

TRUDEAU, GOD, AND THE CANADIAN CONSTITUTION

Religion, Human Rights, and Government Authority in the
Making of the 1982 Constitution

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Published in David Lyon and Marguerite Van Die, editors
*Rethinking Church, State, and Modernity: Canada Between
Europe and America*
University of Toronto Press, 2000, Chapter 5

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

— Preamble to the *Canadian Charter of Rights and Freedoms*, 1982)

I don't think God gives a damn whether he's in the constitution or not.

— Pierre Trudeau, Liberal Caucus, April 1981

In the settlement of 1982 which saw the success of Prime Minister Trudeau's program to patriate the Canadian Constitution with a Charter of Rights and Freedoms, thereby bringing to an end the anomaly of Britain's long-term, reluctant custody of the *British North America Act*, the *Charter* contained the brief confessional preamble: "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law." By including this divine referent, Canada joined a group of some 40 other states whose constitutions make an explicit acknowledgment of God, Allah, or the Creator.¹ Moreover, this marked some constitutional innovation for Canada, in that the *BNA Act* had no reference to God, neither did the unwritten British constitution, nor the American — although the royal title stipulated rule "by the Grace of God," and the royal motto was *Dieu et Mon Droit*, while the authors of the American Declaration of Independence proclaimed as self-evident truth that all men are "endowed by their Creator with certain unalienable Rights," and appealed to "Nature's God" and the "Supreme Judge of the world", in proceeding "with a firm reliance on divine Providence." Canada's motto, *A Mare usque ad Mare*, after Psalm 72: "He shall have dominion also from sea to sea," expressed the religious sentiments of Leonard Tilley and other fathers of Confederation.

It is doubtful if the Canadian political elites of 1982 were as firm as the patriarchs of 1867 in their devotion to the supremacy of God. Indeed, the language of the preamble seemed somewhat anachronistic in an increasingly secular age which had witnessed the retrenchment of religion in public life, and where Mr. Trudeau and his constitutional advisors had started out with the intention to separate politics from religion.² As will be shown, in 1982 the Prime Minister thought it "strange, so long after the Middle Ages that some politicians felt obliged to mention God in a constitution which is, after all, a secular and not a spiritual document."³

F. R. Scott, famed Dean of Law at McGill and, as Canada's foremost constitutional scholar, mentor to Trudeau, argued in his *Essays on the Constitution* that changing a constitution

“confronts a society with the most important choices, for in the constitution will be found the philosophical principles and rules which largely determine the relations of the individual and cultural groups to one another and to the state.”⁴ It is the intention of this paper to examine the philosophic principles contending in the political process and discourse leading to patriation of the Canadian Constitution in 1982. The analysis focuses on the dialectic of religion and politics in both formal and informal constitutional debate, as Canadians attempted to identify and legislate the fundamental principles, values, rights, institutions, and procedures by which they wished to be governed. It is argued that the records generated by constitutional debates and decisions, and especially the seminaly-important quest to define and constitutionally entrench human rights, illuminate most clearly the historic shifting in Canada from a Christian to a post-Christian political culture — with the secularization of the state and privatization of religion as favoured by the liberal-pluralist jurisprudence of Trudeau.⁵

Although the analysis is informed by sociological theories of secularization, the approach is historical, privileging the roles and intentionality of major actors while attempting to describe and explain why things happened the way they did in changing circumstances.

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God first received statutory status in Canadian legislation in the preamble to the Canadian Bill of Rights which was passed under the Diefenbaker government in 1960:

The Parliament of Canada, affirming that the Canadian Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free men and free institutions;

Affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

And being desirous of enshrining these principles and the human rights and fundamental freedoms derived from them, in a Bill of Rights...

This brief preamble both signifies many elements in the historical relationship of religion and politics in Canada history and indicates salient themes for the future. It had been more than a century since the Canadian pattern of church-state relations had been settled, with the Anglicans losing the struggle for establishment over the endowments of the clergy reserves. Although the Canadian church - state relationship was distinct from the separationist model of America, the

establishmentarianism of England, and secularism of republican France, what the retreat from state confessionality amounted to was a quasi-establishment of the major denominations, or “national churches,” which, in the Canadian experience, included Roman Catholicism. Despite the differences in the formal constitutional patterns of Britain, America, and Canada, viewed in larger perspective, the historical development of relationships between politics and religion in these countries showed more significant similarities than differences. As Edward Norman has argued, Britain and the United States, together with the British North American provinces, despite differences in chronology, were undergoing similar social and cultural transformations, which resulted by the mid-nineteenth century in basically similar revisions in church-state relations.⁶ Denominational pluralism had made the working of an exclusive national church establishment and endowment politically impossible, in Britain as well as America. The religiosity of the peoples of these countries, however, guaranteed that the concept of a state completely neutral in religious matters, or strictly secular as in French republican theory, had but negligible support. What evolved in each of these political cultures was a rather anomalous, but nevertheless popular and durable, constitutional mixture of vestigial state confessionality and religious denominationalism.

In the British North American provinces, where disestablishment occurred informally, rather than constitutionally, the remaining linkages between church and state remained strong, reflecting the hegemonic Christian pluralism of Canada’s religious demography. In its relationship with the state, the dominant function of denominational religion in Canada, Protestant and Catholic, has been “priestly” — to legitimate governmental authority and law, while serving as chaplain to public institutions. A secondary function has been the “prophetic” call for moral reform and social justice, finding its most passionate expressions in temperance crusades and then in the Social Gospel movement of the 1920s.

If the inequities of capitalism inspired the prophets of the League for Social Reconstruction, Catholic cooperative movements, and the social democratic CCF party, the two world wars of the twentieth century, and the following Cold War, evoked and reinforced the priestly functions of Canadian religion, while maintaining the vision held by both religious and political elites of Canada as a Christian, liberal democracy.⁷ The struggles against Fascism, Nazism, and Communism could therefore be portrayed by these elites as just crusades in defense of Christian and democratic values.

