



## **Submission to the Canadian Museum for Human Rights December 7, 2009 – Vancouver BC**

The Association for Reformed Political Action (ARPA) Canada is very grateful that the Canadian Museum for Human Rights (CMHR) is willing to meet with Canadians to discuss its vision as the museum is being built. ARPA Canada is a Christian non-profit organization devoted to promoting political awareness and action among members of Canada's Reformed churches (including the Canadian Reformed, Free Reformed, United Reformed, and Heritage Reformed denominations). Alongside the 15 regional ARPA groups that operate across the country, we provide encouragement, resources, and assistance so that grass-roots Canadians can become more involved in the public square.

### **The Foundation for Human Rights**

ARPA Canada cares about the protection of genuine rights for all humanity but we are deeply concerned with the way that rights have been divorced from their moral and religious foundation and separated from our individual and corporate responsibilities that are essential for their very survival. We applaud those who seek to promote human rights in Canada, including by means of a national museum, but we are concerned that the CMHR, though being built in the name of human rights, has the potential to actually undermine genuine human rights. Please allow us to explain our concerns.

The preamble to the Canadian Charter of Rights and Freedoms states *“Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law.”* Given this preamble, the drafters of the Charter call upon us to read the rights found in the Charter in light of this statement.

Like the preamble to the Charter, ARPA Canada whole-heartedly affirms the supremacy of God and the rule of law and we believe that this preamble needs to be understood and applied to the CMHR in its decisions about how the museum ought to be built and which stories, events, ideas, persons, and artefacts should be included. Indeed, the supremacy of God and the rule of law is one of the principle reasons why Canada and the west enjoy the human rights that we have. It is the reason why Western nations are so blessed with a heritage of freedom and privileges. We easily dismiss religion in the public square but we do so forgetting that it was the Christian faith that originally grounded many of the institutions and rights that we take for granted today.

A preamble is similar to a foundation. It is a solid basis upon which a structure can be built. A structure can be very beautiful and it can hold very valuable contents, but if it isn't built on a rock-solid foundation then it will inevitably crumble. As a result, the valuable contents can be destroyed because the foundations were neglected. This new museum on the banks of the Red and Assiniboine Rivers will surely be built on a rock-solid foundation so that the museum stands for years to come. But even if the physical foundations are strong, can the same be said about the

philosophical and moral foundations beneath its belief in human rights? Our concern is that it has neglected this foundation and is at risk of further damaging genuine rights.

Why are we worried? Because the prevailing understanding of human rights in both Canada and the entire Western world is built on a foundation that is disintegrating. The preamble to the Charter is ignored by our courts, human rights commissions, and so many organizations that claim to be about defending human rights. The “supremacy of God” part of the preamble has even been called embarrassing<sup>1</sup> and contrary to Section 2 of the Charter which guarantees freedom of conscience and religion.

**But if this preamble about the supremacy of God is ignored, what foundation lies beneath the human rights that we claim to value so much? What does the CMHR believe about the moral and philosophical grounding for human rights in a secular Canada? Why do we even have rights? Why are they inalienable? Why are they uniquely human? Why should anybody care about the rights of others? What moral weight is associated with protecting these rights that we claim are so valuable?** Sadly there is an abundance of rhetoric about many things that are claimed to be human rights and very little substance or understanding of what they mean or what criteria is needed to make them a right.

ARPA Canada urges the CMHR to examine the moral and philosophical foundation beneath human rights. We believe that this examination, if done honestly, will reveal some serious problems in our contemporary definition of rights. Canada has embraced the worldview (some call it a religion) of secular humanism which has resulted in serious contradictions and weaknesses when it comes to our view of human rights. We also urge the CMHR to re-examine the Christian moral foundation that once grounded Western Society’s belief in human dignity and human rights.

### **Cracks in the Foundations: Rights only for Those Humans who Measure Up**

Even a very basic examination of most human-rights talk in Canada reveals contradictions. We talk about equality and human dignity as the basis for human rights but we fail to reflect that in our legal and societal decisions. If human rights and human dignity are genuinely human and equal, why then is our Supreme Court making decisions as if only autonomous humans should be given legal recognition?<sup>2</sup> Those humans who are not able to demonstrate sufficient autonomy are disregarded. The *R v. Morgentaler* decision that struck down Canada’s abortion law is one example. With this decision, Canadian society conveniently ignores the rights of about 100,000 unborn humans every year. Just eight days ago my wife and I were blessed with our second child. While my wife and our unborn child were getting great care from our health system throughout the duration of the pregnancy, in other hospital rooms the unborn may be legally killed at *every stage* in a pregnancy. Not only is it tolerated, it is celebrated and even heralded as

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<sup>1</sup> See Jonathan W. Penny and Robert J. Danay “The Embarrassing Preamble? Understanding the “Supremacy of God” and the Charter,” in *The University of British Columbia Law Review: Special Edition – Religion, Morality and Law*, Volume 33, Jason Kuzminski, ed. (Vancouver: UBC Faculty of Law, 2000).

