as in the Iberian Caliphate, the Ottoman Empire, and the Mughal Empire in which Muslim rulers allowed Christian, Jewish, Hindu, or Buddhist

communities to practice their own religions.<sup>6</sup> In India, Akbar (1556–1605), the greatest of the Mughal emperors, engaged Hindus in his senior administration, removed the hated *jizya* or poll tax on non-Muslims and welcomed Christian, Parsi, Buddhist, Hindu, and Muslim scholars to dialogue on equal terms in his court.<sup>7</sup> However, even in India, with its reputation for religious tolerance, an example such as Akbar is more the exception than the rule.

In Europe the beginnings of the movement toward toleration based on religious conscience are found in the Reformation and in the Enlightenment thought. In announcing his break with Rome, Martin Luther's proclamation "Here I stand, I can do no other" is the clarion call of an individual religious conscience before the civil authority of the state.<sup>8</sup> However, the Lutheran Church that he occasioned, and the other more institutional reformers such as Calvin in Geneva soon instituted civil rule just as repressive of individual differences as the old Roman orthodoxy. Intolerance was directed to Roman Catholics, to other reformers who had taken different roads, and to non-Christians who were seen as being entirely outside the bounds of tolerance.<sup>9</sup> And as the following chapters will show, this pattern is all too common. Religious groups who have been victims of repression by the state and orthodox religion have not been free of intolerance themselves—when they achieve a role in civic governance or when they face theological challenge from within. Hutterite, Doukhobor, and Mormon history all provide examples of this phenomenon.

Luther's appeal to the individual conscience was significantly strengthened by the Enlightenment movements of the sixteenth and seventeenth centuries. Martin Fitzpatrick in chapter 4 shows how religious toleration came to be viewed in a positive light in the Enlightenment, and how claims of religious conscience came to be accepted. The old approach had been based on the idea that church and state were intertwined, that the King had a divine mission to fulfill on earth, and that it was desirable that all subjects belong to one tradition. In the Enlightenment approach, however, the church was seen as separate from but subordinate to the state and as especially useful in helping preserve social and moral order. Conscience was democratized and seen as the "natural law" present within each person—a moral parallel to the Enlightenment ideas of universal, natural laws in the world of nature. Such a conscience was freed from its Christian dress and could appear within any religion—as indeed it should. The way was thus opened for the kind of cultural and religious pluralism we experience today.

Fitzpatrick shows that the philosophers of the day played a major role in the development of thinking regarding religious liberty and freedom of conscience. Pierre Bayle combined biblical, rational, and skeptical arguments to the effect that individuals were bound by conscience to stand by truth as

they understood it, and not to yield to persecution. Such liberty of conscience was a "right" possessed by all persons by virtue of being rational. John Locke agreed with Bayle that individuals should have the right of conscience, the freedom to worship as they pleased but added the safeguard—so long as they did not espouse doctrines harmful to civil authority and society. Thus one should not tolerate those who were intolerant, who owed allegiance to a foreign authority, who did not believe in the moral order, and who could be absolved by their religion of moral and political crimes. Locke's ideas provide a framework within which both religious groups and states could reach a compromise. As Fitzpatrick puts it, religious minorities would try to show that their adherents were loyal citizens and so worthy of toleration, and politicians and civil authorities for their part would see the utilitarian value of allowing religious minorities a measure of toleration. While individuals should have the right to worship as they pleased, in secular affairs religions need to be subordinated to the state. Voltaire, Shaftesbury, and Bishop Butler added to the development of the Enlightenment conception of conscience as the universal moral "inner voice" of human nature. This movement culminates in Rousseau and Kant who, as Fitzpatrick puts it, eliminate both the elements of special grace and expert advice from conscience. With them the inner voice of conscience possesses illumination, conviction, rational persuasion, and has been universalized and democratized. The rights of conscience have become natural rights and the purpose of government is to preserve them. Yet these Enlightenment thinkers still saw an intimate connection between the religious and the natural moral dimensions of conscience. They realized, says Fitzpatrick, that the obligation to follow conscience ultimately arose from a religious duty. Religious toleration would allow all the freedom to actualize that duty and thus result in a flourishing of moral conscience and good order in society. Behind this, of course, is the Enlightenment assumption, currently being put to the test, that the actualization of the natural moral law present in each person, even if done by the means of different religions, would result in a common set of core values on which polity, law, and society can be grounded.

