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2. To promote the recognition of the God-given right of all persons to employment and the provision of employment.
3. To secure those rights by appropriate legislation.
4. To advise governments, organizations and persons of situations where justice and liberty in the field of labour relations are infringed.
5. To promote, assist in and advance such research as will further the cause of justice and liberty in the field of labour relations.
6. To assist, advise and educate all persons who experience difficulty in exercising their right of employment.

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P.O. Box 151,
Rexdale, Ontario.

FREEDOM AND JUSTICE

FOR ALL

By

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An address delivered at the annual meeting of the C.J.L. Foundation held in Toronto on February 1, 1964.



Published and Distributed by

C. J. L. FOUNDATION

(The Committee for Justice and Liberty)

P.O. Box 151,

Rexdale, Ontario

On the surface, almost the entire citizenry in North America favors liberty and justice for all. Universal freedom and equal rights before the law are ideals for which people of this continent will always rally. We are, generally speaking, egalitarian. Freedom is a sacred possession. Nothing excites the people in North America more than the pockets of injustice which blot the society in which we live. I need only to refer to the drive to rid our nations of racial discrimination. It is not an exaggeration to say that only a relatively few would deny in principle that there should be freedom and justice, not just for some, but for all citizens. Universal freedom has become the banner of the Western nations of the "free world" in contra-distinction to the "captive nations" behind iron and bamboo curtains.

Lenin once said that freedom is so precious, it must be rationed, given out in small portions at the discretion of those in control. But in sharp contrast to this view, people of the West believe and assert that freedom may not be rationed, but should be the possession in equal measure of all citizens without exception.

We speak about freedom and justice together. They are not identical and should indeed be distinguished. But they coincide in this, that they are both civil rights. They therefore apply to the entire citizenry. Moreover, they stand and fall together. If freedom is abridged to apply to some, but not to all in similar circumstances, then justice is also thereby abridged. Likewise, if justice is curtailed, and given only to some, but not to all, then the freedom of those who are not accorded equal rights before the law is also curtailed. For this reason, although we recognize important differences between freedom and justice, we shall consider them together.

Our concern, it may be surmised, is with civil liberties and civil rights. That is, with the freedoms and the rights of citizens, freedoms and rights which should be guaranteed by law and upheld by the civil authorities. We make a plea, therefore, that the entire commonwealth should indiscriminately possess equal freedom and receive full justice to enjoy the common weal.

This does not mean that we would break a lance for giving to minors and criminals rights equal to those we give to adults and law-abiding citizens, for minors have not yet attained their rights and criminals have forfeited theirs, but we do unequivocally advocate equal rights before the law which takes into account both man's privileges and his responsibilities.

In indicating our concern in more detail, let me say that we shall consider how there can be freedom and justice for all citizens regardless of their differences in some very significant areas of life. Freedom and justice for all citizens, then, with **their differences** which do not infringe upon the freedoms and rights of others in an unwarranted way, not after they have made to fit a pre-established pattern.

Freedom and justice, therefore, in the church to run the affairs of the church according to the church-goers' convictions and the rules that govern church life. Freedom and justice in the school to educate according to the school's inherent nature and the laws that govern it. Freedom and justice to do in the home and business that which accords with the nature of business and the home.

It may seem to some that we are carrying coals to Newcastle. They may say that we already have attained such a degree of freedom and justice that, except for some isolated cases, the goal has been reached. It may also appear that there is little need to stir up the people of the nations to attend to the instances of injustice, for in recent months we have witnessed many riots which showed that people are willing to fight and sacrifice for what they believe is freedom and justice.

What is more, we North Americans have accepted the idea of a pluralistic society, a peaceful living together of people who differ greatly in religious belief. And surely the conviction that people should not be discriminated against because of their race, color or creed is generally adhered to.

We maintain, however, that there do exist serious abridgements of freedom and justice even in the lands which have declared their agreement with the United Nations' **Universal Declaration of Human Rights** and have adopted their own national bills of rights in addition. Even though it seems that both in constitutional law and in the minds of the people generally this idea is deeply imbedded and almost universally accepted, there is not in fact freedom and justice for all. The abridgements, because of their nature, are serious.