<sup>2</sup> For many examples from the Supreme Court and further discussion of this point, read Chapter One of the recently published book “Building on Sand: Human Dignity in Canadian Law and Society” by Mark Penninga, included with this submission.

a right by many. Canadian law refuses to consider them humans or persons until they make the short journey through their mother's birth canal. We may find this convenient but there is no way that we can claim that humans have a right to life if we only regard those humans who are autonomous and powerful. As Horton the elephant understood so well in Dr. Seuss's classic children's tale "a person's a person, no matter how small."<sup>3</sup>

It isn't only the issue of abortion where our secular humanist society is inconsistent in its claim about equal treatment of human rights. We can also look at our legal protection of those with disabilities. Consider the story of Tracy Latimer, the 12 year old girl who was murdered by her dad in Saskatchewan. Robert Latimer claimed that he killed her out of "mercy" because she had a disability. Our courts first gave him a two year sentence for this premeditated killing. This was eventually increased after the case was appealed but the public still has a great deal of sympathy for Robert Latimer and his actions. Apparently Tracy, because she had a disability, wasn't worthy of the same protection under our legal system as more autonomous humans are. If she was a healthy 12 year-old, would there be any question about her dad's conviction and sentence?

At the other edge of life, our human rights talk also conveniently diminishes with the elderly or terminally ill. Right now Canada has a bill in our Parliament, under the title "death with dignity" that would legalize euthanasia and allow for the state-endorsed death of people over 18 who suffer from mental or physical pain. More and more, those who don't have the same capacities in this country are deemed to have lost their dignity and our solution for them is to be ushered out of this life.

If human rights and human dignity are genuinely human then the rights have to be given consistently and equally to all humans, simply because they are human. It may be convenient for the majority or the gate-keepers of society to restrict who qualifies as having dignity or rights, but then we should stop claiming to protect and celebrate human dignity or human rights. Call it the *Canadian Museum for the Rights of the Autonomous* or something else that rings true to what is actually being defended. If the museum is to truly be about human rights, it has to give equal recognition to the weak and vulnerable, including the unborn, the disabled, the terminally ill, and the elderly.

### **The Demise of Responsibilities:**

One sentence in the CMHR brochure is strikingly out of place. "The Canadian Museum for Human Rights is about our rights *and* our responsibilities." It is out of place because there is nothing preceding or following it that actually explains how it is about our responsibilities. The very name of the museum, along with everything on the official website and the brochure reveals that the focus is on rights at the expense of responsibilities. When rights lack a moral foundation then there is no reason why one person or group ought to respect the rights of others. There is no grounding for responsibility. We become a rights-infatuated society. We want the freedom to make choices without consequences, and we want the state to endorse our feelings by calling them rights. But this comes at the expense of other people, often the weak and marginalized.

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<sup>3</sup> See *Horton Hears a Who!* By Dr. Seuss (in book and in film).

In her book *Rights Talk: The Impoverishment of Political Discourse*,<sup>4</sup> Mary Ann Glendon, professor of law at Harvard university, explains the devastating impact that this has had on the United States. When individuals in society become fixated on their rights being upheld, there is little understanding of their responsibility. As a result, society becomes increasingly atomized and individualized. Instead of showing concern for their community and the vulnerable, citizens become infatuated with their own rights and little else.<sup>5</sup> Glendon explains how so many political and legal discussions revert to a claim that an individual has a right to do what he or she wants. Rights are seen as absolute so once a claim for a right is made, the assumption is that no further discussion is necessary. Glendon reveals the problematic consequences of this:

Our rights talk, in its absoluteness, promotes unrealistic expectations, heightens social conflict, and inhibits dialogue that might lead toward consensus, accommodation, or at least the discovery of common ground. In its silence concerning responsibilities, it seems to condone acceptance of the benefits of living in a democratic social welfare state, without accepting the corresponding personal and civic obligations. In its relentless individualism, it fosters a climate that is inhospitable to society's losers, and that systematically disadvantages caretakers and dependents, young and old.<sup>6</sup>

