

National Day of Prayer January 29, 2005

The Importance of Marriage

Background

Over the last several years the courts in Ontario, British Columbia, Saskatchewan, Manitoba, Quebec, Nova Scotia, Newfoundland and the Yukon, have held that the traditional definition of marriage, (one man and one woman to the exclusion of all others), is unconstitutional and is redefined as “any two persons”.

Facing pressure from both sides of the issue, former Prime Minister Jean Chretien drafted legislation to redefine marriage in accordance with the court decisions and included a provision protecting clergy from having to perform marriages contrary to their beliefs. Instead of introducing the legislation to be debated in Parliament he then asked the Supreme Court of Canada a series of three questions through a legal procedure known as a “Reference”. A decision of the court on a reference is not legally binding – it is simply a stated opinion of the law by the court. While that having been said, a reference has tremendous “persuasive” force.

The questions asked whether under the Constitution Parliament had the exclusive authority to redefine marriage and whether a redefinition to include same sex couples was consistent with the *Charter of Rights*, and finally whether the *Charter* protected religious officials from having to perform marriages of same sex couples against their religious beliefs. Later, Prime Minister Paul Martin added a fourth question to the court – he asked whether the traditional definition was in violation of the *Charter*.

On December 9, 2004, the Supreme Court of Canada issued its decision. The Court said that Parliament had the exclusive authority to define marriage and that the proposed redefinition to include same sex couples was constitutional. The Court was of the view that “marriage” was an “expansive” term. The proposed federal protection of religious officials was unconstitutional, said the Court, because under our constitution, the issue of who can solemnize marriage was a matter for the provinces, not the federal government. However, the Court went on to say that the *Charter* would provide such protection in any event.

As to the fourth question, the Court declined comment. Given the political nature of the debate – and the fact that the federal government stated its intention to go ahead with the redefinition regardless of what the Court said – the Court refused to say whether the traditional definition was in violation of the *Charter* as the lower courts ruled. Thus the Supreme Court refused to say that Parliament had to redefine marriage. Clearly the ball is now in Parliament’s “court”.

Why Are We Concerned?

Marriage forms the bedrock of our society. It is the institution that perpetuates our faith and values from one generation to another. The Christian Church throughout the centuries saw it as the basis upon which a society is consolidated and enhanced. While every marriage is never perfect and while there have always been spectacular failures, there nevertheless has been a Christian ideal as expressed by the Apostle Paul in Ephesians 5:22-33 and by Jesus in Matthew 19:1-12.

Children

Children are a great concern for the church. Numerous studies have shown the importance for a child's development to have both a dad and a mom. In a 1995 Supreme Court of Canada decision known as *Egan*, Justice LaForest observed that the family unit based on father, mother and child "is the only unit in society that expends resources to care for children on a routine and sustained basis."¹ Recent research by Statistics Canada has noted that married mothers and fathers living under the same roof are more likely to provide more stable and secure environments for children to flourish in.² Natural family structures benefit nearly every aspect of children's well being, including greater educational opportunities, better emotional and physical health, less substance abuse, lower incidences of early sexual activity for girls, and less delinquency for boys.³

Redefining marriage based upon adults' sexual preferences and choice of life-styles would discard one of the distinctive characteristics of marriage as the union of a man and a woman: marriage, so understood, gives a child both a mother and a father. Same-sex marriage cannot do that and consequently cannot be about that. As a result, same-sex marriage radically changes marriage.⁴

The traditional institution of marriage has real life virtues and benefits for children. To have marriage represent only a commitment between two adults would mean a major departure from its original and primary purpose in relation to children and a radical change in its nature. The 2003 study supported by Rutgers University stated:

"Indeed, if there is a story to be told about marriage over recent decades, it is not that it is withering away for adults but that it is withering away for children."⁵

¹ *Egan v. Canada*, [1995] 2 S.C.R. 513, at p. 537, para. 25.

² Nicole Marciel-Gratton, "Growing Up with Mom and Dad," Statistics Canada, 1998.

³ "Why Marriage Matters: Twenty-One Conclusions from the Social Sciences" (2002: Institute for American Values, New York) and "The State of Our Unions 2003; the Social Health of Marriage in America", The National Marriage Project, Rutgers University, June 2003.

⁴ See Margaret Sommerville, "Every Child deserves one mom, one dad," The Ottawa Citizen, September 29, 2003.

⁵ "Why Marriage Matters: Twenty-One Conclusions from the Social Sciences" (2002: Institute for American Values, New York) and "The State of Our Unions 2003; the Social Health of Marriage in America", The National Marriage Project, Rutgers University, June 2003.

