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**Expert Opinion in the Matter of
Her Majesty The Queen v. Shahrooz Kharaghani, Peter Styrsky**

Personal Introduction

1. I am 65 years of age being born on August 4, 1943 in the village of Waldweistroff, France. I am a Roman Catholic priest and a member of the Province of France of the Congregation of the Missionary Oblates of Mary Immaculate. My academic qualifications are fully described in my curriculum vitae, which is attached.

2. I have been living permanently in Canada, in the City of Ottawa, on 249 Main Street, since July 28, 2000. I came to Canada for the purpose of teaching at the graduate level at Saint Paul University, an institution of higher learning established in 1866 in the City of Ottawa, governed by a civil charter, which was approved on April 18, 1933 by the Ontario Provincial Legislature. I am currently a full-time, tenured professor at that University, and Dean of the Faculty of Canon Law. The programmes of this Faculty are periodically reviewed and approved by the Ontario Council of Graduate Studies. I am also a full member of the Faculty of Graduate and Post-Doctoral Studies of the University of Ottawa, and a member of the Academic Senate of that University.

3. Before coming to Canada, I pursued a career of study and research in Religious Studies and in Law, mainly in France, Italy, and the United States. In the same countries I was also entrusted with various responsibilities and ministries in the realm of religion.

The Question on which I Have Been Asked to Provide an Opinion

4. I have been asked to provide my professional opinion, as a scholar of religion, to the following questions: “Does the organization known as the «Church of the Universe» constitute a ‘religion’? If so why, and if not, why not? If the Church of the Universe is not a religion, what can it properly be described as?”

I consider that I am entitled to provide a professional opinion, as a scholar of religion, in the above-quoted matter, because of my background of studies and research, both in the field of religious studies proper and in that of law applied to religious groups and activities.

My Professional Qualifications

5. In 1967 I earned a Baccalaureate in Philosophy and in 1968 a Licentiate in Philosophy at the Pontifical Gregorian University in Rome. Several of the courses in the curriculum dealt specifically with the philosophy of religion. In 1972 I earned a Baccalaureate in Theology at the same University. In 1972-1974 I specialized in the field of Biblical Studies, with a Licentiate in Biblical Theology. These latter studies familiarised me with the religions of the ancient Near East.
6. In 1987, I earned the civil degree of Licentiate in Canon Law at the Université des Sciences Humaines, a State university in Strasbourg, France. Post-graduate studies brought me in 1993 to a specialised Pontifical degree of Licentiate in Canon Law at Institut Catholique de Paris, and, in 1995, to a

civil degree of *Diplôme d'Études Approfondies* (third-cycle) in Law at the School of Law of the University of Paris Sud XI.

The set of courses for the latter degree had one major focus on the history, philosophy and sources of law on religion. It included, as a second focus, a fully-fledged curriculum, developed under the aegis of the European inter-university programme *Erasmus*, called "*Gratianus*", on the legislation and case-law concerning religion in the various countries of the European Union, namely: *Programme européen de formation doctorale "État, libertés, religions en droits nationaux et européen."*

During the years of preparation for the doctorate I was granted a bursary as associate researcher at the Academy of Social Sciences of Vietnam in Hanoi (1994-1996), which allowed me to study more in depth the religious phenomenon in the civilisations of the Far-East. In 1995 I earned a *Diplôme d'Études Approfondies* (third cycle degree) in Far-Eastern studies at the Institut National des Langues et Civilisations Orientales in Paris.

7. In 2000 I successfully defended a thesis for the PhD in Law (History of Law) at University of Paris Sud XI. At the same time I was granted the title of Doctor of Canon Law by the Institut Catholique de Paris. I immediately undertook a programme of post-doctoral research as correspondent member of the Centre of Research on Law and Religious Societies (*Centre "Droit et sociétés religieuses"*), at Faculté Jean-Monnet, University of Paris Sud XI.