We see something very similar in Canada with our provincial and federal human rights commission and tribunals. Although they claim to be about defending human rights, they instead become a powerful tool to promote a radical ideology based on individual preferences rather than individual and community responsibilities. As long as more than one person exists in this world, preferences will always conflict. The "human rights" commissions and tribunals, being able to decide between competing views of what is acceptable or not, become incredibly powerful political forces because they decide which ideology trumps. They decide which person or group is in keeping with their account of human rights. We strongly encourage you to examine the findings of the Parliamentary committee that is examining the conduct of the federal human rights commission to see how an institution that carries the name of being a defender of human rights so easily is taken over to promote a radically humanist ideological agenda that causes great harm. In the name of rights, basic rights like free-speech and freedom of religion are being increasingly eroded. Individual preferences are prevailing over the common-good.

## **Genuine Human Rights**

It is easy for us to criticize, but the museum will rightly ask what kind of human rights we are advocating. ARPA Canada believes that human rights are precious. They are real. They are inalienable. And they are genuinely human. But they find their meaning and content only when they are built on the immovable foundation of God. Before we are written off as fundamentalists or theocrats, please let us explain why we believe this view is philosophically sound and is in

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<sup>4</sup> May Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse*. Toronto: Maxwell Macmillan Canada, 1991.

<sup>5</sup> Ibid, 14.

<sup>6</sup> Ibid, 14.

keeping with freedom and liberty, also in a pluralist country like Canada. Even more importantly, it provides a moral foundation that will sustain genuine human rights in a world that increasingly upholds them in name only.

**The only way that a right can truly be a right (i.e. something that we are entitled to simply by being human) is if it is given to us by someone that has the authority to give it to us.** If we give them to ourselves then they are simply preferences that carry no moral weight. Belief in genuine human rights requires a belief in a Sovereign God who gives humanity these rights just as He gives life itself. The modern philosophers (Hobbes, Locke, Kant, etc), whom the West relies on for much of its human rights theory, were unable to ground their belief in human rights apart from God.<sup>7</sup> Likewise, the current leader of the Liberal Party of Canada, who is a constitutional law expert, had to admit that the contemporary understanding of universal equality is a “moral fiction.” He stated that **“it is this fiction, and our devotion to it, that enables us to be just. The entire legitimacy of public institutions depends on our being attentive to difference while treating all as equal. This is the gamble, the unique act of the imagination on which our society rests.** [Emphasis added]”<sup>8</sup> How can something that comes from our imagination ground our “right” to life, security, or freedom of conscience and religion? How can a convenient fiction legitimize our belief in inalienable rights for humans from every part of this globe? What happens when other people have different imaginations that conflict with ours?

A right is an entitlement - something that is owed to someone. We can't give ourselves rights. They have to come from one who has the authority to give them. Otherwise they are simply preferences. When we read the Bible it should be apparent that the starting place for this discussion about rights must be **God's right**, not human rights. As the Sovereign One, God alone is entitled to all praise and glory. That is why our chief purpose is to glorify Him and enjoy Him forever.<sup>9</sup> It is only on this foundation that human rights flow.

The Ten Commandments spell out how we are to love God and our neighbour. **Each of these commandments includes an obligation and a corresponding right. Note the order – responsibilities come before rights.** If we are commanded to worship God alone, then along with that comes the implicit right that we should be free to worship God. Likewise, our duties to not kill, steal, or bear false witness result in corresponding rights to life, property, and a fair trial. The Ten Commandments provide responsibilities and corresponding rights that serve as a basis for universal human rights. That is why the Preamble to the Canadian Charter of Rights and Freedoms states that “Canada is founded upon principles that recognize the supremacy of God and rule of law.” The drafters recognized what a valuable and positive role the Christian faith plays in providing the moral grounding for rights to have force and meaning.

Unfortunately our society has forgotten this biblical foundation beneath human rights. Our self-serving nature loves rights without acknowledging responsibilities. As a result we create new

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<sup>7</sup> For evidence, please refer to Chapter Two of the already mentioned book “Building on Sand: Human Dignity in Canadian Law and Society” included with this submission.

<sup>8</sup> David J. Klassen, “Rights Talk and God Talk: Religious Faith and Natural Rights” *Symposium at Newman Centre* (Montreal: McGill University: Sept 13-15, 2007), [www.davidklassen.net](http://www.davidklassen.net), 10-11 quoting Michael Ignatieff, *The Rights Revolution* (Toronto: House of Anansi, 2000), 139.