Equally, Canadian participation in post-1945 attempts to define and protect human rights, both internationally in the United Nations Universal Declaration of Human Rights of 1948, and domestically in the several Parliamentary committees set up under Prime Ministers Mackenzie King and Louis St. Laurent,⁸ always manifestly grounded human rights in a religious framework. Protestant human rights spokesmen reflected the teachings of the World Council of Churches, and Catholics the Thomist tradition of natural law communicated in papal and episcopal documents.⁹ The Parliamentary committee drafting the Diefenbaker Bill of Rights had seen powerful trans-denominational consensus behind the religious confessionality of its preamble, with Catholic Liberals such as Paul Martin agreeing with Catholic Conservatives Noel Dorion, Paul Martineau, Justice Minister Fulton, and Baptist John Diefenbaker, as they agreed on few other issues.¹⁰

The Canadian Bill of Rights, despite the hopes of Mr. Diefenbaker and his supporters, did not mark a watershed in Canadian jurisprudence, as few substantial human rights cases came under its purview. Neither did the declared “supremacy of God” herald a new era of faith in Canadian society. Indeed, as of 1960 Canadian jurisprudence and religiosity were on the verge of several decades of radical change which would transform the status and functions of religion in Canadian political culture.¹¹ From the vantage point of the end of the century, we can see now that the “religious revival” of the post-war era was but a temporary respite and brief counter-trend to the deeper cultural and social correlates of late modernity. The language used by political and religious leaders leading to constitutional recognition of the supremacy of God as the foundation for state authority and human rights would soon be widely viewed as triumphalist, exclusivist, and patriarchal, if not worse, in a culture of liberal pluralism. By the time that God would return to haunt the renewed Canadian constitutional discourse directed by Pierre Trudeau as Justice Minister and then Prime Minister after 1968, Canadian public life and rhetoric would be in process of rapid secularization — which, in the context of Canadian cultural tradition, meant de-Christianization.

The larger dimensions of this story can but be alluded to in this paper. Certainly, the Canadian experience forms part of a process of modernization shared with, and influenced by, Britain, America, and all industrialized societies. From Britain came the recommendations of the *Wolfenden Report*¹² — that criminality and morality should be separated in such matters as homosexuality and prostitution, and that the state should confine itself to the proscription and punishment of behaviour that was manifestly harmful to society, while protecting the freedom of the individual, even if the choices indulged socially harmless “sinning.” These themes would

spark a profound debate in jurisprudence on the proper relations of religion, morality and law, a debate which attracted powerful antagonists in both Britain and America, most notably Professor H.L.A. Hart and Lord Patrick Devlin.¹³ Canadian legal journals addressed the new criminology, while the philosophy of the *Wolfenden Report* found a sympathetic hearing in liberal Canadian quarters.¹⁴

Concurrently, from America the integration of politics and religion was most clearly challenged by a series of Supreme Court decisions which asserted a strict wall of separation between church and state in matters of public education. In the bench-mark decisions of *Engel v. Vitale* (1962) [468] and *Abington School Dist. v. Schempp*, 374 U.S. 203 (1963), the court ruled that the First Amendment's proscription of the establishment of religion extended to laws instituting public prayers and devotional bible readings in public schools. The judicial activism of the Supreme Court, most notable in the 1973 decision of *Roe v. Wade*, 410 US 113 (1973) legalizing abortion, alienated and mobilized the Protestant religious Right and Catholicism, while the Vietnam War and the nuclear arms race estranged many on the religious Left from government, drawing them into the peace movement. Concurrently, the civil rights struggle for racial justice politically mobilized Afro-American Christians in alignment with the mainline religious Left. The previously benevolent church-state relationship would be turned into a battle zone of bitter cultural warfare, with human rights often framing the agenda and rhetoric for conflict.

While these radical transitions in jurisprudence received earlier and more heightened philosophical delineation in Great Britain and the United States, the Canadian experience has had the special merit of coinciding with the making of a new constitution — a project which focused in large measure on the question of protecting human rights. The Canadian constitutional drama, moreover, was driven by a philosopher-king, Pierre Trudeau, who, as Prime Minister after 1968, made the constitutional entrenchment of a Charter of Rights his own political mission, seeing it through to success in the constitutional settlement of 1982.

When in 1967 Trudeau became Justice Minister in the Liberal government of Lester B. Pearson, the concurrent celebrations marking the centennial year of the Canadian confederation were troubled, at least latently, by a diffuse sense of social malaise as to national purpose and identity. With the crises of the depression and war now receding into generational memory in an era of unprecedented prosperity and comparative international detente, the country found itself faced with not only the manifest challenge of resurgent Québécois nationalism but also a “Quiet Revolution” that was eager to challenge the traditional cultural privileging of religion well

beyond Quebec Catholicism. In the germinating legitimation crisis which attended the drift, scandals, and confusions of the last years of the Pearson government, it was the genius of Trudeau's politics to project updated themes of classic liberal ideology: federalism to confront the separatist aspirations of Quebec nationalism; pluralism to accommodate and contain cultural assertion and ideological conflict; civil libertarianism to enshrine protection for individual rights in a revised constitution; and secularism to disentangle a modernized Canadian legal order from its religious constraints. Each of these themes resonated with Canadian mass culture in the latter half of the 'sixties, and appealed deeply to academic, cultural, and media élites, offering renewed government purpose and legitimation while concurrently rejuvenating the Liberal Party.

When the project to modernize Canadian law and liberate it from its religious framework addressed itself first to divorce legislation, Trudeau instructed Parliament on the seminal themes of the new jurisprudence:

We are now living in a social climate in which people are beginning to realize, perhaps for the first time in the history of this country, that we are not entitled to impose the concepts which belong to a sacred society upon a civil or profane society. The concepts of the civil society in which we live are pluralistic, and I think this parliament realizes that it would be a mistake for us to try to legislate into this society concepts which belong to a theological or sacred order.¹⁵

It is clear that while Trudeau's principal political engagement was to renew the constitutional bases of federalism to contain Quebec nationalism, this political struggle was fought within a sophisticated philosophical and ideological framework which entailed radically altered relationships between religion and politics. Educated in the classical college system of Catholic Quebec, Trudeau, although personally retaining a privatized and modernized Catholicism, rebelled against the religio-politico nexus of the Duplessis era which he saw as corruptive of both the personal faith of Catholics and the cultural and political life of Quebec. In his polemical and theoretical writings of the 1950's, Trudeau was animated principally by the quest to bring the classic themes of enlightenment thinking and British liberal theory to the retrograde political atmosphere of Quebec.¹⁶ Central to this engagement was the argument that government authority could no longer be legitimated by reference to the now thoroughly corrupted natural law framework of traditional Quebec Catholic political theory. Trudeau's conception of a civil society based on the sovereignty of the rational individual, possessing "inalienable rights, over and above capital, the nation, tradition, the Church, and even the State,"¹⁷ contrasted sharply with the dominant, if latent, conservatism, statism and regionalism of Canadian tradition. It also

marked a radical departure from the traditional Liberal conception of Canada as a Christian society.