This led me in 2003 to be admitted by that same university to the "*Habilitation à diriger des recherches,*" which is the highest academic qualification in the European system, by successfully defending a dissertation on "*The emergence of 'Young Churches' in 'Young Nations' and the institutional and juridical legacy of the age of Missions.*" Since then I have been integrated, as a correspondent, in that Parisian Research Centre.

Among the many PhD dissertations that I have supervised—they are listed in my CV—I wish to underline the relevance for the matter at hand of the one defended by Dr. Sahayaraj Lourdasamy on “*La conversion religieuse dans un contexte pluraliste: Aspects canoniques et civils concernant l’Union indienne*” (PhD in Law, defended February 2008, University of Paris Sud XI). This dissertation has a strong emphasis on the case-law of the Indian Union concerning religious freedom.

8. Summing up, I have been engaged for at least the last twenty years in the study of, and research and publications on, the religious phenomenon as it is comprehended by law.

My Opinion

9. In one sentence, in my opinion the organisation known as the “Church of the Universe” is not a religion; rather, it is best described as a ‘pseudoreligion’ or ‘parody religion’.

The essential basis for my conclusions is this: a religion is a system of beliefs and/or rites that must show some inner coherence. This consistency seems to be lacking in the case of the “Church of the Universe” as portrayed in the various exhibits. The latter expose instead a collection of disparate notions borrowed, without proper validation, from existing religions. Many traits are typical of parody religion.

It seems that the only validation is *a posteriori*, or self-serving, with the purpose of defeating or circumventing the law.

10. These conclusions do not rest on an abstract definition of “religion,” such as might be borrowed from philosophy, sociology, history, or ethnology.

Such a premise would lead to endless discussions and disputes, without reaching the firm conclusion that a court is expecting. The reason is that

arguably, for most scholars today, a truly universal definition of “religion” cannot be given within the science of religion, or even the science of history of religions. As a matter of fact no single definition would be able to encompass the wide-ranging sets of traditions, practices, and ideas which constitute different religions around the world, and even in Canada.

11. This does not mean that “religion” should not be defined. Such a definition must be available within a given legal system. Indeed, since the laws of Canada do refer to “religion,” all those persons and agencies that have to deal with the law on religious freedom need to ascertain the way the legislator intended to use the notion. The basic reason for this necessity of defining “religion” is this: in any organised society, individual freedom of belief and religion must necessarily interact, in an orderly fashion, with the common good of that society, guaranteed by the laws. In other words, there is necessarily an objective element to religion, and that objective element, in turn, falls under the law.

12. In democratic societies the law abstains from entering the realm of private thinking, but not the way it affects life in society with other citizens or human beings. This distinction is reflected in the Canadian Charter of Rights and Freedoms (hereafter: “the Charter”), which lists separately (1) “freedom of conscience and religion,” and (2) “freedom of thought [and] belief.” This separation shows that the Canadian legislators never intended to define “religion” in terms of belief. In the same way, although listed under the same heading, the notions of “conscience” and “religion” should not be considered as one and the same. “Conscience” refers to an individual whereas “religion” presupposes the externalisation and sharing of the same beliefs or practices.

Thus, all definitions that understand “religion” in the individualistic realm may well be philosophically legitimate but are irrelevant in the present case, because the legislator chose to consider these notions separately. Dr. Irving Hexham of the University of Calgary in Alberta quotes several such definitions, taken from various authors and theologians; e.g. that of William

James: “The belief that there is an unseen order, and that our supreme good lies in harmoniously adjusting ourselves thereto;” or that of Alfred North Whitehead: “What the individual does with his own solitariness.”

