TOWARDS AN INCLUSIVE INTERPRETATION OF 'CREED'[1]

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ABSTRACT

The Ontario Humanist Society (OHS) is representative of Humanist ethical communities of choice, with an established institutional history supporting deeply held ethical beliefs and principles as a 'living' creed. These communities are currently excluded by definition from the concept of the OHRC definition of 'creed.' As a result, the collective rights of Humanists and other such ethical communities of choice are not recognized under the *Ontario Human Rights Code*. On that account, we argue for a more inclusive interpretation of the term 'creed' in this paper, which is a collaborative work by the OHS Ethical Action Committee.

It is the position of the Ontario Humanist Society (OHS) that the Ontario Human Rights Commission (OHRC) should move towards a more inclusive interpretation of the term 'creed.' The word "creed" derives from the Latin "credo," meaning "I believe." The Cambridge University Press dictionary defines creed as "*a set of beliefs which expresses a particular opinion and influences the way you live*." It is a definition that makes no reference to religion, at the same time it refers to 'a set of beliefs' suggesting a substantial belief system akin to the beliefs or tenets of a religion.

We see this definition as a starting point for reconsidering the interpretation of creed as expressed in the "Policy on creed and the accommodation of religious observances" (OHRC website):

1. Creed does *not* include secular, moral or ethical beliefs or political convictions.[4] This policy does not extend to religions that incite hatred or violence against other individuals or groups,[5] or to practices and observances that purport to have a religious basis but which contravene international human rights standards or criminal law.[6]

The Ontario Humanist Society represents Ontario Humanist societies and communities. We are affiliated with Humanist Canada at the national level and with the International Humanist and Ethical Union (IHEU) representing over 100 Humanist and Ethical associations in over 40 countries. IHEU has member status with the United Nations Economic and Social Council (ECOSOC), reflecting the Humanist commitment to "a world in which human rights are respected and everyone is able to live a life of dignity" (IHEU website).

As Humanists, we define ourselves as a 'community of choice,'[2] constituted on the basis of strongly held philosophical, moral and ethical beliefs that we espouse as our creed. As a community, we have experienced significant consequences when our rights have been abrogated on the basis of the OHRC interpretation that fits only those communities that define themselves as a religion and espouse a "professed system and confession of faith, including both beliefs and observances or worship" (OHRC Policy on Creed).

A more inclusive definition of creed encompassing communities of choice such as ours would broaden the scope of the term to afford such communities the same protections as religious groups. Such a definition would retain the requirement that a necessary aspect of creed is that moral and philosophical beliefs of the community are "*sincerely held and/or observed*" through ethical community practices (Ibid). Further to the OHRC interpretation, 'creed' would be "defined subjectively" with personal philosophical, moral or ethical observances protected "even if they are not essential elements of the creed provided they are sincerely held" and a good fit with the community's creed (Ibid).

In order to fully clarify our position, we have provided commentary relative to three defining aspects of our proposal for a more inclusive interpretation of 'creed':

1. Conceptualizing the Humanist creed;
2. The case for revising the interpretation of creed;
3. The abrogation of rights in practice as an outcome of exceptions in the OHRC's interpretation of creed.

1. CONCEPTUALIZING THE HUMANIST 'CREED'

A. ETHICAL COMMUNITIES OF CHOICE

Feminist philosopher, Hilda Lindemann Nelson conceptualizes the process of moral self-definition as a potential evolving from communities of choice structured by an ethics of care and interdependence (Nelson 1995, 1999). Both personal and community empowerment arise from such communities as opposed to the dominance and subordination that structure many modern associations including some religions (McCabe, 2004, p. 9, 72-76).

Humanist societies in general can be construed as ethical communities of choice constituted on the basis of shared values and ideals where individual difference in experience is understood to be a source of wisdom, insight and expertise. The empowerment ensuing from such a community invigorates the innate capacities of humans to think critically, feel compassionately and act ethically.

B. MODERN HUMANIST BELIEFS, GUIDING PRINCIPLES AND PRACTICE

Universal Declaration of Human Rights (1948)

A foundational "creed" of Humanists that guides our beliefs, our actions, and our understanding of our responsibility to others as Humanists, is the *Universal Declaration of Human Rights (UDHR)*, a United Nations instrument ratified in 1948, which has become a universal standard for defending and promoting human rights. The declaration is based on belief "in the dignity and worth of the human person." It requires all states, groups and individuals to observe and promote respect for rights and freedoms. We note that the Declaration, referred by Eleanor Roosevelt as the "Magna Carta of Mankind" and Pope John Paul II as the "Conscience of Mankind," was first drafted by Canadian Humanist, John Peters Humphrey. His contributions reflect the values, universal tolerance and aspirations of a long tradition of Humanist practice in Canadian society.

