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• (0830)

[English]

The Chair (Hon. Andy Scott (Fredericton, Lib.)): I call to order the 32nd meeting of the Standing Committee on Justice and Human Rights pursuant to Standing Order 108(2). The committee has resumed its study on marriage and the legal recognition of same-sex unions.

This morning, our first panel is made up of two organizations and one panellist appearing as an individual. Before I go any further, it is time for me to ask the television cameras to find their way outside the meeting.

I want to welcome everyone here. It's quite obvious there's a great deal of interest. I think it's fair to say that other than my public forum in Fredericton of 675 people, this is our biggest crowd. So welcome.

I want to explain the process, not just for the panellists but for everybody. We will be in one-hour periods listening to panels of three people or organizations throughout the day, and they will make seven-minute presentations. The committee will then have an opportunity to put questions and have a dialogue. At the end of the hour, we will remove this panel or ask them to be excused and bring the next panel forward. At the end of the day, those people who wish to make a two-minute statement will be given the opportunity to do that to the extent possible. If there are more people who wish to speak than we have time for, we'll have some kind of draw or something for that opportunity.

If it's understood, I would ask that this exercise...this is an emotional issue to many people, and because it is, there's a tendency toward strong feeling. Please be respectful—I'm sure you will be; I don't mean to suggest otherwise—so that we can actually engage in a process that I think is very important to the community and to the country.

With that, on our first panel—and they will be here from 8:30 until 9:30—appearing as an individual is Roger Armbruster; appearing on behalf of the Northern Sun Farm Cooperative is Janine Gibson; and appearing on behalf of the Christian Fellowship Church, we have Pastor John Neufeld.

I will go first to Mr. Armbruster for seven minutes. At six minutes you will see this, at seven minutes you'll see this, and at seven and a half minutes, you'll see this...I'm just kidding. As you can well imagine, a lot of people want to appear and so we need to do this with some structure and order.

Welcome.

• (0835)

Mr. Roger Armbruster (As Individual): Thank you, Mr. Chairman.

I would like to thank you for this privilege of addressing you and, through you, the members of the House of Commons Standing Committee on Justice and Human Rights. We want you to feel ever so welcome to the province of Manitoba.

We want you to know that regardless of which side of this issue the various members of this committee may be on, we are honoured to have you listen to our views. We hold each one of you in high esteem and with the utmost respect. We applaud your efforts to listen to Canadians. Regardless of the outcome of this debate, we remain loyal fellow Canadians and, above all, fellow human beings.

The focus of my own life work and mission has been to help facilitate the vision of indigenous leaders in the churches of Canada's north. I also have a heart for the prisoners and the street people and all those who are often shunned by society but who need to find their voice and to fulfill their potential as well.

Before expressing where we may disagree, it is always good, first of all, to find common ground. I believe we could all agree that it is tradition that is on trial here. The traditional marriage has been a cornerstone of western civilization. Second, we can agree that every human life has equal value and worth, regardless of whether we agree or disagree that male-male relationships or female-female relationships are the relational equivalent of male-female relationships and marriage.

Further, even though it is not always possible in today's society for children to be raised by their natural or biological parents for any number of reasons, I think it is highly instructive that as children grow older, they tend to want to know who their biological and natural parents are. I do not think I would be far off to say that for the most part we all long to know who our biological parents are. We long to experience the love of our biological parents, including the affirmation of our natural father. Even though many step-parents and single parents are doing a marvellous job, the longings to know the love of both of our natural parents, especially of our natural same-sex parent, are still there. We cannot ignore those longings as if they do not exist. We have lost something we would like to have restored and to reconnect with.

Marriage is an institution that preceded both the beginnings of religion and of the state. It is presupposed by all major historic religions. According to Professor Katherine Young of McGill University:

From my study of world religions (such as Judaism, Confucianism, Hinduism, Islam, and Christianity) and the worldviews of small-scale societies, I conclude that this institution [marriage] is a culturally approved opposite-sex relationship intended to encourage the birth (and rearing) of children, at least to the extent necessary for the preservation and well-being of society. As such, marriage is a universal norm.

What has been considered as the universal norm for marriage was recognized in English common law in the *Hyde v. Hyde* ruling in 1866, which defined marriage as the voluntary union for life of one man and one woman to the exclusion of all others.

When the Canadian Charter of Rights and Freedoms was first drafted in 1981, Parliament or its committees turned down requests to include sexual orientation seven times out of seven. As Prime Minister Chrétien, then justice minister, said to a special joint committee of the Senate and the House of Commons:

It is because of the problem of the definition of those words [sexual orientation] that we do not think they should be in the constitution. Do not ask me today to tell you what it is, because those concepts are difficult to interpret, to define and that is why we do not want them in the constitution.

I know very well that the Supreme Court of Canada has since read sexual orientation as a human right into the charter without any textual basis, but have we addressed Prime Minister Chrétien's earlier concerns about the meaning of those words? I think not.

Already we have gay activists such as Professor Michael Warner, in his book *The Trouble with Normal*, telling us that there are almost as many kinds of relationships as there are people in combination and that any change should be responsive to the lived arrangements of all sexual autonomy, consistent with everyone else's sexual autonomy, and that it is impossible to say in advance what form that will take.

• (0840)

Traditionally, human rights were not based upon autonomous personal desire but on the need to preserve the intergenerational community. The traditional family was a miniature community or a community in microcosm, including men, women, and children. The community was an extension of the family unit, and as such, both the community and the family unit were cross-generational and cross-gender. The family unit was a place where the diverse elements of the larger community came into personal and relationship oneness, a unity within diversity.

In contrast, long-time gay journalist and author, Michael Bronski, writes that "Homosexuality...offers an unstinting vision that liberates sex from the burden of reproduction and places pleasure at the center of sexual activity." It is "a sexuality unfettered by biological consequences or social responsibility."

The purposes of sexuality in a traditional marriage were not only for pleasure and for personal communion but also to initiate and maintain a family unit as a primarily intergenerational community. These new members have been and are best conceived, born, cared for, and raised to responsible adulthood in a home founded on a permanently intended heterosexual union. This is the ideal.

I realize full well that this ideal is not always possible and that many same-sex couples make for good parents, even as many single parents do. However, the longings in the child are still there to eventually know who his or her biological parents are and, if possible, to reconnect. Those who cannot reconnect should feel in no

way inferior, but the ideal, for a society, is still to see children raised in a way in which the emotional bonding that takes place with a natural mother and eventually the father is not fractured, or at least kept to a minimum.

As G.K. Chesterton once said: "This triangle of truisms, of father, mother and child, cannot be destroyed; it can only destroy those civilizations which disregard it."

Thank you.

The Chair: Thank you very much.

Now it's over to Janine Gibson from the Northern Sun Farm Cooperative.

Mrs. Janine Gibson (Northern Sun Farm Cooperative): Thank you.

Good morning. I'm very pleased to have the opportunity to be here and speak on behalf of my fellow co-op members and many friends who were unable to be here this morning.

I'm an agricultural consultant and an educator. I've been working in this field for the last 15 years. I'm also a mother and grandmother. I'm here on behalf of my fellow co-op members. This is an intentional community where we strive to live in a responsible manner. We raise our children there. We have home-schooled our children and we feel responsibility is a very important aspect that needs to be stressed in our culture more often.

I believe the majority of Canadians are tolerant, open-minded people. You folks have a very challenging task here at hand, and I thank you for your efforts at listening with an open mind to the call for justice, fair treatment, and basic respect for human diversity. While understanding there is much fear of change and difference in our challenging times, we must identify the core issues at stake in this discussion and not be confused by fear and ignorance.

Many of us who live and work close to the land and nature see that the natural world cherishes diversity. From accepting difference, we can find increased strength to act from loving kindness, overcome challenges, and assist each other in assuming greater responsibility for ourselves and our loved ones. Whenever individuals wish to make commitments to increase financial responsibility for one another and care for children, this deserves respect and equal treatment under our Canadian laws.

I cherish our participatory democracy and feel it challenges us to seek justice and full participation in our communities by all members. The definitions of many things change throughout history. It's time for our definition of marriage to have nothing to do with sex or the sex of the people wishing to make a public commitment and assume additional responsibility. We need to encourage increased responsibility for a thriving, healthy democracy.

I also cherish our freedoms in Canada—our right to free speech, free assembly, and freedom of religion and beliefs. These rights are not threatened when we guarantee equality under the law. People are free to believe what they choose in Canada. This right, however, ends where another's rights begin. We cannot impose our beliefs on one another.

I support the right for some individuals to choose to believe things very differently than I. I support this and I look to my Bible studies, where I see that “As you do to the least among you, you do also unto Me”. This reminds us all to love, as Jesus did, those passed out and marginalized by the dominant culture of His time. Many people are marginalized in our current culture.

I cherish my friendship with many who have been hurt by this fear-based lack of understanding of how different hormonal combinations create diversity in sexual attractions. As an agricultural educator, I know that many of our fertilizers, growth hormones, and industrial by-products are xeno-estrogens that mimic natural estrogens and how we absorb them in our bodies. Estrogen levels and these xeno-estrogens influence sexual development and expression. This has been documented and affects many species.

With our culture's increased use of these chemicals, we are experiencing increased variations in sexual development in many species. I believe this is also affecting human populations. While research helps us to identify methods to be more respectful in our production, we must understand that our choices can have consequences far beyond what we currently know through science.

My gay, lesbian, bisexual, and transgendered friends deserve the same rights as all Canadians enjoy. Allowing same-sex marriage does not threaten anyone's right to freedom of religion, nor does it censor the Bible in any way. It simply sends a message that all people are to receive the same rights under Canadian law. It encourages responsibility and commitment. Our Canadian laws do not define marriage based on sexual activity. It is a legal commitment with increased financial responsibility. This helps stabilize society and shelters and supports children, more so than the common-law relationships that are increasing in our culture and I believe are not giving women and children the social support they require for health and equal development of their persons.

● (0845)

When we support whoever wishes to marry and make that commitment, we support the tradition of marriage. This helps encourage responsibility, caring, and commitment between individuals. Let's leave the private activity between consenting adults private and ask for justice and basic human rights.

Thank you for your time and your attention.

The Chair: Thank you very much.

And now to John Neufeld.

Mr. John Neufeld (Pastor, Christian Fellowship Church): Mr. Chairman, honoured committee members, I want to begin by thanking the justice committee for coming to Steinbach so we can participate with you on this very important issue affecting all of us as Canadians.

Let me begin by saying that we believe all men and women are created by God and all are worthy of dignity, honour, and respect regardless of colour, creed, or race, homosexual and heterosexual alike. We also believe that the charter of human rights should protect all individuals. However, we do not believe that protection and privilege go hand in hand. Protection by the charter against discrimination does not translate into a right of access into all social units.

All social groups have standards of admission, cohesions, and rules of conduct. Private girls' schools exclude boys. Corporations shelter only their own employees. Nations protect only their own citizens. And marriage is no exception. The standard of admission is one man and one woman to the exclusion of all others. As Christians, we believe this is God's design from the very beginning. “For this reason a man shall leave his father and mother and cleave to his wife; and the two shall become one flesh,” Genesis reads.

We share this view with people of many other faiths, and I too quote Dr. Katherine Young, professor of religion at McGill University, when she said:

From my study of world religions (such as Judaism, Confucianism, Hinduism, Islam, and Christianity) and the worldviews of small-scale societies, I conclude that this institution [marriage] is a culturally approved opposite-sex relationship intended to encourage the birth (and rearing) of children, at least to the extent necessary for the preservation and well-being of society. As such, marriage is a universal norm.

When this most fundamental unit of society is protected and defended, the nation is strong. A nation is simply a collection of families, so if the family unit is strong, the nation is strong.

There's a wealth of evidence confirming that children suffer in virtually every area of life if the biological family is disrupted. I quote from a study done in Australia and Great Britain, which I also refer to in my brief to the committee:

Our results showed that single-parent families have a risk of child abuse...and of neglect about six times greater than that of families with two natural parents. For blended families or stepfamilies, the relative risk is higher still—about nine or ten times greater than in families with two natural parents.

In the United Kingdom, a study...shows that two natural married parents are 33 times safer for children than a natural mother cohabiting with a man who is not their father. Two natural married parents are 20 times safer than are two natural cohabiting parents, and six times safer than the natural mother married to a man who is not the child's father.

Whelan's study indicates that marriage, more than the presence of two natural parents, is a key protective factor against serious child abuse.

Karl Zinsmeister, the DeWitt Wallace fellow at the American Enterprise Institute, relates:

There is a mountain of scientific evidence showing that when families disintegrate, children often end up with intellectual, physical and emotional scars that persist for life...we talk about the drug crisis, the education crisis, and the problem of teen pregnancy and juvenile crime. But all these ills trace back predominantly to one source: broken families.

A large body of evidence further shows that married parents have a significant impact in decreasing crime in neighbourhoods. The connection between family breakdown and crime is so tight that David Popenoe, sociology professor at Rutgers University, says, as the family goes, so goes civil society. This evidence affirms what a seminary professor said in one of our classes. We cannot break God's laws with impunity. They break us. This breaking is seen in the fallout from fractured families that affects all of us in increased health care costs, policing costs, rising crime through drug and alcohol abuse, gang violence in our streets.

Our governments impose higher taxes to meet the ever-growing need to take care of problems that could have been addressed in a healthy family unit. The attempt to redefine marriage to include same-sex couples cuts at the very foundation of the institution that makes our nation strong.

Because of its foundational nature to our society, marriage has received special protections, privileges, and rights of exclusion to highlight its distinctiveness from all other relationships and to ensure its viability and health. The initiative to redefine marriage is an attempt by its proponents to get heterosexuals to accept homosexual behaviour as normative and therefore subject to public approval and endorsement.

• (0850)

If we grant homosexuals the right to redefine our most basic heterosexual institution based on behaviour, then how can we stop any other unnatural behaviour asking for the same recognition? How do we stop people in polygamist, incestuous, pedophile relationships from demanding and receiving the same rights, since their request is behaviour-based as well?

Furthermore, our very nature as distinctly male and female is the basis for creation and the continuance of our society. This fact alone rules against same-sex marriage.

Rosalyn Levine, representing the Attorney General of Canada in the Bourassa-Varnell case, said:

This case is about our humanity. There are different aspects, but at its core is our femaleness and maleness. The purpose of marriage, outside the law, at its roots, was to define an institution that would bring together the two core aspects of our humanity, our maleness and our femaleness, because at its essence, this is the basis for humanity. The issue before this court is a legal one. It is whether government action, embodied in common law, and statutes, meets the charter rights that the applicants possess. It's a unique institution, and the court has to decide whether to change marriage forever. The purpose of marriage has nothing to do with excluding the applicants. That is an effect, but the purpose of marriage, outside the law, at its roots, was to define an institution that would bring together the two core aspects of our humanity: our maleness and our femaleness, because at its essence this is the basis for humanity. If you take that purpose away, we have something else; the institution has changed. Marriage doesn't exist without procreation. If you take it away, marriage doesn't exist. Marriage is by nature heterosexual. I can't give you a more basic statement. Same sex marriage is an oxymoron.

Rather than redefine marriage, we recommend that energies and resources be poured into strengthening the family. I have included 11 suggestions in my brief that I believe, if implemented, would strengthen our nation's most valuable resource—our families and our

children. As David Popenoe wrote, as the family goes, the civil society goes.

Similarly, G.K. Chesterton wrote, "This triangle of truisms, of father, mother and child, cannot be destroyed; it can only destroy those civilisations which disregard it."

Mr. Chairman and honoured committee members, we believe that you have the best interests of Canada at heart. We encourage you in the strongest terms possible to leave the legacy of political action aimed at making our nation a strong nation, by focusing our energies on making strong families and strong marriages.

Thank you.

• (0855)

The Chair: Almost a perfect seven minutes. It's amazing what we come to value here, isn't it?

The first seven-minute round will be made available to the member of Parliament for Provencher, Vic Toews.

Mr. Vic Toews (Provencher, Canadian Alliance): Thank you. It's not just the perfect seven minutes that we value in terms of time; we also value your presentation for its substance. I want to thank all of the panellists for being here today and sharing their thoughts and ideas with us.

I note the comments both by Pastor Armbruster and Pastor Neufeld regarding the traditional definition of marriage and the protection that it affords children. Outside of the context of the traditional family, traditional marriage, there are alarming statistics regarding the dangers to children, from a statistical basis. We are not suggesting, and I don't think the panellists are suggesting, that every child in a single-parent relationship or in even a same-sex parent relationship is necessarily in danger, but from a general point of view—a statistical point of view—those statistics do seem to be accurate.

Now, while in fact witnesses like you, Dr. Daniel Cere of McGill, and Katherine Young have advised us that marriage is in fact a uniquely heterosexual institution—you look at history, you look at culture, anthropology, sociology—the reality is that there are children living outside of the context of traditional family relationships, outside of the context of those marriage relationships. That's a reality in our society.

Perhaps the panellists could discuss this a little further. What do you see as our responsibility, as parliamentarians specifically and as a society generally, to deal with the issue of the legal regulation of those other relationships outside of the traditional marriage? If we're not to include them within the traditional definition of marriage, how do we deal with them in a practical way as lawmakers and as a civilized society?

Perhaps Reverend Armbruster.

Mr. Roger Armbruster: Somebody once made the statement that it takes a whole community to raise a child. The more we go in the direction where other caretakers have to fulfill the role that natural parents used to fulfill, it makes it more and more difficult for the state. The extent to which children are raised by their natural parents is the degree to which.... The family unit should take a greater degree of responsibility and not have to rely as much as we have on the state to fill the deficit that has been left by too many deadbeat fathers and others who are neglecting their responsibilities.

That's why we don't want to see a situation where any type of sexual liaison is considered to be an equally valid relationship. There should be special regard for and encouragement of opposite-sex unions of parents, even though we realize that because of dysfunction in our society we also have to take a compassionate role to provide for those who have not been so fortunate to have their natural parents raise them.

The Chair: Would you just answer, Ms. Gibson, because he put the question to the whole panel.

Mrs. Janine Gibson: Thank you. This is an excellent question.

I believe the more we accept diverse family units the more this will translate into support for children. More acceptance in society and more respect for diversity will create more stable family units. People who are unsure of their sexuality won't need to have children and leave them. They'll be able to remain with them because they will have support for those children.

So I believe the more respect we demonstrate the more respect children will feel, and the more we will have a respectful, accepting, and loving society.

The Chair: Pastor Neufeld.

Mr. John Neufeld: Clearly, children who grow up in families where biological parents form the units tend to be—not 100%, we understand that—healthier and do better in every category of life. So if I can answer your question in two ways, first of all we need to do what we can in our country to strengthen the traditional biological family unit for the sake of our children, recognizing at the same time there are children outside of that unit who are born into our society and need our protection. There is no doubt about that.

As parliamentarians, you need to find ways to protect these children without redefining marriage, to bring them into the category that makes society stronger by having good strong families. I don't think we help our cause by saying, we have units over here that aren't doing very well, so let's just call them the same thing we call the others. I don't think we'll help ourselves. We need to make a clear distinction but, at the same time, find ways to provide legal protection for our children, where they are protected against abuse and all other forms of unhappy treatment these children go through.

But I don't think we serve our purpose by calling them something they are not.

• (0900)

The Chair: That includes both the intervention and the answers.

Mr. Vic Toews: That's fine for now. Thank you.

The Chair: Okay, thank you.

Mr. McKay.

Mr. John McKay (Scarborough East, Lib.): Thank you, Chair, and thank you, witnesses, for coming this morning.

Ms. Gibson, you started your remarks by saying that in this call for change there are people who are fearful, ignorant, and unwilling to accept difference, that they will impose their beliefs, etc. So are all those people who uphold the traditional definition of marriage ignorant and fearful and have no basis or foundation for their views?

Mrs. Janine Gibson: Of course not. I really strive not to speak or think in generalizations, because as I mentioned in my talk, I cherish diversity. I see in the natural world that there are many species where there are same-sex relationships throughout. Whales and dolphins are two that come to mind right away, where there is a larger family unit, a pod, where the young are cared for very well but not necessarily strictly by the biological parents. So I think there needs to be, from our leadership and our culture, a strong message that we cherish justice and respect as primary values.

Mr. John McKay: If we cherish justice and respect, presumably those who would uphold the traditional definition of marriage would be accorded the view that at least their views are not based on ignorance and fear.

My second is to Mr. Armbruster. You put forward a bit of a novel legal argument here on page two of your submission, that the charter as presently constituted cannot now be used to change the definition of marriage because it's enshrined in the Constitution. Then you bring up the argument about sexual orientation being excluded at the time the charter was drafted, etc., and that this exclusion was deliberate.

When we received a brief from the Canadian Bar Association, their view was exactly the opposite.

They say: The CBA submits that the position is not constitutionally sustainable for the following reasons:

- (1) The common law does not preclude equal marriage for gays and lesbians.
- (2) A common law definition of marriage that would exclude equal marriage...is constitutionally inoperative.

etc.

Those two views seem to me to be complete opposites. What's your basis for your thought that the charter cannot be used to crack open the definition of marriage?

Mr. Roger Armbruster: I understand that sexual orientation, understandably, has been read into the charter, and so in that sense it is being used now. In fact, that was the basis, I believe, for the Ontario court's ruling, because of the charter.

I guess I'm making the point that if it had been known when the charter was first passed that this would happen, I don't think there would have been support. Certainly, sexual orientation was excluded from the charter—and it was a very deliberate exclusion—by the authors. I think we need to be aware of that. Now we have to deal with the issue, what do those words mean? That was the original concern, and I think that concern still stands.

Mr. John McKay: I understand your concern. I understand, possibly, the history that went into the drafting of the charter. But we do have the charter and there is section 15, and on the face of it, some would argue this is a discrimination, while others would say it's a distinction and that this discrimination/distinction has to be justified under section 1.

Is your argument merely founded on the historical analysis, or is it founded on a legal analysis?

• (0905)

Mr. Roger Armbruster: I guess on the historical analysis. I think my concern now is that those words, having been read into the charter, mean that we have to define sexual orientation. I think anyone here could agree that bisexuality is a sexual orientation as well as homosexuality. In time, those sorts of issues will be addressed—relationships that, by their very nature, include more than only couples.

Mr. John McKay: If the case goes before the Supreme Court—and we've been told over and over again it will, regardless of what we decide—will the argument be on sexual orientation or will the argument be on gender, because the definition is one man and one woman. Presumably the definition will change. If it goes a certain way, the definition will simply change to two persons.

Mr. Roger Armbruster: As I've stated in my brief, I think that if we make sexual orientation so that every orientation is equally valid to define a marriage relationship, we are neglecting the historic reality that the purpose of marriage is to preserve the intergenerational community. I don't think they can ever really be completely equal, no matter how hard we may try to define them that way.