Concepts of “Religion” Found in Social Science and Lay-Discourse

13. Before examining the Church of the Universe in light of the definitions of “religion” offered by various courts, I would highlight three non-judicial definitions which shed light on the key objective criteria: two by widely respected scholars and one by a group of Ontario citizens who are endeavouring to promote religious tolerance.
 - a) Donald Swenson, a professor of sociology at Mount Royal College, Calgary, in his book “Society, Spirituality, and the Sacred: A Social Scientific Introduction” (Peterborough, Ont.: Broadview Press, 1999), writes: “Religion is the individual and social experience of the sacred that is manifested in mythologies, ritual, ethos, and integrated into a collective or organization.” In this definition I would underline the words “social experience... manifested”, and “integrated into a collective or organization.” These are the elements common to all religions that the Charter intends to protect.
 - b) Clifford Geertz (1926 – 2006) was a professor at Princeton University, where he was one of the founders of the School of Social Sciences; he is one of the most prominent sociologists of the second half of the 20th century and his work is known, respected and taught worldwide. Geertz saw religion as one of the cultural systems of a society. One of the most interesting parts of his teaching on religion, relevant to the present case, is a kind of five-step test to identify a religion, summarised by Seth D. Kunin in *Religion: The Modern Theories* (University of Edinburgh Press, 2003, page 153). For Geertz a religion is:

- (1) a system of symbols
- (2) which acts to establish powerful, pervasive and long-lasting moods and motivations in men
- (3) by formulating conceptions of a general order of existence and
- (4) clothing these conceptions with such an aura of factuality that
- (5) the moods and motivations seem uniquely realistic.

In applying this test to the present case the decisive element will be the very first step: where there is no system of symbols, there is no religion that can be comprehended by the law.

- c) The group that styles itself Ontario Consultants on Religious Tolerance (www.ReligiousTolerance.org) has not being suspected of taking sides for traditional or established religions. I avert to this group because their materials appear to offer a thoughtful, neutral lay-view of the meaning of religion in the contemporary cultural milieu. On its website this group proposes a “middle of the way” definition that, in their view, can accommodate all “religions” as they exist today in Canada and the United States: see www.religioustolerance.org/rel_defn.htm, posted on 15 December 2007 and retrieved on 30 June 2009. The definition is signed by B.A. Robinson, a citizen of Kingston, Ont., as compiler: “Religion is any specific system of belief about deity, often involving rituals, a code of ethics, a philosophy of life, and a worldview.”

Even more than the other two, this definition puts in the very first place the notion of “system.” The notion is further specified as “specific,” i.e., precise, unique and distinctive.

Concepts of “Religion” Found in Jurisprudence

14. For the purposes of my opinion, the definitions of “religion” found in case-law are of particular importance in setting objective criteria for examining the Church of the Universe. The analysis should take as its starting point

the definition of religion—and protected religious activity—laid down by the Supreme Court of Canada in *Syndicat Northcrest v. Amselem* (*Syndicat Northcrest v. Amselem*, [2004] 2 S.C.R. 551, 2004 SCC 47):

#40: “Defined broadly, religion typically involves a particular and comprehensive system of faith and worship.”

#135: “[A] religion is a system of beliefs and practices based on certain religious precepts. A nexus between personal beliefs and the religion’s precepts must therefore be established. This point of view is consistent with those encountered in other common law jurisdictions: *Bowman v. Secular Society, Ltd.*, [1917] A.C. 406 (H.L.); *R. v. Registrar General, Ex parte Segerdal*, [1970] 2 Q.B. 697 (C.A.); *Barralet v. Attorney General*, [1980] 3 All E.R. 918 (Ch. D.); *Wisconsin v. Yoder*, 406 U.S. 205 (1972). Religious precepts constitute a body of objectively identifiable data that permit a distinction to be made between genuine religious beliefs and personal choices or practices that are unrelated to freedom of conscience.”

This dual definition by the Supreme Court of Canada puts forward very strongly, once again, the notion of system. This notion is further qualified as both “particular” (separate, distinct...), and “comprehensive,” i.e. complete in itself, self-contained... The same requirement is repeated in different words: the precepts of a religion should “constitute a body” recognisable as such, on the basis of hard facts, by those who have the duty, under the law, to separate “genuine” religious beliefs from spurious ones. All beliefs may be respected under freedom of conscience, but not all should not enjoy the protection that the law guarantees for legitimate religions.