We have referred in passing to the racial problem. It is so crucial because of the principle at stake. It is not a principle of a race's native ability, nor a difference in willingness to assume responsibility and abide by the law, but whether, even when one race meets all the legitimate requirements the land makes of its citizens, it is still given inferior treatment, just because it is a particular race. Stripped of the many side issues, the high feelings, the outbursts of violence and disrespect for law and order, the question comes down to this: may citizens of one race, who can qualify in every other way as good citizens, be discriminated against by the government just because they belong to a certain race?

This issue, even with its many knotty problems, should be relatively clear. In racial matters the citizenry of this continent is fairly well united, except for certain areas which have been conditioned for centuries to racial subjugation. These areas are under heavy bombardment and the problem is far from settled.

But the abridgement of freedom and justice manifests itself also in the school and society and perhaps especially in labor relations. We maintain that there is not freedom and justice for all in education. Nor is there freedom and justice for all in labor. There is not, that is

to say, leaving the differences which people have intact. There would be freedom and justice for all if people would only forget their differences and agree that in these areas one should not break community, either that of the school or of labor, by bringing in the divisive beliefs of his religion.

There is freedom and justice for all in education, it may be said, provided one agrees with the public school. On this basis, he is entitled to a fair share of the taxes collected for education, or also in some provinces, if he is a Roman Catholic and he sends his children to a separate school of the lower grades. But there is not equal freedom and justice for him, as long as he retains his convictions that his religion requires an education for his children that differs radically, in its religious direction and thrust, from the teachings of the common school.

Likewise, there is freedom and justice for all in labor, in principle, if not in practice, provided one has the freedom of conscience to join the union which has the exclusive bargaining rights at the shop where he works. He is **not** free to work there unless he join the union, and pay the union dues. He is free either to join and work or to not join and leave. But the fringe freedom he retains only underscores the injustice of the arrangement. Compulsory unionism and the compulsory deduction of union fees from the workers' wages mean an abridgment of the civil rights of those citizens who cannot with clear conscience join what is said to be a neutral, but is essentially a non-Christian union. This is a curtailment of the laborer's right to work. He is free to work, if he sheds himself of his differences and dissent, but that is precisely the injustice of the arrangement, for his fellow citizen who, although he is no better as a citizen, no more law abiding, no more loyal to the country, no more industrious in work, does not have to leave his religious convictions at the door of the union shop.

These are controversial points. They will be and in fact are denied vigorously by a large section of the citizenry. Leaders in government, leaders in education, leaders in labor, yes also leaders in the church, both Protestant and Roman Catholic, say that the existing arrangement of the public school with its exclusive rights to the common taxes is fair. And it is true: each child attending the public schools has an equal right to its instruction. But it is not fair for those who feel the public school fails to fill the bill. Likewise those same leaders will advocate that the existing arrangement in labor with compulsory unionism and exclusive bargaining rights are just and fair. And they are, provided all agree that security means more than faith and will admit that the penetration of religion into work is illegitimate. It is not fair for the man whose religious convictions will not permit him to work as a member of a supposedly neutral union. He must conform first to have his rights. It is like telling a travelling man that he is free to travel at normal fare by train, but if he desires to go by bus and car, he must share with others the cost of the train and also pay his own fare on the vehicle of his choice.

Before turning to the avenues along which these existing curtailments of freedom and justice can be eliminated, let us consider how this situation came about. I shall not now enter into the history of either the public school or the labor union. I would rather examine a basic idea that underlies these practices.

Deep in the fabric of the modern world is embedded the conviction that faith divides, but reason unites. Since faith is considered a personal matter, its actions, like the sparks of Job's bonfire, fly upward in every direction. Religion is, therefore, sectarian, it breaks the community. Not only certain kinds of faith divide and cut up society into sectors, but all religion does.

Therefore, in seeking for a basis of cooperation in human society we have become accustomed to think that we must find a common ground in the non-religious field of life. Here true unity can be attained and here civil liberties can be safeguarded. All can be satisfied and all can be given equal treatment provided men do not intrude with their religion into the non-religious area of life.

We may cite as an example in point the American Civil Liberties Union. In its 42nd annual report, it stated, "The best guarantee of religious freedom, . . . is to keep the state out of religious affairs. Neither the public school nor any other agency of government should be used to promulgate any or all religious faith . . . The practice of religion properly belongs to the church, synagogue and the home." Just recently, the ACLU ran to the rescue of a father in California who wanted to protect his child from Bible reading in school. This statement of the ACLU is a clear formulation of the idea of the separation of church and state, which means in effect a separation of religion and state. And since in this view the public school is an agency of the government, it too must be prevented not just from choosing sides between varying religions, but from promulgating any or all religious faith. The teaching of faith is contraband in the school. In the words of Mr. Justice Black, of the United States Supreme Court, there must be "a wall between Church and State which must be kept high and impregnable".

