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Quebec judge muses on the meaning of religion while ruling that Taoist Tai chi centres are tax exempt

The institute is no less a religion because a larger number of people are only there for tai chi, the judge said

By Tom Blackwell

Windsor Star (07.10.2021) - <https://bit.ly/3arwwWu> - It's practised in public parks, gyms and other places across the country, participants bending and stretching in peaceful unison.

But is the ancient Chinese practice of tai chi just a form of physical exercise, or can it sometimes constitute a religion that makes the buildings where it takes place exempt from property tax?

A new [Quebec ruling](#) — full of musing about the definition of faith — concludes that Taoist Tai chi as developed by a Toronto-area monk, at least, is a religion and that its centres deserve to be tax free. It doesn't matter that many of those paying fees to take tai chi classes are not really Taoist adherents, said Justice Michel Yergeau.

He ordered three Quebec cities to provide the exemption and reimburse taxes already paid by branches of the [Fung Loy Kok Institute of Taoism](#).

Yergeau acknowledged that tax authorities have to be careful because some property owners claim religious exemptions just to avoid paying taxes, as a hoax or "to ridicule the religious."

"(But) this is not the case here," the Quebec Superior Court judge concluded. "This is not a fiction or a facade constructed from scratch by a legal person to conceal a lucrative activity related to the practice of tai chi."

The ruling dealt specifically with Taoist Tai chi, not tai chi chuan, which is considered a non-competitive martial art.

Canadian courts have often tackled religious issues, Yergeau said, but mostly questions of religious freedom. The case law is "rather thin on the concept of religion itself" and what defines it, he said.

To make that determination in the tax dispute, he drew largely on the evidence of the two sides' academic experts, one insisting Taoist Tai chi is a religion, the other disagreeing.

Slightly muddying the waters, the three Quebec centres — in Montreal, Sherbrooke and Longueuil — were run by a different Taoist Tai chi organization until 2013 and had been granted a separate tax exemption, one for non-profit organizations offering sporting activities.

But Fung Loy Kok wanted to be officially considered a religion and refused to rely on that past exemption, said the institute's lawyer, Jonathan Fecteau.

Asking for a religious release instead "was not a decision that was guided by financial considerations," he said in an interview. "It's a decision that was guided by the direction my client is taking and how it would like to be perceived by the public."

A lawyer representing the municipalities could not be reached for comment. But the cities all rejected the requests for a religious exemption, setting the stage for the institute's lawsuit.

So what does define a religion? The expert witnesses agreed that it must conceive of the world in a supernatural way that establishes a place for humans in the cosmos; include a moral code with rules of conduct; and have worship in the form of assemblies, ceremonies and rites of transition, said the judge.

Taosim in its current form — which both experts agreed is a religion — dates to the second century B.C., and by the 18th century it had begun to incorporate tai chi, Yergeau said.

In 1968, a monk in Hong Kong named Moy Lin-Shin founded the Fung Loy Kok Taoist Institute, practising a form of Taoism actually centred around tai chi. He immigrated to the Toronto area two years later, living in Canada until his death in 1998.

The institute's branches, now located across the country, have altars dedicated to certain deities, a moral code advocating simplicity, compassion and altruism, and celebrations marking some Chinese holidays, noted the judge, which appears to align them with the religion definition.

Members of major monotheistic faiths such as Judaism and Islam study texts like the Torah and Koran. But Taoists pursue their beliefs through bodily activity such as rituals, meditation — and tai chi, Yergeau quoted the institute's expert — Canadian professor James Miller of China's Duke Kunshan University — as saying.

But the cities' expert, Prof. Frédéric Castel of the University of Quebec at Montreal, argued the institute is not a religion because it lacks a community of worshipers with shared beliefs.

Most of the people who attend the centres are there for exercise, not to pursue Taoism, he told the court. While the institute reports 2,000 members in Quebec, the latest census data indicates that only 280 people in the province identify as Taoists.

But the judge said there is still a core group who follow Taoism. The institute is no less a religion because a larger number of people are only there for tai chi, he said. Most of those who visit Chartres Cathedral in France, the Blue Mosque in Istanbul or the Saihō-ji temple in Kyoto are tourists who don't practise those religions, but that doesn't mean the sites themselves are not religious, said Yergeau.

"It is not for the court to judge the depth of the religious conviction of the members or to establish a threshold below which the label of religious institution would be refused," he said. "To venture down this path would lead the court to interfere with intimate beliefs."

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Photo : BY PAUL MORDEN/POSTMEDIA

Canada's Indian residential schools: apologies YES, burning churches NO

Yes, Christian churches should apologize for what happened in Indian Residential Schools. No, destroying places of worship is not an acceptable reaction.