15. The following passages from other Common Law jurisdictions are also instructive.

The Supreme Court of India has often been called upon to defend religious freedom in its own context, where christianity does not in any way constitute the norm. This case-law is particularly relevant in the present case because

the defendants claim connexions with Asian systems of belief and religious practice.

- a) *S.P. Mittal Etc. Etc. vs. Union of India and Others* (1983 AIR 1; 1983 SCR (1) 729; 1983 SCC (1) 51...).

“The term ‘religion’ has been judicially considered in *The Commissioner of Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiyar of Sri Shriur Mutt* [1954] SCR 1005 and the following propositions of law laid down therein have been consistently followed in later cases including *The Durgah Committee, Ajmer and Another v. Syed Hussain Ali & Others* [1962] 1 SCR 383 @ 410-11 : (1) Religion means «a system of beliefs or doctrines which are regarded by those who profess that religion as conducive to their spiritual well being» [...].”

- b) *Acharya Jagdishwaranand Avadhuta, Etc. vs. Commissioner of Police, Calcutta & Anr.* (1983 (4) SCC 522, 530)

“The words ‘religious denomination’ in Art. 26 of the Constitution [of the Indian Union] must take their colour from the word ‘religion’ and if this be so, the expression ‘religious denomination’ must also satisfy three conditions: (1) It must be a collection of individuals who have a system of beliefs or doctrines which they regard as conducive to their spiritual well-being, that is, a common faith; (2) common organisation; and (3) designation by a distinctive name.”

16. The European Court of Human Rights in Strasbourg, France, has been established for the purpose of hearing complaints from individual citizens against the signatory States on violations of the European Convention on Human Rights. The court has touched repeatedly upon the freedom of religion and its limitations, establishing a case-law which constitutes an authentic interpretation of the law of particular States, and consistently favours a very broad protection of rights in the realm of religion against State interference. Rather than giving a definition of “religion,” the Court has accurately studied its outer limits.

All cases are available in the Court's case-law database (HUDOC), which is accessible via the Court's website [<http://www.echr.coe.int>.]

In *Case of Leela Förderkreis E.V. and Others v. Germany* (Section 5 – Application no. 58911/00, Judgment 6/11/2008), the Court echoes the themes of cogency, seriousness and systematisation, which are the characteristics of religion throughout its jurisprudence.

#80. “While religious freedom is primarily a matter of individual conscience, it also implies, *inter alia*, freedom to manifest one's religion, alone and in private, or in community with others, in public and within the circle of those whose faith one shares. Article 9 [of the European Convention on Human Rights] lists a number of forms which manifestation of one's religion or belief may take, namely, worship, teaching, practice and observance. [...]. Nevertheless, Article 9 does not protect every act motivated or inspired by a religion or belief (see, amongst many other authorities, *Kalaç v. Turkey*, judgment of 1 July 1997, *Reports* 1997-IV, p. 1209, § 27). The freedom of thought, conscience and religion denotes views that attain a certain level of cogency, seriousness, cohesion and importance (see *Campbell and Cosans v. the United Kingdom*, judgment of 25 February 1982, Series A no. 48, p. 16, § 36).” [emphasis added]

17. Commenting on the defining decisions of the Strasbourg court, Professor Francesco Margiotta Broglio, who teaches Religious Institutions History at the Faculty of Political Science in Florence and at University Paris XI Sud, writes:

“It is impossible... to accept fully the theory that, whenever a social group calls itself religion or religious denomination, or defines itself as such, the juridic order of the State must then limit itself to take note of its self-legitimation (Colajanni). The specific protection that the European

countries recognise, to various extents and under various modalities, to some or all religious confessions [...] involves, in any case, an assessment by the public administration of the characteristics and purposes of the group that self-defines itself 'religious'. This assessment should be done in the light of the general or specific principles dictated by the law for all associative entities and their activities.”

