

NEWFOUND RELIGION: TERM 17(3) OF THE
NEWFOUNDLAND ACT AND ITS CHALLENGE TO
THE CURRENT DISCOURSE ON FREEDOM OF
RELIGION IN THE PUBLIC SPHERE

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Underlying the dominant legal and theoretical approaches to the freedom of religion in the public sphere is a discourse which assumes that religion is a contestable or mutable aspect of public life. As a result of this assumption, our current approach holds that the role of religion may be altered according to the perceived benefits and burdens of its presence. The resulting consensus predominately prefers the absence of religion in the public space where government regulation exists. By amending its constitutional terms of union with Canada to permit religious observances in their public school system, Newfoundland and Labrador has protected activities which, short of their constitutional protections, would certainly be condemned by our current approach. However, denouncing this provision fails to account for the current and historical relationship which religion has had in the education of the citizens of Newfoundland and Labrador. The following discussion examines this discord, a discord which profoundly challenges whether our current approach is based on a faulty premise. It will be submitted that in appropriate circumstance the existence of religion in the public sphere should not be challenged, but rather acknowledged and accepted. In such cases this acknowledgment of religion may need to form the foundation or starting point for our approach to religion.