I think the whole rate of changing the definition needs to be challenged at that level. We believe that every individual has equal rights, but when it comes to relationships, male-male relationships and female-female relationships are not the biological equivalent of male-female relationships. For us to try to say they are I don't think faces the reality.

Mr. John McKay: Pastor Neufeld, you were zipping through that set of statistics on children being raised in various forums, and it kind of speaks to Ms. Gibson's diversity argument. My limited understanding of biology is that diversity builds strength. In effect, some of the arguments that you were putting forward on the statistics, the quality of raising your child in the biological unit, speaks against that—that in fact diversity doesn't build strength.

Can you unpack that for me and go back to some of those statistics you were referring to with respect to how children are raised and the outcomes that result as a consequence of raising children in, if you will, the traditional family biological unit?

The Chair: Thank you, Mr. McKay.

Mr. John Neufeld: The study came out of Australia and Great Britain, and the point they were making was that the biological family tended to demonstrate very clearly that it produced a healthier, safer environment in which children will grow up, notwithstanding that there are many other relationships that exist outside of the traditional family that children are born into and are reared, and some of them do very well. However, the evidence suggests that, by and large, they don't do as well as those in biological families.

So though we have an array of other kinds of relationships, the evidence still comes back to suggest that the biological family is the ideal for us to strive for in our culture.

The Chair: To Mr. Cadman for three minutes.

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Thank you, Mr. Chair.

I have a very brief question for Ms. Gibson. You suggested that the more we accept diverse family units, the more that will contribute to strengthening the family. As I'm sure you are aware, there are many parts of the world, and certainly some parts of North America, where family units come as a result of a polygamous relationship. What I would like to know from you is this: are you suggesting that we would accept those family units equally?

Mrs. Janine Gibson: No. I think that's not a logical connection, that supporting same-sex marriage in any way supports polygamy.

I think marriage is a traditional institution, and any support for marriage of any consenting adults who wished to assume what in Canada is a legal and financial relationship is not in any legal way tied to the sex of the individuals. If we focus on it being a commitment between two individuals to assume greater responsibility, that is where it ends, as far as I'm concerned. For people who are interested in exploring other forms of union, that would be outside the traditional definition of marriage. We would include it to mean a commitment, a stated public commitment that assumes legal and financial responsibilities for two individuals, period.

• (0910)

The Chair: Thank you, Mr. Cadman.

Ms. Fry.

Ms. Hedy Fry (Vancouver Centre, Lib.): Thank you very much, Mr. Chair.

My question first is to Mr. Armbruster. You said there is a deliberate exclusion in the charter by Jean Chrétien, who wrote the charter, and that he spoke very clearly about sexual orientation because he felt it wasn't an appropriate thing to do. However, there was a deliberate inclusion since then by the same Jean Chrétien when he changed the Canadian Human Rights Act to include discrimination and, since then, to move to a complete modernization of benefits that has since brought to same-sex couples the equivalency with heterosexual common-law couples. So I think that argument doesn't carry much weight for people like me at the moment, because it has been changed since by the same man.

However—and anyone can answer this—I heard you all say a large percentage of children who come out of divorce and who are living in families without their biological parents tend to really have a difficult time and tend to turn out not so well. Given that we have about 50% divorce in this country, are you suggesting that 50% of Canadian children are at risk? If so, that is an extraordinarily scary thing. Shouldn't we do something to protect those 50% of Canadian children who are at risk, by strengthening the non-ideal world in which we live?

It would be wonderful to live in a world in which there is no poverty, there is no want, there is no divorce, there is no pain, but we don't. We live in a real world in which the state has, I think, a duty to look at how it strengthens all units for the family. We know that there are same-sex couples who have children from a prior relationship or who have, through artificial insemination and other means, been able to bring up children. Shouldn't we, as a state, be clearly looking at how we gave those families legitimacy, gave them some strength within our society, so that those children can grow up to believe they have as good a right or as much a right within society as others?

The Chair: To whom is the question addressed?

Ms. Hedy Fry: I'll start with Mr. Armbruster, but I would be delighted to have anyone else jump in.

Mr. Roger Armbruster: I think we need to recognize that there's a limit to what the state can do. By encouraging the biological family, which traditionally has taken responsibility for its own family members without having to rely as much on the state, we were saying that society would be stronger if we encouraged a more family-oriented approach, rather than a society where the state takes the major responsibility for the raising of children.

Your comment about Prime Minister Chrétien is an indication of how our politicians are being led by the unelected courts. Our politicians should be setting the agenda, rather than just changing the public agenda because of court decisions.

The Chair: Thank you, Ms. Fry.

Pastor Neufeld, do you have a response?

Mr. John Neufeld: The biological family is a place, as we've stated, where children tend to do better. I think we all agree on that. Since we agree on that, it seems to me that our energies need to be focused in that area. How do we strengthen that unit of our society, which tends to produce a healthier family unit? The other families are there. We need to encourage and strengthen them. We need to find ways to help them become contributing members of society, so when they come to the age of forming a commitment, they will do so in the context of marriage, rather than in any other context.

The Chair: We'll go to Ms. Gibson and then to Mr. Toews.

Ms. Hedy Fry: So you are suggesting that until then you ignore those 50% of children.

Mr. John Neufeld: Not at all.

The Chair: Let's try to keep our three minutes intact.

Ms. Gibson and then Mr. Toews.

Mrs. Janine Gibson: I believe we have a Charter of Rights and systems such as this to inspire us all to a greater depth of respect and a greater effort in creating justice in our communities. I believe it's very important that we look at the reality of what's happening in our culture today. I think that any individuals who say they wish to take on greater responsibility and to make a public commitment should be welcome to do so and should receive the same amount of respect and support from our institutions. Through this, we send a message to all of the children, regardless of the kind of family unit they're functioning in, that an individual is to be treated equally and with respect in our culture regardless of their uniqueness. We all come to our place in society from unique perspectives. So I think it's very

important that our leadership demonstrate this commitment to respect for all Canadians.

● (0915)

The Chair: We are quickly getting to the end of our time.

Mr. Toews.

Mr. Vic Toews: Our courts have told us that equality doesn't necessarily mean identical treatment where situations have unique characteristics when compared one to another.

Reverend Armbruster and Reverend Neufeld, one of you indicated that traditional marriage is the ideal to strive for. In that context, would you agree that given the statistics regarding the relative safety of children in the context of a traditional marriage, there is a social and legislative imperative to legally strengthen the unique nature of traditional marriage as opposed to other types of relationships?

Mr. Roger Armbruster: I think there is a real danger if we begin to make human rights based on autonomous desire. We're going in a direction where any type of relationship is considered equally valid to any other. We are not at all minimizing the importance of the charter and its guarantee of equal rights for all citizens. We believe in that. But when it comes to relationships, we cannot say that all relationships are equivalent. I think the evidence certainly points to the fact that heterosexual marriage is preferable if children are to be raised. But we still have to do whatever we can, recognizing that our society has become dysfunctional in many ways, to reach out to those who are not privileged to be raised in that kind of atmosphere.

The Chair: Reverend Neufeld.

Mr. John Neufeld: My response would be similar. I believe we need to do whatever we can to strengthen the biological family.

We have families outside of the biological unit that are rearing children, as we mentioned before. They need our support and protection. But we need in some way to lift up the ideal. Several years ago with ParticipACTION, the federal government held up the ideal of good health before us and tried to move us all into a healthy condition. I think we can do that by way of the ideal marriage. We can hold that up as the ideal and move Canadians toward the ideal.

The Chair: Mrs. Gibson, did you want to respond?

Mrs. Janine Gibson: Yes.

I think we have to look at the basic values of our ideal. The basic values are love, justice, and acceptance.

The Chair: You have less than a minute, Mr. Macklin.

Mr. Paul Harold Macklin (Northumberland, Lib.): Thank you, Chair.

Thank you, panellists, for appearing today.

I guess the concern being advanced is the attempt to achieve equality, to gain dignity and respect for all people. In this process, we are dealing with two very strong opposing views that are generally being presented to us. The question for us sometimes is to try to figure out if there is a way in which we can accommodate these without necessarily meeting the challenge of having to change the definition of marriage.

I guess I would ask Mr. Neufeld and Mr. Armbruster to tell me how far they are prepared to let us legislate in bringing as much equality to this process as possible without interfering with the definition of marriage itself.

Mr. Roger Armbruster: That's a good question.

I think that Bill C-23 has really addressed most of those concerns already. Even EGALE, I understand, has admitted in their presentation that same-sex couples already have virtually all of the same rights as married couples have. So it's just a matter now of using the terminology of marriage itself.

If you want to use the term "social contract", things like rights of inheritance and powers of attorney would all be things handled by social contract. But for many religious people, marriage is more than a social contract; it is a covenant. Therefore, it involves a spiritual dimension as well, which the state can't really legislate.

• (0920)

Mr. John Neufeld: Could you explain that question once again? I'm sorry.

Mr. Paul Harold Macklin: As we are all striving to raise the respect and dignity of all individuals within our society, if you want to hold the definition of marriage to be a heterosexual relationship, how far will you allow the other communities of interest to rise to the level of equality from a legislative or civil perspective?

Mr. John Neufeld: From a legislative perspective, we must allow all Canadians to form whatever kind of liaison they want to form. In no way are we intimating that the homosexual community, or any other community, should be legislated against.

I do think, though, that the homosexual community who want to form that kind of liaison outside of the existing definition, and are already receiving all of the benefits of marriage, should be able to be engaged in a civil registry and to register their union. But I don't think we serve the national good by extending the definition of marriage to that relationship, because of the evidence that has been brought to bear here on why marriage is more desirable than any other sort of relationship as it relates to our children.

The Chair: Mrs. Gibson.

Mrs. Janine Gibson: Just briefly, I have two points. Common law is not the same as marriage, and I don't believe that same-sex individuals are receiving the same benefits as those in a formal marriage. Otherwise, there would not be the push for that, which we clearly see there is. The other thing that I just have to say is that we cannot say, you are equal but not equal, which the status quo is saying.

The Chair: Thank you very much to the panel and the committee.

We are now going to ask the present panel to leave to allow the next panel to come forward.

We are going to suspend, but only for three minutes. We want to get as much done today as we possibly can.

• (0922)

_____ (Pause) _____

• (0927)

The Chair: I reconvene the 32nd meeting of the Standing Committee on Justice and Human Rights and our study on same-sex marriage and same-sex union.

For our second panel of the morning, from now until 10:30, we have appearing as an individual John McCarron; appearing on behalf of the Archdiocese of Winnipeg, Michael Thibert and Holly Thibert; and appearing as an individual, Paul von Wichert. I take it that Mr. von Wichert isn't here.

I think you panellists know that you have seven minutes to make an opening statement, and then the members will be asking questions and engaging in dialogue. That seven minutes applies whether you come as an individual or as a group.

I will go first to Mr. McCarron.

Mr. John McCarron (As Individual): Good morning, honourable committee and fellow citizens.

I'm going to digress for a second to think about our brothers and sisters in Iraq, the members of the Iraqi nation, and the coalition forces; to think for a second that the sons and daughters of many peoples—indeed, including Canadians—are fighting for the freedom of the people of Iraq.

In that connection, I have two nephews who are flying helicopters in Iraq as we're speaking. Their mother lives in San Francisco. I was talking to her late last night, and she is not too sure where they are.

On the matter of our discussion paper on marriage and the legal recognition of same-sex unions, I would like to say that the status quo is the only acceptable option, for the following reasons.

Let us assume that this community of persons who wish to have the same rights as heterosexually married couples are given this right. Then the following will become a fact and a truism: marriage will then become, in the definition of a "new Webster", the relationship between married persons; wedlock; give and take, as in husband and husband or wife and wife; a communal system by which all men in small communities are united to all men, and all women are united to all women. Married will be: joined persons, one to another, in wedlock; give son or daughter in marriage, as in son to son, daughter to daughter.

This is a sophism, a false argument intended to deceive. It's a paralogism, an illogical reasoning of which the reasoner is unconscious. It's a fallacy: "para", which means "beside", plus "logos", which means reason—contrary to reason.

It is not difficult to see how ridiculous this is. This is certainly not marriage. Marriage, for eons in the varied states of the world, has always been a union between a man and a woman, a requirement that is necessary for the perpetuation of the human race. For these reasons, whether it is in the womb, a Petri dish, or a laboratory, the basic fundamentals to reproduce the human species depend entirely on the union of the male sperm with the female egg. Males cannot produce eggs by nature, only sperm; and females cannot produce sperm by nature, only eggs. Without this, there is no continuance, no offspring, and no perpetuation of the human race.

Same-sex unions necessarily require the heterosexual input to procreate, and this is why you cannot call it marriage. It cannot stand on the same level as marriage for the reasons enunciated. Therefore it is a natural affront to all heterosexual relationships and married persons to call it so.

I included something here that is slightly risqué and perhaps a bit trite. I've decided not to use it as an example.

• (0930)

The Chair: The chair will be happy.

Mr. John McCarron: If I do?

The Chair: If you think it may not be appropriate, the chair would rather not have it read.

Mr. John McCarron: Well, it is and it isn't. It actually concerns the people who are listening to me more than anything else. It's only risqué in the realm that it refers to politicians; that's the only area.

All right, then I'll do it. How many minutes do I have left?

The Chair: Two.

Mr. John McCarron: Two? Okay, I'll do that.

At the risk of being trite and slightly risqué, I'll say that this is an effort to appease a very vociferous minority who lobby politicians extremely hard. They in return, like reeds in the wind, endeavour to be all things to all people because they want to get elected.

I would recount the following short story. An elderly gentleman and his young son riding a donkey, an ass, are approaching the local village and are seen by a crowd of bystanders, who exclaim, oh, look at that poor donkey laden down by the weight of those two people. That's all wrong, exclaim the bystanders. The young boy gets off the donkey and he lets the old man ride. So he listens and they change places.

They come to a second group of bystanders, who exclaim when they see the scene, look at that poor little boy walking beside that donkey, the ass. That's all wrong. That little boy should be riding the donkey and the old man should be walking beside the donkey. So he does that. The old man gets off the donkey and the young boy gets back up again.

And they come to a third group of onlookers. Oh, they exclaim, look at that poor old donkey, withering in the heat of the noonday sun. The little boy should be walking with the old man and leading the donkey. So the old man tells the little boy to get off the donkey and they will lead the donkey or the ass.

Then they come to a bridge. The old man and the young boy cross the bridge, followed by the ass. It is in the middle of the bridge when

suddenly the donkey or the ass becomes very frightened by lightning and a great thunderstorm. The donkey jumps over the parapet of the bridge into the river and he drowns.

Well, you know what the moral of that story is. If you try to be all things to all people, you can kiss your ass goodbye.

Voices: Oh, oh!

Mr. John McCarron: Now, I just have one more thing, if I have a minute.

• (0935)

The Chair: Time's up. I don't think there's anything I could say that I wouldn't regret later.

To Michael Thibert and Holly Thibert.

Mr. Michael Thibert (Archdiocese of Winnipeg): Good morning.

Marriage should remain an opposite-sex institution by legislation of opposite-sex requirements for marriage. We present the following statements to support our choice.

Marriage has a continuing role in our modern society, and this should be reflected in our laws. As a union between one man and one woman, marriage has existed across all cultures and all civilizations in all countries and in all religions for all of recorded history. It is the basic unit of society, the social nucleus in which most children are born and raised.

Marriage between a man and a woman existed long before Christianity and other formal religions existed. A man and a woman come together to publicly commit themselves to each other to form a family unit. In that commitment they open themselves to the natural process of procreation. Marriage is unique in that love, commitment, mutual support, and procreation all flow from the marital union.

To keep societal structures strong, the modelling of relationships built on the social, religious, and cultural values and beliefs must continue through heterosexual relationships. The family is the nucleus of society. When the family structure is threatened, then society as a whole is threatened. The healthy psychosexual development of children naturally occurs through the modelling by a man and a woman in the marriage relationship.

Parliament can best act to support marriage by recognizing that it is intended for both the individual benefit and public welfare through its unitive and procreative elements. Marriage is the foundation of the family, and as such its development is founded upon the mutual exchange of love and support between the spouses. Beyond its significance for the couple, the relationship between parents and children is critical in the formation of both an authentically human person and an authentically human society.

Children who are raised with both a mother and a father in a home are more likely to become productive citizens in society. Since society benefits from the greater contribution married persons make by committing themselves to the stability of their family, society should continue to contribute to support the family unit. Because children are the most vulnerable members of society, government should continue to ensure that the family remains status quo.

If a marital relationship collapses, then government should continue to ensure that a vulnerable partner and any children are protected. Governments hold all of society together. There must be a standard of law above what the various religious institutions teach. This ensures the protection of all children and vulnerable partners, no matter what their religious beliefs are.

Committed conjugal relationships other than marriage exist in our society, but marriage is based on a public and permanent commitment not only to serve each other in love but also to serve society's common good. In a religious marriage covenant, a man and a woman establish themselves as a partnership of their whole life, and one that of its own very nature is ordered to the well-being of the spouses and to the procreation and upbringing of the children. The primary and formative community is the family, where human dignity is uncovered and promoted first and foremost.

A man and a woman in a married relationship are an example to their children towards healthy relationships with others and society. The daughters and sons from a married relationship learn to be productive women and men and will in turn teach the traditions and values they have learned to their children. If the laws change in such a way that the rights of married people are threatened and also increase the number of children being raised without a mother and a father in the home, where will the future of our children and in essence our society lie?

We do know that children develop to their best potential with both a mother and a father in the home. We do not know what the future of society will be if this is threatened.

It is true that not all children are born in marriages, and with new technologies same-sex partners can have children. These are, however, exceptions that prove that individual practices do not determine the objectives of an institution like marriage, which plays such a pivotal social role.

Marriage comprises several different components, all of which must be present to form the institution of marriage. A man and a woman decide to make a commitment to each other. In this commitment they are willing to give up their singleness to live together as one. Then they must publicly announce their commitment to each other. In doing so, they are forming the basis of a family unit by opening themselves to the natural process of procreation. By doing so, the couple helps to build up society as a whole.

• (0940)

While other conjugal relationships may possess some of the traits that have been given to define marriage, all are needed to create a marriage. The treatment of other conjugal relationships need not include a definition of marriage to determine equal rights under the law. In the words of the discussion paper being addressed, "As it stands, the federal laws and laws in most provinces and territories grant almost all the same benefits and obligations of marriage to unmarried couples and their children", and this is done without undermining the definition and meaning of the institution of marriage.

Our marriage laws did not create the reality of the current definition of marriage but recognized what had already been in existence long before law even existed.

When a couple chooses to marry, they accept the sacrifices and obligations of creating and maintaining a stable, healthy home for their children. If the law becomes less able to define marriage as it truly is, so will the law be unable to define what the family unit truly is. This, in turn, will mean the government is unable to enact policies to favour stable, healthy family life.

Marriage as it is presently understood has social, religious, and cultural norms that have defined it in every generation and culture. As Catholic Christians, we have been immersed in the traditional meaning as it applies to our faith and culture. It has formed our values and beliefs, defined our lifestyles and parenting, provided role models through our parents and grandparents, our extended families, our friends and neighbours.

We have come to know that a family unit best exists in a marriage between a woman and a man. As husband and wife, we are first models and teachers to our children. Children emulate their parents and, in turn, bring to society what has been taught. Their healthy relationships, their psychosexual developments, are formed and influenced and our children bring these social, religious, and cultural values into the next generation.

The following quotation, taken from *On Life and Love, A Guide to Catholic Teaching on Marriage and Family*, best describes how we feel about marriage:

As Holy Scripture teaches us, marriage is a great earthly Reality before it is a sacrament: "God created man to his Own image; to the image of God he created him. Male And Female he created them." We must always return To this first chapter of the bible if we wish to know what A married couple, a family is and ought to be. Psychological Analysis, psychoanalytic studies, sociological inquiries, And philosophical reflections can certainly shed their own Ray of light on sexuality and human love, but they would Delude us if they neglected the basic lesson that was Given to us at the very start. The duality of the sexes Has been willed by God, so that man and woman together Might be the image of God and like him, a source of life: "Be fruitful and multiply, fill the earth and subdue it."

The Chair: Thank you very much.

I go to Mr. Toews for seven minutes.

Mr. Vic Toews: Thank you very much.

Thank you for your presentations, panellists. Mr. McCarron—especially at a time that is, indeed, stressful for you—we thank you for coming. We want to specifically recognize the sacrifice that your family is making today in the Gulf.

Dr. John Redekop told us in Vancouver that every experiment to destroy the traditional family unit has resulted in societal chaos. He noted specifically the example of Joseph Stalin's regime, his attempt to abolish the traditional family as part of his brave communist experience, an experience that many people in this riding know through either relatives or family members. We certainly understand the chaos that not only the experimentation with the family but other aspects of experimentation on human life resulted in.

He noted that as a result of these kinds of experiments with the traditional family unit, there has been a massive transfer of responsibility from individual units in society—family units—to the state. So the cost to the state has been tremendous. Even Joseph Stalin's soviets understood that concern and soon reversed that particular policy.

Many European countries, in fact, have the definition of marriage embedded right into their constitutions and define it as one man, one woman, and carry it as a part of the fundamental law of their nation. If the courts determine, or decide...whatever this panel decides or Parliament determines, and the courts overrule Parliament or state that the definition of marriage should be expanded to include same-sex relationships—specifically to Mr. or Mrs. Thibert—would the church in that kind of context support the use of the notwithstanding clause in section 33 to override a court's decision? Or, indeed, would the church recommend the adoption of a definition of marriage in our own Constitution, in our own Charter of Rights, to protect that particular institution?

● (0945)

The Chair: Mr. Thibert.

Mr. Michael Thibert: If I understand your question, are you asking whether the church would accept the court's ruling that we must acknowledge same-sex unions as a married couple and, therefore, marry them in our churches?

Mr. Vic Toews: What I'm asking is that if the courts ruled that way, what would the court's position be if some parliamentarian said, we want to overrule the court's decision by the use of the notwithstanding clause to re-establish the traditional definition of marriage or, indeed, amend our Constitution to have a specific definition of marriage the way that some European countries have?

Mr. Michael Thibert: I feel that the church has their traditional marriage. Would they acknowledge other relationships and other unions? I believe they would, but I don't believe they would recognize it as a marriage from the traditional point of view.

Mr. Vic Toews: I guess what I am concerned about is this. I know that the bishops from time to time make policy statements in respect of social conditions or on issues of poverty. The bishops have been not shy about disagreeing with government or judicial institutions where the church feels that those rulings or decisions of governments or courts are contrary to the teachings or practices of the church.