The UDHR, and subsequent Human Rights instruments and treaties it generated enshrine the values of tolerance, reciprocity, equality, and human dignity – all firm principles of Humanism stated in an explicitly non-religious environment, which still protects freedom of thought, conscience and religion or belief.

The Amsterdam Declaration, 2002(1952)

Humanists also rely on the International Humanist and Ethical Union's (IHEU) statement of the fundamental principles of Modern Humanism passed at the first World Humanist Conference in 1952 (2002 update) (IHEU website). Humanists support and use these documents as a 'living' creed. All members of the IHEU must agree to accept these statements. The Ontario Humanist Society is a registered member of IHEU. We accept and refer to these and subsequent Human Rights instruments that they generated, to define, refine, and support our principles such as the OHS Ten Principles and Position Statements, LGBTQ rights, for example (OHS website).

Principles in practice

As to how Humanists live their creed in practice, examples abound. We prize ethics, reason and critical thinking, and support for universal human rights, which we promote through educational outreach. We also recognize that humans by our very nature are social beings imbued with compassion for our kind as well as the natural world. It is these aspects of everyday life that we consider with our Educational Outreach, Chaplaincy and Officiant Programs.

EDUCATIONAL OUTREACH

A standard practice of Humanist groups is public education on a range of topical and significant social, environmental and scholarly considerations. For example, recently our affiliate, the Humanist Association of Toronto (HAT) hosted a public lecture on the Humanist approach to international Canadian Peacekeeping initiatives delivered by OHS member and veteran, Matthew Bin.

Dr. Gail McCabe and Mary Beaty, OHS board members, presented the UDHR as a foundational creed of Humanist philosophy to the World Religions class at Durham College. Ms Beaty who also acted as the American Humanist Association's (AHA) NGO National Representative for the Department of Public Information at the United Nations presented the *UDHR* as a foundational creed of Humanist belief on *Being Human*, a Vision TV series produced by Humanist Canada (HC).

CHAPLAINCY SERVICES

Humanists have established Humanist Chaplaincies in universities in Canada, the United States and Europe to strengthen ethical communities grounded in the Humanist creed. Chaplains provide leadership, social support and compassionate care services to Humanist students, staff and faculty.

In 2008, Dr. McCabe was appointed to the Campus Chaplains Association (CCA) as the first Humanist Chaplain at the University of Toronto. She was joined by

Mary Beaty in 2010. Their aim is to broaden the scope of service of the CCA and the Multifaith Centre to include ethics as well as spirituality. This initiative has created a change in focus at the Multifaith Centre as some documents and events now recognize both 'faith and ethics' as significant values of campus life.

HUMANIST CEREMONIES

Humanist Officiants routinely refer to the UDHR and the Convention on Rights of the Child Rights (CRC) as part of their work as clergy. For instance, we have incorporated Article 16 of the UDHR as part of the Marriage Ceremony:

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

And we use Article 7 of the CRC in our Celebration of Naming:

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.

Our Officiants and Chaplains are also involved in community awareness and care in the spectrum of human life cycles, from family services to welcomng new children, to weddings, funerals, and the development of compassionate care for the isolated and elderly, among other community initiatives.

2. THE CASE FOR REVISING THE INTERPRETATION OF 'CREED'

A. EXCEPTIONS AND EXCLUSION

In our opinion there is a logical fallacy in the statement that "[c]reed does *not* include secular, moral or ethical beliefs." And since the OHRC interpretation of creed is deemed to mean "religious creed" or "religion," it is exclusionary on the basis of religion.

This statement runs counter to the aims of the *Human Rights Code of Ontario*. While there may be an argument to be made for excluding the term 'secular', one can hardly account for the exclusion of moral or ethical beliefs since religion is only one of the arbiters of morality and ethics. Human rights as enshrined in civil laws, treaties and other instruments are examples of moral and ethical principles.