That the rights and freedoms of the individual would provide the animus for a comprehensive modernization and liberalization of Canadian law was evident not only in Trudeau's approach to the issue of divorce law, but also in the initiatives he undertook in a coterie of other “morality” issues, such as lotteries, birth control, homosexuality and deviant sexual behaviour, and abortion — all of which contained potentially explosive intersections of religious and legal principles. After legal study of several of these issues within the Justice Department, and comprehensive public hearings on the issues of birth control and abortion conducted by the House of Commons Standing Committee on Health and Welfare, Trudeau combined these “morality” issues with a series of other changes in the criminal law code into an Omnibus Bill which was given first reading in the Commons December 21, 1967.

By the time the Omnibus Bill was passed in 1969, Trudeau had captured the leadership of the Liberal Party and led it to electoral triumph in 1968, assisted by the powerful, if transient, appeal of “Trudeaumania.” The political and religious discourse generated by the Divorce and Omnibus bills demonstrated the traditional Canadian church-state relationship was being fundamentally altered. The Prime Minister and his advisers, in appealing explicitly to replace “theology” with “intelligence,” in politics,¹⁸ and to get the state out of the bedrooms of the nation,¹⁹ not only struck a sympathetic chord with public opinion, he also received the eager support of the mainline Protestant church leaders for liberalization of laws governing birth control, divorce, and abortion.²⁰ Justice Minister John Turner repeatedly appealed to the principles of jurisprudence deriving from the *Wolfenden Report* in advocating separation of the spheres of crime from sin, thereby widening the realm of private liberty and moral choice.²¹ Put sociologically, in face of cultural pluralism the Liberal government was facilitating a process of differentiation whereby religion would be divested of its former role as arbiter of public morals, with churches being transformed from “conscience of the nation” to privatized suppliers of spiritual services to consumers.²²

While the mainline Protestant church hierarchies were seemingly eager to adapt to the rules of pluralism and privatization, and give support to the new jurisprudence, Catholic and evangelical church representatives were troubled by the separation of Christian morality and law. Catholic spokesmen were willing to make the distinction between the morality which would be required of the faithful and legislation “for the common good” on such issues as birth control and divorce; when it came to abortion, however, the Bishops refused to make this distinction and

opposed any legislation which did not protect human life from conception. Liberal Catholic legislators, including John Turner, nevertheless claimed the freedom to legislate for the common good on this issue as well, even as they remained personally opposed to abortion.²³

In these seminal political debates, the voice of traditional Christian morality and jurisprudence no longer was expressed by the elites of the major national parties. From the Conservative side it was left to Walter Dinsdale, Salvation Army officer and MP from Brandon-Souris, Manitoba, to articulate the minority views of evangelical Protestantism, while traditional Quebec Catholicism could no longer speak through the Liberal Party and had to rely for expression on the *Créditistes*. It was Léonel Beaudoin, *Créditiste* member from Richmond, Quebec, who spelled out the opposition of the Catholic Bishops to the abortion legislation before Parliament.²⁴

If traditional religion was receding to the private domain before the liberal pluralism of Trudeau's jurisprudence, God's name was still invoked in the prayers which opened each day of Parliament's business; God was also added in 1967 to the revised version of O Canada! and called upon to "keep our land glorious and free!"²⁵ God remained supreme but largely ignored in the Diefenbaker Bill of Rights, while the cause of human rights was advanced as the federal government and most of the provinces adopted human rights codes and established human rights commissions during the 1960s and 1970s. As well, Canada's ratifications of the *International Covenant on Civil and Political Rights* (together with its *Optional Protocol*), and the *International Covenant on Economic, Social and Cultural Rights*, went into force in 1976, while the government joined in other UN ventures to define and defend human rights concerning children, women, minorities, and refugees. The Law Reform Commission, established in 1971 by Justice Minister Turner, undertook a series of extensive studies scouting the terrain of a new liberal pluralist jurisprudence. It remained to see how God would fare in the Prime Minister's long-standing passion to entrench a Charter of Rights in a patriated Canadian constitution.

Trudeau's invocation of the *War Measures Act* in October 1970 to suppress separatist terrorism in Quebec both demonstrated the perceived fragility of state authority and shocked civil libertarians that one of their own would go so far. A friend and protégé of Frank Scott, Trudeau had advocated a constitutionally-entrenched charter of rights from the early 1960s,²⁶ as attempts at constitutional innovation had deadlocked repeatedly on the central dilemma of provincial agreement to an amending formula, despite the near-successes of Justice Ministers Fulton and Guy Favreau. It would be the amending formula again which frustrated the first

Trudeau round of constitutional conferences, when Premier Bourassa removed Quebec's support for the Victoria accord of 1971. The constitutional proposals for an entrenched charter generated by Trudeau and his advisors contained no religious or divine referent, but rather expressed the core themes of liberal pluralism that the protection of human rights and freedoms represented the fundamental purpose of democratic government and that "individual fulfillment is the fundamental goal of society."²⁷ The election of the *Parti Québécois* in 1976 with a sovereigntist agenda rekindled the constitutional crisis, as Canadians awaited the referendum promised by Premier René Lévesque, while Trudeau and the provincial Premiers engaged in a renewed, complex series of constitutional manoeuvres.

If Trudeau's determined leadership had contained the legitimization crisis of Canadian liberalism, clearly by the time of the defeat of the Liberal Government in 1979, followed by the brief Conservative inter-regnum under Joe Clark, the foundations of the Canadian federation were again facing fundamental challenge. Trudeau's seeming resurrection in 1980, after his announced retirement, and the subsequent Liberal election victory of February, followed by the defeat of Lévesque's proposed sovereignty-association in the Quebec referendum of May 1980, served to refuel the constitutional flame. The result, after further tortuous failed negotiations with the provinces, was the unilateral federalist constitutional resolution launched by Trudeau in October 1980, which entailed a final British amendment of the *BNA Act* and patriation with an amending formula and an entrenched charter of rights. There then followed a year filled with further constitutional manoeuvring, appeals to the courts, Committee hearings, Parliamentary confrontation, culminating in the brilliant, if Machiavellian, success of the Prime Minister in breaking up the Premiers' "gang of eight," isolating Lévesque, and then committing the English-speaking Premiers to the constitutional package of November 5, 1981. Patriation of the Canadian constitution, with its amending formula and entrenched Charter of Rights and Freedoms, would follow in April, 1982, after a final act passed by the British Parliament.

In the all-absorbing constitutional struggles which engulfed Canadian politics through 1980-1982, the question of God's standing in the document seemed a relatively minor issue compared to the central place in the constitutional discourse played by such themes as the amending formula, the provincial/federal division of jurisdictions, the language guarantees, the asymmetry of Quebec's status, and the rights claimed by lobbies representing women and aboriginal peoples. Trudeau's constitutional draft of June 1980, perhaps anticipating the salience of this point with restive religious conservatives, asserted in its preamble that the Canadian people "shall always be, with the help of God, a free and self-governing people." But this

symbolic allusion to God disappeared, along with the draft preamble, in the unsuccessful bargaining with the Premiers in September which, in turn, resulted in the Government's constitutional resolution of October 1980.