Modern liberal, secular democratic societies have adopted this Enlightenment assumption and seek to implement it in varying degrees. One difficulty is that in present-day Europe and North America, increasing numbers of people no longer see the actualization of the moral conscience within as a "religious duty." Yet for the Enlightenment thinkers the practicing of "religious duty" was seen as essential for the development of core values on which society is to be founded. In the content of our increasing pluralism and multiculturalism, religious cultivation and duty is often down played because of the conflict between groups that sometimes results (e.g., Protestant versus Catholics in Ireland, Muslims versus Hindus in India, and Khalsa versus

non-Khalsa Sikhs in Canada). A knee-jerk response is to banish all expressions of religion from the public sphere and to foster a strictly secular society. But what will replace the role of religion that the Enlightenment thinkers saw as crucial for the development of the moral conscience and the unifying value on which to ground a liberal, democratic state?

In a fine article that grapples with this dilemma, Paul Horwitz concludes that, in Canada at least, courts today are too much favoring the goals of the state over the obligations of religion.<sup>10</sup> Religion, he notes, has been treated as nothing more than one of a number of choices that an individual can make. This attitude betrays the state's tendency to treat religion as a "hobby" rather than as a total worldview that conditions all of the individual's decisions. Because it is only one among many mere choices, religion must give way to the administrative encroachment of the liberal state. From the state's perspective, religion is relegated to the sphere of private action. The liberal worldview, on which Canada as a state operates, focuses on "the autonomous individual, on the maximization of individual conceptions of the good, and tends to give it in practice an emphasis on freedom over tradition, will over obligation, and individual over community."<sup>11</sup> A liberal state seeks to maximize happiness among a diverse number of groups and understands this concept of the common good in rational terms that are grounded in rational argument—a direct conflict with religious faiths that usually transcend rational argument in their ultimate assumptions. Contrary to its self-perception then, the liberal state is not a value-neutral safe haven where all religions can meet, for its rational conception of the good is in fact discriminatory against religion—as is its privileging of the individual over the collective in the decision-making of the religious citizen. Charles Taylor has made it clear that liberalism, as it stands, is not a possible meeting ground for all cultures and religions.<sup>12</sup> It is the political expression of one range of cultures and as such is often incompatible with others.

It is not surprising then that in the history of religion-state relations in Canada, religious discrimination has often occurred. Jews, Jehovah's Witnesses, Hutterites, Sikhs, Japanese Buddhists, and Aborigines have all been victims. The guarantees of freedom to practice one's own religion, although given in law, have not been granted. The problem has been "a tendency to treat rationalism and liberalism as a bedrock epistemology, a mode of thinking that tolerates other modes of experience but ultimately asserts its superiority over them."<sup>13</sup> It is not rationalism only that is the problem but also liberalism's other touchstones of empiricism, skepticism, individualism, and autonomy—which often run counter to the basic assumptions of religious ethnic communities. While liberalism is willing to value religion as one choice among many for the autonomous individual, it fails (because of its presuppositions) to recognize that for many religion is much more than a mere choice

on the part of an individual. Rather, says Horwitz, it is “a radically different but equally valid mode of experiencing reality”—and one that Canada’s constitution suggests it protects. In court cases, however, the liberal rational worldview has a profound effect on what the courts decide. Horwitz concludes, “It leads to the courts according a lesser weight to religious considerations when it makes decisions balancing state and religious goals”<sup>14</sup>

