

Losing a Battle and Carrying On

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As most of you already know, the Christian Heritage Party¹ lost a significant battle this week with the announcement of the decision by the Ontario Court of Appeals regarding our proposed bus shelter ad: *Woman: An Adult Female*.² The Court of Appeals ruled unanimously against CHP and our ability as a political party to proclaim the biological, biblical and dictionary definition of a woman in a public place controlled by the City of Hamilton.

This is a drastically different decision than the one we received in 2018—also in Hamilton—where the Judicial Review Panel ruled unanimously in our favour³ on a very similar topic. Of course, these rulings are subject not only to biases but also to the fallibility of human agents. While judges are given high honour in Canada and are expected to make their judgments independent of political pressure, the reality is that many judges and lawyers have been subconsciously swayed by the same radical LGBT activists, who have—for several decades—profoundly influenced the thinking of journalists, educators, politicians and the parties they represent.

Most Canadians have assumed that lower court judges and the justices of the Supreme Court of Canada base their decisions on constitutional considerations and on traditional common law precedents. Instead—in many cases—they have allowed themselves to be influenced by the latest social trends and to adapt their judgments to current politically correct assumptions. Notably lacking, both in recent court decisions, as well as in federal and provincial legislation, is any acknowledgment of or any attempt to comply with the foundational premise of Canada's Charter of Rights and Freedoms. That document, signed into the legal record in the Constitution Act of 1982, begins with this phrase, upon which the remainder of the Charter rests and depends: "Whereas Canada is founded on principles that recognize the supremacy of God and the rule of law...."

The significance of this opening premise cannot be overstated. While our citizenship oath commits the applicant to ". . . bear true allegiance to the King (or Queen) and to faithfully observe the laws of Canada . . ." the Charter—so often referred to in issues of human rights—places God as supreme (even over the Supreme Court). By logic and implication, this means that decisions made by a legislative body or a court of law must apply and interpret law and precedent in such a way as to honour the God who is Supreme over all.

Sadly, that has not been the case, neither in legislation nor in the courts. If it had been, we would not allow the killing of 100,000 innocent pre-born infants every year. We would not allow the killing of adult Canadians by lethal injection under MAiD. Our Parliament would not have legalized same-sex marriage and the courts would not have approved it. If the "rule of law" had been adhered to in legislation and the courts, we would not have preferential treatment of individuals based on race or so-called "gender identity."

One obvious implication of this troubling Appeals Court decision is that common sense, basic biology and centuries of human experience have been overlooked and tossed down the “memory hole”, not only by Hamilton City Council but by the esteemed judges presiding over the initial judicial review...and later over the appeal. During the appeal, EGALE lawyers intervening on behalf of the City of Hamilton used the term “immutability” to describe the characteristics of a person identifying as transgender. That term, of course, means “unchangeable.” To claim that transgenderism and all that attaches to that term are immutable is to claim that every boy or girl, every man or woman who, at some point in his or her life, declares that he or she is now transgender must have fit that category from conception. If that identity is unchangeable, it must have existed before birth.

But if that identity is unchangeable, why the need to “transition”? Why the need to change physical characteristics? And what about the freedom of choice so often called for? On the one hand, young people are invited to “explore” their sexual identity and “experiment” with various sexual practices. On the other hand, the claim is made in court that since a trans identity is “immutable”—like race or skin colour—that any questioning of the adoption of an identity contrary to biological gender is “hateful.”

But that’s just not true. Christians and other Canadians of sound mind and committed to the truth are able to love those with whom they disagree and to express their opinions in a loving manner and without even a trace of ill-will toward those who hold a different perspective on these matters. By siding with the City of Hamilton, the Court of Appeals has positioned itself against biology, against biblical truth, against history and precedent and against the supremacy of God.

We in the Christian Heritage Party are—of course—disappointed by this ruling. We had hoped that common sense and justice would prevail. As with our other efforts to educate our fellow citizens and to bring a biblical perspective to bear on Canadian law and practice, we had hoped our message would have been seen and heard more widely and that, in incremental ways, we might have been able to slow down or even reverse our poor nation’s lemming-like abandonment of moral and spiritual tradition.

We lost a battle; we have not lost the war. This is definitely a setback and a disappointment; but it is not a cause for despair. Like other signs of the times, it tells us where we are at, how far we have fallen, how high are the stakes and what level of commitment will be required to reverse these societal trends. As always, we need God’s help to press forward, to find other ways of presenting His truth to a hurting world and to a confused demographic of politicians, journalists, educators and judges. May He give us wisdom and grace. Without Him we can do nothing but with God “all things are possible.”

Footnotes

¹ www.chp.ca

² www.chp.ca/news/ontario-court-of-appeals-rules-against-free-speech

³ www.chp.ca/news/chp-vs.-hamilton-a-stunning-victory-for-freedom-of-political-expression

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