Perhaps this is an unfair question, or perhaps it's a question that you can take back to the bishops for them to consider—whether they would ever consider the use or amendment of our Constitution to clarify the definition of marriage, so that there can no longer be dispute in this country as to what the definition of marriage is.

Mr. Michael Thibert: I would not want to speak for our bishops. I believe that question should be posed to our bishops. But I feel that we and the bishops in our Catholic churches have already stated what a traditional marriage is, and that they won't back away from it.

Mr. Vic Toews: I understood you and I think you have explained clearly the position of the church on the definition of marriage.

What about those relationships outside the context of marriage? As parliamentarians, we have to be concerned about those relationships presently falling outside of the traditional definition of marriage. There are children who are vulnerable; and there are

people in relationships who are legally vulnerable, whether through their own choice or not. If we say as parliamentarians that we're going to maintain the traditional definition of marriage, is there an obligation on us to re-examine those relationships, especially as they relate to children, in terms of steps that we should be taking to enhance the protection of vulnerable people, whether they're children or adults in those relationships outside of marriage?

The Chair: Thank you, Mr. Toews.

Mr. Michael Thibert: I feel we did make that statement clear in our presentation, that our understanding of marriage and the definition of marriage remain the same. We feel that Parliament and government have an obligation to maintain and protect the most vulnerable of our society—our children. Government holds a society together and we should have laws to protect them, even above other religious institutions.

I believe that I did address it in my—

● (0950)

Mr. John McCarron: With regard to children and their vulnerability, I don't think there's anybody in this room, regardless of their sexual orientation, who doesn't feel the need to be validated by both a mother and father. Kids need to be validated by both; and if they're not, they have a lifelong search to find out who either their father or mother might be.

I think the family is a hilarious institution in many instances; the most fun in the world is had by families. I deliberately stayed away from the religious aspect of the situation in order to try to make it as broad and comprehensive as humanly possible. So I'm going to say something else that some people might find humorous.

There was this fellow who was out of his village for about 28 or 29 years. He had left and was feeling guilty about it, so he decided that he would go back to visit his mother and father. When he was walking up the main street of the village, he saw this lady pushing a baby carriage towards him. As he was getting closer and closer to her, he was saying to himself in the back of his head, "I really should know who this lady is; I think I should recognize her". And when he got very close to her, he looked at her and said, "I've been coming towards you now for the last five minutes, and somehow I feel that I should know who you are, but you look so much younger". And she said, "Of course, you should know who I am; I'm your mother." So he said, "Wow, you look terrific. How come you look so wonderful?" She said, "Oh, I watch a lot of television, and Jane Fonda and Sarah Ferguson, and I use all of those beautiful creams and pills that they recommend, and this is the result." "Wow", he said, "You look great!" And then he looked into the baby carriage and said, "Mother, is this a new baby brother in here?" And she said, "No, no, that's your father. He took an overdose".

Voices: Oh, oh!

Mr. John McCarron: Anyway, that's false. You see, the story is false, because the corollary of the child in the pram is that he would have a mother and a mother, or a father and a father, and wouldn't ever know the validation of both a mother and a father. That's the point of the story.

The Chair: I'm going to go to Mr. Macklin for seven minutes.

Mr. Paul Harold Macklin: Thank you, Chair.

It's hard to follow that. I certainly think all of us enjoy the opportunity to share in the panels. When you can bring some levity and make a point at the same time, it's absolutely wonderful.

Today in listening to the panel, though, what comes to mind is the question that is advanced to us. I heard an echo of this from Ms. Thibert today, and that is that the rights of married people are threatened. Those who advocate for same-sex marriage would say, rather than taking away from the rights of married people, don't we help strengthen the institution by adding more committed relationships to that continuum? In fact, it would do the opposite of what those who feel threatened would ultimately find. In other words, marriage would be strengthened by having more people enter into that unit.

Could you define for us and help us understand how you would feel threatened if we were to allow a same-sex couple to join in under the umbrella of marriage?

Mrs. Holly Thibert (Archdiocese of Winnipeg): There are a lot of unknowns with regard to homosexual relationships and long-term commitments. Is it likely that it could end up creating a higher divorce rate among marriages if we had all these different types of relationships? Also, in turn we would lose our right to see our sacrament of marriage involve the procreation of children naturally.

•(0955)

Mr. Paul Harold Macklin: If I could say this, just to help out in this, it's not necessarily interfering with the church's right to choose in terms of sharing that sacrament. Rather, in the civil context in which we would be operating, there would still be religious freedom to choose whether or not your church would give that sacrament to a same-sex union. Under the overarching umbrella of the Canadian perspective, a legislated definition would be there to allow others to join same-sex couples in marriage, because we have heard of churches that are prepared to do that. I respect your right under your church's doctrine and under the charter to protect your interests as a church.

Mr. John McCarron: I think it diminishes the thing considerably, and I'm going to tell you why. It dilutes considerably the right of the child to know about a mother and a father. It's not about the couples. It's about the right of a child to be validated by both a mother and a father. They are always going to have that lifelong search to know who their mother and father are. It's within the realm of nature to know that.

Why do you think, for example, our own mayor, who is openly gay, says that—

Mr. Vic Toews: That's Winnipeg.

Mr. Paul Harold Macklin: Not your member of Parliament.

Some hon. members: Oh, oh!

Mr. John McCarron: I know him well. He's a friend and an enemy at the same time. But whatever else, he says who he is. Now he wants to know who his birth parents are, and he wants to know very badly. He's a typical instance of how it's diluted. He himself wants to make it more comprehensive. He needs to know. So does

every single child who was ever born in the realm of nature. It's a natural imprint on our being from the day we're born, mama, dada. That's a fact and an undeniable one.

Mr. Paul Harold Macklin: Fair enough. But does that search in some way threaten those who are married and would like to add themselves to—

Mr. John McCarron: Yes.

Mr. Paul Harold Macklin: For example, we've heard from a number of people who've come before us as witnesses and have been in a heterosexual union and had children from that, and then went into a same-sex union. They're saying that they would like to again enter into that state of matrimony.

Mr. John McCarron: I understand. You can call it anything, but you can't call it marriage. You can call it anything that you like, but you cannot call it marriage. It doesn't stand on the same level.

Mr. Paul Harold Macklin: The question that they raise with us, though, is what threat do they pose to married people?

Mr. John McCarron: The threat is to the kids; the threat is to the children. I said that five minutes ago. You didn't hear me.

Mr. Paul Harold Macklin: We heard you. We did hear you.

Mr. John McCarron: Well, if you did, you shouldn't be asking the question a second time.

The Chair: We'll decide the questions.

Mr. John McCarron: Sorry, but that's what he did.

Mr. Paul Harold Macklin: I'd still like to finish with the Mr. Thibert. I think we interrupted his train of thought on what was threatening to married people.

This is being advanced to us, so I'm not necessarily positing it as my particular perspective, but rather what we are hearing. Therefore, I'd like to test what we're hearing against those who would advocate otherwise. Their position seems to be that if a loving, committed relationship is added to this continuum, how do you feel threatened? I still would like to hear what you might be able to add to our knowledge on that.

•(1000)

Mr. Michael Thibert: As we have stated before, marriage contains aspects that need to define what a marriage is. When two people come together in a loving, committed relationship, it's a beautiful union. I appreciate it and I can respect it. But in terms of marriage, you need the third aspect of marriage, which is the natural process of procreation. When a man and a woman come together, they naturally form the family basis, and from that they naturally produce children. By including the same-sex union, you eliminate the last part of a definition of marriage, which is the natural process of procreation.

Mr. Paul Harold Macklin: They would argue, will that continue to interfere with the procreative process among other couples? How would you respond to that?

Mr. Michael Thibert: No, it wouldn't interfere with my wife and I still having children, but it changes what our marriage is.

The Chair: Mr. McKay, for three minutes.

Mr. John McKay: Thank you, Chair.

Mr. McCarron, you have a note at the bottom of your brief talking about page 22 of a newspaper called *Swerve*. I'm not quite sure what point you were trying to make in that note.

Mr. John McCarron: It's a newspaper printed by the gay and lesbian community, which is available free of charge in all libraries in Winnipeg. On page 22 there's a personal column, which includes a search for lifemates and that kind of thing. If 10-, 11-, 12-, or 13-year-olds picked it up anywhere else, I don't think it would pass the Criminal Code; I think that they'd probably be in trouble if they did. However, it is available in the library system. I think we'd be very hard pushed to think that it comes anywhere near the definition of what one would refer to as marriage. I could read some of it, but that would be probably be...

Anyway, I brought about 50 copies with me, so if some of you would like to see a copy of it, I have them with me here. It was my intention to leave each of you with a copy of it. If any members or the people who are sitting behind me would like to have a look at it, they're very welcome to do that.

Mr. John McKay: One of the previous witnesses—and I will address this to both sets of panellists—argued that diversity is good, that we see it in nature, and she used an example of seeds, that when there is diversity and the seeds are spread and biologically intermixed, in fact the result is a stronger product. And that feeds into the argument that Mr. McCarron is referring to that these are people who want to get into the institution of marriage, that they want to enhance the tradition of marriage. They want to strengthen the institution of marriage.

I would be interested in your comments as to whether the diversity being currently proposed, namely the expanding from simply opposite sex to opposite and same sex, in your minds would create a diversity and would develop a strength in the marriage that presently doesn't exist.

Mr. John McCarron: It would weaken the situation totally, because there's no way of procreation.

Within the field of hydroponics, in that field of science everything that comes from the plant that is the main plant, the main seed, is just a derivation and, as a consequence, not a replica of it but a weakened version of it, even though it might look very good. And within the content of human nature, it's exactly the same. The reproductive ability to procreate is not contained with the female-female or the male-male, and as a consequence, on the element of hierarchy, the same-sex couple is totally reliant upon the heterosexual couple to reproduce.

• (1005)

The Chair: Thank you, Mr. McCarron.

I think it's to Mr. Thibert.

Mr. Michael Thibert: I feel diversity is good for any institution and any parliamentary conversation. Diversity helps us to attain what is the truth, and what we are doing here today is we're trying to attain what the truth is and what the definition of marriage is.

So I accept everybody's arguments and everything, and hopefully we can come to what the truth is about what marriage truly is, what it always has been.

The Chair: Ms. Fry, three minutes.

Ms. Hedy Fry: Thank you very much.

Mr. McCarron, if one were to follow the argument that you made with regard to the right of a child, or that a child must know their parents, and that in fact anything that would detract from this would dilute the institution of marriage, would that mean, therefore, if we were to logically follow this argument, that elderly couples who were past the age at which they could have children, or that a family, for instance, where the woman had had a hysterectomy and for some reason cannot have children, would similarly dilute marriage by being married? Should we opt those groups out of marriage because there is no way that they could have...? They would have to adopt children. And if they are an adoptive couple that adopts a child, where the original parents do not wish to be known, that would obviously dilute marriage to a great extent, totally dilute it, actually, totally change it.

The Chair: Mr. McCarron.

Mr. John McCarron: I missed something that you said, and the context in which you were saying it doesn't enable me to answer your question.

Ms. Hedy Fry: I will repeat it, then. Sorry.

Mr. John McCarron: Good. Thank you.

Ms. Hedy Fry: I'm going to quote you. You said same-sex marriages diminishes marriage because it dilutes the right of the child to be validated by the mother and father.

Mr. John McCarron: Correct.

Ms. Hedy Fry: Would it then not logically follow that parents who could not have children for various reasons, either by choice or by some medical problem, who would have to adopt children, or elderly couples who were past childbearing age, would similarly dilute the institution of marriage if they were allowed to be married? Should we not allow those groups to be married?

Mr. John McCarron: The children have to come from somewhere and they have to come from the union of an egg and a sperm, within the heterosexual relationship between the female egg and the male sperm. So I can't see the validation of your question—

Ms. Hedy Fry: But the right of the child to be validated, the right of the child to know the mother and father, that would be gone.

Mr. John McCarron: They do have that right.

Ms. Hedy Fry: No, that would be gone in an adoptive relationship, because the birth parents may not wish to be known. Therefore, should we preclude those groups from marriage?

Mr. John McCarron: The right is not gone. There are lots of kids who are adopted within the native community who are finding out who their birth parents are all over the place.

Ms. Hedy Fry: Because some do find out doesn't mean everyone can.

Mr. John McCarron: Everybody doesn't because we don't—that's true.

The Chair: Just one second to both the panellists.

Ms. Hedy Fry: I think everyone cannot. A parent, adoptive—

The Chair: Ms. Fry, please, one at a time. We are going to ask a question, give an answer; ask a question, give an answer, mixing it up.

Ms. Hedy Fry: Sorry, Mr. Chair.

My question still holds, because in fact you don't have a right to know who your parents are if you are an adopted child. It's the biological parents who have to agree to that, and in reproductive technology the biological parent, or the donor of the sperm, or the donor of the egg, has to suggest or sign an agreement that they will allow the child to know who they are. So in all of these instances, these people would dilute marriage if it is solely for the purposes of procreation.

The Chair: Thank you, Ms. Fry.

To Mr. McCarron, and then I am going to Mr. Toews.

Mr. John McCarron: Do I answer that question?

The Chair: Yes.

•(1010)

Mr. John McCarron: If a mother dies in childbirth, and a father gets blown up in a helicopter over Baghdad, I bet your bottom dollar that all the relatives and everybody else are going to try tell that child who their mother and father were even if they never knew them.

The Chair: We are going to Mr. Toews for the final comment.

Mr. Vic Toews: I have a very brief question.

My colleague, Mr. Macklin, asked the panel what harm there would be in including same-sex relationships within the definition of marriage and there was a response, and I'm paraphrasing here, that marriage itself is a sacrament. Certainly I understand it to be, from a Catholic point of view, a sacrament, a holy sacrament.

I don't know that much about Catholic theology, but would the church itself then view the adoption of a same-sex marriage definition as a blasphemy against that sacrament in the same way you could blaspheme against other abuses of sacraments?

Mr. Michael Thibert: I can't answer that question. I'm not a theologian.

Mr. John McCarron: Yes, they would.

Mr. Vic Toews: So the Catholic Church would consider that a blasphemy?

Mr. John McCarron: Yes. Certainly, Rome would. I'm not sure about...but the Holy Father would. There's no question or doubt about that, yes.

The Chair: That being the case, it gives us a little more time, which I think we are going to need.

I suspend for three minutes until the next panel comes forward, and we thank the panel that just presented.

Thank you very much.

•(1012)

_____ (Pause) _____

•(1024)

The Chair: I'm reconvening the meeting. Both the moving and still photography have to stop.

I'm going to take one second to thank everybody for coming this morning and for the level of the discussion. It is a tribute to everybody here, I think.

The connections between Steinbach, Manitoba, and Fredericton, New Brunswick, in terms of travel are quite precise. That means I'm going to have to depart soon. But I do want to say how much I personally appreciate the interest and faith the community has placed in this exercise by being here today and to make my apologies for having to leave.

We will continue this exercise in Halifax, Nova Scotia, on Monday. You are in good company with Vancouver, Edmonton, Moose Jaw, Steinbach, Sudbury, Toronto, Montreal, Rimouski, Halifax, Sussex, and Iqaluit.

I just wanted to explain my departure. We speak much of family. I have one, and if I don't leave now, I won't see them.

Thank you very much.

I would ask Mr. McKay to please take the chair.

•(1025)

The Vice-Chair (Mr. John McKay): Thank you, Andy.

Just joining us is Anita Neville, member of Parliament from Winnipeg. Welcome, Anita.

This is our next panel. I don't know that there's any particular order. I suppose we should start with the Service du Mariage et de la Famille du Manitoba Inc.

Mr. Jean-Maurice Lemoine ("Service du Mariage et de la Famille du Manitoba Inc."): Good morning. My wife Rachelle and I are here as co-presidents of the Service du Mariage et de la Famille du Manitoba. Our brief is in French, so I will read through it.

[*Translation*]

We will now present our brief to the Standing Committee on Justice and Human Rights in the context of its study on marriage and the legal recognition of same-sex unions. Are there valid reasons to redefine marriage?

What is the SMFM? The Service du mariage et de la famille du Manitoba is a non-profit organization established in 1981 whose mission, among other things, is to enhance christian marriage and family within the franco-manitoban population.

One of its main activities is to offer marriage preparation sessions. Its board of directors is made up of duly elected members from the various regions of Manitoba.

I will now speak to you about the building blocks of the SMFM, namely its position with regard to the issue of marriage and same-sex unions.

First and foremost, the SMFM recognizes an essential distinction between respect for homosexuals and homosexual activity. The SMFM maintains that the reasons invoked in view of changing the institution of marriage so as to include same-sex unions are not justifiable and that their effect would rather be to harm this institution.

In all times and in all societies, marriage has always been recognized as the legal union of a man and a woman. This is a clearly defined reality. You do not call a table a chair, even though this is what some people might wish. The table has a function that is not that of a chair. To call a table a chair would lead to confusion.

To call same-sex unions “marriages” would be tantamount to giving this secular institution an obvious meaning and to denaturing it. Why not give it a name that fits it, as is the case when we invent a new reality? Let us be creative.

Let us not seek to camouflage reality in order to lead everyone to believe that we are talking about the same things, that there is no difference between a heterosexual union and a homosexual union.

Because of its very nature, the union between a woman and a man is not the same thing as a union between two people of the same sex. These are two very different realities. Marriage is not just any union. It is the union of a man and a woman. Such a union has its own finality.

The Standing Committee is discussing marriage as a legal institution. The committee must not ignore the fact that marriage is also a very rich and complex biological, anthropological, historical, sociological and religious reality.

As the basic cell par excellence of our society, marriage and family must benefit from particular attention on the part of the legislator, who must encourage and promote them. Furthermore, marriage is not a legal entity that the legislator could one day define differently. Marriage is an entity that belongs to our religious and social heritage. No group, even of lawmakers, could purport to have any exclusive right without the agreement of the other groups involved.

The SMFM is not opposed to the idea of same-sex couples benefiting from civil rights and receiving social benefits in the manner of all other Canadians, but we are opposed to the idea of this recognition being called “marriage” because the term “marriage” is not just a legal entity, as we have mentioned earlier. The term “marriage” encompasses much more than a simple legal dimension. Furthermore, the erosion and decline of marriage and of family are serious problems in our modern-day society.

Given the circumstances we are facing, we are entitled to ask those who wish to reinvent marriage if their opinions will enhance marriage or, to the contrary, damage and destabilize it further.

Marriage is a wonderful thing for society. Here are some of its characteristics.

First of all, marriage is a privileged space for the blossoming of a relationship between a man and a woman. Marriage promotes permanency and stability in the commitment of a man and a woman. Marriage recognizes complementarity between a man and a woman. Through this complementarity, man and woman mutually support and sustain each other.

• (1030)

[English]

What is the purpose of this sexual complementarity? I believe sexuality is meant to unite those different from, yet designed for,

each other, males and females. It is the primordial dynamic of human society, the drive for community at its most basic level. Sexual intercourse between a man and a woman exemplifies the purpose of sexuality. In this act, two people can simultaneously unite their entire person into a dynamic sexual community. Marriage can be defined as total sexual community. The institution of marriage is the social structure that embodies and governs that community, and marriage is therefore the most basic institution of society. Society depends upon men and women who make total commitments, give fully of themselves, nourish intimacy, and gift the world with children.

[Translation]

Marriage is a favoured context for procreation. Many of us recognize ourselves in these words of Victor Hugo: “When a child comes into the world, the circle of the family rejoices”. Marriage and family normally go hand in hand. Marriage leads to something, and not just anything. It leads to a child. Marriage is virtually always a story of “three is a magic number” and it is often four or five. All this to say that marriage is based upon biological fertility, upon the ability to procreate.

Marriage is a favoured space for the education of children. The love and security that the family gives a child and that flow from the union of a woman and of a man within marriage are essential to the development of the child. The explanation given in Paul C. Vitz's article entitled *Family Decline: The Findings of Social Science*, that has already been mentioned, leaves no doubt as to the advantages of marriage, as a permanent institution, for the development and the education of the child. Vitz also dwells on the negative consequences of the absence of marital stability. Ideally, a child needs a mother and a father in order to blossom.

• (1035)

[English]

The Vice-Chair (Mr. John McKay): Thank you.

Ms Baldwin and Mr. Leven.

Ms. Janet Baldwin (Chairperson, Manitoba Human Rights Commission): Mr. Chairperson and members of the committee, I'm Janet Baldwin. I'm chairperson of the Manitoba Human Rights Commission. I'm here today with my colleagues, Elliot Leven, who is the commissioner, and Diana Scharf, our executive director who is somewhere in the audience.

The Manitoba Human Rights Commission would like to thank you for the opportunity to appear before you at these hearings with regard to marriage and same-sex unions, and we are pleased that the federal government is addressing this most important issue.

It's the mandate of the Manitoba Human Rights Commission to enforce the anti-discrimination provisions of the Human Rights Code and to educate the public as to the code's provisions. We also promote the principle that we are all free and equal in dignity and rights, and we further the principles of equality of opportunity and equality in the exercise of civil and legal rights regardless of status.

We discharge these responsibilities in the light of the charter and the international instruments that Canada has entered into, such as the Universal Declaration of Human Rights.

As our code states, the principle underlying these undertakings is the individual worth and dignity of every member of the human family, and inclusive in this principle is the right of all individuals to be accorded equality of opportunity with all other individuals.

The exclusion of same-sex couples from marriage undermines this principle. The recent Halpern, Hendricks, and EGALE decisions all found that the exclusion of same-sex couples from marriage violates the equality provisions of the charter, although the EGALE case alone found that this was justifiable under section 1.

It is the view of the Manitoba Human Rights Commission that the exclusion of same-sex couples from marriage is discrimination on the basis of sexual orientation and a violation of the equality rights of gays and lesbians.

With your leave, Mr. Chair, my colleague, Mr. Leven, will now address the committee and I will then make some concluding remarks.

Mr. Elliot Leven (Commissioner, Manitoba Human Rights Commission): Thank you, Chairperson Baldwin. Thank you, honourable members.

Human rights legislation and the equality provisions of the charter exist because of the historical disadvantage and prejudice that members of minority groups have faced. Safeguarding these equality provisions requires legislators to take measures that preserve the dignity and rights of all Canadians.

As Justice Blair stated in the Halpern case: The constitutional and the Charter-inspired values which underlie Canadian society today dictate that the status and incidents inherent in the foundational institution of marriage must be open to same-sex couples who live in long-term, committed, relationships—marriage-like in everything but name—just as it is to heterosexual couples. Each is entitled to full and equal recognition, and the law must therefore be adapted accordingly.