The Government, under criticism for its unilateralist challenge, had referred its October resolution for hurried study to a Joint Committee of the Senate and the House of Commons, chaired by Liberal Senator Harry Hays and Serge Joyal, Liberal MP from Montreal, while dissident Premiers attempted to halt Trudeau's agenda by testing its legality in several provincial courts. It was in the intensive hearings of the Hays-Joyal Committee that religious questions returned to constitutional discourse as, along with the criticisms mobilized by civil libertarian, native, and women's groups, the religious lobbies also made their opinions known, while the Conservative members of the Committee were given a major opening to redress the "Godlessness" of the Liberals' proposed Charter.²⁸

Catholic leaders worried that the draft Charter's concentration on individual rights could diminish group rights, particularly the rights enjoyed in several provinces to publicly-funded confessional schools whose trustees could maintain Catholic teaching and discipline. Moreover, the amending formula might allow denominational school rights to be removed from constitutional protection by a simple majority in a referendum.²⁹ Liberal member of the Committee Bryce Mackasey quickly repeated the Government's emphatic assurances that the Charter would not in any way diminish the rights of denominational schools.³⁰ Catholic Bishops and pro-life groups were concerned also that the Charter failed to give adequate protection to the unborn and would be used by pro-choice groups and the courts to widen grounds for abortion. When Government leaders pledged that the Charter would not be construed as diminishing existing restrictions, Cardinal Emmett Carter dropped his opposition to the Charter, "though still not satisfied with the protection accorded the unborn."³¹

The submissions and witnesses from the Protestant mainline denominations gave their strong support to protection of human rights in a Charter, but were anxious to see its provisions extended to cover the concerns of civil libertarians, native peoples and women. Clarke MacDonald, Moderator of the United Church, emphasized the justice themes which were the central concerns of his church in the constitutional struggle, underlining its support for aboriginal peoples and workers and stressing the rights of all minorities, including the right of Quebec to self-determination. He also recommended the inclusion of "sexual orientation" in the list of categories to be protected by the Charter against discrimination.³² Anglican Primate Edward Scott also gave priority to protection of native people's rights, while speaking of the grounding

of Canadian values and human rights in God, who as creator and sustainer, had made all people in His own image. Scott called for a consensual rather than imposed, unilateral process of constitutional change, thereby allowing for a new era of justice for all of Canada's marginalized peoples.³³

The Anglican and United Church briefs shared a positive approach to the pluralist jurisprudence of the Liberals, while pressing to extend rights and entitlements for the underprivileged as the principal justice issue; neither of the official briefs suggested that a reference to God should be restored or included in the Charter's preamble.³⁴ The Conservative members on the Committee knew, however, that this issue was emerging as central to the concerns of evangelical Christian communities across Canada. Jake Epp, Conservative MP for Provencher-Manitoba and Conservative constitutional critic, queried Scott and MacDonald whether they favoured a reference to God in the Charter's preamble. Both Protestant leaders responded positively, if reservedly; moreover, they made it clear that this was their personal choice, not the official position of their churches.

Beyond the Catholic and Protestant mainline churches, another religious constituency was emerging quickly by the time of the Hays-Joyal hearings – a loose coalition of evangelical, fundamentalist, and pentecostal Christians, drawn mainly from evangelistic denominations, but also from the evangelical and charismatic (or neo-pentecostal) sections of the mainline churches. For some time now these religious communities had sensed increasing estrangement from Canadian political culture as transformed in the secularist jurisprudence of the Trudeau era, while at the same time experiencing their peripheralization in the political and legal processes which had generated radical changes in the fields of divorce, family law, abortion, sexual permissiveness, public education, and human rights. They had also witnessed the emergence of the American 'new religious Right' in the late 1970s and its powerful role in the election of Ronald Reagan as President in 1980.

Although there would be no equivalents to Jerry Falwell and his "Moral Majority" in Canada, David Mainse, Pentecostal host of "700 Huntley Street," had attracted a large national television following,³⁵ while Ontario Baptist Ken Campbell had worked at building a Christian "Moderate Majority" under the banner of "Renaissance Canada."³⁶ More politically significant was the emergence of the Evangelical Fellowship of Canada as an effective and articulate lobby, embracing the spectrum of evangelical Christian Canadian churches, organizations, and believers. The EFC had been founded in the mid-1960s, but it was primarily the challenge of

legal and constitutional revisions of the early 1980s which served to transform its leadership and role in Canadian public life.³⁷

Through 1980-1981, each of these Christian organizations would attempt to mobilize their constituencies: "Huntley Street" organized a cross-Canada tour culminating in a nationally-televised "Salute to Canada," June 20, 1980, at which both Pierre Trudeau and Joe Clark addressed the country's spiritual heritage;³⁸ Ken Campbell launched Renaissance Canada on a "crusade for Faith, Freedom, and the Family;" while the EFC, along with these other organizations, pressed the Government to honour Canada's Judeo-Christian heritage. The principal objectives shared in the evangelical Christian agenda during the culmination of the constitutional struggle entailed seeking clear protection for the rights of religious believers and institutions, the traditional family, and the unborn; most important, evangelical leaders were anxious to see an explicit reference to the supremacy of God stipulated in a preamble to the draft Charter.

The Conservative members of the Hays-Joyal Committee were happy to champion the items desired by evangelical Christians. Several of the Conservative members, especially Jake Epp, had close personal ties to the evangelical lobbies, while other Conservative members like David Crombie were effective in portraying the religious concerns of the evangelicals in the context of traditional Conservative philosophy on government and human rights. Crombie argued that it was necessary to set out in a preamble the "fundamental principles" which gave legitimacy to the specific rights to be included. A reference to God, the dignity inherent to the human person, and the moral and spiritual basis of law, would make it clear that rights which derived from God, tradition, and history were merely "affirmed" and maintained by governments, not "given." To affirm the privileged position of institutions such as the family and property would also provide guidance to subsequent rulings by courts and judges.³⁹ It was Jake Epp who moved the amendments on January 20, 1981, which incorporated the principal evangelical themes; Epp did this by taking the language of the preamble to the Diefenbaker Bill of Rights and moving its insertion at the beginning of the new Charter:

Affirming that the Canadian nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free individuals and free institutions,

Affirming also that individuals and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law ...⁴⁰