B. THE GAP IN ACCOMMODATIONS FOR ETHICAL COMMUNITIES OF CHOICE

The logical fallacy may be explained as a typographical error through the inclusion of a comma between secular and moral. Perhaps, the OHRC meant to say "secular moral or ethical beliefs." And it is clear from a later paragraph that the OHRC considers that atheists and agnostics are accommodated in the *Human Rights Code*.

> *It is the OHRC's position that every person has the right to be free from discriminatory or harassing behaviour that is based on religion or which arises because the person who is the target of the behaviour does not share the same faith. This principle extends to situations where the person who is the target of such behaviour has no religious beliefs whatsoever, including atheists and agnostics who may, in these circumstances, benefit from the protection set out in the* Code.*[3]*

We found no redress for communities of choice such as ours in the interpretation of creed despite our lived experience with the Humanist creed described in Section 1 of this paper. On that account, we urge the OHRC to reinterpret the term 'creed' to include Humanist and Ethical communities of choice whether styled as societies, communities or associations.

3. THE ABROGATION OF RIGHTS IN PRACTICE: AN OUTCOME OF EXCLUSION

Members of Humanist associations have experienced the abrogation of our colletive human rights, which we have experienced as diminished opportunities in some cases and exclusion from opportunities in other cases. This reflects differential recognition of religious denominations as social institutions requiring protection under the *Ontario Code of Human Rights*, while Humanist associations as ethical communities of choice do not qualify for protection.

We see this differential recognition as discriminatory and unfair – a contradiction to the stated objectives of the OHRC. These practices limit our ability to reach our full potential as Humanists following our creed as well as to our right to self-definition as Humanists.

Here, we provide a list of those limiting circumstances:

i. Requisite recognition by the Province of Ontario to solemnize Humanist marriages. In seeking the authority to solemnize marriages, Humanist associations must meet the requirements of a religion. The application was framed as if we were a quasi-religion resulting in a lengthy, tenuous and challenging process given that our values and principles differ in kind from a religion.

ii. Recognition of our communities and associations by the charitable directorate. In seeking charitable status, our applications have generally been successful solely on the basis of educational objects. Unlike religious groups, Humanist communities have been refused status on the basis of service for the good of our communities.
iii. Humanist communities are not afforded the tax-free status on community-held property of religious groups.
iv. OHS Humanist Officiants are not afforded the tax benefits of religious clergy limiting their ability to serve our community.
v. Appointments as chaplains for prisons, army, and hospitals requiring recognition by the Multifaith Counsel of Ontario have not been forthcoming.

Efforts to secure these accommodations have had limited success. In Toronto, HAT was successful in gaining status through the courts on the basis of serving the good of the community. Others have not had such success suggesting that status is bestowed as a privilege on a case-by-case basis rather than as common practice on the basis of creed.

CONCLUSION: TOWARDS A MORE INCLUSIVE INTERPRETATION OF 'CREED'

The OHRC has made a narrow interpretation of the term 'creed' such that the Ontario Humanist Society and other Humanist and Ethical communities are excluded. But why should this be so? The exclusion of organized groups with an established institutional history of supporting deeply held ethical beliefs and principles contradicts the very raison d'être of the OHRC as well as the intentions of the *Ontario Human Rights Code*.

This exclusion, a function of discrimination in the interpretation of the term 'creed,' has caused instrumental and affective distress within our Humanist community. This was best articulated by Peter Moller, OHS Treasurer who noted with respect to the statement on atheists and agnostics that "the rights of the non-religious should not be relegated to a footnote."

Mr. Moller offered an alternative definition of the OHRC passage that this paper began with:

> *Creed includes any established beliefs which expound moral or ethical standards. It does not include political convictions. This policy also does not extend to religions or groups that incite hatred or violence against other individuals or groups,[5] or to practices and observances that purport to have a religious basis but which contravene international human rights standards or criminal law.*

We support this definition because it seems to redress our issues. The absence of protection for collective rights for Humanist communities as well as other ethical groups who define themselves within an ethical creed that is not religious in nature is of great significance to the Ontario Humanist Society.

NOTES

[1] This paper reflects the perspectives of the Ontario Humanist Society and its members as well as members of local Ontario Humanist groups and the international Humanist community. The drafting of the paper was a collaborative effort of three members of the Ethical Action Committee of the Ontario Humanist Society.

[2] See explanation of 'ethical communities of choice,' Section 1, page 2.

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