

## **“Religion and the Exercise of Public Authority”**

A workshop held at Osgoode Hall Law School, York University, Toronto  
November 14-15, 2014.

Report by Richard Moon, University of Windsor

The workshop took place over two days (November 14-15) at the Osgoode Hall Law School. It was organized by Benjamin Berger and Richard Moon and supported by monies from the Religion and Diversity Project (MCRI – SSHRC), an SSHRC Insight Development Grant (held by Professor Berger), and the Faculty of Law, University of Windsor. The object of the workshop was to discuss drafts of papers that will be included in an edited collection to be published by Hart Publications in the UK.

The papers addressed the general theme of religion and public authority. Law and religion scholarship has tended to focus on broad, structural questions such as the scope of religious freedom, the nature and limits of religious toleration and accommodation, and the demands and character of secularism. A finer-grained issue that has received less attention concerns the role of religion in the decisions, actions, and experiences of individuals who discharge public duties. How do the religious commitments of public actors affect the performance of their official functions? To what extent does religion figure in the way that public actors understand and negotiate their roles? What are the distinctive issues raised by the confluence of religion and public authority?

The contributors/presenters came from a variety of disciplines, including religious studies, political science, philosophy, sociology, and law. Also present at the workshop were graduate students from the University of Toronto, York University, and the University of Ottawa.

The draft papers were circulated two weeks prior to the meeting. The workshop was divided into 5 sessions – each with either two or three presenters. Each author was given 10-15 minutes to present his or her paper and thinking on the topic. Each participant was also provided brief commentator comment on another paper. This was intended simply to start off the discussion. The process worked very well. The comments were thoughtful and constructive as was the general discussion that followed.

The following is a list of the panels – with presenters and topics:

### Panel 1: Religion, Neutrality, and Public Displays

Solange Lefebvre (University of Montreal) – “Neutrality or Exclusion? An Expert Insider Perspective on praying in the Public Arena.”

Jocelyn Maclure (University of Laval) – “The Meaning and Scope of the Religious Neutrality of the State: The case of Public Officials.”

## Panel 2: Negotiating Religion in the Performance of Public Duties

Bruce B. Ryder (York University) - “Conscientious Rights of Health Care Professionals.”

Richard Moon (University of Windsor) – “Conscientious Objections by Civil Servants: The Case of Marriage Commissioners.”

## Panel 3: Religion in Public Professions

Faisal Bhabha (York University) - “Religious Lawyering in Canada: Trinity Western, the public role of lawyers, and religious ethics in the practice of law.”

Shauna Van Praagh (McGill University) – “Interfaith Interface: Canadian Classrooms as Sites and Symbols.”

Amélie Barras (University of Ottawa) and Jennifer Selby (Memorial University) - “Religion as visible and invisible in public institutions: Canadian Muslim Public Servant.” (co-authored by Lori Beaman, University of Ottawa).

## Panel 4: Government Policy and the Influence of Religion

Paul Bramadat (University of Victoria) – “Managing and imagining Religion in Canada for 15 Years: What Then, What Next?”

Pamela Klassen (University of Toronto) – “Cursed is He that Removeth His Neighbor’s Land Mark’ Christianity, Indigenous Peoples, and the Rituals of the McKenna-McBride Commission of 1912-1916.”

## Panel 5: ‘Moral Independence’, Religion, and Public

Daniel Weinstock (McGill University) – “Religious Freedom without Religion.”

Benjamin L. Berger (York University) – “Coercion and Circumspection: Assessing Religion and the Judicial Role.”

The discussion in each session was thoughtful, lively, and constructive and served to draw out a number of common themes and a variety of links between the papers.