(“... [N]on è possibile... accettare integralmente la tesi secondo cui quando un gruppo sociale si qualifichi e si definisca culto o confessione religiosa l'ordinamento giuridico statale debba limitarsi a prendere atto della loro autolegitimazione (Colajanni). La specifica tutela che, in diverso grado e con diverse modalità, i paesi europei riconoscono ad alcune o a tutte le confessioni religiose [...] comporta, in ogni caso, una valutazione da parte della pubblica amministrazione dei caratteri e delle finalità del gruppo che si autodefinisce “religioso” alla luce dei principi generali o speciali dettati dalla legge per le realtà associative e per le loro attività.” F. Margiotta Broglio, “Il fenomeno religioso nel sistema giuridico dell'Unione Europea,” in F. Margiotta Broglio, C. Mirabelli and F. Onida, Religioni e sistemi giuridici. Introduzione al diritto ecclesiastico comparato, Bologna: Il Mulino, 1997, pp. 87-223, quotation found page 101, my translation).

18. I would describe the position consistently taken by the European Court as saying that it has come to consider “religion” as a special case of the right of free association, a case that deserves high protection against undue interference by the administrative or judicial bodies of the State. High protection, however, cannot mean unqualified, unlimited protection; nor is it triggered by the mere claim by an individual or a group that their behaviour, expressed opinions, or activities, are of a religious nature. A particular act (of worship, teaching, practice, observance...) may well be inspired by an undisputable “belief,” but falls still under laws that regulate the freedom of association.

19. In this regard two tests are used:

- a) The State has a right to satisfy itself that an association's aim and activities are in conformity with the rules laid down in legislation, i.e., that they are not threatening the security or the welfare of the State itself, or harming the common good of the community at large, or trespassing on the rights of individual citizens; and
- b) The views of a group claiming the special level of protection guaranteed to "religions" should "attain a certain level of cogency, seriousness, cohesion and importance" (*Case of Leela Förderkreis E.V. and Others v. Germany*, above).

The second test certainly incorporates the element shared by the various definitions quoted above, i.e., that a "religion" should be a coherent system.

20. In the definition laid out by the Supreme Court of Canada in *Syndicat Northcrest v. Amselem*, as well as in the foreign case-law cited above as corroboration, I would therefore underline a couple of notions, which need to be further elaborated.

- a) First, the notion of "system," further qualified as a "comprehensive" system. In other words, any religion identifiable as such under the law must be an orderly system rather than a mere collection of unrelated beliefs and/or practices.
- b) The notion of "body," namely a *body* of objective data identifiable as religious precepts. The word "body" conveys the same denotation of an integral, orderly, hierarchically structured system.
- c) The notion of genuineness.

“Genuine” is defined in plain English, namely by the Merriam-Webster Dictionary, as applicable to something “actually produced by or proceeding from the alleged source or author;” further, to something “sincerely and honestly felt or experienced” and “free from hypocrisy or pretence.”

A more technical definition, from a legal point of view, could be phrased as this: “Having a claimed and verifiable origin or authorship; not counterfeit or copied.” I believe that this is the kind of definition required to interpret the language of the Charter correctly.

Syncretism Is Not a Substitute for a System

21. From the standpoint of the science of religion it must be conceded that many religions are borrowing some of their tenets or practices from other existing—or extinct—religions. This is generally referred to as “religious syncretism.” The affidavit filed on behalf of the “Church of the Universe” by Dr. Carl Anton Paul Ruck uses this term: “They are a syncretistic religion, founded in 1969, encompassing the scriptures of various groups, not necessarily Christian.”

