

Canadian Freedoms Under Attack

In February 2021, a judge in Newfoundland held that a marriage commissioner's conscientious beliefs amounted to discrimination and could not be accommodated, since this would subject minorities to a "subtle and constant reminder of rejection."

In April 2021, health authorities in Alberta erected a chain-link fence around a church near Edmonton after the congregation defied restrictions on places of worship

In May 2021, a professor in New Brunswick was suspended from teaching after students complained about "unacceptable" comments on her blog.

In September 2021, the Liberal government announced its intention to strip charitable status from "anti-abortion organizations" it deems "dishonest."

In November 2021, the House of Commons fast-tracked legislation banning "conversion therapy" in such broad strokes that even parental conversations or religious teachings on sexuality could potentially be criminalized.

It is clear that freedom in Canada is under increasing pressure. While COVID-19 has amplified these trends, the pandemic is not the only cause for concern today. As social and political extremes become more deeply entrenched, civil peace is harder to maintain. Mutual respect and tolerance are being eroded in a climate of conformity, cancel culture and divisive identity politics.

To respond adequately to these complex challenges, the First Freedoms Foundation recognizes that we must look beyond the immediate crisis to confront the root causes. The health of our society and the wellbeing of our citizens depend on a renewed understanding and respect for the foundational freedoms of all Canadians.

We may not be facing the tyranny of a totalitarian regime, but we should be wary anytime the state attempts to stifle dissent or dictate the limits of acceptable belief.

The great achievement of liberal democracy – that remarkable combination of social stability and personal freedom – is based

on a division of sovereignty. The state may claim authority over the political realm, but the individual remains free to define and pursue what makes life meaningful.

Together, we must be vigilant in safeguarding a space for individual conscience against the impositions of a powerful state. Join with us as we advance the original freedoms through public advocacy and litigation. Your contribution will have a tremendous impact on our not-for-profit work in support of free speech, freedom of conscience, and the inviolability of the person.



Freedom of conscience is the cornerstone of our most cherished freedoms. Logically, this position leads to the bold assertion that meaningful manifestations of all other civil liberties would be jeopardized if freedom of conscience were diminished. Indeed, to remove freedom of conscience is to deal a battering-ram blow to the liberal democratic ideals that support all human rights protections.

Barry W. Bussey

Diefenbaker Freedom Lecture



Prime Minister from 1957 to 1963, John Diefenbaker championed civil liberties for all Canadians, including First Nations peoples. A driving force behind the Canadian Bill of Rights, he appointed the first Indigenous member of the Senate and the first female cabinet member.

The Diefenbaker Freedom Lecture series is named in recognition of his vision of "a Canada, united from Coast to Coast, wherein there will be freedom for the individual, freedom of enterprise, and where there will be a Government which, in all its actions, will remain the servant and not the master of the people." (from Rogue Tory: The Life and Legend of John Diefenbaker)

We welcome presentations from scholars and experts in their field whose work serves to advance the cause of freedom. Lectures will be open to the public and may be published in future volumes dedicated to the theory and practice of liberty in Canada.

The non-profit also invites nominations for the annual First Freedoms Award in recognition of individuals or organizations who have made an exemplary contribution to freedom in Canada through their advocacy in law, academia, politics, or arts and culture. The award will be presented at the First Freedoms Gala Dinner in November 2022.



There are many charities and not-for-profit organizations devoted to serving the needs of Canadians. Some provide legal assistance. Others promote research or education. All rely on a free and open society in order to operate effectively.

What sets First Freedoms apart?

As a non-profit, we are concerned with the theoretical and the tangible. With your help, we can provide immediate assistance to individuals in crisis. We offer resources and events to equip Canadians to know and defend their rights, and we are prepared to take on legal challenges involving the first freedoms.

But we understand that litigation is only one strategy to bring about change. With your ongoing support, we will pursue a long-term vision of freedom that affirms the equal dignity and worth of all Canadians.