The United States Supreme Court declared in 1947 in its **Everson** opinion, "Neither [state nor the Federal government] can pass laws which aid one religion, aid all religions, or prefer one religion above another . . . No person can be punished for entertaining or professing religious beliefs or disbeliefs . . ." As Harold E. Fey wrote (**The Wall between Church and State**) "in this land the religious and the political covenants are and should be kept separate and this separation should extend to the institutions of church and state and their means of support". This separation is based upon an idea in the mind of the citizen as he distinguishes between his obligations in separated fields. As Fey concludes, "It is only when the institutions, including the financial institutions of church and state are kept scrupulously separated that civil as was as religious liberty is secure". Fey is true to the idea of John

Locke who said that opinions in church have no relation to the civil rights of the subjects. He agrees with the decision of the United States Supreme Court when it said that it does not lie within the competence of the state to give the child a "brief moment of eternity" in engaging in religious exercises.

Ontario follows a somewhat different course. As the Ontario Inter-church Committee on Religious Education in the Schools states, "The principle followed in Ontario is not the separation of church and state, but the cooperation of church and state. In this we follow the tradition of Britain rather than the customs prevalent in the United States." There should therefore be religious education in the state schools, an education which is a system of ethics, which teaches the Bible stories as part of God's revelation and teaches doctrine about God, but then "there must be no emphasis upon particular or denominational approaches to truth". Professor George Grant has said that the right of a religion to have its position taught in the schools depends upon its being the public religion, that is, the religion of the majority. (*Queen's Quarterly*, Summer, 1963.) This has been the Christian religion in the past but is now rapidly becoming what he calls the religion of humanity and progress which is like an edifice that keeps Christianity for a facade.

One finds here a certain parallel with the union shop. Both adhere to majority rule, supposedly at least. There is "corporate compulsion and individual freedom". And both fail to honour the rights of the minority. Both offer fringe benefits to the minority: the public school permits those having conscientious objections to be released from class. The labour bosses permit those having conscientious objections to the union to seek work elsewhere. Neither gives an answer to the question: How can there be freedom and justice for all? How can there be freedom for parents to instruct their children according to their religious convictions on an equal basis with others, if their convictions do not comport with those of the public schools? The principle of universal free education, as the Ontario Alliance of Christian Schools pointed out in its submissions to the Ontario Committee on taxation, has been curtailed by being denied to Protestants who believe religion must direct the entire educational endeavor.

Two years ago, the Anglican Bishops of Ontario submitted their views on additional tax support for separate schools by saying "The Anglican church appreciates fully the case advanced for equality of opportunity in education but would respectfully point out that such equality of opportunity is already fully safeguarded in that every type of elementary and secondary education is available to every student in this province on the same basis". Yes, they would say, you have equal opportunity to ride our common train: since you have to pay the fare anyway, you all may go on equal terms with the rest. But if you go by car or bus, you must pay the fare for both.

It looked five years ago that Manitoba might lead the way in Canada to correct this unfair situation. The Manitoba Royal Commission on

Education, 1949, recommended that "some measure of public support be extended to private and parochial schools". But the recent plan of the Government to share the facilities of the public schools with the separate and private schools under the direction of public school authorities has caused great disappointment to those loyal rate payers who feel conscience bound to give their children a truly Christian education and therefore send them to Christian schools. They willingly pay, but they keenly feel the unfairness.

It is a palpable injustice. As Stefan Hansen, who served on the Royal Commission on Education, has said, "If all Manitoba children were in public schools, local school boards would have to build or buy another 350 classrooms at a total cost of some \$5,000,000. They would need to engage another 350 teachers.

"The additional annual cost of staffing and operating these 350 classrooms would be about \$3,000,000. The public school system is relieved of this cost. But nevertheless the parents who pay out of private funds are required to contribute their full share to meet the cost of the public schools. This after they have reduced the public school cost by \$3,000,000 annually".

So it is true in Manitoba also: even if you do not use the public facilities you must pay for them anyway and also pay your own way. This is a blot on the fair province.