Horwitz thinks that Canada’s approach to date has been unfair to religious and ethnic groups and is blind to the value of religion as a social force. Liberal democracy, he says, devalues religion and religious freedom. “It does so by viewing religion through the lens of the unbeliever and treating it as a mysterious and threatening force that cannot be understood by rational, secular reasoning and so must give way to the state’s rational goals.”<sup>15</sup> However, Horwitz thinks that there is one aspect in the thinking of liberal democracies that would give a different result, namely, the awareness that beyond the language of individual rights, society is made up of groups or communities to which individuals may belong. From within a religious or ethnic community, one’s identity may well come from being a part of the larger group rather than from one’s own individuality. “Though to the outsider such communities may seem less significant than the individuals that comprise them, to the participant the community as a whole might be more real and more important than his or her part in it.”<sup>16</sup> Therefore, it is the community that acts as the intermediary between those in the group and citizens outside the group. Canada has given particular recognition and value to the intermediary communities in the principle of multiculturalism that is embedded within the Charter of Rights and Freedoms. The charter states, “This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canada.”<sup>17</sup> With this protection, religious and ethnic communities are in a position to make a positive contribution to Canada’s liberal democracy as groups. Religious groups have been and continue to be powerful forces to resist or provoke social change. The political impact of Rev. Martin Luther King, in his call for civil disobedience against state laws that did not square with moral justice or the law of God, is an example of how a religious community can be a powerful force for good in a liberal democracy. Religious communities, said De Tocqueville, “provide a valuable moral restraint on the state by informing the moral consciences of the governors and the governed.”<sup>18</sup> In Canada, the Sikh and Muslim communities have challenged practices within public institutions that unfairly discriminated against their members. Aboriginal communities have brought to the fore the havoc created by discriminatory policies such as residential schools and antipotlatch laws.

Of course, it must also be recognized that a religious community can be a disruptive force in the public realm if it attempts to force the views of its members on the whole of society. Rather than safeguarding freedom, a

religion might attempt to outlaw from society secularism or groups with differing religious views. But, concludes Horwitz, none of these worries equals the value of religion as a positive social and political force in society. Religious groups in liberal democracies (such as Canada) that recognize the value of pluralism and multiculturalism “are less likely to resort to homogenization when seeking social change.”<sup>19</sup> Because religious or ethnic communities operate from different worldviews that deny the absolute authority of the state and its views, these communities exert a constant check on the abuse of power and morality by the state and its institutions. These groups can function as the conscience of a liberal democracy. Further, religious and ethnic communities may enrich secular liberal democracies by bringing ideas from outside of its sphere of common concepts and practices. In this way, political debate may be enlivened and valuable social change fostered within a liberal democracy that might otherwise grow stale and self-justifying.

The chapters in this book are in many ways case studies of religious conscience and its function in various states and societies. Justin Champion in chapter 2 shows that in seventeenth-century England, the transformation from a confessional state with an established religion to one in which religious diversity was respected was a very gradual one. Roman Catholics and more radical Protestant sects suffered persecution at the hands of the law. Champion shows that “conscience” was then a very loaded term, invoked both to buttress the institutions and demands of the state, as well as the claims of the dissenters to follow their own beliefs. Even among Puritan apologists, arguments for freedom of conscience were often limited to their own faith communities and denied to other confessions. In the end, England’s governors made partial peace with the Protestants dissenters by giving up active persecution of them and allowing them to worship in private, yet maintaining many of their civil disabilities. This modest compromise was embodied in the Act of Tolerance of 1689.

In chapter 3, Cornelia Dayton examines religious orthodoxy in colonial New Haven under the challenge of the religious conscience of Anne Eaton, the governor’s wife. Even in the American colonies to which European victims of religious oppression had fled, the thrust of religious orthodoxy in the absence of an established church maintained considerable force. Liberty of conscience was narrowly defined by the Congregationalist Puritans of New Haven to justify their own freedom but used as a weapon against anyone who would challenge their conceptions of the “true gospel.” So Anne Eaton was excommunicated because of her own Baptist beliefs, but allowed to remain in the community and suffered no civil disabilities for her apostasy. This action, suggests Dayton, prefigures the politics of tolerance for religious diversity which, by the end of the seventeenth century, was largely accepted within the American Puritan community. Freedom of religion and conscience

were limited intellectual and legal conceptions at the end of the seventeenth century, reflecting the grudging concessions of freedom of religious association and worship in England and America.

