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January 18, 2005.

The Rt. Hon. Mr. Paul Martin, P.C., M.P.,
Prime Minister of Canada,
House of Commons, Parliament Buildings,
Ottawa, Ontario, K1A 0A6.

Dear Prime Minister,

I understand the difficulty in which recent decisions of various Courts of Appeal and the Supreme Court of Canada have left the Government of Canada regarding the traditional opposite-sex definition of marriage. Parliament is about to consider legislation to redefine marriage as a lawful union of two persons to the exclusion of all others, thus paving the way for same-sex marriages.

So far the debate has been among lawyers. It is time for there to be a debate in Canadian society as a whole. It is time for ordinary Canadians to be given a sufficient opportunity to discuss the issues and to reflect on the deeper implications before a debate occurs in Parliament and a decision is made that could irrevocably change the nature of marriage and the family in Canada.

My purpose in writing this open letter to you is to urge caution in taking this step towards the re-definition of marriage. We all would do well to pause reflectively before we alter social structures like marriage and the family that lie at the core of our society, and that represent the accumulated wisdom and experience of the ages.

The conjugal partnership of a man and a woman is the beginning and basis of human society and the family is the first and vital cell of society. Tampering with marriage and the family poses significant social risks.

Can we say with certainty what the social outcome of a re-definition of marriage would be? In all humility, none of us can do so. Human sexuality is a powerful force, which society has acknowledged through many of our laws and social customs.

If same-sex marriage receives the approval of Parliament, then what?

The law is a teacher. Does Canadian society as a whole, and do parents in particular, understand what the law will be teaching in this instance? It will be teaching that homosexual activity and heterosexual activity are morally equivalent. Public schools will be required to provide sex education in that light. Many parents, religious and non-religious, would not agree, nor would many, if not the majority, of Canadians. Is it fair to put children in the position of having to reconcile the values and beliefs of their parents with a novel state-sponsored understanding of marriage that may not be truly supported by the majority of Canadians?

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Prime Minister, have you received assurances from provincial premiers that they are providing legislative protection for the right of religious officials and organizations to decline to celebrate same-sex marriages that are contrary to their faith? Are you prepared to pass legislation in the absence of such assurances?

An open and full public debate would explore these and other implications of the proposed re-definition of marriage.

I urge you, Prime Minister, to table a Bill that legislatively enacts the traditional opposite-sex definition of marriage, coupled with a clause that provides for the legislation to take effect notwithstanding the *Canadian Charter of Rights and Freedoms*. As you know, the so-called “notwithstanding clause” has a five-year life span. A five-year period will allow this national discussion sufficient time to occur and to ripen into a sober and careful decision. It will give time for Canada to observe the social experiments now under way in Belgium and the Netherlands, and in other places where legislation implementing same-sex marriage might occur.

Some will argue that the use of the notwithstanding clause in the *Canadian Charter of Rights and Freedoms* is wrong in principle. I must respectfully disagree. The notwithstanding clause was inserted into the *Charter* to recognize parliamentary supremacy and the need for democratic oversight for courts. No Canadian can say that courts always get things right. Judges are not elected and are ultimately not accountable for their decisions. Fundamental social change should only occur with the consent of the people through their democratic institutions. This understanding of the role of Parliament led to the inclusion of the notwithstanding clause in the *Charter*. Its use in the context of same-sex marriage would be most appropriate.

Finally, Prime Minister, you will no doubt agree that freedom of conscience is fundamental to our society. Members of Parliament must be free to vote in accordance with their consciences on a matter as basic to our social structure as the definition of marriage. I urge you to permit all parliamentarians, Cabinet Ministers included, to vote their consciences on any legislation that is put to a vote in Parliament on the issue of marriage.

Wishing you a happy new year, I remain,

Sincerely yours,

Archbishop of Toronto