A recent book, *Civil Liberties in Canada*, by Professor D. A. Schmeiser, of the University of Saskatchewan, deals very extensively with the school question, giving special attention to Manitoba. His conclusion is that state aid for non-public schools is a fundamental right of the individual. We hope this view will gain ground. Justice demands not just a fair share of the common facilities but a fair share of the taxes.

An entirely different approach has been taken to the relationship between the state and religion by the Citizens for Educational Freedom. This group, composed of Roman Catholics, Jews and Protestants declares in its constitution, "Recognizing that religion is inextricably bound up with every educational process, we seek to ensure that no law shall be made or enforced which would deny to any citizen the right to fulfill his educational task and responsibilities, without the interference of the state, in a manner consistent with his own religious convictions". This group stands for equality in education, for justice and liberty for all in educational enterprises for it does not require people to leave their religion at the door of the school, to enter without it, but requests the government to provide laws which shall insure to all parents equal rights in education while allowing them to train their children according to their religious convictions.

Our claim is that there can be freedom and justice for all in the realms of civil rights, including education and labor, **only upon the recognition of the true character of religion**. This requires that we must see that religion does in fact penetrate all of life and will not stay

within the bound in which men try to enclose it. And more and more this is being recognized. We teach religion in the schools, whether we would or not. As Professor Grant has said, the religion which can most easily become the public religion (perhaps we should say, already is) is the religion of progress and humanity whose proponents are glad to use Christianity as a facade only so long as Christianity remains a facade, and not a driving power; and this suits the purpose of those who claim neutrality and a lowest common denominator religion. At the appropriate time, Grant says, the proponents of the religion of progress will make short work of the Christian remnants.

We must have done with the idea that religion is only a matter of holding a faith which is expressed in a statement of beliefs. Religion has suffered severely because it has so largely been separated from the law of God. Due regard to the law in religion will make it in practice what it is in nature, namely, a way of life. This it was for the Old Testament Israelites. This it is for those Christians who recognize that they are under the law of Christ and should conform in the entirety of their lives to the commandment of love.

There is another aspect of civil rights and equal freedoms and full justice to all citizens that demands attention. That is the recognition of the structure of creation and the laws which God has imprinted upon this world. That means that we must appeal to and reckon with the laws which are above and at the same time underlie the laws of the land.

There can be little quarrel that the idea that the given law of a country, whether constitutional law or the opinions of the courts, is not the court of last appeal. Even the **Universal Declaration of Human Rights** says that the authority of the government is derived from the people. As Emil Brunner points out in his book **Social Justice**, juridical actions require the oath, an appeal to what is above. Even Cicero felt the need of such an appeal to law. Law, which was for him the same as right reason, he said was the most sublime part of reality and was the common property of God and man. Aristotle said the justice of nature is independent, whether it appears to men to be good or not.

The Christian says that the laws of the world are a manifestation of the will of the Creator who is also the Great Law Giver. God said, "Let there be"; and so it became. Therefore, in this law above the laws of nations we deal not merely with that what ought to be, but with which is, with that according to which the actions of men ought to conform.

The Christian of course also directs his life according to the commandment of love, as prescribed in Scripture. In fact, were it not for the revelation of Scripture, he would not truly know of the structure of the world as given by God. He has learned to understand the world in the light of the Word of God.

In saying that we must reckon with the structure of creation as that was set and is governed by God, we must pay due regard to the various

distinct areas of life which human society contains. We all recognize that the church is not the state. There is scarcely a man now living who claims they are or should be one. But just as truly, we should recognize the difference between the school and the state, and between a labor union and the state.

There is a close parallel between compulsory unionism and a public school which is the sole recipient of the public taxes. In each case, proponents claim that the agency is in fact an agency of the state. The school they see as the proper function of the state. They often fail to see that the school has a character all its own, distinct from either the state or church. While both the church and state have legitimate interests in the school, as is true in turn of the church and school regarding the state, in no sense should the law of the state do violence to the functioning of the school according to its true nature.

We are heartened that Pope John in his encyclical, **Peace on Earth**, claimed that parents have a prior right in the training of their children. We might wish the Catholics would go further and make the school independent of the Church. The right to educate is a right which parents may not give up. When they do, they will have opened the door to totalitarianism.

As with education, so with labor. Some of those who defend compulsory unionism claim that the union is at the least a quasi public institution. That is, even as the state has the right to compel, so also the union has the right to force the men who work in the shop to join the union and pay their dues.