As Ms. Baldwin said, the Manitoba Human Rights Commission urges this committee to recommend to the Government of Canada that it legislate to remove the opposite-sex requirements for parties to a marriage, thereby permitting same-sex couples to legally marry. In our view, this is the option under consideration that is required to eliminate the discrimination on the basis of sexual orientation in the current marriage provisions.

The commission has long worked to eliminate discrimination on the basis of sexual orientation and other protected grounds in Manitoba. Since the passage of the Human Rights Code in 1987, we have investigated, mediated, and litigated a number of complaints based on sexual orientation. With the Vogel case, for example, we successfully challenged our then provincial government's denial of spousal benefits to the same-sex partner of an employee.

The commission recently appeared before the Legislative Assembly of Manitoba's Standing Committee on Law Amendments to voice our support for the Charter Compliance Act and the Common-Law Partners' Property and Related Amendments Act. These acts and the earlier act, An Act to Comply with The Supreme Court of Canada Decision in *M. v H.*, addressed a number of issues of discrimination on the basis of marital or family status and sexual orientation.

These laws eliminate much of the systemic discrimination that common-law partners, and in particular same-sex common-law

partners, have faced in the province of Manitoba. Nevertheless, as we have stated before the Review Panel on Common-Law Relationships in Manitoba, before the Legislative Assembly of Manitoba's Standing Committee on Law Amendments, and directly to the Minister of Justice of Manitoba, many of the legislative and social inequalities faced by gays and lesbians flow from the legal barrier that precludes same-sex couples from marrying.

Ms. Baldwin will now conclude our submission.

• (1040)

Ms. Janet Baldwin: Thank you.

We would now like to very briefly address the other options set out in the Department of Justice's discussion paper; for example, the option that would retain marriage as an opposite-sex institution, but establish a system of civil union or domestic partnership for other conjugal relationships. Our position is that this is not sufficient to eliminate the discrimination based on sexual orientation in the current federal law with respect to marriage and would not adequately address the equality concerns under section 15 of the charter.

As Chief Justice Beverley McLachlin of the Supreme Court of Canada said in a recent lecture:

Formal declarations of equality are not enough to remove discrimination and exclusion. Indeed, they may perpetuate them. Formal equality is the equality of "separate but equal". The group is hived off, labelled "different", and told that they are equal with one important qualification—equal within their designated sphere.

Let us not create another example of what she calls the façade of formal equality by limiting same-sex partners to a scheme of domestic partnership or civil unions while continuing to bar them from the choice to marry.

The Manitoba Human Rights Commission also rejects any approach that would remove all federal references to marriage, create a neutral registration system for all conjugal relationships, and leave marriage exclusively to individuals and their religious institutions. This would not only continue to exclude most same-sex couples from marrying but would also exclude opposite-sex couples who were not participants in a religious congregation from choosing to marry.

Thank you. We would of course be happy to answer any questions the committee may have.

The Vice-Chair (Mr. John McKay): Thank you.

We will now hear from the Parents, Families and Friends of Lesbian and Gay Persons (PFLAG) Winnipeg, Helen Hesse and Donna Brigham.

Ms. Donna Brigham (Parents, Families and Friends of Lesbian and Gay Persons (Winnipeg)): I'd like to thank you for the opportunity to present today. My name is Donna Brigham, and I speak on my own behalf as well as on behalf of an international organization known as PFLAG, which is Parents, Families and Friends of Lesbians and Gays. This organization has two chapters in Manitoba, one in Winnipeg and the other in Brandon.

To preface my remarks, allow me to read the mission statement of PFLAG: Parents, Families and Friends of Lesbians and Gays presents the health and well-being of gay, lesbian, bisexual, transgendered and two-spirited persons, their families and friends, through:

1. support to cope with an adverse society, and
2. education, to enlighten an ill-informed public in order to end discrimination and secure equal human rights. Parents, Families and Friends of Lesbians and Gays provides opportunity for dialogue about sexual orientation and gender identity, and acts to create a society that is healthy and respectful of human diversity.

On a personal note, I am the mother of two children. I have a son who is straight and a daughter who is a lesbian. My son has been married for nine years. My daughter and her partner had a covenant ceremony in the United Church and have been together for six years. Both my son and daughter are in loving, committed relationships. They both are responsible citizens who are assets to society. They both work as certified engineering technicians. My children were born equal, and all I want for them is simple: I want them to have equal rights.

Our members of PFLAG were dismayed when they learned that the Government of Canada is part of the discrimination against their sons and daughters. This is not acceptable. They would like to know why their children's cousins and friends have the right to a government-sanctioned marriage, while their children do not have that privilege if and when they choose to marry.

This committee can wait for the courts to give you direction, or you can take the initiative and recommend change to the legislation now. It is your duty as elected members of Parliament to give our children as Canadian citizens equal rights to those already afforded to other citizens; therefore we trust that this committee will take back to the government the clear need for equal same-sex marriages.

We wish society was more understanding and tolerant of differences between people. We wish that cultural, racial, gender, intellectual, economic, and sexual-orientation differences did not cause the kind of discrimination and hatred that we sometimes experience and see around us. And so we see a need for legislation that protects us from the worst kinds of intolerance. But in providing that legislated protection, a deeper message is also being sent by our legislators: that the protected population, whatever it is, is valued and appreciated, and they are fully human.

That, of course, is the message we would like to see given to society at large when it comes to our beloved gay and lesbian, bisexual, transgendered, and two-spirited family members and friends. That message must come from many different sources—from us as friends and family, our schools, our employers, our courts, our newspaper and media, and from churches, synagogues, and mosques. I am here today to reinforce to you, as representatives of our government, the importance of legislation in the process of integrating and giving them equal human rights.

Lastly, I would like to say that with all the hatred and wars in our world today, I would think we should be embracing loving relationships.

●(1045)

Ms. Helen Hesse (Parents, Families and Friends of Lesbian and Gay Persons (Winnipeg)): I'm Helen Hesse, honourable members, also a member of PFLAG. Donna has explained something of what we're about. As well, I'm a member of the board of PFLAG Canada. We now have a national organization.

There's much talk today about family values, and I want to say, as a married woman and a mother of four sons, family values are very important to me. These values, I believe, are based on the premise of encouraging each member of the family to develop his or her potential as fully as possible.

Like all parents, my husband and I want our children to be happy and fulfilled in both their professional and personal lives. For most members of our families, this will include developing a committed relationship with one special person. We believe it is the choice of each couple whether this relationship should result in marriage, but the choice should be available for all our family members.

In the case of three of our sons, the option of marriage is a given. However, for our fourth son, under the present laws in our country, marriage is not an option. How do we, as loving and caring parents, say to our son—this fourth son—that through no fault of his own, our society and our government regard him as somehow less worthy than his heterosexual siblings?

As I look around me here today in the heritage village in Steinbach, it strikes me that it's very important to remember and honour the past of our families, our communities, and our country. But it is also important to realize that time does not stand still, that ideas and concepts change, and that legislation needs to keep pace with social development. We tend to forget that at the beginning of the 20th century, for instance, women were not regarded as persons and did not have the vote. However, time has marched on and the laws have changed accordingly.

Legislation regarding common-law relationships has been changing in the provinces and territories of Canada, but only the federal government can alter the legal definition of marriage. The current definition, I find, is unequal, unjust, and I have heard it is discriminatory under the charter. I find it demeaning to all Canadians. When one group is singled out for discrimination, we are all diminished in our humanity.

We've talked a lot about this in our family and we are all agreed that we see no reason why two persons who love each other enough to wish to marry should not be able to do so. We find the gender of these two persons is irrelevant. It's the relationship, the commitment, that's important.

If marriage is indeed a worthwhile institution, which I am hearing that many people feel it is, then it is strong enough to be expanded, more inclusive, more just, more equal. Expanding the definition does not diminish marriage as it exists for people today. I am married and I can speak to that. If institutions do not grow as society changes, they become obsolete.

People have spoken from different religious groups. I want to add that I am proud to be a member of the United Church, which is the largest Protestant denomination in Canada. This religious community continues to evolve its policies and attitudes as society changes. Our denomination, which I know has presented in Ottawa to this committee, is committed to the equality of heterosexual and same-sex relationships and offers covenanting services for same-sex couples in which they can express their commitment to one another.

I have two more sentences.

•(1050)

The Vice-Chair (Mr. John McKay): Thank you.

Ms. Helen Hesse: The ball is now in the court of the government to give civil recognition to these couples. Canada is a better place because women have the vote and Canada will be a better place when we join the Netherlands and Belgium in redefining marriage to include same-sex couples.

Thank you.

The Vice-Chair (Mr. John McKay): Thank you, and thank you to the panellists.

We now go to the question and answer section. For the first seven minutes, Mr. Toews.

Mr. Vic Toews: Thank you.

Thank you, panellists, for your presentation and your attendance here today. I note that the argument of the Manitoba Human Rights Commission and the position in respect of the issue of the definition of marriage is essentially on a legal rights basis. Based on its interpretation of the code, same-sex couples should have full and equal recognition of their status, including the status to marry.

In some of the testimony we've heard over the course of weeks, both in Ottawa and Vancouver and Edmonton and elsewhere, witnesses have approached the issue from a broader point of view. For example, Dr. Douglas Allen, an economist—I believe he's with Simon Fraser University—approached his position against expanding the definition of marriage, not from a religious point of view but from the point of view of an economist and from statistics.

One of the matters he brought to our attention was the impact of the Divorce Act. His testimony was—and I'm paraphrasing it—that the implications of the passing of that act were totally unforeseen. In fact they were much worse for Canada as a society. The lesson learned, he stated—and again I summarize—is that we simply can't predict the future when we're dealing with fundamental institutions like marriage.

As a consequence, both Dr. Daniel Cere of McGill and Dr. Allen of Simon Fraser University have cautioned us against moving to change the definition. They certainly have cautioned us against

simply approaching this issue on a narrow legal definition, whether it's constitutional or statutory.

Has the commission examined its position, not only with respect to the legal framework of the Human Rights Code but also in a broader multidimensional context? Has it done any kind of studies, and if so, would you be in a position to produce those reports for this committee?

Ms. Janet Baldwin: We have not done any official studies of the kind you are mentioning, Mr. Toews, but we very much view the question in a context that is much broader than the legal context, because in terms of legal rights, the current changes in Manitoba will give substantially the same legal rights and responsibilities to same-sex couples as to heterosexual couples—not identically, but substantially.

But I think what we have in mind is in fact a broader picture than the purely legal picture—namely, that marriage is much more than a legal institution; it is a very important social and cultural institution.

In that regard, a quotation comes to mind from the Halpern case, the Ontario case in which Mr. Justice Laforme said that to accept this argument—the argument that same-sex couples should not be included in marriage—would mean: ...I agree that same-sex couples are entitled to all the benefits and privileges that opposite-sex couples are granted through marriage, but not the right to be recognized as married. In other words, I would have to embrace the concept that same-sex couples are entitled to be married; they just can't appropriate the word marriage because that belongs exclusively to heterosexual couples. That would be a wrong concept for this court,

—and, we submit, for this committee—to embrace.

It is exactly because of the wider importance of the concept of marriage that we feel it must be all-inclusive.

As to your related points of the problem or the danger of the future, the danger of the devaluation of the idea of marriage, of course all change produces fear, and of course the consequences of change may be unpredictable. But I would remind you that not only the Divorce Act but all kinds of changes have been made over time to the definition of marriage. For example, the age of consent has been changed, and the right of interracial couples to marry and the right of couples from different religious denominations to marry are all changes that have been made to the concept of marriage without devaluing that concept.

•(1055)

Mr. Vic Toews: As parliamentarians, we certainly do have in mind that broader social and cultural institution. The problem I'm facing with the argument you're presenting is that it's simply based on a legal understanding of the rights of marriage.

And speaking of courts, we can look at the majority judgment of Justice La Forest in the Egan decision, where he spoke specifically of the institution of marriage, saying that it was permissible to distinguish and, in that sense, discriminate against all other types of relationships, including same-sex couple relationships. And he talked about the broader historical and cultural value of the institution of marriage, which justified that distinction.

So when you come to this committee and say, well, we have to approach this on this legal-rights basis; we understand the fears; and we understand the concerns, what about the comments of Justice La Forest on the broader historical and social context—which perhaps the Lemoines have brought forward?

Mr. Lemoine, perhaps you would like to comment on that.

The Vice-Chair (Mr. John McKay): Mr. Lemoine.

Mr. Jean-Maurice Lemoine: What we're saying is that the union between heterosexuals or opposite sexes and the union of same sexes are completely two different things in nature. And it's not only a legal aspect; I think we have to go further than just looking at the legal aspect. We're basing ourselves on anthropology, history, sociology, and religion. We're not just using the present 21st century term, but I think we have to look at it in a very broad spectrum.

We don't mind; as we have said, we're not opposed to whatever rights and benefits that would entail. But what we're opposed to is recognizing the term “marriage”, because to us marriage is more than just a legal thing; it is based on social values, on history, on religion, on anthropology, and on whatever.

Mr. Vic Toews: For you as a Catholic, is marriage a sacrament?

Mr. Jean-Maurice Lemoine: As a Catholic, yes, for me marriage is a sacrament.

The Vice-Chair (Mr. John McKay): Ms. Fry.

Ms. Hedy Fry: Thank you, Mr. Chair.

I want to thank everyone for coming today to present.

I agree with Monsieur Lemoine that there are anthropological, personal, sociological, traditional, and religious components to marriage. It's not merely legal.

But I just want to quote from a document given to us by the Canadian Conference of Catholic Bishops, in which it did acknowledge those components and say that the anthropological dimension of marriage shows “the social condition of the human being and the desire to be in relationship”. I would like you to answer to me how that does not apply to same-sex couples.

The second one is the personal dimension, the personal need to proclaim in public, to the community, that a couple “will not only share their lives but be faithful and true to a word solemnly given and honoured”. I would like to know how that does not apply to same-sex couples.

And finally, there is the social dimension of marriage, where “the family provides a stable environment and is the best place in which to raise children”. It's “a unique way of life, of benefit to...children and to society”. I would like to know how that does not pertain to same-sex couples who have children either by prior marriages or through reproductive technologies.

Finally, I agree, having been baptized a Catholic and grown up as a Catholic for many years of my life, with the sacrament of marriage, but I don't believe that allowing same-sex couples to marry will mean the Catholic Church has to marry same-sex couples. We know that freedom of religion is incorporated within the charter, so we could remove that piece. No one is suggesting that any religion be forced to marry.

The final piece, you said, is because of tradition. But you know there are other traditions that have been changed with the law. It was said here that women were not considered to be persons, and in 1929 they became persons and were allowed to sit in the Senate. Women were not allowed to have the vote, and of course everyone predicted, as we heard—predictions that are dire today—that if you gave a woman the vote, of course, she'd want to run for member of Parliament. Indeed, we can see that was true.

We could also argue that if you allowed for interfaith marriages, these children would have problems, and we saw that indeed it was harder. Probably it made that marriage and the children and the family in it work harder to strengthen the needs of that family in an interfaith marriage, but the world did not come to an end. Indeed, it was strengthening that marriage.

Tradition is something that we have removed. The whole concept, traditionally, of the way we believed in the patriarchal system in the past has moved on. I think society has been strengthened by it.

I just want to hear from you as to, other than the religious component, which no one is challenging, what other things can happen within a same-sex marriage that would in fact diminish the marriage as we know it. I would like to say that it might strengthen it. When you have tradition, an institution that is failing, as we see currently marriage is failing, and you have people breaking the door to get in, it must mean that they believe in that institution and they want to make it stronger.

I would like to hear from you how marriage per se between a same-sex couple would in any way harm or diminish the love that you and your wife have for each other, for your children, your sexual relationship, or in any way the belief you have in marriage as a fundamental social structure.

• (1100)

Mr. Jean-Maurice Lemoine: I don't know if I can answer all of what you've asked me to answer, and I don't think I'm that qualified to answer all of that. But what I can say is that we're starting with the basic, which is marriage is a union between a man and a woman—as a basic. We do not oppose whatever's happening. We'll support, just as I think the church...and that has come even from the bishops, the groups of bishops within Canada.

We do not condemn the people. We do not condemn the persons, and I think that's a big step forward already. We condemn the activity. We will not condemn the person who is sitting at Stoney Mountain because of a murder, a crime, he committed. We condemn the crime. We will not condemn the person. We will not condemn the person who has had an abortion, but we will condemn abortion. I think this is a great step for the church to have already accepted within its four walls, or whatever, the people. Look at the people first, and then we'll check the other institutions.

We have to start from the fact that we have a marriage, which is the union of a man and a woman, and if I start from there and I believe in that, I think the rest falls into place.

It is two different things. Let's not call same-sex couples a marriage. Let's be creative. In the world we come up with a whole bunch of different things—new realities. We give names to new realities. I'm not saying that I should give a name to a new reality, but it's there. Be creative.

Ms. Hedy Fry: Then if one follows the natural logic of that, it would seem to me that it was not necessarily a break with tradition to have allowed women and immigrants and other groups to be able to vote and to sit in Parliament, etc. We should have created a separate structure for them; let's have women run a women's parliament, and immigrants run an immigrant's parliament. We didn't do that.

Speaking here as a member of Parliament, I believe fundamentally that we changed the structure because we are here to be relevant to the changing nature of our very diverse society. I believe that if I were to be relevant, it would be easy to be relevant to the majority. In a democracy, we know that the majority rules. The substance of our charter is that we are here also to ensure that the smallest, the least, the tiniest group amongst us must therefore be protected from the tyranny of the majority. As a member of Parliament, I firmly believe this.

So I think that to deny access to an institution that, for so many same-sex couples who are deeply religious and who are part of religious communities.... For instance, the United Church sees same-sex marriage as something they can sanctify. How should I, as a member of Parliament, support one religion or another? Is this not inconsistent with my ability to serve all Canadians equally?

•(1105)

The Vice-Chair (Mr. John McKay): Mr. Lemoine.

Mr. Jean-Maurice Lemoine: I don't know if I can answer that, honourable Ms. Fry. I think it comes back to my own basic beliefs. I cannot digress from my basic first premise, and I can also respect all other people. I will do my best to respect all other people without passing judgment. I cannot, as a human being, pass judgment on the others.

I'm just saying that we have marriage based on union of men and women. If we want to change it, I don't think we oppose that. We are saying don't use the word "marriage", because it doesn't mean everyone; it means a man and a woman. It's that term.

The Vice-Chair (Mr. John McKay): Thank you, Mr. Lemoine.

Mr. Cadman, for three minutes.

Mr. Chuck Cadman: Thank you, Mr. Chair.

It has been pointed out, quite rightly so, by a number of witnesses over the past few months that the children who are coming out of same-sex households may be, and quite likely are, subjected to a certain amount of ridicule and teasing in the schoolyards, on the streets, and whatnot. I wouldn't go anywhere near to suggest that any of us would condone that kind of behaviour. It's something that has to be dealt with. But we have had proponents of change suggest that by changing the definition, or redefining it, it is somehow going to put an end to that. I feel that's a little bit simplistic. I think there are a lot of other issues that have to be addressed; I can't see that changing the legislation is going to put an end to that.

So I would just like to hear some comments from everybody on this.

The Vice-Chair (Mr. John McKay): We'll start with Ms. Brigham.

Ms. Donna Brigham: We don't want to see any kind of discrimination. Right now, they are working very hard in the schools to eliminate all kinds of discrimination. The younger the age these children are taught not to discriminate the better. I know that my granddaughter has had two aunts all along; she doesn't think that it's anything different.

Mr. Chuck Cadman: If I could just interject, I understand and agree with that. My point is that some witnesses have proposed to us that just by changing the legislation, somehow it is going to put an end to the teasing and the ridicule that goes on. I understand what you are saying about what's being done in the schools, but I don't understand how just changing the legislation or redefining marriage is going to change that.

Ms. Janet Baldwin: I would agree that simply redefining any concept will not automatically put an end to bullying and harassment on whatever basis. But I do think that naming issues in legislation has a powerful impact on the unacceptability of that kind of conduct, and that over time it becomes more obviously inappropriate to indulge in that kind of conduct.

Perhaps my colleague has something he would like to add.

Mr. Elliot Leven: In short, it would be a step in the right direction. Eliminating prejudice and discrimination is a long struggle; it involves many steps, and this would be one of them. It wouldn't solve the problem in and of itself, but it would be a step in the right direction.

The Vice-Chair (Mr. John McKay): Mr. Lemoine, do you want to comment?

•(1110)

Mr. Jean-Maurice Lemoine: I come back to children being basically the—not the children, the family being the base itself of society. Kids will come out of there and they need a mom and a dad, psychologically or any other way we look at it.

And if I go back that far, I can also say that maybe we will eliminate a whole bunch of other things—this bullying or whatever is happening to the kids. I think we have to give more than just a remedy. I think we have to correct more the basis thing, go back down to the original....

The Vice-Chair (Mr. John McKay): Thank you.

Ms. Neville, two minutes.

Ms. Anita Neville (Winnipeg South Centre, Lib.): Thank you.

Thank you all very much for coming here today.

This is the first time I've sat in with this committee on this subject. I came because I've had many representations in my own office and wanted to participate in here first hand. I obviously find it very interesting.

I'm listening to you, Mr. Lemoine, speak about the sanctity of marriage and the importance of marriage between a man and a woman, and I guess what I'm struggling with in my own mind is how extending marriage to same-sex relationships would diminish the marriage between a man and a woman, which you speak of with passion, and quite rightly.

Ms. Baldwin, you spoke about civil union and the fact that it's not sufficient; that it's a façade of formal equity. I know that it is one of the options being considered by the committee and I would be interested in hearing more from you and particularly from Ms. Hesse and Ms. Brigham as to your response to a civil union.

Ms. Janet Baldwin: Our main concern, I think, with the concept of civil union is the one that I expressed—that it is a second-class equality. It is the second-class compartment. It is giving the same rights in a technical, legal sense perhaps, but not giving the same acknowledgments and *gravitas* that the notion of marriage has always carried.

But specifically there are all kinds of practical problems with civil unions as well, to some of which the federal discussion paper does indeed refer. For the federal government to legislate in regard to civil unions would require really that all of the provinces and territories legislate in an identical way or else there would be a complete confusion of different kinds of rights in different parts of Canada, which is exactly one of the reasons for having a concept of civil marriage that's all-embracing, to avoid that hybrid nature of rights and responsibilities.

Ms. Anita Neville: Thank you.

Ms. Donna Brigham: We have the same feeling, because we have more than one child, and the one who is gay doesn't have the same rights as the one who isn't. How do you tell your kids that everything else in their life is equal but that?