The social and political landscape in Canada is changing. Navigating the challenges ahead will require foresight and dedication to enduring moral principles. Together, we can be a voice for truth. Help us strengthen the foundation of freedom that supports all other endeavours in this great land.



Bastion of Freedom

Nestled along the thirteenth-century Steenschuur canal is the historic Academy building where the University of Leiden graduates have received their diplomas for hundreds of years. Established following the European wars of religion, the University has a long history of championing tolerance and freedom for all. In fact, the institution's motto is Libertatis praesidium (bastion of freedom).

I had the privilege of successfully defending my
Ph.D. in that building, where I argued that liberal
democracies are in the midst a legal revolution

against the accommodation of religion. In my dissertation, I explored the ways in which traditional liberalism is being undermined by the changing mores of our "sexular age." In that work, and other academic papers, I anticipated many of the developments we have seen in the last two or three years.

Reflecting on the federal government's discriminatory

treatment of religious charities and small businesses in its administration of the Canada Summer Jobs program, I wrote in a 2018 editorial that "we can no longer passively take our freedoms for granted. As the Irish politician John Philpot Curran said in a speech in Dublin on July 10, 1790, 'The condition upon which God hath given liberty to man is eternal vigilance'."

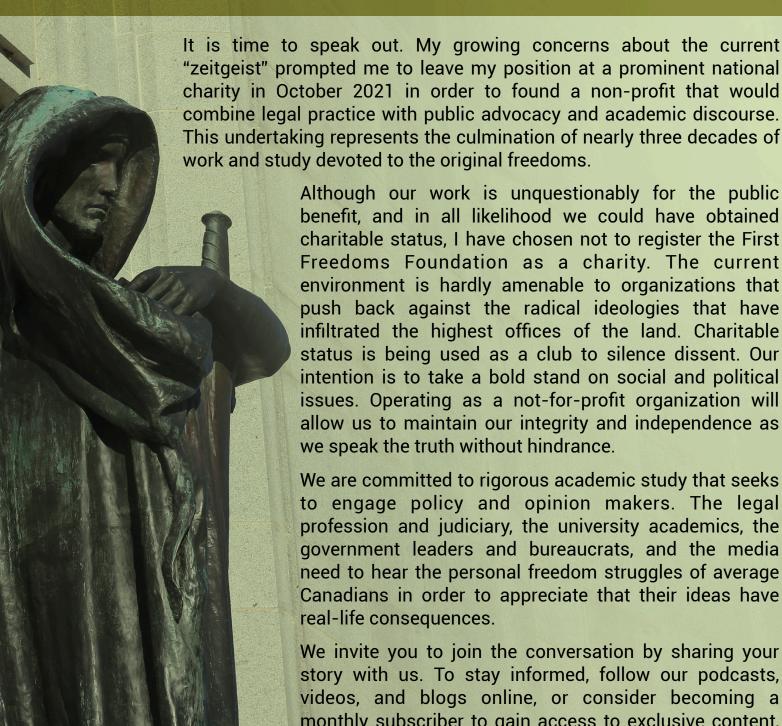
I believe that more deeply than ever. When governments, no matter their intention, step on our fundamental rights such as freedom of conscience, they step on the very essence of





who we are. To stay silent in the face of such challenges is to deny our identity and our very being.

Fory Dany



Although our work is unquestionably for the public benefit, and in all likelihood we could have obtained charitable status, I have chosen not to register the First Freedoms Foundation as a charity. The current environment is hardly amenable to organizations that push back against the radical ideologies that have infiltrated the highest offices of the land. Charitable status is being used as a club to silence dissent. Our intention is to take a bold stand on social and political issues. Operating as a not-for-profit organization will allow us to maintain our integrity and independence as

We are committed to rigorous academic study that seeks to engage policy and opinion makers. The legal profession and judiciary, the university academics, the government leaders and bureaucrats, and the media need to hear the personal freedom struggles of average Canadians in order to appreciate that their ideas have

We invite you to join the conversation by sharing your story with us. To stay informed, follow our podcasts, videos, and blogs online, or consider becoming a monthly subscriber to gain access to exclusive content, including interviews and commentary on important issues. Learn from those who have thought deeply about the issues as they share how to address the challenges of our time.