There is no doubt that the “Church of the Universe” has a syncretistic approach to other religions and faiths. What is missing is the blending of the various religious belief systems to which they refer into a new, integral *system*, which might give each element its proper weight and place in the overall construction and provide a way of solving the contradictions and inconsistencies between them.

22. This becomes even more evident when comparing this group to other movements that share the same characteristic of syncretism.

Sufian Kharaghani, in his affidavit, states that he was raised in the Baha’i faith. The Baha’is creed includes many syncretistic elements—acceptance

of teachings of the Buddha, Zoroaster, Moses, Jesus, and Muhammad—but, unlike the “Church of the Universe”, the Baha’i faith is unified under a new revelation from God to Baha’u’llah, in which those other elements find an orderly place to form a new, organic, coherent religious system.

Similarly, this can be verified for the Rastafari movement to which Dr. Ruck also refers in his affidavit. The Rastafari system of beliefs is strongly unified under the figure-head of Jah Rastafari; other revelations—including the Amharic Bible—and prophets find their proper place in the system, and are consistently subordinated to Jah.

“Single-Point” Beliefs Cannot Underwrite a “Religion”

23. A loose aggregation of ‘single-point’ beliefs or tenets, which lack a greater existence as part of a cohesive whole, may well be freely adhered to as an individual choice. However, in my opinion, this is strictly a personal matter, which remains outside the scope of the law on religious freedom. It certainly does not meet the definition of religion that has been laid down or accepted by the Supreme Court of Canada, or foreign jurisdictions.

Individual ‘opinions’ and ‘ideas’ enjoy the guarantees of the freedom of expression. ‘Religion’, on the other hand, is to be understood in the public forum of society; to be recognised as a religion an aggregation of beliefs needs to attain “a certain level of cogency, seriousness, cohesion and importance,” as the European Court of Human Rights rightly points out in the recent *Case of Leela Förderkreis E.V. and Others v. Germany* referenced above. In the instance of the “Church of the Universe,” the lack of comprehensiveness, of cohesion and cogency—albeit some of the disparate beliefs may be religious or spiritual in nature—rules out, in my opinion, the high level of protection guaranteed by the Charter under the heading freedom of religion.

24. Rather than syncretism, the intellectual approach of the “Church of the Universe” to borrowings from existing or extinct religions could be called eclecticism. From the material submitted by the defendants it can be demonstrated that the “Church of the Universe” makes no real attempt to reconcile the various elements drawn from various sources into a recognisable pattern, or an orderly body of tenets. This demonstration will need a careful analysis of these elements.

The apparent purpose of these borrowings is to give, *a posteriori*, a justification to the use of marijuana and/or hashish. A true attempt at a ‘faith’ would endeavour to do something more than justify marijuana use, which is commonly recognisable as a merely external practice, by adducing purported evidence of its use in unrelated faiths and cultural contexts of the past. In other words, rather than coming to religion through justification for marijuana use, it would come to marijuana use through its seeking towards the fulfilment of a higher purpose; this higher purpose would be the central part of a genuine and comprehensive system of belief.

25. The eclectic approach is, thus, the fact of selecting, in doctrines with a long history or a wider acceptance, whatever serves this only purpose, and retaining exclusively such isolated elements. In many instances the assertions are self-serving; claims to the effect that they are resting on a scientific basis are spurious. In such cases the lack of genuineness—as defined above—can be demonstrated.

The following phrase, taken from the affidavit filed by Dr. Carl Anton Paul Ruck, is a very broad statement that should be rejected as jumping to conclusions without any proper foundation: “Anthropological, ethnopharmacological and historical research has shown that the traditional purpose of such psychoactive plant use was to attain direct spiritual experience.”

No. 6 of that same affidavit multiplies claims that “The Bible”—a phrase referring to both the Jewish Bible and the Christian Bible—contains numerous references to the use of cannabis. No attempt is made at that point to examine the positions of recognised biblical scholarship, whether Jewish, Christian, Humanistic or other, which is readily available in any university library, and would in its almost entirety reject such readings.