Ms. Anita Neville: Thank you.

The Vice-Chair (Mr. John McKay): Thank you very much.

Mr. Elliot Leven: If I may put it in this fashion, for those members of the committee who are married, how would you like it if the state told you that your marriage couldn't be called a marriage, it could only be called a civil union? If you would like that, then the option may be attractive.

The Vice-Chair (Mr. John McKay): Mr. Toews.

Mr. Vic Toews: Dr. Fry stated to the panellists that we can't support one religion over another, and yet we do. We have criminalized polygamy. We have adopted a definition of marriage that definitely prefers a Christian-Judaic interpretation of the marriage covenant over, and specifically impacting adversely on, certain Islamic marriages.

We heard either Mrs. Brigham or Mrs. Hesse state that we need to work against any kind of discrimination. Should we then abolish the distinction that presently criminalizes polygamous marriages, given that its effect, if not its purpose, is to discriminate against Muslims and others who may practise polygamy even here in Canada? Why should we exclude or include same-sex couples and yet say, well, we don't accept other religious faiths who have polygamous marriage as a part of their moral code? Do we then continue to prefer one form of

marriage over another, one religious acceptance of that form of marriage over another?

● (1115)

Ms. Helen Hesse: I have understood that the question of polygamy has come up in the discussions. Until I'd heard that, it never came to my mind to think that a discussion on including same-sex couples in the definition of marriage had anything to do with polygamy.

I still am having a problem associating the transition, and I do understand that you're saying it from a religious point of view, which I hadn't considered. But there is in our country a separation of church and state, and it is the state that defines what marriage is. If people want to argue for polygamy, I think that would be a totally separate argument that has nothing to do with what we're talking about today.

We're talking about couples—loving couples. At the moment in this country, certain loving couples are allowed to have a union that is called marriage and other loving couples are not. To me, that is the issue, and I don't see the extension—

Mr. Vic Toews: All right. You may not see the issue, but once we move off the base of opposite-sex marriages and say we will now include same-sex marriages because that's what we define as a loving relationship, how do we then say to the Muslim people in our country—or other groups in our country who practise polygamy—that we impose our value in respect of marriage and say we don't consider your relationship, your marriage, a loving one, that we consider it something else that is subject to the criminal law?

You may not think we need to consider that aspect, but there is a natural corollary that flows from the changes we make to the definition of marriage that has a much broader societal, religious, and cultural impact. If we're approaching this as the Manitoba Human Rights Commission does, on a purely legal rights-based argument, then what gives us the religious or moral authority to prefer the Christian-Judaic interpretation of marriage over that of the Muslims or some sects of Mormons?

Perhaps Mr. Lemoine or Mrs. Lemoine would like to respond to that.

Mr. Jean-Maurice Lemoine: I would agree with you, Mr. Toews, that if we start accepting certain things, it will drive us to something else. I do agree with that. That's why I think we always have to come back and say, where are we at now? What are we looking at now?

Yes, without having studied it or without having thought about it, I think if we do accept that as a definition—and I'm not saying marriage, because it shouldn't be marriage, it's a different definition—yes, it will bring us to something else. That's my personal view.

The Vice-Chair (Mr. John McKay): Mr. Macklin for the final question.

Mr. Paul Harold Macklin: Thank you, Chair.

When we started off this particular panel, I know one of the first things that were stated was how can you deal with a stool and a table, or a chair and a table; aren't you allowed to make distinctions in relationships and not necessarily discriminate? Why can't you, when they're not exactly identical, make that distinction?

In looking at it from a charter perspective, there's no question under section 15 that clearly the situation is that right now—and I don't think any of the courts have disagreed—there would be discrimination on the basis of sex. Let us go back to section 1 of the charter, though. The question that really is at the bottom of much of the arguments we hear is, can't we distinguish between these relationships?

Under section 1 of the charter, it appears that there is room for that to be accommodated because it states that the law can prescribe reasonable limits that are demonstrably justifiable in a free and democratic society. Having stated that, and having seen there is that door open for that distinction, not necessarily discriminating—or at least, shall we say, legalized discrimination, if you wish—I'd like to hear from the Human Rights Commission, either Mr. Leven or Ms. Baldwin or both, as to what evidence you would need to hear in order to meet that, shall we say, legalized discrimination argument and allow marriage, as a heterosexual institution, to remain separate and yet not violate the charter in its totality.

• (1120)

Ms. Janet Baldwin: The only one of the three cases so far in progress is of course the EGALE case in B.C. that suggested section 1 might be a defence for the exclusion of same-sex couples on the basis of the fundamental difference between same- and opposite-sex couples being the question of procreation.

I think that the Halpern case very much, abundantly, answered that argument by saying that while procreation may once historically have been the foundation of marriage—even if that was so; I'm not sure I think that was ever so, but if it were so—it is no longer. There are many, many opposite-sex couples who have no intention of having children, who can not have children. A menopausal woman is allowed to marry but will not be able to have children. On the other hand, many same-sex couples, albeit with the intervention of a third party, are now indeed having children and raising them apparently very successfully.

I think the answer to that alleged justification under section 1 is that the purpose of marriage in our modern society is really not fundamentally procreation; it is things like commitment, companionship, mutual care and support, shared workload, shared shelter, emotional and financial interdependence. I think therefore, in fact, that we would not be able to foresee any justification in this context to the maintenance of the distinction between opposite- and same-sex marriages.

Mr. Paul Harold Macklin: So you're suggesting—

The Vice-Chair (Mr. John McKay): Mr. Macklin, regrettably we're out of time.

Ms. Janet Baldwin: My colleague would like to add, if he may.

The Vice-Chair (Mr. John McKay): Well, if he could be very brief.

Mr. Elliot Leven: I will.

To put it in laypersons' terms, section 1 says you can discriminate if there is a damn good reason to do it. For example, the law that says you can vote at 18 discriminates against six-year-olds, but there is a damn good reason to do it. I yet have not heard a damn good reason to deny gays and lesbians the right to marry.

The Vice-Chair (Mr. John McKay): I would like to thank the witnesses for their attendance and their helpful information to our committee.

I'm going to suspend for three minutes. For those of you who are standing, we are bringing in more chairs. So, three minutes.

• (1123)

_____ (Pause) _____

• (1128)

The Vice-Chair (Mr. John McKay): I call this meeting back to order. We have three more witnesses: Valerie Wadephul; Lisa Fainstein, professor of law; and we don't appear to have Mr. Brad Tyler-West. However, I assume he will take his seat shortly.

Let's start with Valerie Wadephul. You know that it's seven minutes for your presentation and then question and answer after that.

Ms. Wadephul.

• (1130)

Ms. Valerie Wadephul (As Individual): I am very surprised that this has actually become an issue that needs to be addressed at all, considering the definition of marriage. I attach various definitions of the word "marriage" from a variety of reference books, whose source is indicated thereon. You will notice that they contain a facet that marriage is between a male and female.

Sometimes the word "marriage" or "marry" may have another application. In the most basic sense, however, it refers to a male and female who are expected to unite and produce a third, fourth, fifth, etc., person from their physical union.

In the case of other things, subjects marry. In painting, colours marry. Two different colours, such as blue and yellow, are combined to produce a third colour, green. Two things unite, making a third different thing. In botany, two plants can sometimes intermarry to produce a hybrid different from the first two. Again, two things unite, making a third different thing. In metallurgy, two different base metals can be turned into a third type. Again, two different things unite, making a third different thing. You get the picture.

Same-sex marriage is a technical impossibility, and the problems these people face should be addressed in a fashion that does not call a spade a club. Same-sex marriage is a contradictory term, and making it a legal term will not make it an authentically accurate term. To play games with semantics and redefine long-standing definitions—and I consider a couple of thousand years plus as long-standing—is not the business of our government.

Government must make decisions about the rights and responsibilities of its citizenry in a fashion that includes the best interests of that citizenry. There will be same-sex couples who will see themselves as couples, and for the government to do the same does not require that these couples be declared married. They can be recognized by some other means. To declare them married is an affront to the traditional long-standing definition of marriage and to everyone who is in a presently legal marriage.

I strongly urge this committee to deliberate wisely and not reconstruct the English language when there are alternate roads that can be travelled to get to the same destination. There are some things that my spouse and I are restricted from doing, and we have power of attorney to take care of that problem. There are alternate means to solve the problems of same-sex couples, and I cannot see why they are not implemented.

A heterosexual couple can get pregnant at any time, sometimes planned and sometimes—in fact, usually—unplanned. The same is not the case for the homosexual community, as they plan the pregnancy because they must, due to the nature of their sexual union. As a couple, they do not spontaneously become pregnant.

When something occurs spontaneously as nature takes her course and the same thing occurs through deliberate planning, I consider those two completely different sets of circumstances. For example, if I am unable to stop on an icy street and smash someone's rear bumper, it is completely different from my deliberately smashing someone's rear bumper because I wanted to. The situations are different and would be processed by law differently.

Our technology has made it possible for married heterosexuals who cannot conceive in the normal way because they have some physical defect to become pregnant through other methods. Now they are used to help couples who have no physical defects whatsoever, but can never conceive because their sexual lifestyle can never normally cause pregnancy. They become pregnant because they choose to do so.

People today often say you cannot legislate morality, yet our laws do so all the time. We cannot steal, kill, commit perjury, or even manoeuvre our vehicles at a speed we feel we can safely handle in many parts of our country, because someone has deemed that if we go at a certain speed we will be putting others at risk. The law is restricting our behaviour all the time. Breaking the law is not only illegal, it is considered by most to be immoral because doing so is not proper for the common good.

There was a time when homosexual fornication was considered abnormal and even immoral in most societies. It has always been a fact that such fornication can never produce offspring. Now homosexual fornication is considered acceptable, and is protected by law as though it is a good and natural thing. Heterosexuals who consider homosexuality as incorrect behaviour are now told, you are wrong. We are wrong. That thinking is wrong. We now must accept and protect what we were once wrong about.

• (1135)

Today, there is still in this society a style of sexual behaviour that is considered abnormal and, surprise, surprise, even immoral. That style of sexual behaviour is sex with a child who falls in a certain age

category. There are organizations of people who are trying to change that and get sex with these children declared legal and acceptable. They say sexuality is one of mankind's rights from the moment of birth and should not be postponed until puberty or thereabouts but should be indulged in and enjoyed as early as possible to have the fullest of life's experiences. People who disagree with them are considered prudish, backward, inhibited, and moralistic. Will there come a time in our country when we will say—again changing our thinking—we were wrong, that hat thinking was wrong, that we must now protect and accept what we were once wrong about?

With doublespeak and doublethink, we can convince ourselves that we are wrong when we are really right. We are afraid to be labelled backward, old-fashioned, prudish, moralistic, etc. Our pride can make us afraid to stand up for honest values because we want to look like we are forward-thinking individuals.

Our Charter of Rights and Freedoms should be called a charter of rights and responsibilities. The rights give us freedoms, but we must be very careful of what we think those freedoms are. They are not unlimited according to our wants; they are quite restrictive, as pointed out in section 7 on page 2.

This committee has a gravely serious decision to render and must not allow itself to be swayed by the whims of trendiness and political correctness, because of fashion. To pander to some squeaky wheels just to make it look like you are doing something about something is not noble. Do not carve in stone something that should not be there forever. It is not justified to have marriage include same-sex couples.

Please, I urge you to resist the pressure from people who do not even know the true meaning of marriage to change its definition to accommodate their demands. Please do not see me as unsympathetic to their problems. I am. Please make provisions for them that will help them to live their lives without necessary problems. This can be done without redefining marriage.

Thank you for this opportunity to present my viewpoint. I have the backing from countless numbers of associates.

Thank you.

The Vice-Chair (Mr. John McKay): Thank you.

Mr. Tyler-West.

Mr. Brad Tyler-West (As Individual): Thank you very much for the ability to present today. I'm going to begin with a couple of quotes, and then you will hear the gospel according to Brad.

In the words of Coretta Scott King, "Homophobia is like racism and anti-Semitism and other forms of bigotry in that it seeks to dehumanize a large group of people, to deny their humanity, their dignity and their personhood.... I appeal to everyone who believes in Martin Luther King Jr.'s dream to make room at the table for lesbian and gay people".

As Bishop Desmond Tutu said, "To those who would deny the legitimacy of a love shared by two men or two women, I say that you cannot know then the face of God, for God is love".

And in the words of Jesus Christ, "I say to you, give to Caesar that which is Caesar's...and give to God that which is God's".

The Law Commission of Canada recommends "that Parliament and provincial/territorial legislators move toward repealing legislative restrictions on marriages between persons of the same sex".

In Ontario, the courts heard that the Government of Canada confesses that its argument to continue marriage discrimination was "lame".

The Canadian Human Rights Commission said that it agrees with the Law Commission of Canada's finding that the government must end marriage discrimination.

An article in *The Advocate* cites one Tennessee judge's fears in his 1872 decision forbidding the legal recognition of an "unnatural... revolting" interracial marriage, believing that it would lead to incest and rampant polygamy. The judge noted that "the father lives with his daughter, the son with his mother, the brother with his sister, in lawful wedlock".

In response to certain questions on the biblical soundness of people flying in aircraft, a Baptist minister, James Cladwin, said in 1928 that "it is an aberration towards God. It is unnatural and deifies all the laws of existence, those who embrace this 'modern' development will witness the decay of decent society".

I opened with these quote to highlight what we're witnessing today, that this process is really a power struggle. It is about power and the evolution of sharing that power. For as long as people have lived on the earth and have dwelled in villages and have built civilizations, there have been those who had power and resisted sharing it and those who had little power and wanted more. This is an example of that evolution.

This is not about the nature of marriage, nor is it about defending marriage. Marriage has already changed. Marriage historically was never about commitment or love. This has been well documented anthropologically, and those who would argue with it are fools. My grandmother always said never to argue with a fool. It has only been in the last 50 years in our western society that heterosexuals have obsessed endlessly about love and romance within the construct of marriage. These heterosexuals and their desires and dreams have forever changed what marriage means, how it is entered into, how it is left, and how it is constructed and reconstructed.

Religious organizations may say that they have control over marriage, but they do not. It truly belongs to the people, and the people have changed. Society has changed. Marriage as an institution is always evolving, and it is in no need of defence.

This is a power struggle. As you've heard from these previous quotes, society has struggled before and history often harshly judges those who oppose change. Gandhi said, "Be the change you wish to see in the world", and I took his advice; I changed. I embrace the truth of who I am and who God created me to be. I thank God every day that I am gay; it is an incredible blessing that I am so thankful I have been given. It is a gift and an insight that many heterosexuals will never understand.

This process of my being here is not asking for validation, or justification either. I'm not here to ask you to allow me to marry or to

give me a validated relationship. Excuse me if I offend anyone, but who the hell are you to justify my love? My relationship exists because it is. Mother Theresa noted that "The courageous act of daring to love another human being naturally brings the blessings of God. God is love...and those who know love, know God".

My love for my partner, Manny, is just as real today as it was yesterday, and as it will be tomorrow, and as real as it was seven years ago when we met, and as real as it was when we had our commitment ceremony three years ago, standing in front of our loved ones and our friends. Your approval is neither sought nor requested, and it is not required by us. Our relationship is already honoured. It is written in the laws that we should be respected, and we are coming for the recognition of the laws.

● (1140)

I'm here to remind you that we are watching the evolution of power. You will have to grant same-sex couples the right to marry, or you have to abolish marriage altogether. Those are really the two options before you: either you do the civil union choice, or backing out will be politically too costly for this government to deal with. Gays and lesbians will come back again and again and again, until you give us the right.

I'm sure that if you abolish marriage, your kinfolk would not be very happy about that, nor would the many heterosexuals who make their living in the \$60 million a year wedding industry be thrilled if that little piece of marketing were abolished.

This is not about religion or Christian values, despite what you have heard. I have been watching the committee hearings. You have seen a gaggle of concerned Christians parade before you. Many of them decry homosexuality, proclaiming the tenuous nature of heterosexual unions. Apparently they are in the decline. Most marriages are rampant with affairs. Apparently divorce is on the rise, and there is spousal abuse and drunkenness. And now gays and lesbians, God forbid, want the right to marry. That is going to destroy the legitimacy of heterosexual love completely. You have been warned about God's laws and how they have God on their side. Of course, this is also brought to you by the group that brought us other divine-given truths, like the earth is fixed and the solar system moves around it, and that Jews are sinners and need to be burned to death. Of course, the best ones are that interracial marriages are unnatural and masturbation will make you blind. I won't mention the other hurtful and bigoted things you have heard. They are written.

I am here to remind you that the majority of Canadians don't care about this issue. The only ones who are here today are those who oppose it and those who present; the rest are going on with their lives very merrily, and it doesn't matter to them. They don't see their relationships threatened. You have seen the struggle—those who are losing their grip on power and those who are gaining more.

The laws will be changed, and this is a given. The right and the choice you have is this: will you make this easy, or will you make this hard? Will it be done in a dignified, proactive manner that is cost-efficient, or will you drag this through the courts, kicking and screaming, dirty and messy, costing as much money as possible? This is what your choice is, because we are here, we are queer, and we are not going away.

Thank you.

• (1145)

The Vice-Chair (Mr. John McKay): Thank you.

Ms. Fainstein.

Prof. Lisa Fainstein (Professor, Faculty of Law, As Individual): The voluntary union of one man and one woman to the exclusion of all others for life is the legal definition of marriage in Canada today. That definition comes from an English case that was decided in 1866. It is the common-law definition, and it's the only definition we have because the federal government, who has the power to enact laws in this domain, has never done so. That power was given to it in the British North American Act, and I think it is now time for the government to take charge and create its own definition of marriage.

The defining statement of marriage is inaccurate and it was inaccurate from its inception in 1866. In 1866 divorce was available, so the phrase that the union would be for life was hypocritical at that time. The second inaccuracy is that it was to the exclusion of all others. We know that 19th century England was a society that recognized adultery, and in fact there were many kept mistresses; this was a commonly accepted occurrence. So the definition we have was never accurate, and really what it reflected was some ideal that had been fixed in the minds of people at a much earlier time.

There are further misconceptions about marriage and about the law of marriage. One we've heard today is that the purpose of marriage is for procreation. Certainly that was not part of the legal definition then and it's not part of the legal definition now. In fact, you cannot get a divorce based on someone's inability to bear children or their refusal to bear children. You can only get a divorce if someone has a sexual incapacity, which is very different.

The second misconception is that sexual activity is a requirement of a valid marriage. Again, the legal definition of marriage does not include a requirement of sexual activity. Again, non-consummation of a marriage is not grounds for divorce.

What is the purpose of marriage, if we're going to start with a new slate? Marriage is an institution that automatically accords rights and obligations, and that is significant. Which one of us would want to be stopped on our way to visit a loved one in a hospital and be questioned as to whether we have the right to enter that room or the right to give advice? Which one of us would want to be stopped on our way to pick up our children at school and be questioned about our right to accompany them home? Which one of us would want to have to negotiate a duty of support from our spouse or our partner during our relationship? That obligation automatically comes with marriage, as do all the other ones. Which one of us would want to negotiate support for our children from our partner during our

relationship or after? That obligation automatically comes with the institution of marriage.

What is it about marriage that is important to people? It automatically accords status. We recognize in society, when people are married, where they stand in the universe. That automatic recognition of a person's place in a personal relationship and in the world is significant, and the rights and obligations as I have described will automatically flow to persons with that status.

If we take the words "a union between one man and one woman to the exclusion of all others for life" and we simply change the union of "one man and one woman" to "two persons", then we have enabled a majority of people to be included in that status. Same-sex marriage would comply with the federal law. That's all it would take.

• (1150)

Why are we preventing people who are committed to each other, who are willing to take on these obligations, from doing so?

Shakespeare wrote about the ability to take love up into law, to have recognition of a population. Let's look at that, because that's really what is at the heart of the debate. Does it diminish our own marriages if someone different from us is able to marry?

Canada prides itself on being a country of equals. Our charter guarantees equal treatment before the law, including people in social organizations like marriage, not excluding them. That is a Canadian value. Let us remember that there was a time, as mentioned earlier, when a person of colour could not marry a white person in the United States. Let us remember there was a time when a mentally challenged person would automatically be sterilized. Let us remember there was a time when Jews, Chinese, and other minority groups could not buy property or live in certain areas. These events were legal at the time, but over time, as society grows, they become a source of shame because they do not reflect Canadian values. It does not diminish our existing marriages to include others in this social institution; it enhances them, because it makes marriage an institution that embraces all Canadians.

Finally, let us remember that we are only speaking about civil marriage, marriage according to the law of Canada. Let that law be inclusive and accord rights and obligations on all persons regardless of sexual orientation.

Thank you.

The Vice-Chair (Mr. John McKay): Thank you.

Before I turn to Mr. Toews for the questioning, as you know, we're on a bit of a tight timeline here with airplanes, etc. There is a period of time at the end, at 4:30, for two-minute statements. We can only allow 30, and we already have 35, so we're going to be very democratic about this and simply put the names in a draw.

So if prior to 12 o'clock—which means you have five minutes—you want to make a statement at the end of our hearings, please go outside and submit your name to the clerk. She will take your name, and then some time later we'll make a draw and the first 30 people will make their two-minute statements.

With that, I'll turn to Mr. Cadman for the first seven minutes, please.

Mr. Chuck Cadman: Thank you, Mr. Chair.

I'd like to thank the panel for appearing today.

Yes, I think we heard it mentioned that over the course of the past couple of months we've had some very emotionally charged presentations from both sides of the issue, and we've also had some very rhetorical presentations from both sides of the issue. We've also had some concerns expressed—I'm not taking a position—some by academics, that we may be moving a little too quickly. What they cite is some of the unintended or unforeseen consequences of a decision. Again, they're not taking a position, they're just cautioning us. One thing that is cited, one particular thing that is held up as an example, is what occurred some four decades ago when we changed the divorce laws, where some of the results we're seeing now were unforeseen then.

My simple question is, have we been at this long enough and do we have enough information available to be able to make a reasonable decision here and not have some unforeseen consequences occur that may negatively impact on the social fabric? I'm not suggesting for one minute that it's a guaranteed negative impact, but the possibilities are there, and have we had enough time to sort that out? Anybody?

Mr. Brad Tyler-West: I think we have already seen the change. There are 17 million children being raised in North America by gay and lesbian parents right now, as we speak. Society has evolved. We have almost, what, 200,000 people in North America living in committed common-law relationships. Academia can talk about whether we are moving too fast, but the reality is that the laws are out of step.

The Divorce Act simply allowed people the choice. My grandmother and my grandfather were married for 47 years, 42 of which they lived in separate households because they couldn't stand the sight of each other. Did they divorce? No, because it wasn't accessible. There was too much political cost. Did it make their lives better? Definitely not. My grandmother died an angry, bitter woman who tried to destroy the lives of all her children.