Pro Bono Legal Aid

Newlyweds David and Stephanie Machuca dreamed of graduating and beginning their careers together in the spring of 2022. Both are nearing completion of their degrees in highly demanding, intellectually rigorous fields.

David is an aerospace engineer and Stephanie is pursuing a degree in biomedical sciences. The two had bright prospects until their university imposed a vaccine mandate.

David and Stephanie are not "anti-vaxxers." They received the usual childhood vaccines, but they have both chosen, as a matter of religious conviction, not to receive the COVID-19 vaccine.

Just a year ago, their courses were offered online. Now, the university insists that all students must attend class in person and must be vaccinated against COVID-19 to do so; there will be no accommodation for students to study remotely.

So the Machucas find themselves facing an impossible dilemma: abandon their degrees (and, possibly, their future careers) or violate their consciences.

Those who see the COVID-19 vaccines as a safe and effective solution to ending the pandemic might feel little sympathy for the Machucas. David and Stephanie are in the minority, and they face intense pressure to

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Failure to accommodate conscience is a failure to govern. Traditionally, in Western societies, we have been willing to respect diversity. But the increasingly strident legal revolution against accommodation would force everyone into the same straitjacket of conformity. Unless we regain our appreciation for the historic, philosophical, and practical worth of our foundational freedoms, we endanger the very health of our liberal democracy.

Barry W. Bussey

the minority, and they face intense pressure to compromise their moral beliefs. However, quite aside from any questions about the efficacy or ethics of the vaccine, we should recognize that coercion is never an effective means of persuading dissidents.

The very point of accommodation is to allow space for beliefs or practices that the majority may find strange or objectionable. Providing this room for dissent or difference is not only philosophically important: it is the only prudent way to protect our own interests in a diverse society. As the Supreme Court of Canada has observed, "a neutral public space free from coercion, pressure and judgment on the part of public authorities in matters of spirituality is intended to protect every person's freedom and dignity" (Mouvement laïque québécois v. Saguenay (City), 2015).

David and Stephanie came to the First Freedoms Foundation to share their story and seek legal counsel. They received support in drafting their request for accommodation from the university, but we did not have the means to provide more assistance at the time.

Would you consider making a donation to cover the legal costs of defending the fundamental freedom and dignity of people like the Machucas?

Demonstrably Justified?

The exercise of freedom is conditional on the circumstances: the window of a burning house is hardly the place to wax eloquent about privacy rights in a vain attempt to deny entry to the firefighter! Likewise, during the COVID-19 pandemic, societies have agreed to temporarily suspend certain freedoms in exchange for protection and security.

But as the initial flames of fear die down, we must ask ourselves if such invasive responses still remain necessary or proportionate. As new variants of SARS-CoV-2 continue to evolve – and as other perceived threats loom on the horizon – it seems clear that governments will always be able to find some reason for imposing emergency measures. It is up to us to demand a higher standard of justification that takes our first freedoms into account.

This does not mean promoting some self-serving notion of liberty at all costs. Rather, respect for individual freedom – including the autonomy to make personal decisions about fundamental human life issues – is the best way to ensure that everyone has the opportunity to flourish.

So we must ask: are the limits on our freedoms – and freedoms of our children – justifiable, rational, and minimally impairing? Or do the harms outweigh the purported benefits of the public health restrictions?

Over the last two years, we have seen provincial and federal governments repeatedly move the goalposts while continuing to demand full compliance with inconsistent, ever-changing rules. As more Canadians become skeptical of the authorities, the breakdown in trust poses long-term challenges for our society.

Ironically, when we relinquish our freedom to gain security, we often lose both. Once we allow governments to define the good, we are no longer secure against the intrusion of the state into our private lives.