By Massimon Introvigne

Bitter Winter (24.07.2021) - <https://bit.ly/3y3tDoW> - Earlier this month, *Bitter Winter* was contacted by Vietnamese Canadians in Calgary, Alberta, who had their church set on fire by unknown arsonists. This was the Calgary Vietnamese Alliance Church, affiliated with the Protestant denomination Christian and Missionary Alliance. The Vietnamese were eager to tell their story. Boat people came to Calgary some forty years ago, were granted asylum, and built the church with what they managed to save. They are poor people, and the church is a testament to their faith and sacrifice. What they cannot understand is why their church was targeted to protest the discovery of mass graves where First Nation children who died in Indian Residential Schools in Canada were buried. They sympathize with the grief of First Nation Canadians—but what does burning a Vietnamese refugee church have to do with it?

The incident is not isolated. In the Calgary area only, twelve churches were attacked. The number of Catholic and Protestant churches vandalized or set on fire in Canada is escalating, and is now close to one hundred, despite the fact that several First Nation leaders [have called for attacks to stop](#) and stated in unequivocal terms that vandals and arsonists do not represent them. Actually, several survivors of the Indian Residential Schools remain Christian, and the arsonists damaged them as well.

Some of our readers may be well-informed about what precipitated the violence against Christian churches in Canada, but I write from Europe where many are not.

What triggered the violence was the discovery of the remains of children buried in unmarked graves at Indian Residential Schools (IRS), first 215 in Kamloops, British Columbia, then 751 in Marieval, Saskatchewan, and another 182 in Cranbrook, also in British Columbia. The story quickly became international, with sensational titles around the world implying that children had been fathered by Catholic priests and killed after birth, eliminated to prevent them from telling stories of sexual abuse, or shot while they

were trying to escape. It was this kind of sensational stories that caused the widespread violence.

What exactly happened? In 2006, the government of Canada settled the largest class action in the history of the country, brought by representatives of First Nation tribes who claimed damages for the abuses suffered by their children in Canada's IRS. As part of the settlement, which also involved monetary compensation, the government agreed to set up and fund a Truth and Reconciliation Commission of Canada, which worked from 2008 to 2015 and produced a voluminous report on the IRS history.

The IRS program became national and mandatory in 1894, when the government mandated that all First Nation children aged 7 to 16 should leave their families and be taken to Christian boarding schools, operated by both the Catholic and some Protestant churches. Actually, Catholics managed 60% of these churches, and Protestants 40%. Voluntary boarding school programs had been operated by Christian churches before, and they continued until 1969, after in 1948 attending IRS had become no longer mandatory, but was still encouraged with monetary and other bonuses given to the participant families. From 1969 to 1997, the government still operated some IRS, taking over from the churches. In more than one century, some 150,000 students were enrolled in the IRS.

Stories of abuses and protests against the IRS system had emerged before, but became a national movement in the 1960s, leading to lawsuits, the settlement of 2006, and apologies by both the government and the Christian churches involved.

The Truth and Reconciliation Commission called the IRS project a "cultural genocide" aimed at "killing the Indian in the child." Children were prevented from using their language, and learn about their culture, and it was a matter of course that they should join the religion of the denomination operating their IRS. Corporal punishment was also common, although it also existed in the Canadian school system outside the IRS.

The idea that "savage" children should be "civilized" by separating them from their culture was, of course, not Canadian only. For example, when I served in 2011 as the Representative of the OSCE (Organization for Security and Cooperation in Europe) for combating racism, xenophobia, and religious intolerance, I discussed with the Swiss authorities the aftermath of a similar project that from 1926 to 1973 took children of the itinerant minority known as Yenish from their families to foster homes and boarding schools, which also led to court cases and settlements. And in Canada the policy did not apply to First Nation children only. As late as the 1950s, as Canadian scholars Susan Palmer and Shane Dussault have documented, children of the Russian immigrant sect known as the Doukhobors were forcibly taken from their parents and forcibly placed in residential schools, where they were not allowed to speak Russian.

This explains why the IRS project, until World War II, was widely supported by Canadian politicians and media, but does not eliminate the responsibility of the government and the churches for what is now almost unanimously acknowledged as a wrong and even criminal policy. I personally believe that evangelizing non-Christians is part of the churches' religious liberty, but the coercive features of the IRS program, rather than a form of evangelization, were a gross and inexcusable violation of religious and cultural freedom.