Now, what happened there? My great-great-grandmother was Jewish. She fell in love with a gentile, but their love was forbidden. She chose their love and was disowned by her family.

The laws have changed. I think that what happens is that when people have access, they will use that access. Perhaps they will use it inappropriately, but I don't think that as a society we can stand back and wait until we have every *i* dotted and every *t* crossed before we allow the citizenry to access the legal rights to what they're doing already.

• (1155)

Mr. Chuck Cadman: Ms. Wadephul?

Ms. Valerie Wadephul: It seems to me that in a relationship people make commitments. We've heard here today about what love is. Obviously, in some of these relationships we have heard about, these people did not know the definition of love, because love is seeing the beauty in each other and working together and working out your differences, not letting your hate grow.

Again, earlier it was asked, how does a gay marriage diminish a heterosexual marriage? To say that the two are equal is not valid because the gay sex act and the heterosexual act are completely different in that one can produce children and often and for the most part does. That is how it diminishes it. It says something about it that is not true. If you are trying to put these two as equal, they are not equal. There is not enough love. Just because somebody doesn't agree with somebody does not mean they do not love them.

Mr. Chuck Cadman: I'm just responding to Mr. Tyler-West. I appreciate what you said, but is that long enough? You were talking in terms of millions of this generation. Is this not something we'd have to look at over the course of two or three generations before we really understand?

Mr. Brad Tyler-West: Sociologically we're at an interesting point, because we have the first generation of children who have entered into their twenties and thirties who were raised by gays or lesbians. All of the anecdotal research has shown that they are just as sociologically adept, often more adept, than their heterosexual counterparts simply because of the diversities that are brought up. Oftentimes that which doesn't kill us makes us stronger, and we pass that strength on to our children.

We do have some anecdotal and empirical evidence now, and the academics can go back and forth and talk about that. I think it's important to allow room for that discussion, definitely, but on the same notion, I don't think we should use it as an observation to deny the rights of citizens simply because we're not sure how they will use those rights.

Thank you.

The Vice-Chair (Mr. John McKay): Thank you.

Ms. Fry.

Ms. Hedy Fry: Thank you very much, Mr. Chair.

We've heard that we do not respect other religions because we don't allow for polygamy based on Muslim belief. We do not allow for many other religious beliefs to go on in Canada. I can give you another example of a cultural belief that we do not allow—it's in the Criminal Code of Canada—and that's female genital mutilation. But in every instance where we have not allowed 10-year-olds to marry, not allowed polygamy, not allowed incest—marriage between people within a certain degree of consanguinity—not allowed female genital mutilation, and other ways in which we have denied religious and cultural beliefs in the past, it has always been that we've looked at the harm those beliefs or acts could have on society. And when you weigh the right against the harm to society, you would deny the right based on its harm to society.

I have yet to hear, with due respect to Ms. Wadephul, real proof that there would be harm to society or to heterosexual marriage if same-sex couples were to marry. That is something I think one has to prove in a free and democratic society, that giving a right to others will indeed create harm, and we have to have reasonable justification in denying that access.

I ask this at every single session and I have yet to hear this question answered. I would ask somebody, please, if you have an answer, I would really like to hear it.

The second piece we heard today was let us look at tradition, the millennia worth of tradition—we cannot throw away a millennium's worth of tradition. Well, the millennia worth of tradition allowed that women were chattel, and we have thrown that one away very quickly. Millennia worth of tradition said that slaves were something we should be able to have. Well, we have thrown that tradition away. And we can go closer and say that in 1 Corinthians 14:35 we said it's a disgraceful thing for women to speak in church. Well, we've thrown that biblical tradition away; we now ordain women in the church. You know, you had to sacrifice lambs on the family altar, you had to wear two kinds of cloth, all of these things are in the Old Testament in the Bible, and we have changed those things.

Even in regard to fornication, which was considered to be one of the greatest sins in the Old Testament, Christ came about, and while he didn't say that fornication was right, he did allow Mary Magdalene, who was a prostitute, to be part of his inner circle, suggesting that he who was without sin should throw the first stone. So even within the Bible, the New Testament came and changed some of the Old Testament laws with regard to blood, with regard to eating of pigs, with regard to all of those things that were meant to be unclean.

So someone has to prove to me that the argument of tradition, the fact that it was there for millennia, is a good argument. I would like somebody to please give me a reason we should stick with the tradition, millennia-long as it may be, when we have seen that traditions have been put aside in the best interest of human rights; and secondly, the reason same-sex marriage would harm heterosexual marriage or would be bad for society.

• (1200)

The Vice-Chair (Mr. John McKay): Did you direct those questions to any particular person?

Ms. Hedy Fry: Well, I am getting desperate, Mr. Chair. I wish somebody to give me an answer.

The Vice-Chair (Mr. John McKay): All right. Well, why don't we start with Ms. Wadehul.

Ms. Valerie Wadehul: First, one of the things that never cease to amaze me about these committees is that people pull out statistics that do not have anything to back them up, and they quote things out of context.

I realize that Christ allowed Mary Magdalene to be a part of his inner circle. He also said, when he prevented the stoning of the prostitute, "Neither do I condemn thee", but he did say to her, "go, and sin no more." He didn't say, go and do what you were doing; it's okay. I think this is one of the things we are doing, saying that things that are not okay are okay.

I do feel, although you have not heard me say it, that to say that a heterosexual marriage is equal to a same-sex marriage...they are not equal. Therefore, it is diminished, because it is saying it is equal. It's not. The relationship...the love might even be greater. Sometimes I get along better with some of my girlfriends than I do with my husband, because we're two women; we understand each other better than my husband can sometimes understand me. But it is a commitment, and it is a special commitment between a man and a woman. It has always been defined that way.

There is absolutely no reason to change the definition in order to accommodate the problems that same-sex couples have. Call them a "civil family". Your family has rights. If you go to the hospital, you can go and visit your family members. Call them a family, but don't say that this relationship is a marriage. It is not.

The Vice-Chair (Mr. John McKay): Mr. Tyler-West, do you want to respond?

Mr. Brad Tyler-West: I think the reason you haven't been given an answer is that there isn't one. So there's that.

The second point is that it never ceases to amaze me how the Christian—not even Judeo-Christian, but just exclusive Christian—filtering has occurred over many hundreds of years. There is archeological and sociological evidence to show that Mary Magdalene was actually one of the co-leaders of the disciples in all the gospels. But the Catholic bishops of Syrene, in the 1200s when they defined what the New Testament was and took the 168 holy gospels and defined them down to seven, used processes. One of those processes was to make sure that no references to women in positions of power were removed, that there was no reference to the power of community, that it was about the need of an intermediary, that you had to have these things.

So religion has evolved over time. Marriage was never exclusively between a man and a woman. In Mesopotamia they allowed same-sex couples to marry. In Africa they did as well. In fact, there's evidence that in the classic Greek civilizations they had same-sex unions that were honoured. It was the same in the Roman civilization. There were many different types of civilizations gone and past. We've heard many times here even, with the heterosexual unions in Europe, they often had in-house same-sex partners—valets, ladies-in-waiting, and attendants.

So the whole concept of marriage being about procreation has been a moot point. I think it gets tangled up so much because there isn't just one thing about marriage; you can't boil it down to one thing. It is a broad tapestry. We've come to this point in our society in Canada where we do honour the individual. We are multicultural and pluralistic. We are not a Christian nation; we are a multicultural nation that honours all others.

As a society, we've taken the higher ground sometimes and said there were certain cultures or acts we wouldn't permit. But we've come to this point, this discussion, and we will move on to it. I think that's why it's very difficult to give one definition for marriage.

We're simply saying, as gays and lesbians, we have all the responsibilities. We've been supporting the heterosexual lifestyle for years now with our taxes. We've been raising their children, we've been decorating their houses, we've been doing their weddings, we've been feeding them, we've been going to their businesses. We've given to them, now we're just asking for a little bit to be given back to us.

●(1205)

The Vice-Chair (Mr. John McKay): Thank you.

This is becoming very much a theological discussion. Are you going to add to the theological discussion, Mr. Toews?

Mr. Vic Toews: I don't think so.

It's quite a statement I heard from Mr. Tyler-West: that which doesn't kill us makes us stronger. That's quite a rule of thumb for society to adopt in determining its future. It's hardly the kind of thing I want to be saying to my constituents: don't worry about this; it could kill us, but it could make us stronger. I think we need a little more than that kind of rhetoric to deal with what are fundamental issues.

That relates to the issue of—I note Mr. Tyler-West's comment— anecdotal empirical evidence. Well, is it anecdotal or empirical? Statements were made, for example, that there are 200,000 same-sex recognized relationships in North America. There are 17 million children being raised by homosexuals in North America. Just doing a rough calculation, if those children are being raised by those in same-sex relationships, it must mean there are 85 kids for every same-sex couple.

Obviously that can't be true, so that leads me to the conclusion, where are all these kids? Maybe they're being raised in blended, single, or other families, and we've heard evidence here today, specifically in respect to Dr. Fry's comments. What are the dangers? What are the concerns? We have heard a parade of witnesses talking about the dangers. Dr. Fry doesn't seem to hear the same evidence I do, and that's the nature of political debate. We seem to hear different things. I've heard much evidence, much concern expressed about moving away from the traditional definition of marriage.

We heard Pastor Neufeld this morning give us some statistics— again, I don't know whether this is anecdotal or empirical—that a child with a single parent is likely to be at six times the risk compared to a child in a normal biological relationship. In respect to the blended families, I believe the statistics were nine times. But with every statistic he pointed out to me, there was an increased danger to children. As a politician and a parliamentarian, I simply can't say to those children, what doesn't kill you will make you stronger. I think we have a much greater responsibility here than that kind of research.

That brings me, then, to the questions my colleague asked: Are we moving too quickly? What are we doing to our society? What are we doing to our children? This is not simply a one-dimensional issue about legal rights.

Dr. Cere of McGill University talked about the complex nature of marriage as an institution in our society. He warned us that the academic literature and discussion at this time are simply not there; they're not at a stage from which we can make any firm conclusions, from an academic point of view.

I respect the views of all panellists. I have broader concerns. I respect those views and those views will be taken into account.

I know my time's up, so I will just let that go as a comment, Mr. Chair. Perhaps other members have questions.

●(1210)

The Vice-Chair (Mr. John McKay): Mr. Macklin.

Mr. Paul Harold Macklin: Thank you, Chair.

Thanks to the witnesses for being here today and sharing their thoughts with us.

I guess one of the areas that becomes quite pronounced is what is this power struggle about? As I sit back and reflect, clearly at this point homosexual unions are not given the same rights universally in our society as heterosexual unions are. We're close, but not quite.

If we as legislators decided to amend the legislation so that for most purposes, if not all purposes, other than in name the rights were the same, why could you not accept the fact, from a homosexual perspective, that a lot of goodwill has been built up by those in the heterosexual community with respect to the word "marriage", and that those within the heterosexual community feel that in your struggle, on a rights-based argument, you are now starting to usurp and take away their rights to maintain the goodwill of that name?

I'd like to hear the comments of any panellist on that issue, please.

Prof. Lisa Fainstein: I can't see how admitting more people to the institution of marriage will in any way impact on the people who are already in it.

I've thought a lot about the comments that were made previously. We've talked about what harm might flow from changing the definition. Well, whatever harm it is, words can't be that harm. It must be the reality of people living together, having children, and going on with their lives. If that is what is perceived by harm, it's already occurring. If we're worried about what legal rights emanate, the Supreme Court of Canada has put all the provinces in the position where they have had to, piecemeal, create the rights of custody, child support, and spousal support for same-sex unions because the federal government simply will not make this move. So there is no harm. Those things have already occurred.

If the Divorce Act created a greater number of divorces at one period of time, and if we see a huge number of single-family households, mostly headed by women, mostly living in poverty, what is the solution? Is it perhaps to abolish marriage? Will there be fewer women in poverty supporting their families? There won't be.

Marriage is a status, and there will be no harm from extending that status. In fact, as Canadians we will be better off because we will have more people legally obligated to support each other during and after their relationships.

I had to speak about the harm and the change. The change happens whether you want to stop it or not. I would love for everyone to live in homes with more than one parent, but there's nothing I can do about it. I wish there were something you people could do about it, but I think that's beyond your power. I don't think we're going to change the reality of people living together and having children, whether they are same-sex or not, by including them in marriage.

Thank you.

•(1215)

The Vice-Chair (Mr. John McKay): Thank you, Ms. Fainstein.

Mr. Macklin is out of time. Mr. Cadman is next, and then Mr. Toews.

Mr. Paul Harold Macklin: I'd still like to get an answer to my question. It seems like a previous question was answered.

The Vice-Chair (Mr. John McKay): That may be true, but you're out of time anyway.

Ms. Neville.

Ms. Anita Neville: Let me rephrase that and ask Mr. Tyler-West to respond to Mr. Macklin's question.

Mr. Brad Tyler-West: Thank you very much for being so gracious.

This is an interesting question on the struggle. I have a number of heterosexual friends. I don't have anything against straight people. You know, as long as they're gay in public, I'm fine—that's a joke.

I've talked to them about this, and not one of them has felt that their relationship—they're all married—would be diminished in any way, shape, or form if same-sex couples were allowed to marry. The only people I've discussed this with who have had an issue with it had religious convictions, and I think that's the heart of the matter. With those who are opposing this, nine times out of ten it's because of their religious position and their world view. They personally feel that will somehow be invalidated if the rest of society does not agree with them. I think that's an evolution, as a result of Christians in western society being the show on the block so long. We assume that if everybody doesn't agree with us, our beliefs are somehow made less important. So I think that's where that struggle is. Let's name it. It isn't necessarily about marriage; it's about the broader context.

Just to address the mathematical observations of Mr. Toews, I'm so thankful he saw into that. It's the old idea that you can't see the forest for the trees. The survey that revealed the 17 million children was done through a number of gay and lesbian magazines throughout the United States. The children responded to that, whereas the parents or the couple's self-identifying was done by the adults. Anyone who has any relationship with the gay or lesbian community knows there are many gay or lesbian parents who are very reticent about self-identifying, whereas their children often aren't. I think that's simply because children don't learn how to be hateful unless they are trained that way. That's the disconnect there, so I wanted to address that.

The Vice-Chair (Mr. John McKay): Ms. Wadephul, do you want to finish this?

Ms. Valerie Wadephul: Yes.

I'm definitely not in a power struggle with anybody. This is not just because of religious values or convictions. Noah Webster's book is not a religious book, and most dictionaries are neutral on definitions. A definition is a definition. To change a definition to include something it is not at all is totally incorrect.

I have access to my girlfriend's son. She and I are not related by blood or in any other way. But she has stipulated that if she cannot be reached, I can go and pick him up at school if there is a problem.

These people claim they have so many problems. I think they magnify these problems and say they have greater problems than they actually do. I do believe they have problems, and I think they should be addressed so they can live harmoniously and with as little problem as possible. But I still don't see how calling the relationship a marriage is going to make any difference. I don't think it should be redefined.

The Vice-Chair (Mr. John McKay): I want to thank all of the witnesses for their testimony.

This meeting is suspended until 1:30.

•(1219)

(Pause)

•(1327)

The Vice-Chair (Mr. John McKay): Ladies and gentleman, can I call this meeting to order, please.

Before we open for testimony, let me just read the names of the people who've been chosen to speak at 4:30 for the two-minute slot at the stand-up microphone: Diane Kelly, Peter Broeski, Loni Schwendeman, Gary Bastone, Robert Humphrey, Ernie Wiens, Kerry Cazzorla, Lorna Sobering, Cornelius Fehr, Virginia Larson, Katie Heier, Andrew Micklefield, Werner Trapp, Albert Friesen, Gary Driedger, Kim Holgate, Laura Foresh, Scott Kennedy, Kelvin Goertzen, Elsie Peters, Sally Lewis, Reverend Dr. Lorraine Mackenzie Shepherd, Lisa Passante, Leona Doerksen, Ralph Unger, Sharon Jones-Ryan, Jennifer Howard, Wayne Chacun, Ray Duerksen, and E. Fuellbrandt.

This list will also be posted outside.

Our next three witnesses are all individuals: Jordan Cantwell, Donna Huen, and Don Esler. We'll just go in the order in which they were presented.

Jordan Cantwell, for seven minutes, please.

•(1330)

Ms. Jordan Cantwell (As Individual): My name is Jordan Cantwell, and I'm speaking today as a lesbian Christian who is actively involved in my faith community. I'm here because I'm concerned about the amount of religious opposition that I've heard to the extension of marriage rights to same-sex couples. I want to make sure this committee knows that not all people of faith share this perspective.

As a deeply religious person, I am appalled that it is religion that is being used as the excuse for denying basic human rights to gay and lesbian people. My faith teaches me that God requires us to stand up for the oppressed and to speak out against injustice towards any people.

The denial of marriage rights to same-sex couples is one example of the ways in which gay and lesbian people are still discriminated against in our society. While strides have been made toward recognition of the human rights of gay and lesbian people, the federal government's refusal to extend marriage rights to same-sex couples perpetuates the attitude that gay and lesbian persons are in some way inferior or that our relationships are not worthy of full recognition and respect.

As a Christian who follows the example of Jesus, I feel called to speak out against this kind of discrimination and to call upon my government to recognize the right of gay and lesbian persons to choose to marry and to have their marriages legally recognized.

Arguments that extending marriage rights to same-sex couples will weaken the institution of marriage are entirely unfounded. No heterosexual marriages will be undermined or affected in any way by allowing same-sex couples to enjoy the rights, responsibilities, and societal affirmation marriage affords.

Neither is it true that allowing same-sex couples to marry will infringe upon the religious freedom of others. Just as religious officials are not required under our current legislation to perform marriage ceremonies for any individuals or class of people, extending legal marriage rights to same-sex couples will not obligate religious leaders to perform marriage ceremonies for same-sex couples. Furthermore, it is an infraction against the religious freedom of those churches and other faith-based institutions who feel called by their faith to recognize and affirm same-sex relationships and to extend to same-sex couples the right of marriage.

Currently, religious leaders who wish to marry same-sex couples are prevented from doing so by law. Since nobody's religious freedom will be diminished by allowing same-sex couples to marry, and since some people's religious freedom will be enhanced by extending this right to same-sex couples, it follows that extension of marriage rights to same-sex couples is in the positive interests of religious freedom.

The argument has been put forward that marriage is uniquely defined as being between one man and one woman. However, appealing to historical definitions to justify maintaining the status quo would mean that as a society, our understandings of justice and human rights could never evolve. Not long ago, women and people of colour were not defined as persons. It is through our evolving understanding of the worth and dignity of all people that these and other definitions were changed to reflect our contemporary understandings. In the same way, it is time for our definition of marriage to change. Canadian society has evolved to the point where we recognize that it is unacceptable to discriminate against people on the basis of their sexual orientation. It makes no sense to me, then, that we can continue to justify discriminating against gay and lesbian couples who wish to legally marry.

In summary, it is both a matter of human rights and religious freedom, and simply the morally correct thing to do, to extend the right of marriage to same-sex couples. By doing so, you will make a statement that Canada believes in the dignity and worth of all people and that we will not treat anyone as a second-class citizen.

Thank you.

The Vice-Chair (Mr. John McKay): Thank you.

Ms. Huen.

Ms. Donna Huen (Rainbow Resource Centre, As Individual): Thank you to the honourable members of the Standing Committee on Justice and Human Rights, and the honourable Anita Neville. Thank you for being here and for listening.

I registered as an individual. I am actually representing the Rainbow Resource Centre. We serve Manitoba's gay, lesbian, bisexual, transgendered, and two-spirited communities. We've been operating for the past 31 years, providing information, referrals, and peer support to the GLBTT community, their families, and their friends. In addition, we provide anti-homophobia training to professionals and pre-professionals in the social service, health care, and education fields, so that when members of our communities interface with these systems, they are treated with dignity, respect, and equality.

I'm speaking to the question of same-sex marriage. The Rainbow Resource Centre believes that the exclusion of same-sex couples from marriage is unconstitutional, violates the charter and the human rights of gays and lesbians to equality, and that the federal government should permit same-sex couples to marry.

The federal government is solely authorized to change the legal definition of marriage to include same-sex couples. The Supreme Court of Canada agrees that the more financially vulnerable members of same-sex common-law relationships should be protected when those relationships break down. That's *M. v. H.*

While some provinces have changed their laws to recognize the rights and responsibilities of people in same-sex relationships, the struggle for equality of gay, lesbian, bisexual, transgendered, and two-spirited people in those provinces is not complete without the right to marry.

In the course of our work at the Rainbow Resource Centre we come in contact with individuals who have experienced the death of a same-sex partner or the end of a long-term same-sex relationship. For these individuals the pain of such losses is often compounded by the absence of rights to financial security—rights and corresponding obligations currently limited to married people.

Even if every province in Canada changed its laws to treat individuals in same-sex relationships the same as individuals in opposite-sex common-law relationships, the fact remains that only individuals in opposite-sex relationships have access to the important social institution of marriage.

The very fact that some people oppose same-sex marriage so strongly indicates that the institution is vital to the social fabric of our country and its citizens. The federal government should have the equal rights of all of its citizens at the top of its agenda. Human rights should not be debated.

Elected officials should speak out and protect the rights of minorities within the country. A commitment to equality means that the government must extend the same rights and responsibilities to same-sex partners as it does to heterosexual partners. The federal government and most provincial governments have already eliminated discrimination against same-sex couples in most laws. However, only the federal government can give same-sex couples legal marriage rights.

This committee should not conclude that extending a registered domestic partnership regime to same-sex couples will remedy the discriminatory exclusion of same-sex couples from the definition of marriage. Those provinces that have enacted some form of registered domestic partnership regime might have legislated same-sex couples' right to marry but could not, because marriage is a federal jurisdiction.

Registered domestic partnerships are not the same. They would value our relationships as less than those of heterosexual couples and in effect relegate our relationships to second-class status. They are separate but not equal.

Same-sex couples who want to marry want to marry for all of the reasons heterosexual couples do. They wish to publicly proclaim and celebrate their love and commitment for one another. They want to ensure legal and social recognition for their children, and they want to ensure their end-of-life decisions are respected.

Not surprisingly, it is also the case that some individuals in same-sex relationships do not wish to marry. That fact reflects the diversity of views and relationships in our communities, which is also true for heterosexual couples, many of whom also do not wish to marry. Nevertheless, there is widespread agreement among GLBTT people that those who want to marry should have the choice to do so. The current law denies individuals in same-sex relationships that fundamental choice.