Why would some marginal biblical literature be accepted at face value without a minimal attempt aiming at examining other widely accepted interpretations?

One patent instance, among numerous others, is this: “Various candidates for [the “magical food” called the *mannah*] have been proposed, and the most likely identity is something like LSD, derived from ergot [...]” Why “most likely?”

Or: “The chism of his [Jesus’] anointment would have been the one described above for the Jewish ordination, which is to say, Jesus would have to have experienced the effect of cannabis.” No part of the Bible describes any actual anointment of Jesus, and the theory that the anointment of Jewish high priests be made with cannabis is not supported by any scholarship whatsoever.

26. It may not be impossible for a genuine religion to reach the same selective reading given to the Bible by the “Church of the Universe,” but it would do so only after a genuine attempt to offer substantive reasons for such a reading, other than a desire to build a case for the legalisation of marijuana use.

I would deny the bulk of this so-called research as self-serving, spurious, and far removed from the genuineness requested by the Supreme Court of Canada’s jurisprudence.

Hallmarks of Disingenuousness: Out of Context and Unjustified Use of Biblical Quotations

27. One key element in this regard is the profuse use of Biblical quotations to justify the practices of the “Church of the Universe”. Nowhere in the material filed by the group is the status of the Bible as a sacred book explained, integrated, or justified in any way. One might ask: Why would the Christian Bible be considered as normative rather than the writings of, say, William Wordsworth or George Woodcock? Nowhere in the material filed is a justification to be found for the importation of this authority, other than its fuzzy reading, potentially sympathetic for the legalisation of marijuana use. The absence of foundation or justification undermines the claim that the “Church of the Universe” adheres to the Bible for a deeper religious purpose.

Further questions which present themselves are: if the Bible is indeed a sacred book in this “faith,” how does it shed light on the belief of members, and how is it conducive to their spiritual welfare? Are only those few verses allegedly showing the use of cannabis “inspired?” What is the status of other books, chapters, and verses contained in The Book? On what basis should some pericopes of the Bible be believed and others pericopes rejected or ignored?

28. A genuine “religion,” or attempt at religion, would be concerned with justifying its appeals to authority, since it would genuinely be concerned with the search for spiritual truth and meaning, and would venture an attempt at its validation.

Again, the absence of any attempt of this kind, of a truly and genuinely spiritual logic, demonstrates in my opinion insincerity in the claims of the “Church of the Universe” to the status of a religion protected by the Charter.

While the accuracy of asserted spiritual truths are beyond the bounds of legal adjudication, the failure to demand or provide justification for those assertions, beyond their alignment with a desired outcome (in this case

legalization of marijuana) is precisely the sort of objective characteristic we can point to when determining the legal bounds of truly “religious” beliefs and practices.

Hallmarks of Disingenuousness: Unjustified Borrowings of Language from Established Religions

29. According to the material filed, the notion of “Sacrament” seems to be central in the “Church of the Universe.” However, it is nowhere defined or integrated with other tenets or practices.

This notion of “Sacrament” is apparently borrowed from the mainstream Christian denominations, where it refers to Baptism and the Eucharist, and in the Roman Catholic and Orthodox traditions, to the “Seven Sacraments.” A definition that would be acceptable to most is given in the Anglican *Book of Common Prayer*: a sacrament is “an outward and visible sign of an inward and invisible Grace.”

The notion of “Sacrament” is also utilised in the English language by the Native American Church: in this group the “Holy Peyote Sacrament” is a means of communion with the Great Father. The peyote is a medicinal plant.

The word “Sacrament” is also used by several authors to describe the *Samskaras* of the Hindu tradition, i.e., ceremonies surrounding various stages of human life from the moment of conception, accompanied by mantras.