Svend Robinson, New Democratic Party MP from Burnaby, B.C., protested to the Committee that such a preamble violated Canadians' right to "freedom of conscience" and the essential "respect for plurality" which had evolved in Canadian society since the 1960 Bill of Rights. For Robinson, who would soon emerge as Canada's leading gay politician, respect for pluralism meant that "we do not entrench one particular religion; indeed we do not entrench any religion at all." Robinson made it clear, however, that he was speaking personally, not giving the policy of the NDP on God. His NDP colleague, Catholic Father Bob Ogle, expressed NDP support for a constitutional reference to God, which would entail no disrespect for the rights of non-believers.⁴¹

Liberal leaders resented the Conservatives' attempt to pre-empt the high ground concerning a divine referent in the constitution. Robert Kaplan, Solicitor General, explained again to the Committee that the Liberals had included a reference to God in their original draft, but it was the Premiers who were responsible for dropping the preamble. The present resolution and charter represented just the first stage of constitutional renewal; once the constitution was patriated there would then be the necessary time to write fundamental Canadian values into a full preamble to the new constitution.⁴² The Liberals therefore blocked the Conservative amendments, and the constitutional resolution in the Committee's Report to Parliament of February 13 contained no preamble, nor any reference to God.⁴³

The political horse-trading on God, deeply offended evangelical Christian leaders, who now rekindled their efforts. David Mainse of Huntley Street appealed to his television followers to join with other evangelicals in writing their MPs and Government leaders to press for the reference to God, while Ken Campbell mounted a major newspaper campaign, taking out full-page ads in leading dailies.⁴⁴ Leaders of the Evangelical Fellowship of Canada directly petitioned the Prime Minister, making explicit their reasons for wanting a constitutional reference to God:

The acknowledgement of one Supreme God to whom we as a nation are answerable gives ground for legislation bearing on all matters human. To omit any such reference only leaves the door open for substitution of other less worthy grounds — utilitarianism, naturalism, secularism, etc. — since legislation cannot escape growing out of presuppositions. Moreover,

human rights though recognized by the state in a democratic society are a sacred endowment from God not bestowed but administered by the state.⁴⁵

While Conservatives kept up their attack in Parliament against the Liberals' omission of God, there were several Liberals themselves who had close connections with the growing evangelical lobbies — notably Liberal Deputy House Leader David Smith, MP from Don Valley East, Garnet Bloomfield, MP for Middlesex, Ontario, and Senate Liberal Leader, Ray Perrault from British Columbia. When the constitutional battle in Parliament culminated in April, David Smith assembled a brief for Trudeau and his key advisers which called for immediate Liberal action to restore the reference to God.⁴⁶ Smith's brief summarized polling and political reporting on the Moral Majority phenomenon in the United States, and demographic data on recent Canadian religious trends which held political salience. Beyond the figures on Canadian denominational affiliation and attendance which compared the increase of conservative Christianity with the declining numbers of mainline churches, Smith underlined what he saw as the most significant trend for the future — the major numerical advantage that evangelical and pentecostal bible schools and colleges had over the mainline seminaries in the training of students and leaders.⁴⁷ As well, Smith noted the remarkable new convergence of evangelical Protestantism and charismatic and traditionalist Catholicism in many points of theology as well as political attitudes on such issues as abortion, drugs, homosexuality, and capital punishment. These religious and political reconfigurations broke with the old denominational barriers and political alignments; for instance, even on the "French Factor" and language issues, Smith believed the theological convergence between evangelical Protestants and devout Roman Catholics could "break down those ancient barriers." Sharing basic beliefs with Catholics on such fundamental doctrines as the deity of Christ, the inspiration of the Bible, the virgin birth, and salvation, according to Smith, gave evangelical Protestants in this emerging coalition "far greater common ground" with former religious enemies "than with non-evangelical bleeding heart United Church activists worrying about California grapes, Noranda mines in Chile, abortion on demand and civil rights for gays."⁴⁸

Smith identified the question of reference to God in the constitution as the foremost issue which concerned Canadian conservative Christians and their leaders:

- this is virtually an "instant" issue but it is so simple and straightforward that quite frankly it is the ONLY aspect of the Constitutional debate some evangelicals understand

- many view our reaction to it as a litmus paper test on whether our collective leadership, but particularly the P.M., place a high value on spiritual matters and are prepared to recognize the sovereignty of God
- to evangelicals the ONLY position that is satisfactory is inclusion
- there are no explanations for its' [sic] exclusion that will wash, particularly blaming the premiers
- in fact at the 1st Ministers' conference in Sept. none of them referred to or objected to the inclusion of God in the draft preamble. Quebec didn't like the preamble for other reasons. No one in Canada is convinced we care too much about what the gang of 8 think about anything and they don't really believe us when we try to pin this one on them⁴⁹

Smith's recommended "Strategy For Improved Rapport Between "evangelicals" and the Government, warned that if the Liberals failed to put God in the constitution, they would "pay for this politically for years."⁵⁰

The political considerations raised by David Smith and other Christian Liberals were convincing for the Prime Minister,⁵¹ and the Liberals inserted their own reference to God in the amendments to the draft constitution which went through the Commons April 23 and the Senate the next day. The Conservatives voted against the Liberal amendments, prompting Trudeau's criticism that they were "hypocritical and detestable" for playing politics with God, and claiming that they were inspired more by fear of the electorate than fear of God. Although, as noted, Trudeau thought it strange, "so long after the Middle Ages that some politicians felt obliged to mention God in a constitution which is, after all, a secular and not a spiritual document," he also genuflected to the electorate, claiming it was his personal preference to include the reference.⁵² Privately, Trudeau told the Liberal caucus the he didn't think "God gives a damn whether he was in the constitution or not."⁵³

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The draft Canadian Charter of Rights and Freedoms would henceforth include the following preamble: "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law." This would remain through the dramatic events of the fall of 1981, when the Supreme Court made its ruling on the constitutionality of the Government's unilateral strategy, and as Trudeau in early November was successful in seducing René Lévesque away from the "gang of eight" with the offer of a constitutional referendum, then abandoning him once

the other Premiers were drawn into support of the compromise resolution that would go to the British Parliament in December. The patriated constitution would then receive royal proclamation when Queen Elizabeth II visited Ottawa for a signing ceremony April 17, 1982, on Parliament Hill. Canada thereby joined the group of states whose constitutions have paid homage to God. What does this signify to us with regard to religious dimension of the constitutional struggle and, more broadly, the relations of church and state in late 20th century Canadian political culture?