These initial advances were fostered by the eighteenth-century Enlightenment thinkers discussed earlier, and put into law, most dramatically, in the American Bill of Rights with its embodiment of freedom of religion and no establishment of religion as basic constitutional values. Elizabeth Clark in chapter 5 shows how one group in nineteenth-century America, the Unitarians of New England, sought to embody these beliefs in a form of civil religion based on personal prayer and free inquiry. With a strong rationalist belief in the power of individual conscience and a commitment to democratic principles, this group became actively involved in the movement against slavery in the *antebellum* period. Clark argues that the beliefs and practices of the Unitarians of New England had their roots in the strong dissenting tradition of liberal Protestantism. For this group, the "inner life of the spirit" required the release and actualization of the innate religious conscience as individuals within society engaged in a common moral quest. In this group, we see the translation of the protesting power of religious conscience engaged in the antislavery campaign and the endeavor to secure public opinion in its support.

Attempts to protect religious rights have not been limited to Christian libertarians. Irwin Cotler, in chapter 6, engages in a comparative study of Jewish nongovernmental organizations (NGOs) in Canada and the United States as advocates of freedom of religion and conscience. Working in the fields of civil liberties and human rights, these organizations have adopted diametrically-opposed views on several issues, reflecting in part the different politicolegal cultures in which they operate. While Jewish NGOs in the United States have actively opposed the display of religious symbols in public places because of perceived opportunities for interference by the state with religious values and observance, their Canadian counterparts have supported the bringing of religion into public life in order to enhance its role. A difference is also seen between the two countries on the issue of hate messages directed against ethnic and religious minorities. In Canada, Jewish NGOs have led the campaigns to pass and enforce legislation that invokes state power to outlaw hate propaganda. In the United States, by contrast, Jewish NGOs have constantly used the courts to vigorously protect freedom of speech (including hate speech) in order to prevent the state from intruding into the preserve of individualism and democratic discourse.

Despite a greater respect for religious rights in contemporary North America, the law experienced difficulty in dealing with the claims and inner stresses of more radical Christian communities. Alvin Esau, in chapter 7, analyzes the litigation over division and schism in the Manitoba Lakeside

Hutterite Colony. He shows that secular assumptions of law, which make civil courts reluctant to become involved in internal religious disputes, can still produce questionable results. The Supreme Court of Canada, in this case when the Hutterite authorities sought to expel the Hofer brothers and other dissenters from the colony, refused to interfere with the internal rules of the sect relating to discipline and property rights. However, it did fault the colony authorities for failure to observe the rules of natural justice, quashing the expulsion decision and restoring the dissidents to membership in the colony—but without rights to their property and without real participation. In the second round of litigation, the Manitoba courts upheld the position that the colony leadership must treat all property within the colony, even that of the dissenters, as communal and sent the latter packing, empty handed. No attempt was made, as it might have been, to treat the dispute in the light of which group had the better claim to represent the faith tradition in question.

John McLaren, in chapter 8, charts a more positive outcome in the ongoing negotiation between the government of British Columbia and the Sons of Freedom Communal Doukhobors (SFCD). Here, negotiations rather than litigation have been employed to resolve tensions between SFCD religious beliefs and the demands of the dominant legal system. This seems to have forced government to recognize that even within its own legal heritage and tradition, these are mechanisms for accommodating groups that, because of their faith, reject the individual ownership of land. This is a far cry from the marginalization which has so often been, and sometimes continues to be, the experience of religious minorities which put duty to God before duty to state.

In chapter 9, Carol Weisbrod examines the Mormon experience in the United States for what it tells us about the price of religious intolerance and the modes of interaction between the state, law, and the accommodation of minority religious beliefs more generally. This group, which suffered persecution from the date of its emergence as a definable sect and sought to detach itself from the broader society to find its own space in which to practice its own theology, found there was no escape, and that it had to compromise to avoid harassment by the federal authorities. The major bone of contention was the Mormon belief in and practice of polygamy or plural marriages. Despite attempts by group leaders to secure exemptions from federal laws prohibiting this practice, the bid failed and prosecutions of Mormon men for polygamy continued as members of the sect found themselves up against the full might of the U.S. legislative and judicial arms. For decades, this conflict stood in the way of the statehood for the Utah territory. Only in 1890, when the church disavowed polygamy, did the way open for a constitutional accommodation. The price paid for peace was high, namely, a significant reordering

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of social and family relationships and a substantial loss of internal autonomy for the group. In modern times, this faith community, with its emphasis on family values, developed great respectability, combining religious dominance and influence in its homestate, and strong minority advocacy outside on issues which concern it.