Whether in addition to a cultural genocide there was also a physical genocide, and children were systematically killed, is a different question. After the discovery of the unmarked graves this year, stories of sexual abuse and of young female students raped

by priests, pastors, and lay teachers, with their children killed at birth if they became pregnant, and of students shot when they tried to escape, told by some survivors to the Truth and Reconciliation Commission resurfaced in Canadian and international media.

Reading the Commission's report, one has the impression that some fire existed beyond the smoke, and sexual abuse was common enough internationally in boarding schools, religious or otherwise. On the other hand, tales of homicide and infanticide in the Truth and Reconciliation investigation are rare, told as rumors circulating in the schools without naming exact names and circumstances, and impossible to verify after so many years. Documents exist about a handful of students who committed suicide, and two young girls drowned in 1913 during a picnic expedition at the Spanish, Ontario, school, possibly due to the lack of proper supervision. Perhaps horrific cases of murder occurred—we have no way of knowing it for sure—but they did not happen on a massive or even significant scale, or they would have left clearer traces.

But, one can ask, aren't the unmarked graves evidence enough? The answer is no. Professor Scott Hamilton of Thunder Bay Lakehead University is regarded as the leading expert on IRS cemeteries. He was asked by the Truth and Reconciliation Commission to submit a [written report](#), which is public. After the recent incidents, [Hamilton told the media](#) that the discoveries are just the tip of the iceberg, as there are some 130 IRS abandoned cemeteries still to be explored or found.

The report is about both death and burial. On burial, Hamilton shows how the government and the churches continued for decades to fight on who should pay for the inhumations. Returning the bodies of students who died in the IRS to their faraway families occurred rarely, since this was expensive. The government consistently told the IRS that available funds for burials were scarce, and expenses should be reduced as much as possible, by using mass graves if necessary. This did not only involve children, as resident teachers who died were often buried in the same graves. Similarly, to the regret of Professor Hamilton, there were no funds to keep the cemeteries after the schools were closed, and they were largely abandoned and disappeared, except in few cases where the churches maintained them at their own expenses.

But how many died, and why? The official governmental records give a figure of 3,213, but the Truth and Reconciliation Commission believes it is certainly underestimated, and real figures may be in the tens of thousands.

As Hamilton explains, the overwhelming majority of these casualties were due to tuberculosis and influenza. The rate of death for these causes among IRS students was twenty times higher than among the national population. Unsanitary conditions and poor health care at the IRS were a factor, but figures are not far away from those concerning First Nation population in general. Indigenous had limited resistance to these infectious diseases they had not experienced before meeting the whites.

The IRS situation became even worse during the frequent epidemics. "The magnitude of crisis deriving from an epidemic sweeping through the schools is almost unimaginable from a 21st Century perspective," Hamilton writes. In 1918, during the Spanish influenza epidemic, the principal of Fort Saint James, British Columbia IRS, the Catholic Father Joseph Allard, reported that initially he tried to conduct proper Catholic funerals for those who died. Then, deceased students "were brought in two or three at a time, but I could not go to the graveyard with all of them. In fact, several bodies were piled up in an empty cabin because there was no grave ready. A large common grave was dug for them."

It is a sad story, where all have their responsibilities. The Canadian government acted on the basis of the prevailing ethnocidal rhetoric that the "Indian" culture was savage and barbarian, and should be eradicated. The churches were happy to cooperate, believing that the project will result in more converts. All churches involved have apologized in Canada, but calls for a formal apology by the Pope are not unfounded, and it may powerfully contribute to reconciliation. As in the history of other boarding schools throughout the world, it is probable that hidden in, and sometimes protected by, the system, sexual abusers and pedophiles committed crimes—although even scholars who denounce a genocide admit that there were also priests and pastors who did their best to help the children, and some died by remaining in the IRS rather than moving to less dangerous places in times of epidemics.

The media that does not report on the story responsibly also carry a heavy responsibility, and contributed to the violence that followed. They also contributed to the political exploitation of the event by [China and other "champions" of human rights](#), which demanded that international institutions investigate Canada rather than Xinjiang. Sadly, nobody is innocent here, except the children—and the Vietnamese refugees in Calgary and others who had their churches burned in protest of crimes they did not commit.

Photo: The historic Polish Church in Redberry Lake, Saskatchewan, was burned to the ground on July 8, 2021. From Twitter.

More churches burn down on Canada indigenous land

BBC News (27.06.2021) - <https://bbc.in/3gYXiJP> - Two more Catholic churches burned down in indigenous communities in western Canada early on Saturday.

The fires at St Ann's Church and the Chopaka Church began within an hour of each other in British Columbia.

Officers said both buildings were completely destroyed, and they were treating the fires as "suspicious".