Separation of Church and State

Some have argued that it is not the place of the church to be involved in this issue – there must be a separation of church and state. They point out that the traditional definition of marriage is in fact a religious definition. Churches, they say, have no place in encouraging society to adopt a “religious” definition.

Such an argument is similar to those made by Professor Robert Wintemute in a recent article published in a Canadian legal journal:

“Although religious individuals may find it hard to put their religious beliefs aside when they enter the public sphere, a liberal democracy cannot function in any other way. This also means that religious individuals who accept employment in the public sector cannot insist on being exempted from serving LGBT individuals or same-sex couples, whether this involves selling them stamps, teaching them, or a few years from now, marrying them.”⁶

In another article Professor Bruce MacDougall stated:

“Religious ideology cannot be used to determine what people who are not of that religion can do or how they should lead their lives.” His footnote states:

“In my opinion, it should not even be used to judge those who are of that religious persuasion. Even children being raised in a particular religious tradition should not be exposed to ideology that excludes and refuses to accommodate homosexuality in their education. The state has an interest in all education of the young and this ideal should prevail.”⁷

Thus their point is that Christians have no right to express an opinion on matters in the “public sphere”. They should simply step aside and let the state decide whatever it likes. In responding to such a view, we ought to take into account a number of important points.

First, it fails to recognize that the church and its membership is as much a part of society as everyone else – it ought to be given the right as any other to speak on the issues as the atheist or those of other religious and non-religious groups. In a free and democratic society, all opinions ought to be given a fair hearing. Only if all groups have the right to speak freely at the table of pluralism can society achieve a truly free and truly secular society. It is up to each entity and individual to make a persuasive case for their respective view. To deny a fair hearing to a religious point of view just because it is “religious” is intolerant and undermines the principles of freedom and equality.

⁶ Robert Wintemute, “Religion vs. Sexual Orientation: A Clash of Human Rights?” (2002) 1 J.L. & Equality 125 at para. 33.

⁷ Celebration of Same-sex Marriage (2000-2001), 32 Ottawa L. Rev. 235-237.

Second, the church is not simply a private club of members with privileges. It is an institution with a purpose, a mission to witness to the Gospel of Jesus Christ. It has an obligation to inform others as to the ideals of its faith – for the betterment of mankind. Of course the church has no authority to force its views on anyone – its role is simply to express and converse not repress and dictate. The church should not take control of the levers of the state to force society to live in accordance with its religious dictates. More importantly, the church has a right and a duty to proclaim its message and teach religion to society.

Third, since when do we care about what others think of us? Throughout the history of the Faith, people have suffered and lost their lives because of their witness. John the Baptist, of whom Christ said there was no greater prophet among men, spoke up against the king's adulterous affair with his brother's wife. For that interference in the "public sphere", John lost his head. Should we not expect mistreatment by those who do not appreciate our views?

Fourth, we speak up not for popularity but because we seek the salvation of another's soul. Seventh-day Adventists have shown themselves to be a people who are concerned about the health and welfare of their neighbours. We speak out against unhealthy living – smoking and drinking is frowned upon. We offer public classes on vegetarian cooking, and stop smoking plans. Currently there is a debate going on in Canada over the legalization of marijuana – should the church not speak out against the evil of intoxicating substances because of the concept that the church should not speak in the public sphere? What of gambling? What of pornography? All have devastating effects on individuals who are involved – families are destroyed, children are left to themselves without any guidance. So too with marriage - it not only forms the basis of our society, it is the one area on which much of mankind's happiness depends. The church has a role to help people find meaningful relationships as God intended in the same way we speak out on other issues.

Fifth, if we do not speak out on marriage, what are we saying to our children and to society about marriage's place in society? By default, are we not coalescing with the concept that "it does not really matter?" Are we not agreeing to the notion that marriage is a "non-issue"? Are we not saying to children that "you do not have a right to a father and a mother – what matters is adult sexual preference"?

Sixth, the advocates of "same-sex marriage" have made it very clear that the redefinition does not stop with same-sex couples. Just note the following quote from Professor MacDougall again in another article in a Canadian law journal:

"...the controversy that attended gay and lesbian issues only a decade ago is now beginning to turn to *other issues of sexuality*. No doubt much of the litigation in those areas will follow the pattern of the gay and lesbian cases and those cases will be relied on. The early cases *in each new category of sexuality* will tend to be ones of definition or assignment of status; the later cases will tend to be about place in institutions and social participation. As *Hall* deals to a certain extent with the issue of childhood homosexuality, so *other issues of sexuality and children* are being debated, most controversially recently in the *Sharpe* case. As *gay and lesbian unions are being legally*

recognized, so rules respecting other forms of unions, polygamous, incestuous, and so on will be re-examined. As cases like Egan open s. 15 to protect against discrimination on the basis of sexual orientation, meaning gays and lesbians, ***so its scope will be challenged by others such as transsexual and other transgendered persons.***⁸
[Emphasis added.]