• (1335)

Providing the option of marriage to same-sex couples in no way limits the rights and responsibilities of those couples in heterosexual relations, but restricting marriage to heterosexual couples only is an offence to the dignity of gays and lesbians. It not only limits the range of relationship options available to us, it also reinforces existing misunderstandings and thus encourages prejudice towards sexual minorities.

Exclusion from same-sex marriage places the value of gay and lesbian lives and relationships as less than the value of heterosexual lives and relationships within Canadian culture. Denying gays and lesbians the right to marry will ensure that the prejudice and discrimination that we and our children presently experience will continue in all areas of our lives. The Government of Canada has an obligation to recognize and protect the status of same-sex relationships by legalizing marriage.

Legalizing gay and lesbian marriage will not limit religious freedoms. Religions will decide whether they wish to officiate same-sex marriages, as many churches are presently doing. This is not a moral issue. It is a matter of full equality under the law.

The Canadian Charter of Rights and Freedoms guarantees people of all sexual orientations freedom from discrimination and equal benefit of the laws. This government is poised to do the correct and just thing by legislating legal marriage for same-sex relationships. Eliminating discrimination is always a positive move in the right direction.

Thank you.

• (1340)

The Vice-Chair (Mr. John McKay): Thank you.

Just for the folks at the back who are standing up there holding the wall, there are still some seats up here, if you wish to make your way forward.

Mr. Esler.

Mr. Don Esler (As Individual): Thank you, Mr. Chairman.

Members of the committee, thank you for this privilege given to me of being able to present this brief concerning the definition of marriage.

I propose that God's standard for the sanctity of marriage should be maintained. I will begin by quoting God's standard from the Bible, Genesis 2:24: "Therefore shall a man leave his father and mother, and shall cleave onto his wife; and they shall be flesh".

I believe God's standard should be maintained for three reasons. Number one, for the sake of equality. Genesis 1:27, and I'll quote: "So God created man in his image, in the image of God created he him; male and female created he them".

Before marriage the man and the woman are two separate entities, each partially reflecting the image of God. Upon marriage the two entities come together to form one entity—one flesh, one union. Totally and completely, this new entity now reflects the image of God. Genesis 5:2.

In God's sight the man and the woman are equally important, equally valuable, as they equally contribute to the overall image of God. God's concept of equality in a marital relationship between a man and a woman united together as one flesh is by far superior to any other type of relationship, as others do not picture the image of God as the creator of life.

Number two, for the sake of maintaining a consensus. King Solomon in his Book of Ecclesiastes of the Bible addressed this very issue. Is it possible to maintain a consensus apart from God's standard? Solomon purposefully set aside all of God's standards—his absolutes, his precepts—just set them aside on a shelf, and then proceeded to search the wisdom of this world for a consensus. He found that one man's opinion was of equal value to the next man's opinion. Apart from God's standard, a consensus will never be achieved, only vexation of spirit. Without a standard, every man then would do what seems to be right in his own eyes. We either have God's standard or we have no standard.

What the Minister of Justice is proposing in his discussion paper on redefining marriage is to place God's standard concerning marriage on a shelf and then ask Canadians for a consensus on a new standard. That is the purpose of this committee—to formulate a consensus from the opinion of Canadians for a new standard.

Solomon already concluded 3,000 years ago that apart from God's standard a consensus is unachievable. If there is doubt in your mind, allow me to give you a case study—the abortion issue. The Supreme Court of Canada declared the old abortion law unconstitutional, thereby placing God's standard concerning the sanctity of life for the unborn on a shelf. A parliamentary committee was established, similar to this one, travelling coast to coast trying to obtain a new standard, apart from God's standard, on abortion.

Remember what happened? The new abortion bill was passed by Parliament and was sent to the Senate for approval. The Senate became bogged down in a stalemate. There was a 50-50 split, a tie in the vote. The Senate sent the bill back to the House of Commons. The Commons, recognizing the futility of trying to reach a consensus apart from God's standard, simply allowed the bill to die.

The end result is that Canada does not have an abortion law. Canada no longer has any standard of any kind in respect to abortion. Everyone now does what seems to be right in his or her own eyes concerning the unborn child, which brings me now to my third reason for maintaining God's standard.

Number three, for the sake of the next generation. Why do we need a standard? What's wrong with everybody doing whatever they please? In my written brief I provided an example of a university student who procured an abortion. She concluded that, if abortion were wrong, Canada would have a law against such a thing. Since Canada does not have an abortion law, she logically concluded that it must be all right to have an abortion. Sometime later she came to the realization of exactly what she had done. She had taken the life of her own baby. Her initial response was that of shock and despair. Later she became very, very angry. Why didn't someone tell her of the significance of her actions before she proceeded with the abortion?

• (1345)

If Parliament were to set aside God's standard for the sanctity of marriage, as the Minister of Justice is proposing, young people of the next generation will innocently enter into lifestyles that we consider today as deviant. At some point in their future, they will come to the realization that they've made a mistake.

All of us here, as the older generation, realize that if we start down the wrong path, such as entering into a common-law or a homosexual relationship, then it becomes virtually impossible to back up and enter onto the right path—God's standard of the sanctity of marriage between a man and a woman. At that point, those young people will become very, very angry. Why didn't someone tell them of a better way—God's way?

We, as the older generation, have a responsibility to instruct the younger generation in the ways in which they should go. If someone purposely rejects God's standard, they do so at their own peril, but at least they know God's standard. Let's not allow someone to innocently or naively, out of ignorance, ruin his life. Let's maintain God's standard for the sanctity of marriage, for the sake of equality, for the sake of maintaining a consensus, and for the sake of the next generation.

Thank you.

The Vice-Chair (Mr. John McKay): Thank you.

Mr. Toews, seven minutes.

Mr. Vic Toews: Thank you very much.

I think that, religious or atheist alike, we can all agree that we live in an imperfect world. The role of government and parliamentarians, as I understand it, is to develop legal structures in those areas where we need outside control. Sometimes we don't need to pass laws in that respect; sometimes we do.

Relationships in this imperfect world are not perfect. I understand your point, Mr. Esler, that you believe there is a standard and that standard of God's is reflected in the definition of marriage as comprising of one man and one woman, as opposed to same-sex or homosexual couples. I guess my concern is this, and I asked this earlier this morning. There are children and there are relationships outside of the context of marriage today. Whether we recognize marriage as simply being as you've indicated or whether it should be brought...we understand that there are relationships outside of that traditional context now.

What should be Parliament's response in terms of dealing with those who are outside of that marriage relationship—that marriage relationship that does in fact give a great deal of stability? Governments don't have to walk in and impose a level of stability because marriage in itself is an institution that creates tremendous stability in our society, right across Canada. What then do we do about those relationships outside of marriage—the ones that are either broken or vulnerable, the people in those relationships that are vulnerable? What should our responsibility be if we exclude them from the marriage covenant? Where do we go with the others?

I'm just looking for some practical advice here on that issue.

• (1350)

Mr. Don Esler: I believe you gave the answer in itself. You mentioned that marriage is an institution of stability. If that's what, hopefully, all of us should be after, stability in our society, then we should be presenting, promoting, at least informing our constituents, the people of Canada, of the better way.

As far as what do we do with those who are outside the commonly accepted traditional family is concerned, all I can suggest is that I can grieve with their predicament. Perhaps the focus shouldn't be on what's on the outside, but what we should be looking at is the next generation, pointing the next generation in the correct direction so that we don't repeat the common mistakes that have been made in the past. At least maintain the standard, maintain that approach of stability, so that at least everybody will know that is the best approach.

Mr. Vic Toews: I'm not suggesting that we in any way compromise the standard that you have set out. I'm not suggesting that at all. Sometimes I think if I were to say that to a divorced person or a single mother, that I understand you're in a broken relationship or your relationship has broken down and let's work on the next generation, that's cold comfort to that person in that situation.

I don't know if you've read the minister's recommendations from cover to cover. Are there some other types of relationships that we can build on in order to work towards the ideal that you see?

Mr. Don Esler: Another institution that perhaps has been under attack in our society in the last while is the institution of the church. The church has been given the responsibility to help out, pick up on the destitute, the widows, the orphans, these individuals that you are making reference to that are sort of outside the traditional family. The church could be used as a care group to bring them back into the mainstream of society as such. But the church can use the pulpit to proclaim what God says, what God says is the best way to live a life. For a young child that's outside the traditional family, how will he or she know what would be the best way?

Mr. Vic Toews: But you're not suggesting that government legislate in respect of the church's responsibilities in that context.

Mr. Don Esler: No, I wouldn't suggest that. The church should know its responsibility and should exercise that responsibility.

Mr. Vic Toews: Then it leaves the question again: what about Parliament and its responsibility to those individuals? Are there any options that you saw either presented by the minister or otherwise that say to you, it doesn't compromise my beliefs as a Christian and yet it helps others in achieving the type of social and personal security that we all strive for?

Mr. Don Esler: Other than the established institutions that we have, the family and the church, our government should just reinforce the traditions of the church and the family, just work within the existing institutions.

• (1355)

Mr. Vic Toews: Thank you.

The Vice-Chair (Mr. John McKay): Thank you, Mr. Toews.

Ms. Fry.

Ms. Hedy Fry: Thank you very much, Mr. Chair.

We've heard about the rights argument specifically. We've heard about the religious arguments. I just want to move away from that and into the sociological arguments, because at the end of the day, the government really shouldn't be dabbling in religion and we should really look at the sociological components.

We've heard, quite movingly so today, witnesses who talked about the fact that marriage is the only stable institution, who talked about the risk to children in marriages because of divorce, because of single parenthood, and for many other reasons. Let's take that instance and realize that there are some people who are saying, I would like my children to have the benefit of that stable institution, which will help them in the long run. That's the first thing some same-sex couples with children are asking for.

But even within the institution of marriage itself, we do not discriminate among heterosexuals based on how they have their children and based on whether they have children at all. We have seen that this is okay, even though many people have argued that marriage is about procreation. We have seen that we allow for marriage of people in their sixties and seventies, or way past the ability to have children. We have also allowed for people who marry because they just want to become a citizen of Canada. Marriage can occur in instances where people in certain countries, who profess to be Christians, marry children who are 10 and 12 years of age. So we have seen that marriage doesn't necessarily discriminate within its own institution.

What we have here is a group that is therefore saying, since you do not discriminate within marriage based on how people have children...because we allow for reproductive technologies, and infertile couples to get married. We allow for couples who adopt to get married. They are saying, well, then, don't discriminate against how I have children; why don't you just let me enter this very stable institution so that we can continue to build sociologically very stable families that do not have this high risk that comes with single parenting, divorce, and so on?

If we don't allow that, then we've boiled it right down to the fact that we are discriminating against those groups based on their sexual orientation and on nothing more. So how do we explain that, if we're trying to live in a fair, just, and democratic society?

Mr. Don Esler: One of the witnesses this morning, Brad Tyler-West, made reference to societies of the past, the Romans, the Greeks, and so on. He suggested that they deviated from the commonly accepted man and woman relationship. What is interesting about those two civilizations is that they both collapsed. Now we are going down the same path that they went down.

What I'm suggesting is, why can't we learn from the lessons of the past and not make the same mistakes? For that reason, if we want stability, not only as a nation but as a community, as a family, then we should stay with God's standard.

Ms. Hedy Fry: Mr. Esler, am I hearing you say that the fall of the Greek and Roman empires came about because they allowed for same-sex couples to proclaim their marriage or to live together? Then what is the reason for other civilizations in Europe having fallen, who did not do that? I would think there are more complex reasons for civilizations falling.

I don't know why the Mayan civilization fell, or the civilization of Mesopotamia, or any of those, but I'm sure those weren't the reasons, because we know they were particularly repressive in certain areas in terms of same-sex couples and homosexuality.

So I come back to the question, why do we not allow same-sex couples to have the stability? If we're looking toward stable societies in which families can grow and be nurtured, why do we exclude a particular group from the ability to have that stability, if they wish to have it, and if their churches, by the way, say they would like them to have it, in some instances?

Mr. Don Esler: I was making reference to Brad Tyler-West's comment. It was he who suggested that those civilizations engaged in those sorts of activities, and as a result they have fallen.

You are correct that there would have been other contributing factors, but we have to recognize also—and in my presentation I talked about the case study of abortion—what happens when we set God's standard aside in one area. We then propose today setting God's standard aside in another area. If we keep setting God's standard aside here and there, and there and there and there, collectively they contribute to the downfall of the nation.

So as for the Greeks and the Romans, well, yes, that's just one contributing factor, but there were other factors. That's true.

As far as a homosexual couple raising children and calling that a stable environment is concerned, the only standard we can go by that is a standard, as I was trying to point out in my brief, is God's standard. If you step aside from God's standard, you have no standard. Then you have chaos. That's what I'm suggesting will happen.

• (1400)

Ms. Hedy Fry: I accept what you respect, Mr. Esler, or your opinion, but I have a different opinion. I practised medicine for 23 years and saw many different types of families as a family physician. I saw a same-sex couple who were rearing and bringing up children and who were very stable, had very clear moral values, and were good members of their church. I would suggest that you would not find any fault with their morality in terms of their values. I have also seen heterosexual families where the children were brought up extremely badly and suffered as a result. So in my experience of 23 years, I have found that there are good parents, whether they are heterosexual or same-sex, and bad parents, whether they're heterosexual or same-sex.

But what I'm hearing from the statistics is that marriage seems to be the stabilizing feature. Therefore, I am asking again, why deny access to marriage if it is such a stabilizing institution?

Mr. Don Esler: No matter what sort of a relationship we are entered into, none of us is perfect; we all have flaws. The Lord is saying from his word that if you have a choice between relationships, there are some relationships that, in his mind, will succeed and others that will not succeed. So I'm just basing my belief on God's word; God says that, in the end, these other relationships will not succeed.

The Vice-Chair (Mr. John McKay): Thank you, Mr. Esler.

Mr. Toews.

Mr. Vic Toews: Over the course of these hearings, we've heard all kinds of justifications advanced for one position or another, whether it's in favour of the traditionally accepted definition of marriage, one man and one woman, or the homosexual couple definition of marriage. We've heard religious arguments and cultural, sociological, statistical, economic, and indeed legal arguments. In this panel, we've certainly heard the religious, we've heard the legal, and we've perhaps heard even a combination of both arguments from one of the panellists.

Should we, as parliamentarians sitting on this panel, view this exercise as simply one of the definition of marriage being a matter of equality, or should we in fact examine what the purpose of marriage is, and on that basis engage in a consideration of the broader social and cultural context of marriage? Should we as parliamentarians have any business discussing the cultural or sociological context, or should we just view this in that one constitutional dimension? Section 15 of the charter demands equality, therefore we should grant equality. It reminds me of the old biblical story about one of the prophets who was asked to give Israel a king. He said, well, you know that's not a good thing to do. And God said, hey, that's what the people want; give it to them.

So should we simply give Canada what it wants, on the basis of that one-dimensional view of legal equality, or is there a deeper obligation on us to examine the cultural and social context?

Perhaps you could respond, Ms. Cantwell.

• (1405)

Ms. Jordan Cantwell: I think that as parliamentarians who are passing legislation, you do have an obligation to all the citizens to take a look at what is in the best interest of the health of Canadian society. I hope you would consider what is in the best interest of same-sex couples, children in same-sex families, and parents of same-sex children, and recognize that gay, lesbian, bisexual, transgendered, and heterosexual people are all citizens of this country. I would hope that you would have all of us in mind when you are thinking about what is in the best interest of Canada.

Mr. Vic Toews: If that examination leads us to the conclusion that it may not be in the best interest to simply apply the section 15 definition of equality, would that be acceptable?

Ms. Jordan Cantwell: I would find it hard to imagine that could be the case. In the same way, when looking at the issue of whether or not interracial couples should be allowed to marry, it would be unfathomable for us to conclude today that, no, they should not be allowed to.

I think that as a society, it's important to recognize that any act of discrimination that promotes intolerance of some people, or the implication that they are inferior, in fact hurts all people. When we're talking about homophobia and discrimination against gay and lesbian people, I think it's very important for all of us to remember that 75% of children who experience homophobic harassment are in fact heterosexual. So whenever we are promoting intolerance of gay and lesbian people, we are in fact putting all of our children at risk.

The Vice-Chair (Mr. John McKay): Mr. Macklin.

Mr. Paul Harold Macklin: Thank you, Chair.

Thank you, witnesses, for appearing.

Mr. Esler, I would like to ask you about God's standard. What we have heard on a number of occasions is that various churches have different ways of interpreting God's standard. That leads me to wonder, looking at what the minister set out as options, whether we ought to be more seriously looking at the option dealing with the fact that we would remove from the federal level the references to marriage and let the religious institutions determine their standards for marriage, which potentially in a pluralistic society would more properly reflect Canadian society. How would you react to that approach to God's standard?

Mr. Don Esler: The approach would not work at all. The reason is that the Canadian Charter of Rights and Freedoms recognizes atheism, as an example, as a bona fide religious group. An atheist doesn't even recognize that there is a God. If there is no God, then there are no standards. Obviously there will never be a consensus. That was basically the whole point of my brief, that if you turn away from God's standard, there never will be a standard. Then everyone would just do whatever they please.

Mr. Paul Harold Macklin: The United Church, which in various forms has appeared before us on a number of occasions, indicated that they would bless gay and lesbian relationships. Would you say that from your perspective, we as a government ought not to see that as God's standard in the way we legislate?

Mr. Don Esler: What it boils right down to is that it doesn't really matter what you and I think. What matters is what God thinks. So then we need to go back to the Bible and see what God says. You said we have different versions of the Bible. So which is the correct version? There's a ball of wax there.

If we go back, say, 100 years or so when this country was first established, we had laws that did reflect the word of God. We've been changing those laws in the last generation or so, and we're changing them away from God's standard. But at least at one time in this country we did recognize God's standard.

The Vice-Chair (Mr. John McKay): Thank you.

Mr. Toews.

Mr. Vic Toews: Ms. Huen, could you tell me what the purpose of marriage is?

Ms. Donna Huen: I think different people enter into the institution of marriage for different reasons. If I were to marry my partner, it would be because I love and cherish her, I want to grow old with her, I want to look after her when she's ill, and I wish to make a public commitment to those things. I want to be able to honour our relationship publicly. I want other people to recognize it as a committed relationship.

• (1410)

Mr. Vic Toews: On that basis, then, a polygamist Muslim marriage would essentially say all of those things. I'm sure we would have Muslims involved in a polygamist relationship saying exactly the same thing—we want to cherish each other, we want a public commitment, and we want to care for each other. All of those qualities that you've identified would identify many polygamist relationships. If that's the purpose of marriage, why shouldn't we include not only same-sex couples but also polygamist marital relationships within our multicultural society here in Canada?

Ms. Donna Huen: I believe that the issue of polygamy is one that really is not related to this subject and also—

Mr. Vic Toews: No, let's just—

Ms. Donna Huen: Let me respond, Mr. Toews. You have asked me a question. I would like to answer it.

Mr. Vic Toews: All right.

Ms. Donna Huen: Earlier we talked about why a government limits the rights and freedoms of its citizens and concluded that the reason is that we do not wish to see harm done to any of its citizens. My relationship to my partner and being able to marry her does not harm anybody. When it comes to a man being involved in a polygamous relationship with many women, I would be hard-pressed to find anyone in this country who would not agree that the women in those relationships are harmed. They do not have the same rights and obligations as other people married only in a couple formation would have.

Mr. Vic Toews: Thank you. That's one of the issues I was concerned about, the issue of harm. So harm is an essential component in determining whether or not a specific type of marriage relationship should be recognized, as you just pointed out.

Ms. Donna Huen: The Government of Canada passes laws in order to ensure the safety of its citizens.

Mr. Vic Toews: Thank you.

The Vice-Chair (Mr. John McKay): Thank you.

Ms. Neville.

Ms. Anita Neville: Thank you, Mr. Chair.

Thank you all for coming today.

Mr. Esler, from what I heard you say, you do not accept any form of union of same-sex couples, whether it's a civil union or marriage. I'd like some clarification from you. Before you respond, let me finish my questions.

To Ms. Huen and Ms. Cantwell, we heard from a previous presenter that the civil union is really a facade of formal equality. I would like to know from each of you what the difference in your lives would be as a result of a civil union as opposed to a marriage.

Mr. Don Esler: In my case I suggested that a man and a woman united together in holy matrimony is the only position for a relationship between two people. We also need to recognize that the government should not be in a position where they are holding a big club over your head and saying, this is what you must do. We all have the freedom to do whatever we want in this country. If I want to go out and rob a bank, I have the freedom to do so. But I'll suffer consequences.

As mentioned earlier, what about the nation of Israel? They wanted a king, and God said, all right, give them a king. But God also said, be prepared to suffer consequences. He devoted an entire chapter in the Book of Deuteronomy, chapter 17, to listing all the consequences they will suffer. It's the same situation here. If we deviate from God's standard for marriage, we must be prepared to suffer consequences.

• (1415)

Ms. Donna Huen: I'd like to respond to your question, Anita. I am in the business of trying to prevent harm to Canadian citizens—gays, lesbians, bisexuals, transgendered, and two-spirited people. I try to educate others. I try to help them understand that their sexual orientation is normal. It may be in the minority, but it is normal. I believe that legalizing marriage for same-sex couples will go a long way to helping my community, the GLBTT community, achieve the social recognition we have so long awaited and need so desperately for our own sake, for our children's sake, and for future generations' sake.

When we talk about minimizing harm by the laws we create, we're talking about harm to people. I know that there were communities in this southeastern part of Manitoba, where these hearings are being held, that contemplated but were talked out of appearing here today and outside of the building and harassing and perhaps doing violence toward those of us who are here speaking for same-sex marriage. I know in my heart that has to stop. I know that everyone here believes that. Each and every one of us is entitled to dignity and to be able to love one another. I don't understand what's wrong with that. That's all I want.

The Vice-Chair (Mr. John McKay): Mr. Cadman.

Mr. Chuck Cadman: Thank you, Mr. Chair.

I'm just going back to a comment that was made by a witness, and this goes back a number of weeks ago to another session. The discussion had centred around the possible problems of a child—I'm going back to a child in a same-sex relationship or marriage—where a boy being raised by a lesbian couple may have some difficulty coming to terms with his own male identity at some point. This was a discussion that was just going around the table. Actually, the issue had been raised by another witness.

There was a comment made by an individual who was on the pro side of changing the definition that male identity for a boy can come from their friends or from the television set. They were implying that the biological father was not necessary, not that useful or important to have around.

I'd just like to hear your comments on that kind of thing. That wasn't my comment; that came from a witness.