At first glance, the inclusion of the reference to God represented a signal success for the evangelical Christian lobbyists, working effectively through sympathetic parliamentarians, especially David Smith and Jake Epp, and demonstrating an ability to mobilize impressive public support. Jean Chrétien would claim that the Government received more mail on this issue than any other.⁵⁴ Without this mobilization there would have been no “sacred canopy,” however small, erected over the new constitution.⁵⁵ The brief confessional preamble also erected a barrier against future pressures, feared by conservative Christians, to remove all public functions and privileges of religion in the construction of a completely secular state.⁵⁶ Subsequently the Evangelical Fellowship of Canada, under the energetic leadership of its new Executive Director, Brian Stiller, would be developed into a highly effective ecumenical Christian agency for monitoring Canadian public life, assisting evangelicals in understanding the religious dimensions of current events, and representing the interests and values of its constituency before legislatures, courts, and the media.

The constitutional success, however, did not mean that the deeper cultural tides of de-Christianization or secularization had been reversed or that the traditional role of religion in Canadian political history had been restored.⁵⁷ The constitutional reference to God had come as a result of tactical political calculations, not from any conversion on the part of Trudeau or the Liberals to the philosophic or theological convictions expressed by Conservatives like Jake Epp and David Crombie, let alone the Evangelical Fellowship of Canada. If Trudeau’s desire to remove theology from politics had suffered a temporary reverse, the Charter itself would serve to launch a new era of liberal pluralist jurisprudence in Canadian political culture. Indeed, similar to the pattern of jurisprudence through the post-1960s decades in Britain and the United States, the Canadian church-state relationship would be transformed as the Christian religion would see the state largely divest itself of religion’s traditional “priestly” functions of legitimating government authority and law, and delineating national purpose.

The history recounted in this essay, then, confirms central themes in sociological theory of secularization: differentiation and specialization of social and cultural institutions in industrialized, modernized states; diminished social and cultural salience for traditional religious institutions; privatization of religious belief and behaviour; pluralization of religious values; attenuated religious belief, affiliation, and participation; and religious competition with ideological rivals — notably liberal pluralism in the experience of English-speaking Canada. Indeed the ideology of liberal pluralism has supplanted traditional religion in defining public purpose for political and legal institutions, while the courts, in many ways, have replaced the church as “the conscience of the nation.”

What are the principal elements and dynamics of Canadian liberal pluralist ideology? As this paper has suggested, these can be identified most clearly in the modernization of Canadian law on divorce, sexual behaviour, and abortion directed by Trudeau as Justice Minister, and in the constitutional discourse which culminated with his victory as Prime Minister in the Charter and settlement of 1982. Although Trudeau’s ideas owed much to his wide-ranging studies in European, British and American political theory, it was his genius to refract the classic liberal tradition to serve the vision of a modernized Canadian constitution and polity. It was a vision of democratic citizenship in a state which gave priority to protection of the freedom and rights of the individual, in a federalist constitutional order which mediated the relationships among a plurality of individuals, social groups and institutions. Although Canadian liberal pluralism in the 1960s would make major attempts to accommodate bi-lingualism and bi-culturalism (and soon multiculturalism), as the previous religious dualism of Catholicism-Protestantism gave way to secular distinctions of language and culture, for Trudeau the rights and freedoms of the individual always deserved priority over rights of any group — whether based on religion, ethnicity, province, region, class, or gender. And it was in the protection of human rights and legal order, with a vastly expanded jurisdiction for the courts and human rights tribunals, that modern democratic government found its principal purpose and legitimation.

The ideology of liberal pluralism has attracted much powerful support from the elites of Canadian political culture: the major federal political parties; the media; the arts and entertainment sectors; the professional organizations, notably the Canadian Bar Association, the Canadian Medical Association, and provincial teachers’ organizations; the students and university intelligentsia of English-speaking Canada; the feminist lobbies; and the principal labour organizations. The voices of mainstream liberal Protestantism have also given full

blessing to liberal pluralism, bi-lingualism, multi-culturalism, and human rights; and the various pollings and analyses of core Canadian values demonstrate wide-ranging popular support.⁵⁸

This ideological and social conversion of Canadians to liberal pluralism has not, however, been without impediments and contradictions. Even in English-speaking Canada, studies and polling of Canadian political attitudes in the 1990s indicate comparatively high levels of dissatisfaction with political institutions, together with an unwillingness to accord ruling elites much by way of honour, respect, or even legitimacy. This was a central finding in 1991 of the Citizens' Forum on Canada's Future, chaired by Keith Spicer, which captured the bitterness and disunity of Canadians after the failure of the Meech Lake accord.⁵⁹ The comprehensive defeat of the Charlottetown accord in the October 1992 referendum, despite its endorsement by federal and provincial political governments and elites, also seemed to indicate a pervasive malaise in Canada regarding its governmental institutions, processes, and leadership — in other words, a continuing legitimization crisis.

Moreover, liberal pluralism's warmest champions among the political lobbies for feminists, aboriginal peoples, gays, immigrants, educators, artists, and civil libertarians generate strains on the capacity of governments to grant and arbitrate inflating claims for rights. The shared values necessary to maintenance of communal identities and national purpose tend to erode in the competition for ever-expanding entitlements.

The principal ideological and political challenge to the dominant liberal pluralism of the Canadian federation has been Québécois nationalism. Indeed, it was the challenge of this nationalism which first evoked the Liberal response of bi-lingualism and bi-culturalism, and thrust Trudeau into his role as champion of liberal pluralist federalism against what he labeled the new "tribalism." The enduring appeal of the sovereignist idea to *Québécois* through several failed constitutional accords and referenda has served not only to demonstrate the degree to which nationalism has supplanted Catholicism as the source of *Québécois* collective identity, but also how the concurrent de-Christianization of the Canadian state, has compounded the dilemmas of Canadian unity — as the Christian religion was one of the few bridges which traversed the two solitudes. In 1995 the Canadian state would survive another referendum on sovereignty in Quebec. But the narrow margin of support for federalism further eroded confidence in the resources of government and political leaders. It remains to be seen whether the ideology of liberal pluralism will continue to generate sufficient political legitimation to sustain the Canadian state through future challenges of Québécois nationalism.

The capacity of modern democratic governments to perform successfully without religious legitimations has a very brief and untested history. Equally, it remains to be seen if religion will remain within the peripheralized and privatized spheres assigned to it in liberal pluralist jurisprudence. If the mainline national churches of Canada have been demographically diminished and politically marginalized, the re-configurations and re-alignments of religious conservatives from Protestantism, Catholicism, Pentecostalism, and Orthodoxy, in Canada and internationally, perhaps herald something new in church-state relations for the next millennium.