Last Monday **two other Catholic churches in the province were destroyed in fires**, as Canada marked National Indigenous People's Day.

"The investigations into the previous fires and these two new fires are ongoing with no arrests or charges," Royal Canadian Mounted Police Sgt Jason Bayda said.

It comes after hundreds of unmarked graves were discovered at sites of former residential schools in Canada.

The government-funded compulsory schools were run by religious groups in the 19th and 20th centuries with the aim of assimilating indigenous youth.

Indigenous groups have demanded a nationwide search for more graves.

- **[Why Canada is mourning the deaths of 215 children](#)**

- **Giving a voice to missing and murdered women**
- **The truth about Canada's 'cultural genocide'**

Lower Similkameen Indian Band Chief **Keith Crow told public broadcaster CBC** he had received a call early in the morning saying that the Chopaka Church was on fire. It had burned to the ground by the time he arrived half an hour later.

"I'm angry," the chief told CBC. "I don't see any positive coming from this and it's going to be tough."

Many in the community are Catholic Church members and are very upset about the blaze, he said.

In May, the Tk'emlups te Secwepemc First Nation announced **the discovery of the remains of 215 children at a school in British Columbia**.

They found them at the Kamloops Indian Residential School, which was opened under Roman Catholic administration in 1890 and closed in 1978.

And on Thursday, the Cowessess First Nation said **it had found 751 unmarked graves at a former residential school** in Saskatchewan. The Marieval Indian Residential School was also operated by the Roman Catholic Church.

Deaths in Canada's compulsory boarding schools were due in large part to the squalid health conditions inside. Students were often housed in poorly built, poorly heated, and unsanitary facilities.

Between 1863 and 1998, more than 150,000 indigenous children were taken from their families and placed in these schools throughout Canada.

A commission launched in 2008 to document the impact of this system found that large numbers of indigenous children had never returned to their home communities. The commission's landmark report said the practice had amounted to cultural genocide.

The Canadian government has formally apologised for the system.

Photo : TORONTO STAR VIA GETTY IMAGES

Jehovah's Witnesses challenge constitutionality of B.C. privacy law

'This is really the government interfering with religious practice,' says Watch Tower society lawyer

By **Keith Fraser**

Vancouver Sun (21.04.2021) - <https://bit.ly/3sCLUpG> - A charity representing the Jehovah's Witnesses claims that a B.C. privacy law violates religious freedoms and is seeking to have the legislation struck down as unconstitutional.

The Watch Tower Bible and Tract Society of Canada, a charity that represents the Jehovah's Witnesses Christian denomination in Canada, filed a lawsuit in B.C. Supreme Court after two former congregants lodged complaints with the Office of the Information and Privacy Commissioner for British Columbia. I.H.I.T. investigating targeted shooting outside Langley sports

The former congregants, one in Grand Forks and one in Coldstream, had repudiated the Jehovah's Witnesses and had contacted the privacy commissioner after the congregations in the small communities had denied them access to personal information.

When they had withdrawn as Jehovah's Witnesses, the congregations had set up committees of three elders to provide the former congregants with any possible spiritual assistance and otherwise confirm their decisions to repudiate.

The committees each created a "confidential religious summary" of the matters and securely stored them in the local Kingdom Hall used by the congregations. The congregations refused to release the documents to the former congregants.

In the case of one former congregant, the privacy commissioner appointed an investigator and in January a decision was made to proceed to an inquiry, although the inquiry has not yet commenced.

In the other case, an investigator has not yet been appointed, but a lawyer for the charity said in an interview Tuesday that there should be no inquiries in either case.

"Our position is we shouldn't go there," said Jayden MacEwan. "This is really the government interfering with religious practice.

"The big issue is the law itself is unconstitutional because there's absolutely no exemption for religious practice, for religious ministers, for non-profit religious organizations that are not doing any type of commercial activity."

The Personal Information Protection Act, which received assent in 2003, requires private sector organizations in B.C. to follow certain rules to protect the privacy rights of individuals in the process of collecting, using, holding or disclosing personal information.

The law gives an individual a right to request access to their personal information in the possession of an organization and aims to balance the rights of those individuals with the reasonable needs of the organization.

MacEwan said it's the position of the Jehovah's Witnesses that the documents being sought are the religious minister's personal information.

"These are the personal notes that have to do with spiritual, pastoral care that they offer congregants. We're talking about certain types of confidential communications and notes. That's what we're dealing with here."

He said that what really stands out is there are some exemptions in the law that protect the charter rights of journalists, artists and writers but nothing that protects religious rights.

The attorney-general's ministry said in an email that it has received the lawsuit and is considering its response.

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