Comments by the Canadian Conference of Catholic Bishops on Bill C-38,
An act respecting certain aspects of legal capacity for marriage for civil purposes

1. The Catholic Bishops of Canada are united in their belief that marriage is the unique, essential and fundamental relationship of a man and a woman, and thus are opposed to the proposed redefinition of marriage as the lawful union of any two persons.

2. This opposition is shared with millions of other Canadians of different faith traditions and of no religious affiliation.

3. The proposed redefinition of marriage not only clashes with Catholic faith and practice, but has enormous civil and social implications for all Canadians.

4. The proposed redefinition of marriage voids what is unique, essential and fundamental about the relationship of a man and a woman in marriage.

5. Furthermore, the draft legislation overlooks how the conjugal partnership of a man and a woman in marriage constitutes an irreplaceable good for society in providing a stable and positive environment for children and thus for future generations.

6. The Supreme Court of Canada did not suggest that the proposed legislation was necessary in order to conform with the Canadian Charter of Rights and Freedoms, nor did it suggest the traditional definition of marriage was contrary to the Charter.

7. The Supreme Court has stated it is up to provincial governments, not the federal government, "to legislate in a way that protects the rights of religious officials while providing for solemnization of same-sex marriage" (para. 55, Supreme Court ruling). What meaning or protection then does the proposed legislation offer faith groups when the third clause of Bill C-38 states it "is recognized that officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs"?

8. The long-term social consequences of the proposed legislation are unknown. But what one can already anticipate will be prolonged and divisive litigation across Canada on the rights under freedom of conscience and religion to refuse to be involved in so-called "same-sex marriages", to be free to teach and preach on marriage and homosexuality as consistent with one's faith and conscience, and for organizations identified with particular faith groups not to be compelled to use their facilities in preparations for or celebrations relating to "same-sex marriages".

9. In the one area where the Government of Canada is free to legislate on its own, the proposed legislation does not offer protection to faith groups from being penalized with respect to their charitable status if they do not agree with the proposed redefinition of marriage.

10. Bill C-38 invokes freedom of conscience and religion under Section 2 of the Canadian Charter of Rights and Freedoms. It is evident all political parties in the House of Commons and Senate should provide a free vote to all members, including those in Cabinet.

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