ENDNOTES

1. In a listing of some 130 contemporary state constitutions, 40 make an explicit reference to God or the Creator. *Constitution Finder*, maintained by Robert H. Burger, The T.C. Williams School of Law, University of Richmond, <http://confinder.richmond.edu/>
2. For Trudeau's early anti-clericalism and commitment to separating church and state, see Pierre Elliott Trudeau, *Federalism and the French Canadians* (Toronto: Macmillan. 1968), p. xx.
3. *Globe and Mail*, April 25, 1981.
4. (Toronto: University of Toronto Press, 1977), p. ix.
5. Leading sources for the author's sociological theory of secularization would include Peter Berger, *The Sacred Canopy* (New York: Doubleday, 1967), B. R. Wilson, *Religion in Secular Society* (London: Penguin, 1969), and David Martin, *A General Theory of Secularization* (Oxford: Basil Blackwell, 1978). The definition of secularization used in this article, put briefly, would entail processes of both "functional" and "substantive" change which result in the decline in the social "functions" for traditional religion (Christianity in Canada) through differentiation and specialization, and reduction of the cultural salience of religious ideas and belief. The nature and functions of liberal pluralist ideology, political theory, and jurisprudence are indicated below, pp. 10-11.
6. E. R. Norman, *The Conscience of the State in North America* (Cambridge: Cambridge University Press, 1968).
7. For the role of Canadian Churches in the Second World War see Charles Thomas Sinclair Faulkner, "For a Christian Civilization: The Churches and Canada's War Effort," PhD Dissertation, University of Chicago, 1975.
8. Canada, Parliament, Special Joint Committee of the Senate and the House of Commons on Human Rights and Fundamental Freedoms, *Minutes of Proceedings and Evidence* (Ottawa: King's Printer, 1948); Canada, Parliament, Senate, *Proceedings of the Special Committee on Human Rights and Fundamental Freedoms* (Ottawa: King's printer, 1950).
9. Canada's policy on the Universal Declaration is documented in Canada, Department of Foreign Affairs and International Trade, *Documents on Canadian External Relations*, Vol. 14, 1948, ed. H. Mackenzie (Ottawa: Minister of Supply and Services, 1994), pp. 350-366). Catholic teaching and roles can be followed in articles by Richard Arès, S.J., "Les Droits de l'Homme Devant Les Nations-Unies," *Relations*, VIII: 96 (December, 1948); "La Déclaration Universelle Des Droits De L'Homme," *Relations* IX: 97 (January, 1949); and "Quand Les Nations Unies S'Occupent De Dieu," *Relations*, IX: 00 (March, 1949); and "D'Où Viennent Les Droits De

L'Homme?" Relations, IX: 100 (April, 1949). For protestant theology on human rights, see *The First Assembly of the World Council of Churches* (London: SCM Press, 1949), pp. 93-99.

10. Author interview, the Rt. Hon. Davie Fulton, Vancouver, September 18, 1983. Canada, Parliament, House of Commons, Special Committee on Human Rights and Fundamental Freedoms. *Minutes of Proceedings and Evidence* (Ottawa: Queen's Printer, 1960).

11. Changing patterns of Canadian religiosity are analysed in several studies by Reginald W. Bibby, notably *Fragmented Gods* (Toronto: Irwin, 1987); and *Unknown Gods* (Toronto: Stoddart, 1993).

12. The report was named after its chairman, Sir John Wolfenden. Great Britain, Committee on Homosexual Offences and Prostitution, *Report of the Committee on Homosexual Offences and Prostitution* (London: H.M.S.O., 1957).

13. See Basil Mitchell, *Law, Morality and Religion in a Secular Society* (London: Oxford University Press, 1967); Lord Patrick Devlin, *The Enforcement of Morals* (London, Oxford University Press, 1965); and H.L.A. Hart, *Law, Liberty, and Morality* (Stanford: Stanford University Press, 1963).

14. For a traditionalist Catholic analysis of the forces generating change in Canadian jurisprudence see Alphonse de Valk, *Morality and Law in Canadian Politics: The Abortion Controversy* (Dorval: Palm Publishers, 1974).

15. *Debates*, December 5, 1967, p. 5083.

16. For Trudeau's liberalism see Henry David Remple, "The Practice and Theory of the Fragile State: Trudeau's Conception of Authority," *Journal of Canadian Studies* (November, 1975), pp. 24-39; Reginald Whitaker, "Reason, Passion and Interest: Pierre Trudeau's Eternal Liberal Triangle," *Journal of Political and Social Theory*, 4:1 (Winter, 1980), pp. 5-31; and John L. Hiemstra, *Trudeau's Political Philosophy* (Toronto: Institute for Christian Studies, 1983). Trudeau's religious development and the influence of Emmanuel Mounier's Catholic "personalism" are treated in Stephen Clarkson and Christina McCall, *Trudeau and Our Times, Volume 1: the Magnificent Obsession* (Toronto: McClelland & Stewart, 1991). Trudeau challenged the religious foundations of Quebec political culture and propounded the themes of his democratic political philosophy in a series of articles published during 1958 in *Vrai*, a journal edited by his friend, Jacques Hébert, and republished in Pierre Elliott Trudeau, *Approaches to Politics* (Toronto: Oxford University Press, 1970).

17. *Approaches to Politics*, p. 205.

18. Ivan Head, in Pierre Elliott Trudeau, *Conversation With Canadians* (Toronto: University of Toronto Press, 1972), p. v.

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19. *Globe and Mail*, December 22, 1967, p.1.
 20. The policies of the churches can be followed in the records of the Parliamentary committees which held hearings and reported on the controversial issues: Canada, Parliament, House of Commons, Standing Committee on Health and Welfare, *Minutes of Proceedings and Evidence* (Ottawa: Queen's Printer, 1966-1968),[birth control and abortion]; *Proceedings of the Special Joint Committee of the Senate and the House of Commons on Divorce* (Ottawa: Queen's Printer, 1966-1967); Standing Committee on Justice and Legal Affairs, *Minutes of Proceedings and Evidence* (Ottawa: Queen's Printer, 1967-1969),[Omnibus Bill].
 21. *Debates*, January 23, 1969, p. 4723; Standing Committee on Justice and legal Affairs, *Minutes of Proceedings and Evidence*, March 4, 1969, p. 171-173.
 22. For theory on differentiation, see Martin, *A General Theory*, pp. 68 - 82.
 23. Author interview with the Rt. Hon. John Turner, Vancouver, May 19, 1993.
 24. Canada, House of Commons, *Debates*, February 11, 1969, pp. 5402-5470.
 25. It would take until 1980 for Parliament to adopt *O Canada!* as the official national anthem.
 26. Pierre Elliott Trudeau, "The Practice and Theory of Federalism," in Michael Oliver, ed., *Social Purpose for Canada* (Toronto: University of Toronto Press, 1965), pp. 371-39. For Trudeau's own review of his constitutional development, see "Constitutional Reform and Individual Freedoms." *Western Ontario Law Review*, 8 (1968), pp. 1-9.
 27. Canada, *The Constitution and the People of Canada* (Ottawa: 1969), pp. 4-6.
 28. Canada, Parliament, *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada* (Ottawa: Queen's Printer, 1981). Hereafter, Hays-Joyal.
 29. Canadian Catholic School Trustees Association, Hays-Joyal, 19: December 4, 1980. This brief had the support of the Canadian Conference of Catholic Bishops. See also the testimony of the Ontario Conference of Catholic Bishops, Session 33, January 7, 1981.
 30. Hays-Joyal ,19: December 4. 1980.
 31. *Globe and Mail*, 25 April 1981.
 32. Hays-Joyal, 29: December 18, 1980.