Pandora's Box is being opened. This is a social experiment that will wreak havoc on our society. Children raised in such an atmosphere will be cast adrift without any concept of morality – of right and wrong. If the church does not speak out on this, who will? And on what basis?

Seventh, we are faced with a conundrum – on the one hand Christ expressed the view that we are to love the sinner and hate the sin but on the other we have those who adamantly refuse to accept such a characterization stating that the behaviour (or sin) is who they are and that we all ought to “celebrate” it.

Justice L'Heureux-Dubé expressed this view when she rejected the Christian mantra of “loving the sinner but hating the sin,”

“I am dismayed that at various points in the history of this case the argument has been made that one can separate condemnation of the "sexual sin" of "homosexual behaviour" from intolerance of those with homosexual or bisexual orientations. This position alleges that one can love the sinner, but condemn the sin. But, in the words of the intervener EGALE, "[r]equiring someone not to act in accordance with their identity is harmful and cruel. It destroys the human spirit. Pressure to change their behaviour and deny their sexual identity has proved tremendously damaging to young persons seeking to come to terms with their sexual orientation" (factum, at para. 34). The status/conduct or identity/practice distinction for homosexuals and bisexuals should be soundly rejected, as *per* Madam Justice Rowles: "Human rights law states that certain practices cannot be separated from identity, such that condemnation of the practice is a condemnation of the person" (para. 228). She added that "the kind of tolerance that is required [by equality] is not so impoverished as to include a general acceptance of all people but condemnation of the traits of certain people" (para. 230). This is not to suggest that engaging in homosexual behaviour automatically defines a person as homosexual or bisexual, but rather is meant to challenge the idea that it is possible to condemn a practice so central to the identity of a protected and vulnerable minority without thereby discriminating against its members and affronting their human dignity and personhood.”⁹

It is obvious that the church will continue to be at odds with such reasoning. Christ has drawn the line in the sand as it were – sinner and sin – one is acceptable the other is not. One is encouraged by the Grace of God that lifts up and strengthens. The other is rejected and discouraged. One can claim victory in the Cross. The other, defeat.

⁸ Bruce MacDougall, “The Separation of Church and State: Destabilizing Traditional Religion-based Legal Norms on Sexuality,” (2003) 36 U.B.C.L. Rev. 1-27 at para. 7.

⁹ Trinity Western University v. British Columbia College of Teachers, [2001] 1 S.C.R. 772 at para. 69.

What Can You Do?

Currently the Members of Parliament and members of the provincial legislatures are interested in knowing where Canadians stand on the issue of marriage. You have an opportunity to share with them your opinion, just like all other Canadians have the right to express themselves on this important social issue.

- Pray. As we participate in the debate over marriage we must ensure that we do so in a Christian manner. Those advocating redefinition are very quick to point out the missteps of the religious community. We have to show the same meekness of Christ.
- Write or call your MP to state your concerns. You can find your MPs contact information by accessing this website and using your postal code:
<http://www.parl.gc.ca/information/about/people/house/PostalCode.asp?Source=SM>
- Visit your MP personally
- Write to the Prime Minister and the Minister of Justice and ask that a free vote be permitted, based on the consciences of the MPs (including those of Cabinet) and their constituencies, for the redefinition of marriage. We also need further discussion about the importance of marriage and how we can make our society stronger by supporting traditional marriages.
- Write to your provincial legislator (MLA or MPP) and express the need that solemnization of marriage requirements respect the freedom of conscience for clergy and marriage commissioners.
- Write a letter to the editor in your local newspaper. If you see a letter, editorial comment or a story on this issue be sure to address it in your letter.
- Day of Prayer – January 29, 2005 – Pastor Dan Jackson has called for the Seventh-day Adventist Church in Canada to set aside time on January 29 for prayer. We need to keep all of our political leaders, and other civic leaders in prayer as they are being called upon to dramatically redefine marriage. We also need wisdom as a people as to how we deal with this issue to His glory.

What Is Our Purpose Of Being Involved?

Seventh-day Adventists are a people who were commissioned by God to warn the world that the return of Jesus Christ a second time to earth is imminent. The Seventh-day Adventist Church sees its mandate to encourage others to prepare for that day. Scripture states “But of that day and hour knoweth no man, no, not the angels of heaven, but my Father only. But as the days of Noah were so shall also the coming of the Son of man be. For as in the days that were before the flood they were eating and drinking, marrying and giving in marriage, until the day that Noah entered into the ark, and knew not until the flood came, and took them all away; so shall also the coming of the son of man be.” Matthew 24: 36-39, KJV.