Despite enlightenment and modern development toward religious tolerance of mainstream and respectable Christian dominations, non-Christian faiths continued to experience pressure for conformism or assimilation. Anti-semitism and the growth of rights consciousness in Western Europe and North America are studied by Phyllis Senese in chapter 10. She suggests that in Britain and France, Jews became acceptable as citizens *if* they merged into the social fabric of communities that continued to reflect Christian tradition, values, and assumptions. When Jews arrived in the British North American colonies, anti-semitism was more subtle but no less malign. Jews witnessed the break-up of traditional, tightly-built communities that had enabled them to survive centuries of persecution as they adjusted to the individualistic forces of the Enlightenment. Even then they were faced with a new force for hostility—nationalism. As the history of the nineteenth and twentieth centuries so tragically shows, even assimilated Jews did not fit the vision of a national identity and were again persecuted. The resulting fragmentation of community and tradition is seen by Senese in the North American Jewish community and evidenced in the different positions taken by liberal and conservative Jews on issues of civil liberties.

In chapter 11, Youngblood Henderson examines the struggle to preserve Aboriginal Spiritual Teaching in the face of Christian colonization and the liberal Enlightenment. As Youngblood Henderson shows, the impact of these “universalizing” forces was devastating on aboriginal communities. Despite the romantic identification by some Enlightenment thinkers of the “noble savage,” the pragmatic dictates of colonial policy, together with a strong sense of religious and cultural superiority, fostered policies of subjugation, enforced assimilation, and, in some instances, physical genocide. Aboriginals in North America, it was thought, would either be absorbed into the superior European religion, culture, and population or simply waste away. White society sought to strip them of their land, language, and belief system under which they had flourished for countless generations. In the face of the loss of their language, cultural knowledge, and self-respect, freedom of religion and conscience are really meaningless terms in the case of the Aboriginal peoples. In Canada, as the chapter notes, the most destructive results were achieved by the regime of residential schools paid for by the federal government but run by the churches. To these schools, thousands of Aboriginal children were sent, cut off from family, language, and spiritual roots, to be “Canadianized.” Youngblood Henderson calls for a new spirit of respect for Aboriginal religions

and spirituality in Canada to match and support the legal protections of the new constitutional order.

In chapter 12, we cast our eyes beyond Europe and North America to India where Robert Baird looks at how these forces have played out in India's transition from a traditional society to a modern secular state. The establishment of India as a secular state, embodying in its constitution the sometimes inconsistent values of equality as well as freedom of religion and conscience, has produced a complex result. As Baird shows, the courts progressively constrained religion in India in a number of ways. They have extended state involvement in religious affairs by marking off secular matters, even in temple administration. Concerns over morality, public order, and health have been balanced against the demands of religious devotion. Limits have been placed on the evocation of Hindu ritual by the state or its representatives, and further limits have been placed on the practice of proselytization and conversion by the missionary religions of Christianity and Islam. Under the democratizing impulse, the state has ordered holy places open to all Hindus regardless of caste, thus challenging strongly the traditional purity prescriptions of orthodox Brahmanical religions. However, where the secular intentions of the framers of the constitution have been thwarted most is in the failure of parliament to secure a uniform civil code. Instead, the Hindu law code has been "rationalized" over loud protest, but traditional Muslim law has remained untouched.

Although far less complex than in India, Elizabeth Shilton shows that tensions between religious belief and the secular state have been a problem in public education in Canada. As Shilton observes in chapter 13, the historic accord on the protection of religious rights in matters of education contained in the British North America Act of 1867 continues to qualify and override the commitment to freedom of religion and conscience in section 2(a) of the Canadian Charter. In Canada, the extent to which special constitutional rights should be accorded to particular religious groups is still very much a live issue in matters of education. The Supreme Court has confirmed that the separate Roman Catholic school system in Ontario is entitled to full funding by the province, in accord with the undertaking in section 93 of the Constitutional Act. There is also an older authority, which is likely still persuasive, stating that provinces may extend public funding to minority religious schools, Christian and non-Christian, not contemplated in 1867. Some provinces have done just that. None of this would be possible in the United States. Where lower courts in Canada have drawn the line is in denying that members of religious minorities can claim as a constitutional right state support for religious education.