30. The borrowing of the notion of “Sacrament” by the “Church of the Universe” is confusing because of the lack of a clear definition or status. Sometimes it appears to be the only Sacrament, analogous to the Peyote Sacrament of the Native American Church. In other instances a list apparently derived from the Roman Catholic list is given, including “Baptism, Holy Matrimony, Last Rights, Exorcism and Communion.” This is the case of Exhibit A

attached to the Affidavit filed by Sufian Karaghani. No explanation is forthcoming about the substance or importance of such sacraments, or their place in a system of beliefs and practices proper to the “Church of the Universe.”

This lack of a guiding coherent theology or spiritual theory is typical of what some scholars call pseudoreligions, or even parody religions. As I explained above, “religion” has no universally accepted scientific definition in the science of religions, but does have a working definition accepted by the Canadian legal systems and other similar systems. Therefore, the notions of “pseudoreligion” and “parody religion” are also subject to intellectual debates in the scientific forum. However, they are the necessary corollaries of the working definition of “religion,” like its antithesis. In this sense, in my opinion, and in the context of the definition accepted by the Supreme Court of Canada, and other definitions cited above, the collection of tenets and practices of the “Church of the Universe” should be seen as counterfeit, non genuine.

31. Other elements of a parody of religion are recognisable in the use of personal nomenclatures. The material submitted by the defendants contains several references to “ordinations” in the “Church of the Universe.” However, typically, such ordinations are not defined; no contents, ritual, or significance are given for them.

This is also the case for the following phrases:

- Reverend, or Reverend Brother;
- Archbishop (but no “bishop” except in a reference to the letters of Saint Paul, in the Christian Bible);
- Abbot.

Interestingly, the affidavit of Christopher Harvey Lawson, filed on behalf of the “Church of the Universe,” contains an explicit reference to the parody element: “These titles are purely arbitrary, honorary and partly tongue-in-

cheek.” This last expression is defined by the *Oxford English Dictionary*: “Ironic, slyly humorous; not meant to be taken seriously;” and by the *Merriam-Webster Online Dictionary*: “Characterized by insincerity, irony, or whimsical exaggeration.” No further comment is needed here.

32. The *ad hoc* adoption of nomenclatures which have meaning and substance within actual, widely recognised religions, but are lacking any serious substantive content related to the spiritual aims and practices of the organisation under scrutiny, strongly suggests that the “Church of the Universe” is not a “religion” but an organisation known in academic discourse as a “parody religion.” Parody religions take a collection of separate elements from religions they intend to imitate for non-religious aims and twist them around in mostly irrational, or offensive, ways.

This could be compared to an evil that is all too familiar with all those who hold positions in academic life, namely pseudo-degrees delivered for a fee over the internet. In the same way, ordinations offered over the internet by the “Church of the Universe” are to be rejected as spurious in the realm of religion; organisations that offer such a thing cannot possibly claim good standing as religions.

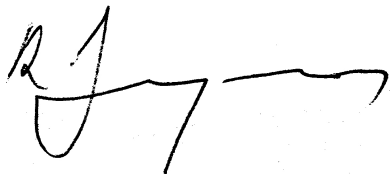
Parodies, of course, are not against the law; however, they stand on a very different footing than genuine spiritual systems of beliefs and/or practices when claiming the protection of the Charter so as to avoid prosecution for illegal activities. The reason is that they are not underwritten by a genuine attempt at religious understanding, but rather import, from their legitimate counterparts, religious language, significance and textual references, in an attempt to “dress-up” essentially secular practices in the garb of religion.

Conclusion

- 33 In conclusion, I hold that, from the perspective of the study of religions, the “Church of the Universe” does not correspond to the definition of “Religion”

as that term has been articulated by the Canadian Charter of Rights and Freedoms, and used by the courts for the purpose of providing legitimate religious groups with the protection of their beliefs and practices, guaranteed by the Charter.

21 July 2009

A handwritten signature in black ink, consisting of a stylized 'R' and 'J' followed by a horizontal line.

Roland Jacques