We shall not be able to reject this claim unless we see it as an unjustified attempt of a **voluntary association** of workers, which makes up only a segment of the populace, not the entirety of it, to grasp the powers which belong to the state alone. The unions have exceeded their bounds in more than one sense. Freedom for all in labor is possible only upon the recognition of the autonomy of the various spheres of life. Mr. Fred Larson has rightly said "Compulsory unionism is governmental power exercised by a private organization". (**Point at Issue, January 31, 1962**)

Failure to see the **specific task** of various agencies will lead to all kinds of inequalities and injustice. A voluntary association has no right to compel. Compulsion must be reserved for the state which is an involuntary structure. It is therefore, a misnomer to speak of citizens of an industrial community and then say, "as a citizen of the industrial community, the worker is bound by whatever agreement the union negotiates".

Management too has a task which is different from that of labor. It is therefore a violation of the principle of the specialization of office for management to give to the union the rights of the hiring agency.

In countries where the law of the land makes provision for the free play of religion in all of life by all varieties of religion, and where

the same laws pay close attention to the distinctness of the spheres of life, there can be freedom and justice for all. It is always true that there can be a curtailment of freedom and of justice even where the constitution and bill of rights is properly formulated. There must be in addition a body of opinion in the land which favors these laws. This means that vigilance is always the price of freedom.

This points up the special task which Christian parents and Christian workers have in the present situation. They must make clear the need of freedom and justice for all; not just for themselves, but also for those who disagree with them. This must become an integral part of their testimony and program. There is a message they must proclaim to all. A message that religion in its nature is total, that there is a law and order above men and institutions to which men must necessarily refer. They must show that the recognition of these basic principles does not give Christians preferential treatment above others. It has nothing to do with an establishment of religion. It only gives Christians the right to live as Christians who would serve the Lord always and everywhere and perform their service of the Lord.

This would be the continuing Christian task even in a society which had an adequate codification of law. The task is doubly great in those societies where the laws on these basic matters are faulty. Therefore, Christian parents should unite in their effort to have the Separate School Act of Ontario amended to permit Protestant Separate Schools on the same basis as Roman Catholic Schools. Therefore, they must protest injustice in every state and province.

For the same reason, Christian workers had to unite in their endeavor to change the situation that discriminated against Christian workers, and establish unions which were based upon the principles of love and justice as taught in the Bible. We may thank God for the victory of the past year in gaining the right of certification as bargaining agent.

For the same reason, the entire Christian community should unite to secure the enactment of right to work laws. Right to work, that is with the religious differences intact. Right to work under fair and equal conditions. Right to work without having the unions in control force unionism upon workers. Without having to leave one's religion, his service of God, at the shop door.

For the same reason, Christian workers should unite in their attempt to change the legislation to permit plural representation in labor contracts. The exclusive position of one union as agent for the employees should be abolished.

Likewise, knowing that in unity there is strength, believing that we must manifest the communal character of the city of God in every area of life, let us with one heart and mind seek to call governments and all institutions to recognize the law above them, the structure of creation to which they are bound and the tasks which they have.

We have sought to outline the framework in which the entire citizenry can have civil freedom and equal civil justice in the land. The task is for Christian citizens to proclaim these ideas, lest their freedoms be curtailed even further. The modern liberalism that is so strong today can easily lead to a kind of monolithic society which allows all men to be free along its line only. Secularism is not a friend to Christianity.

There remains to point out that the understanding of the issues is the easiest part of our task. We have only begun. Having seen where the solution is to be found, we must seek to attain it. This will require unity of ranks, a steadfast determination and a real willingness to sacrifice.

In the history of the Western world Christians have willingly stood in the foreground of the struggle for freedom and justice. They have taken their place, time and again, on the front line of the fray. The gains, moreover, have always been hard won. Intolerance does not give in easily. Think of the wars that were fought, the blood that was shed, the money that was spent and the jobs that were lost by men who counted freedom more than life. And the gains for generations to come have more than offset the price of sacrifice.

Christians must stand in the front line again. If they do not raise their voice now, who will? If they do not love their neighbours as themselves, will anyone? If they do not raise their voices now, it may be too late.

Having seen the all-encompassing nature of religion, we must live accordingly. Having committed ourselves to Christ, we must place ourselves spontaneously in His service so that we may be a blessing to this nation and to all its inhabitants.

Paul G. Schrotenboer