In the final chapter, Azim Nanji examines the way the Muslims in modern western countries have dealt with the dual challenges of existing in

an individualistic culture that can be insensitive to the communal and extended family base of reference which is their heritage, and of representing a faith tradition that is viewed with suspicion in certain quarters in the host societies because of its attributed association with international terrorism, fundamentalism, and anti-Western feelings. Muslims in North America have dealt with instances of demonization as "Others" that other non-Christian groups, especially the Jews, have encountered in the past. In several instances that Nanji outlines, barriers have been erected against free pursuit of their religion by the invocation of the law or the exercise of political pressure against the construction of places of worship. Moreover, because the Islamic population of North America is spread out, Muslims have lacked the support systems and sense of local community that would allow them to press publicly for greater recognition of their culture and traditions. Compromises, Nanji argues, have been made in the areas of traditional Islamic family law and custom, elements of which, such as polygamy, are not acceptable in the West, and others of which do not fit easily into the dominant legal system. The results have been liberating for some, especially women, but also subversive of a shared sense of community and family cohesiveness. He argues persuasively that both law and administration as they relate to family and education need to be more sensitive to and accommodating of the cultural realities of religious minorities.

These chapters show that the struggle for free expression of religious conscience within the state that began with Martin Luther and the Enlightenment thinkers continues to challenge us today. The global spread of the modern secular state, together with the increasing migration of religious minority groups around the world, makes the issues examined in this book as timely today as they were in the sixteenth and seventeenth centuries. Only today their scale and complexity is much larger than was contemplated by John Locke or Emanuel Kant. While giving us very real advances, their solutions have been overtaken by the changed nature of our contemporary world in which secularization threatens to further marginalize religion as a source of critique of state and community, as well as individual actions and motives. As many of the case studies presented in these chapters show, new answers are being demanded and new sensitivities required of religious leaders, lawyers, judges, and frames of public policy at all levels of society. This book is a beginning contribution in that direction.

### Notes

1. See Wheeler Robinson, *Inspiration and Revelation in the Old Testament* (London: Oxford University Press, 1946).

2. Herbert B. Workman, *Persecution in the Early Church* (Oxford: Oxford University Press, 1986).
3. Jeffrey Richards, *Sex, Dissidence and Damnation: Minority Groups in the Middle Ages* (London: Routledge, 1994), pp. 88–115.
4. See R. I. Moore, *The Formation of a Persecuting Society* (New York: Basil Blackwell, 1987).
5. For the Americas, see Thomas R. Berger, *A Long and Terrible Shadow* (Vancouver: Douglas and McIntyre, 1991).
6. See, for example, Bernard Lewis, *The Middle East: 2000 Years of History* (London: Weidenfeld and Nicholson, 1995), pp. 269–270.
7. Stanley Wolpert, *A New History of India* (New York: Oxford University Press, 1959), p. 310.
8. Williston Walker, *A History of the Christian Church* (New York: Charles Scribner's Sons, 1959), p. 310.
9. Mark U. Edwards, *Luther's Last Battle: Politics and Polemics, 1531–46* (Ithaca, NY: Cornell University Press, 1983).
10. Paul Horwitz, "The Source and Limits of Freedom of Religion in a Liberal Democracy: Section 2(a) and Beyond," *University of Toronto Faculty of Law Review*, vol 54, Winter 1996, pp. 1–64.
11. *Ibid.*, p. 14.
12. Charles Taylor, *Philosophical Arguments* (Cambridge, MA: Harvard University Press, 1995), p. 249.
13. Horwitz, *op. cit.*, p. 22.
14. *Ibid.*, p. 25.
15. *Ibid.*, p. 47.
16. *Ibid.*, p. 48.
17. *Ibid.* (as quoted in Horwitz).
18. *Ibid.*, p. 50 (as quoted by Horwitz).
19. *Ibid.*, p. 51.