

# Marriage and Society

## For a Free and Enlightened Vote in Parliament

The Canadian Government has announced its intention to present a bill at the beginning of the next session of Parliament that, if passed, would change the traditional definition of marriage to include same sex partnerships within the same legal framework as the conjugal relation between a man and a woman.

As a Canadian citizen and as the Primate of Canada, I feel it is my duty to express my concern and disagreement and that of a great number of Canadians who have asked me to step forward to give public voice to their opinion about the meaning and the consequences of this proposed change.

Thwarted by strong opposition to the bill of June, 2003, the liberal Government of Mr. Jean Chrétien submitted the wording of a new civil definition of marriage to the Supreme Court of Canada, which declared the new formulation to be compatible with the Canadian Constitution on 9 December, 2004. The unanimous finding of the Supreme Court doubtless carries much weight in public opinion. It is important, however, to clear up the confusion surrounding the scope of the Court's finding. Responsibility for legislation belongs to the federal Parliament, upon which now falls the task of deciding how to adapt the legal framework for civil marriage to the cultural and social evolution of Canadian society.

Contrary to an interpretation that has become widespread in the media, the Supreme Court's judgment does not have force of law and has involved no change in the current legal framework. It is Parliament that must decide about this matter of such great importance for the future of our society and of its fundamental values. The judges of the Supreme Court, the highest court in the land, expressly acknowledged this by refusing to respond to the fourth of the current government's questions : *"Is the opposite-sex requirement for marriage for civil purposes [ ... ] consistent with the Canadian Charter of Rights and Freedoms ?"*

Does the context of contemporary Canadian society call for changing the definition of marriage and recognizing a legal right of marriage for homosexually oriented persons who should desire it? The debate on this question has only just begun. Let us hope that it will be careful and serious. Otherwise we cannot hope that our elected representatives in Parliament will vote in complete freedom and with an *enlightened* awareness of the stakes and the implications of the proposed legislation.

Following on the adoption of the various charters of rights and freedoms, we have witnessed the concerted and continuous development of a movement of opinion aimed at banishing all discrimination against homosexually oriented persons. This change of mentality favors the welcome and respect of their rights, and also their equal treatment in society. These persons have suffered certain injustices that have been largely corrected, and a new cultural climate now facilitates their life in society. Some provinces already have allowed civil unions guaranteeing

certain benefits and inheritance rights to homosexually oriented persons. Such a legal context protects their rights.

Having noted and accepted this state of affairs, we now find ourselves before a critical threshold in the evolution of society and culture, and we must reflect very seriously before crossing it. After all, the change that is being proposed affects the most fundamental institution and the primary value of society: marriage and family, which have existed throughout human history and predate the state and the law themselves.

The fact is that making such a change would alter the institution of marriage by ignoring two of its essential finalities: the procreation and education of children, within the context of the love of a man and a woman, guarantee the future of society. The union of persons of the same sex cannot make this essential contribution to society, because it lacks this properly conjugal complementarity that defines the institution of marriage. Trying to bring two such different things under the same legal category is to fail to recognize that they are in fact different and is, indeed, falsifying the meaning of words, which exist to designate objective reality, and not tailor this reality to our desires.

It is true that children are raised within a great variety of family situations in our society. But this fact has not prevented the majority of Canadians from retaining their conviction that the child who is raised with the presence and interaction of a father and a mother is greatly helped in his or her growth to maturity. It is not the competence of the law to assert that another model of the couple would provide just as valid a support for the child's growth process. To make such an assertion would be tantamount to discriminating between one category of children who have the right to be raised by a mother and a father and another category of children who do not. In the spirit of the Charter of Rights and Freedoms, the future of children must remain a priority.

At the risk of being judged "politically incorrect," we need to recall that the bill under discussion is offensive to the moral and religious sensibility of a great number of citizens, both Catholic and non-Catholic. In fact, many Christians and adherents of other religious traditions find the union of persons of the same sex to be morally unacceptable, even as they refrain from judging those persons themselves.

Furthermore, we must not underestimate the educational impact such a legislation would have: it would sow confusion in people's minds, especially youth, and trouble their conscience. We must not forget that every law is the expression of a commonly held value that shapes the culture of a society. This should not be overlooked by those who shape and form our laws.

We therefore find ourselves at a turning point in the evolution of Canadian society, and the bill announced by the Government threatens to unleash nothing less than a cultural upheaval whose negative consequences are still impossible to predict. The strong reaction of the Canadian people against the bill is a sign that common sense still has a good chance to prevail and that the right decision for politicians under the circumstances is to confirm the traditional definition of marriage as "the legitimate union of a man and a woman to the exclusion of any other person."

The question Canadian society has to face is this: do we wish to discard the universal definition of marriage, which reflects the nature of things, the common sense of the people, the Judeo-

Christian tradition, and the wisdom of the great religions? The choice to be made could bring in its wake bitter and unpredictable demographic, social, cultural, and religious consequences. Members of Parliament have to ask themselves how they can serve the public interest by voting in the light of an informed conscience. I hope that there will be a genuine debate about this issue in society, and that it will help us to see clearly and to choose with our eyes wide open.

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Archbishop of Québec and Primate of Canada  
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