It is time to push back: to hold politicians to account and to demand that the courts engage in proper scrutiny in protecting individual liberty. We must be united instead of allowing the government to isolate and divide communities. With your support, we can bring Canadians together to defend our rights and restore our freedoms.

Assisting Those in Need

When freedom is denied, the results are not simply abstract. As a not-for-profit organization, First Freedoms aims to provide relief for people who face the very real and painful loss of livelihood, education, reputation, or relationships because of their conscientious convictions.

Do you have the skills or resources to assist these individuals? Are you a lawyer with the capacity to draft written materials or provide probono counsel? Are you an employer who is willing to accommodate your employees on the basis of religious beliefs? Are you able to offer practical items such as winter clothing, meals, or other necessities for people in need? Contact us so that your generosity can be used to

help individuals through the storms of adversity.



Permitting "the other" to speak and act even though it may be offensive is the high-water mark of liberalism. Citizens are not afraid of dissonance. Rather, they are **secure** knowing that if they accept differences of belief or practice, then they will have their own differences respected and not suppressed. There is a reciprocity of trust. And, through ongoing dialogue, we grow to appreciate and **respect** each other.

Barry W. Bussey





The freedoms that we enjoy in the West are no accident. Our modern concepts of free speech, freedom of conscience, and the inviolability of the person have their roots in antiquity and their blossoming in the early modern period, when classical liberalism emerged from the tempest of religious and political conflict. Throughout, men and women of faith played an important role in advancing the rights and freedoms of their fellow citizens.

We enjoy the fruits of their courage and conviction. Yet today, it seems that freedom is beginning to wither. We have too long neglected its roots by ignoring or even condemning our own heritage. It is time that the whole story of our identity be told in a way that speaks to the imagination of our age.

Everything from tolerance to truth has been redefined. Offense is now equated with harm. Religion is increasingly mischaracterized as a source of oppression rather than liberation, and respectful debate is becoming more difficult as feelings take precedence over facts.

This is why First Freedoms places such a high value on academic research. Education is vital to ensure that the lessons of our past are not lost. We must be able to learn and grow from our mistakes without discarding the achievements of our predecessors.

What kind of society will our children inherit? Will they be able to speak freely without fear of reprisal? Will they be at liberty to act in accordance with their personal beliefs? And will they look back and see that we made every effort to preserve their heritage of freedom?

Are you willing to join us on this journey? We appreciate your support. Please sign up to stay in touch and see what we are doing, as our name suggests, to make our first freedoms the foundation of our society.

Find more at www.firstfreedoms.ca



Important Dates

April 17, 2022: Canadian Charter of Rights and Freedoms 40th Anniversary

November 10 to 12, 2022: Diefenbaker Lecture Series and Gala Dinner

December 2022: Annual Canadian Report on First Freedoms

Selected Publications

Books and Monographs

Bussey, Barry W. & Angus Menuge, eds. The Inherence of Human Dignity, Vols 1 & 2 (Anthem Press, 2021) Bussey, Barry W., ed. The Status of Religion and the Public Benefit in Charity Law (Anthem Press, 2020) Bussey, Barry W. The Legal Revolution Against the Accommodation of Religion, PhD Dissertation (Leiden, 2019)

Benson, lain T. & Barry W. Bussey, eds. Religion, Liberty and the Jurisdictional Limits of Law (Lexis Nexis, 2017)

Law Review Articles

"Responding to limitations of the public square" (2021) 10:1/2 2017 International Journal of Religious Freedom 103–118.

"Contagion:
Government Fear of
Religion During the
COVID-19
Crisis" (2020) 54
Revista General de
Derecho Canónico y
Derecho
Eclesiástico del
Estado.

"Blazing the Path: Freedom of Conscience as the Prototypical Right" (2020) 98 Supreme Court Law Review (2d) 145– 176. "The Independence of Judicial Conscience" (2019) 9:2 Journal of Christian Legal Thought 34–37.

"The Canada Summer Jobs Debate and the Democratic Decline" (2019) 91 Supreme Court Law Review (2d) 245-296.