<sup>9</sup> Question and answer One of the Westminster Shorter Catechism, available at [www.reformed.org/documents/WSC.html](http://www.reformed.org/documents/WSC.html).

“rights” as we want more and more things. We hear of a right to abortion, a right to education, a right to a particular amount of holidays, and the list never seems to end. The reality is that these things are preferences or privileges, not rights. Special interest groups like to make them into rights because this achieves political and legal power. As Jim Wallace points out, “Having failed to transform society into their image through the democratic process, they seek to do it indirectly through favourable court rulings that re-interpret the original intent of those laws they deem objectionable.”<sup>10</sup> How can anyone oppose a “right” without suffering from the wrath of the politically-correct gate-keepers of society?

At one point in time it was more commonly understood that this law of God formed the basis for our civil law and the corresponding rights that we can enjoy in society. But as the West increasingly embraces a false secularism, we have deceived ourselves into thinking that public life must be divorced from any metaphysical basis. We have kept our belief in human rights and the importance of law to restrain the sinful heart of humanity. But we have cut the Christian foundation out from under it. In its place we have ushered in a humanist account of human dignity and human rights and claim that it is objective and neutral. Few things are further from the truth.

The CMHR must realize that so much of what passes for human rights, tolerance, and diversity are simply the politically correct power tools being employed to usher in a humanist vision for Canadian society. **It is in many ways just as religious as the Christian account that originally gave us human rights.** It has all of the answers to the common questions that all worldviews and religions answer including: Who am I? Where did I come from? Where am I going? What is my purpose in life? It has its doctrines, religious alliances, ceremonies, traditions, authorities, and the list goes on. But we are far too enlightened to call it a religion.

### **Specific Conclusions and Recommendations:**

In light of this discussion of human rights, ARPA Canada has the following conclusions and recommendations for the Canadian Museum of Human Rights and for all Canadians:

- ARPA Canada applauds those who work to promote, defend, and increase awareness about human rights. The CMHR has a heart for doing this. We encourage the museum to build on a morally and philosophically sound foundation while it is still in the planning phases.
- We regret that the Canadian government has given 100 million dollars as well as millions annually for the construction and maintenance of this museum given that it appears that the museum is building on the flawed foundation of secular humanism. But we also understand that the decision has already been made and construction has already started. As such, we ask that the CMHR leadership and the government authorities responsible for this project to examine the philosophical and moral foundation undergirding the museum’s conception of human rights.

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<sup>10</sup> Wallace, J, “Why should Christians be Concerned about a Bill of Rights”, Don’t Leave Us with the Bill: The Case Against an Australian Bill of Rights, The Menzies Research Centre, 259.

- Given the differing accounts of human rights explained in this submission, the CMHR should acknowledge the Judeo-Christian foundation beneath human rights by articulating it in the museum alongside the prevailing secular humanist account. A genuinely secular country would see that it would be to its benefit to allow each worldview and religion to present its vision. It is impossible that human rights be built on a foundation devoid of a worldview or religion. A biblical basis for human rights, as articulated from Genesis through Revelation includes the creation of man in the image of God, the fall into sin and the resulting misery that we see in life, the Ten Commandments that provide responsibilities and rights which still serve as a basis for international law today, and the life and teachings of Jesus Christ who made it possible for us to live in a right relationship with God. This has been integral to the development of human rights in the West and should be given recognition in the museum.
- The Ten Commandments, including a description of how these commandments provide the basis for human responsibilities and rights, should be displayed prominently, given the important role and function they have. If it weren't for these commandments and the Christian faith in general, it is unlikely that Canada would be any different from all other nations when it comes to human rights. Human rights wouldn't even be a concern, let alone something to devote a national museum to.
- The CMHR should emphasize human responsibilities before rights so that Canadians are reminded that rights can only function when responsibilities are upheld. This should be reflected in the name of the museum as well. For example, it could be called the *Canadian Museum for Human Responsibilities and Rights*.
- The CMHR must apply its understanding of rights equally to all humans, regardless of their degree of autonomy. This includes consideration of the marginalized and vulnerable humans who are often given little or no voice (including the unborn, disabled, terminally ill, and elderly).
- The CMHR should be careful to not recognize artificial rights that have only been recently created for political reasons, and to avoid the advancement of group or individual preferences as rights.