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33. Hays-Joyal, 33: January 7, 1981.
34. A list of the submissions received by the Committee is printed in Issue 57: February 13, 1981. The author is indebted to Eugene Morawsky of the House of Commons Committees Branch for making the written submissions available for study.
35. "Huntley Street Covers the Continent," *Faith Today*, 4 (November-December, 1986), p. 58.
36. As of 1983, Campbell claimed the Renaissance Canada had some 5000 financial contributors to an annual budget of about \$250,000, and a mailing list of some 50,000 in Canada and another 6000 in the United States. Author interview of Ken Campbell, Milton, Ontario, June 13, 1983. See also, Ken Campbell, *No Small Stir: A Spiritual Strategy For Salting and Saving A Secular Society* (Burlington, Ont.: Welch, 1980). Jerry Falwell came to Canada in the summer of 1979 to visit Ken Campbell and Renaissance Canada, and wrote the Preface for *No Small Stir*.
37. Author interviews with Brian Stiller, Executive Director, Evangelical Fellowship of Canada (1983-1997), Vancouver, January, 1984. See also John G. Stackhouse, Jr., *Canadian Evangelicalism in the Twentieth Century* (Toronto: University of Toronto Press, 1993), Ch. 12.
38. David Knowles, ed., *Canada: Sharing Our Christian Heritage* (100 Huntley Street, Toronto: Mainroads Productions, 1982), pp. 9-11. The June 20 speeches delivered by the Prime Minister and the Leader of the Opposition were both written by Dr. Donald Page, then Deputy Director, Historical Section, Department of External Affairs, and Chair of the Public Service Christian Fellowship, an ecumenical association of evangelicals. Author interview and correspondence with Dr. Donald Page, Vice President for Academic Affairs, Trinity Western University, March and April, 1993.
39. Hays-Joyal, 41: January 20, 1981; 43: January 22, 1981.
40. Hays-Joyal, 41: January 20, 1981; 42: January 21, 1981; Jake Epp to author, March 18, 1981.
41. Hays-Joyal, 42: January 21, 1981; Maureen Johnston (Assistant to Fr. Bob Ogle) to author, February 18, 1981; Svend Robinson to author, March 9, 1981.
42. Hays-Joyal, 41: January 20, 1981. Liberal Senator Jack Austin put it less delicately: 'the Conservatives are trying to downgrade God and we will put him in his right place at the right time.' Hays-Joyal, 56: February 9, 1981.
43. Hays-Joyal, 57, February 13, 1981.

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44. For the scope of Campbell's campaign see his periodical, *Encounter*, 10: (Spring, 1981).
45. Resolution adopted by the Evangelical Fellowship of Canada at its biennial meeting convened in Toronto, February 25, 1981. Reprinted in *Thrust: The Quarterly News and Review Magazine of the Evangelical Fellowship of Canada*, 13:1 (1981), p.2.
46. Author interview with David Smith, Ottawa, February 22, 1982. Loose-leaf Liberal briefing book, no title, no date, [mid-April, 1981]. The brief consisted of a ten page executive summary by Smith, "The Evangelicals," detailed demographic data on Canadian and American religiosity assembled for Smith by the Library of Parliament, and a selection of letters to Smith from religious leaders and constituents. I am grateful to David Smith for giving me a copy of the brief. David Smith was a member of Yorkminster Baptist Church, Toronto. His father, C. B. Smith, had been a prominent leader in the Pentecostal Assemblies of Canada.
47. The brief showed over 6300 full time students in ministerial training at evangelical and pentecostal colleges, as compared with 649 Protestant mainline seminarians. "The Evangelicals," pp. 3,4.
48. Smith, Liberal brief, "The Evangelicals," pp. 1-7.
49. "The Evangelicals," p. 5.
50. "The Evangelicals," p. 8. Other items in Smith's recommended strategy included: C.M.H.C. loans to assist building of Bible College residences and Church-operated seniors homes; C.I.D.A. funding for church-operated educational and medical facilities overseas; tax breaks for religious schools, restoration of Renaissance Canada's tax status as a religious charity; and appointment of an evangelical staffer to the Prime Minister's Office. Smith thought that formal recognition of evangelical leaders in a lunch at 24 Sussex Drive would be "pure gold."
51. Smith claimed it was the figures on training of future evangelical leaders which were most persuasive for Trudeau. Interview, February 22, 1981.
52. *Globe and Mail*, April 25, 1981.
53. Interview with David Smith, February 22, 1982.
54. The Justice Minister reported 7-8000 letters. Canada, House of Commons, *Debates*, April 22, 1981, p. 9398. Author interview with Donald Page, Vancouver, 29 March, 1993.
55. The phrase is from Peter L. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (Garden City, New York: Doubleday, 1967).

56. The confessionalism of the preamble would presumably preclude strict “no establishment” arguments which have emerged in United States Supreme Court rulings against any role for, or privileging of, religion in public life.

57. For a good overview of census and polling data of the 1980s illuminating trends in Canadian religious behaviour see Alain Baril and George Mori, “Leaving the Fold: Declining Church Attendance,” *Canadian Social Trends*, 22 (Autumn 1991), pp. 21-24.

58. The most comprehensive survey of Canadian attitudes can be found in Paul Sniderman, *Attitudes toward civil liberties and the Canadian Charter of Rights* [computer file] (York University, North York Ontario: Institute for Social Research, 1988). This survey is interpreted, with an emphasis on the salience of “value pluralism” in Paul Sniderman, Joseph Fletcher, Peter Russell, and Phillip Titlock, “Liberty, Authority, and Community: Civil Liberties and the Canadian Political Culture,” delivered at the Annual Meetings of the Canadian Political Science Association, University of Windsor, June 9, 1988.

59. Canada, *Citizens’ Forum on Canada’s Future: Report to the People and Government of Canada* (Ottawa: Ministry of Supply and Services Canada, 1991).