Ms. Jordan Cantwell: Well, I think we recognize that certainly our identity as male or female and what that means for us is shaped by many factors, including our families of origin. I would hesitate strongly to suggest that all children need to be raised by one man and one woman, because I'm not sure then where that leaves orphaned children and I'm not sure where that leaves single-parent families, as well as the children raised by same-sex couples.

If we believe that children cannot grow up happy and healthy unless they have a mom and a dad who are raising them, then I think we're in serious trouble. But the reality of our world suggests that there are many very well-adjusted, very happy people who were raised by single parents and by same-sex parents. There are many people who did not have such a fortunate upbringing who were raised by a mom and a dad. I don't think the gender or the number of parents is a determining factor in the health of a child or an adult.

Mr. Chuck Cadman: Does anybody else care to answer?

Ms. Donna Huen: Knowing lesbian couples who are raising male children, I would just like to add that there isn't one of them who doesn't have some male influence in those children's lives, whether it be an uncle, a brother, a grandfather, or a close family friend. I make the same argument about women raising children in single-parent households. It doesn't really hold water. There are enough men to go around to influence these children.

• (1420)

Mr. Chuck Cadman: I was just referring to a comment made by somebody in support of your position, that the biological father really wasn't that important in the scheme of things. I just wanted a comment.

The Vice-Chair (Mr. John McKay): The last question goes to Ms. Fry.

Ms. Hedy Fry: I just wanted, as an aside, to say that my father's father died when he was a very small boy, and he was raised by his mother. She never remarried. I have to tell you, he's the most wonderful, balanced, gentle, kind man I know. I think we can go around and be generic whenever we wish, but it doesn't answer some of the questions.

Mr. Esler, you talked about God's law, but in a pluralistic society like Canada, which god should we look at? Is it the pantheon of the Hindu religion, the non-god of Buddhism, the Christian God,

Jehovah, or Allah? Which god should we listen to, or is it not appropriate for Canada in a pluralistic society to find ethical paradigms within which they devise laws that would be meaningful to all Canadians regardless of their religion, their race, or their ethnicity?

There was a time, you said, when all of our laws were based on God's law here in Canada, but there was a time when all our laws and institutions were only open to white Anglo-Saxon men. I think we can see that the evolution of society has turned out to be good thing. I'm saying that government should be relevant to society, and we have a pluralistic society in Canada.

Mr. Don Esler: Yes, our country was established on Judeo-Christian values and on British common law and torts. Initially immigrants who came into this country were from Europe. As a matter of fact, you are probably well aware—or more aware than I am—of some of the laws we've had in the past, such as the Chinese Immigration Act of 1923, which barred Orientals from coming into this country. Of course, the purpose was to try to maintain Judeo-Christian values.

Since then, those laws have been repealed, and we allow anyone to come to our country, but with the understanding that they accept our traditional values, the Canadian way. If you don't like our values, you don't have to come to Canada. No one is forcing anyone to come to Canada.

Ms. Hedy Fry: I actually would like to disagree with you, Mr. Esler, that our laws within Canada have not remained static. They have changed and evolved. The Charter of Rights alone has sought to find a way to balance the rights of the majority with the needs of the minority. Otherwise, we do not have a democratic society if the tyranny of the majority is allowed to continue. This country has changed; the Canadian Multiculturalism Act is one example of how we have sought to find a place for everyone in Canada, and some would argue that we are the better for it.

The Vice-Chair (Mr. John McKay): Mr. Toews wishes to have the last question.

Mr. Vic Toews: Actually, I just have a brief comment. I'm concerned about the comment that was made that there may have been threats made against some who wish to make presentations here, threats made by people from this part of Manitoba. I think that kind is a very hurtful kind of comment to make about the people who live here. It puts many people who come here under a cloud. Now, who is it among us who has made these kinds of threats or allegations?

All I would suggest is that if there are any specific examples of that kind of thing, I trust they've been brought to the attention of the RCMP in order for them to investigate it. That's all I want to say and I'll leave it that at.

The Vice-Chair (Mr. John McKay): Thank you again. Thank you, witnesses.

As you can see, these hearings are more popular than a hockey game. There are still a few chairs up here, and I'll suspend for three minutes while we re-empanel.

•(1424) _____ (Pause) _____

•(1430)

The Vice-Chair (Mr. John McKay): Could people take their seats, please.

Our next panel of witnesses, first of all from the Carman Association of Reformed Political Action, Peter Veenendaal; and from Campaign Life Coalition Manitoba, Rosemarie Kennedy; and Dignity Québec Dignité, Terri Willard and Linda Hathout.

Mr. Veenendall, perhaps you could lead us off please for seven minutes. Thank you.

Mr. Peter Veenendaal (Carman Association for Reformed Political Action): Esteemed members of the Standing Committee on Justice and Human Rights, thank you for the opportunity to participate in this important debate dealing with the topic of the definition of marriage and the possibility of recognizing same-sex unions in our country.

It is my hope and prayer that the outcome of this whole procedure is not that everyone in this country has received what he or she considers to be their individual rights, but that in the first place the name of God our creator will be honoured. In the second place, my hope is that the future of the Canadian people will be such that both adults and children can grow in an environment within families where their spiritual, physical, psychological, emotional, and sexual health are of prime concern.

The justice minister, the Honourable Mr. Martin Cauchon, has prepared a paper to guide the discussion on the topic of marriage. In presenting a limited number of options of possible outcomes, it seems that Mr. Cauchon has already given some clear direction as to what his department wants to see happen in the future. I am dismayed by that fact and that he does not provide the option of simply leaving the definition as it stands today—which is very clearly a union of one man and one woman.

I realize that the public debate on marriage has been going on for some time, not only in our country but also around the world. I realize that there have been many court challenges concerning this definition. I realize that the 1982 Canadian Charter of Rights and Freedoms leaves the door open for many more court challenges in the future; but this does not change the responsibilities of our Canadian government to govern as servants of the Almighty God for the upholding and good of all Canadians now and in the future. This means that they have to make decisions on a large variety of topics, and it requires a great deal of wisdom and boldness. In order to do what is truly right and good for Canada as a whole, it will mean that they cannot please everyone every time. They have to do what is right, so that our country and its people can continue to grow and prosper under the blessing of God.

While discussing and deciding on this topic concerning the definition of marriage and other civil unions or domestic partnerships, you members of this committee have a great opportunity to be wise and bold. You also have a great responsibility to give clear direction to future generations of Canadians. I urge you to not succumb to the pressures and demands of many who try to persuade you with selfish ambitions and motivations. Do what is right for our country and its people.

It is not by accident that our Canadian tradition has been to promote and recognize only marriages between a man and a woman. From the beginning of time and in countries around the world, this is the practice that has been considered normal, natural, and right. Already in the second chapter of Genesis, the first book of the Bible, we can read that God created a suitable helper for Adam, the first human. God did not create another man, but he created Eve, the first woman. And he commanded that a man will leave his father and mother and be united to his wife. That is the norm, and the way it was intended to be. And not only in Genesis do we see a strong message about marriage, but also throughout the New Testament of the Bible, where we see that Christ compares his relationship with his church to a loving marital relationship between a husband and wife. God knew that one man and one woman coming together in an exclusive relationship for the purpose of companionship, sexual intimacy, mutual support, and procreation of children would provide the best environment to promote healthy marriages and families, whose members would in turn become worthy citizens of our country. We have no right to tamper with this institution of God.

So you see that marriage is not just a Canadian tradition or a recent invention; it has existed throughout the world in many civilizations, societies, and cultures. Neither has promotion of marriages between one man and one woman been limited to followers of the Christian faith. Other religions such as Buddhism, Hinduism, Islam, and Judaism recognize and uphold the natural heterosexual understanding of marriage.

•(1435)

Also, all of these religions teach that homosexual behaviour is sinful and wrong. As a matter of fact, many others who do not have any specific religious affiliation recognize these same truths and live accordingly.

This heterosexual understanding of marriage has stood the test of time in showing itself to be a healthy and effective vehicle for establishing stable marriages and, by establishing stable families, together building a strong and prosperous nation.

Canadian laws in the past have strongly upheld the conviction that only marriages between one man and one woman will be legally sanctioned. Our Fathers of Confederation saw no need to make provisions for what we today call alternate lifestyles or different sexual orientations. The idea of marriage between any other than one man and one woman was simply not considered as a legal possibility, and rightly so. It was not considered an acceptable alternative to the divinely ordained union between a man and a woman. It wasn't then, and there is no reason to believe it would be beneficial for Canada and Canadians if it were changed today. Of the options presented in Mr. Cauchon's discussion paper, not one is acceptable as a solution that would be good for our country.

Each one of them allows for unions or partnerships that do not conform to divinely ordained marriage. Marriage should continue to be clearly regulated by federal laws, but not in such a way that everyone can do whatever is right in his own eyes. If we allow that, we will simply end up with no rules or regulations at all. As a matter of fact, if we do not limit marriages to unions between one man and one woman, would it not be possible to see in the future that we will have marriages between more than two people?

As recently as March of this year, a mother in London, Ontario, was asking a court to declare her same-sex partner to be a third parent for her two-year-old son. What about marriages between adults and children, and—may God prevent it—also marriages between people and animals?

We do not have to look far to see that these practices are already going on. It may not be long before our courts are asked to make them legal as well. If one of the options presented in the government's discussion paper is made into law, what are the long- or even short-term implications for those who believe strongly that only God will determine which marriages are allowable? No one of us can see into the future, but is it possible that pastors who refuse to perform a homosexual marriage may be judged to be in violation of the Charter of Rights and Freedoms?

We have seen examples: a Christian printer, Scott Brockie, taken to court because he refused work from a homosexual lobby group; a Christian university, Trinity Western, taken to court for discrimination; a Christian teacher, Chris Kempling, and the Surrey school board—another example who have found themselves in court.

Will our children be taught in schools that homosexual relationships are morally equivalent to heterosexual marriages? Will pastors and teachers be prosecuted if they teach according to their own religious beliefs? Experience shows us that there will be no room for accommodation of our religious beliefs, because we will no longer be dealing with moral issues, but legal rights.

• (1440)

The Chair: Excuse me, I didn't want to interrupt, because I didn't know if Mr. McKay as my capable vice-chair has mentioned the time, but we're quite a way over, and it's a four-person panel. Do you have any idea how much time you have left?

Mr. Peter Veenendaal: One minute. I'll just read the last part.

The Chair: Okay, thank you.

Mr. Peter Veenendaal: Fellow Canadians, committee members, I urge you to do what is right for Canada and its citizens. Despite the fact that many Canadians are clamouring for individual rights to gain legal recognition for living in ways that have long been considered wrong and harmful for our families, stand up and demand that Canadian families and their values be preserved so that our country can prosper in the future. Report to Mr. Cauchon that he must, as a servant of God, not allow traditional marriages to be destroyed by allowing the redefinition of marriage and legalizing other domestic partnerships. It is imperative for justice, for our families, and for our country.

The Chair: Thank you very much.

First of all, my name is Andy Scott, for those who weren't here this morning. Let's just say there are no flights from Winnipeg to Toronto.

Voices: Oh, oh!

The Chair: In any case, it's been a wonderful visit. This time back, I think I'm staying.

The next intervener is Rosemarie Kennedy from Campaign Life Coalition of Manitoba. It's a seven-minute round. At six minutes

you'll see a warning and at seven minutes you'll see an indication that time is up.

Mrs. Rosemarie Kennedy (Campaign Life Coalition (Manitoba)): We at Campaign Life Coalition Manitoba believe the definition of marriage between one man and one woman to the exclusion of all others should be the status quo.

First I'd like to ask, what is marriage, what is conjugal love?

Conjugal love involves the totality in which all the elements of the person enter—appeal of the body and instinct, power of feeling and affection, and aspiration of spirit and will. It aims at a deeply personal unity beyond union in one flesh, leading to forming one heart and soul. It demands indissolubility and faithfulness, and it is open to fertility. Conjugal love that exists within marriage involves total, mutual, self-giving love. There are no longer two, but one flesh, as marriage has been in the eyes of society since history has been recorded.

By its very nature, conjugal love requires the inviolable fidelity of the spouses. This is the consequence of the gift of themselves that was made on their wedding day. The intimate union of marriage as a mutual giving of two persons and the good of the children demand total fidelity from the spouses and require an unbreakable union between them. Yet, it can seem difficult, even impossible, to bind oneself to another for life. However, our society has always protected and promoted the institution of marriage, realizing this difficulty but knowing that for the survival of society, especially raising children, this was the best institution we could have.

So first of all, we have total fidelity of man and woman in marriage, then secondly, often children are the fruit of this union. The couple gives their love, time, energy, and resources to nurture and educate their children. We know as the people of Canada that there is no better or more secure environment to raise children.

In 1996, Stats Canada released the result of its longitudinal study of 23 children that disclosed that those raised in their biological, two-parent families experienced far fewer developmental problems. In 1998 Stats Canada found that 63% of common-law couples with children break up within 10 years, compared to 14% of married couples with children.

Therefore, if we as intellectual beings know that the best environment for raising future generations of our country is within the institution of marriage between one man and one woman, why are we discussing changing the definition of marriage to include same-sex unions? There has to be some other reason than the good of the children, which consequently means for the good of the country.

Homosexual relationships do not present the stability needed to raise children, as shown in a study done in 1984 by a homosexual couple, Dr. David McWhirter, a psychologist, and Dr. Andrew Mattison, a psychiatrist, in their book *The Male Couple*. The study was done by homosexuals for the benefit of homosexual couples. So it's unbiased toward homosexuals; it's done specifically for homosexuals.

They found that of 156 homosexual couples studied, 95% had made provisions for sexual activity with partners outside the union. How do we compare this to the inviolable fidelity we spoke of in marriage? Only seven couples had total monogamous relationships, and these had been together for fewer than five years. Also, male relationships commonly ended after the third year.

Knowing these facts, how can you possibly consider violating the definition of marriage to include what we know to be such an unstable environment for raising children?

Homosexual men of the above study did not impart a proper pattern for the behaviour of young children. McWhirter and Mattison believe that gay men's fantasies and longings for liaisons with their fathers may prove accurate for some male couples. Moreover, they have found that most homosexuals studied had experienced little or no male bonding during their formative years. This all suggests that a homosexual's attraction to other men is based on psychological needs unmet as a child by his father or other male influences rather than genetically based, as has been debated but unproven.

In the Netherlands, homosexual union has been known as domestic partnership since 2001. Dr. Gerard van den Aardweg, a psychotherapist practising in the Netherlands, the majority of whose clients are homosexual, has found in his counselling that most often the children adopted in homosexual unions have become the sex partners for the parents, causing untold emotional and psychological damage to the children. His study shows that lesbians generally have longer relationships. However, they tend to adopt girls who are 11 or 12 years old, who often have come from abusive foster homes, and they as well have frequently become sex partners for the lesbian parents.

•(1445)

According to McWhirter and Madison, the majority of homosexual couples and individuals use drugs as a regular part of both their social and sexual lives. Extensive drug use at most of the social gatherings appears to be part of the homosexual subculture. Knowing of this prevalent use of alcohol and drugs among homosexuals, is this the environment we want to ordain for our children to be raised in? Is this the best environment to raise future generations of Canadians?

In Denmark, a form of homosexual marriage has been legal since 1989. The statistics up to 1995 show that less than 5% of Danish homosexuals had married and 28% of these marriages had already ended in divorce or death due to disease or drug overdose.

The question is still to be asked, why are we discussing changing the definition of marriage to include same-sex unions? Marriage has been around since the beginning of creation. God created male and female to his own image and God blessed them saying, be fruitful and multiply. How can we argue with a plan he designed and which is therefore foolproof?

Civilization would have been impossible without the nuclear family as a building block. If we destroy this building block, we will have disaster. Why not marriage between brothers and sisters, fathers and daughters, man and beast? What about polygamy? Why stop at same-sex unions? Are we not then discriminating against all these

other groups by only choosing same-sex unions? We are being forced in the name of tolerance to violate the natural law.

As much as you think that you can call union of same-sex persons marriage, it is not possible. We shall be lying to ourselves and destroying the sanctity of what marriage really means. Why not give benefits to all same-sex couples who live together, such as mother and daughter, two sisters, two brothers, father and son, and aging aunt and niece, etc. The only contingent here is the sex act, which can never be procreative.

Therefore, what are we legalizing in our society with the changes we're discussing to the definition of marriage? It appears that we are legalizing the homosexual sex act, an act that violates natural law. We ask in the best interests of Canada to maintain the status quo of the definition of marriage as the union between one man and one woman to the exclusion of all others.

The Chair: Thank you.

The next witnesses are appearing from Dignity Winnipeg Dignité, Terri Willard and Linda Hathout.

Terri Willard (Dignity Winnipeg Dignité): Thank you. It's a pleasure to be here this afternoon.

My name is Terri Willard. I'm a project manager at the International Institute for Sustainable Development, a former Rhodes scholar, a graduate of Georgetown University in the school of foreign service, and I'm here today representing Dignity Winnipeg with my partner, Linda.

We thought it was important to come here today and provide some other information and background from a religious perspective. For those of you who may not be familiar with Dignity, Dignity Winnipeg is a chapter of Dignity Canada, which is a national organization of lesbian, gay, bisexual, transgendered, and two-spirited Catholics and their friends.

Dignity believes that lesbian, gay, bisexual, and transgendered people can express their sexuality in a manner that is continent with the teachings of Jesus Christ, and that all sexuality should be exercised in an ethically responsible and unselfish way. We're not a mission of the official Catholic Church, and we rather seek to be in dialogue with the official church and all people of goodwill on questions of faith, sexuality, and social justice.

Since the dawn of Christianity, the attitude of the Christian churches towards marriage and sexuality has evolved almost as much as have the attitudes of western society as a whole. For hundreds of years, the Christian churches officially resisted having anything to do with marriage, preferring to leave its regulation to the state. Couples did often come to the churches to seek a blessing on their commitment, but these blessings were not seen as central to the church liturgical life or discipline.

The institution of marriage was originally seen as something too much intertwined with questions of power, property, and inheritance. It wasn't until the Lateran Council of 1179 that the western church, after much debate, began to define marriage as a sacrament, and not until the Council of Trent in the 16th century that a priest was actually required to be present at marriage ceremonies celebrated by two Catholics.

Indeed, for most of the last two millennia, traditional marriage little resembled the model that most North Americans today think of as traditional. Up until about 150 years ago, marriage was essentially an economic union, an exchange of land and labour generally arranged by the families of the spouses

With the Industrial Revolution and the separation of work from home, the old model began to break down, and with the rise of the new ideals of liberty and individuality that characterized the romantic era, traditional marriage was eventually rejected as oppressive, something that was too tied to economics, too tied to society. So many women insisted on choosing their own partners and on getting married for love rather than for family duty or for economics, and as late as 100 years ago, articles were still being written in the popular press decrying these dangerous innovations of romantic love as the death of traditional marriage and heralding the collapse of civilization as we now it.

These changes were in fact supported by the churches. Throughout the centuries, the churches had maintained the Roman idea of marriage as a contract between two people, and in church law what makes a marriage valid is the free consent of those two individuals.

The triumph of marriage as a commitment of two individuals to look after and nurture each other in love actually contains within it the seeds of the discussion that we're having here today. Perhaps western society has actually come full circle. Perhaps it is no longer necessary for the priests and ministers of the churches to serve as a bureaucracy for civil society in registering marriages any more than they're still needed to be the primary agents for registering births and deaths. Perhaps we have evolved other structures within our society to handle these legal matters.

A growing number of western jurisdictions have recognized that civil society once again has all the tools necessary to assure its own good order and have taken back the regulation of marriage as a civil union. This leaves it up to the churches themselves to bless or not to bless these unions according to whatever their current theology or discipline would mandate.

Priests and ministers might continue to be delegated as officials to oversee civil marriage in addition to their oversight of the sacramental unions. Or the Government of Canada could simply adopt the French model requiring all marriages to be subject to a civil ceremony, leaving the option of a religious celebration up to the couple.

Changes in theology and discipline of the churches will continue to be a matter for dialogue between the leadership of these churches and their members. Since the time of St. Augustine, much of the theological discussion around marriage has been dominated by a very narrow understanding of natural law that suggests that

marriage, like all sexual activity, is ordered primarily, if not exclusively, towards procreation. This theology, which reduces morality to biology, no longer rings true for most men and women, whatever their sexual orientation. And some theologians have plunged into other traditions of Christian spirituality, have studied the findings of the social sciences, and have entered into dialogue with couples, both straight and gay, about their experience of God and sexuality.

• (1450)

New theologies of sexuality are emerging, theologies that understand that men and women are not just sexual machines and that the mysteries of love and human relationships cannot be reduced to a biological act. As Thomas Aquinas himself insisted, human beings are not just biological creatures. We are relational beings, souls, that ache to love and be loved, to merge with other souls in deep and long-lasting relationships. Sexuality is now understood as a language where every word or touch has the power to say to the other, you are more valuable than the whole universe to me, where every word or gesture has the potential to heal and transmit the love of the Creator, a love that often but not always achieves its ultimate expression in the creation of new life.

Like other people, many gay men and lesbians feel a call to live out their experience of love in a committed and responsible relationship, one that reflects the values and principles that were so well enumerated in the minister's discussion paper: commitment, companionship, mutual care, etc. This committee is now studying how best to assure that, in compliance with the Charter of Rights and Freedoms, one more barrier to the open and full participation of the LGBT community in Canadian society can be removed. The goal is to assure equality of rights and equality of responsibilities.

Recognition of same-sex marriages will not in itself achieve this equality. In the Parliament of Canada and the legislatures of the provinces and territories, other steps must continue to be taken, but we would invite the Government of Canada to follow the example of the Province of Manitoba in working with the LGBT community to study how these steps can best be achieved so that the laws of Canada can provide all couples with the support they need to be able to maintain stable relationships and healthy families.

Thank you.

• (1455)

The Chair: Thank you very much.

To Mr. Toews for seven minutes.

Mr. Vic Toews: Thank you.

Mrs. Kennedy, you provided us with some statistics regarding breakup rates. You indicated—and you can probably correct me, because I didn't write them all down—that approximately 63% of common-law relationships break up within 10 years compared to 14% for the traditional marriage type of relationship. You gave another statistic in respect of homosexual relationships. I think it was 95% within 10 years or something like that?

Mrs. Rosemarie Kennedy: No, the 95% referred to a study done by a homosexual couple of 156 homosexual couples. According to the couple who did this study, 95% of the people who were having unions agreed to having unions outside of their marriage, their same-sex union.

Mr. Vic Toews: Not monogamous in that sense?

Mrs. Rosemarie Kennedy: Totally not, no.

Mr. Vic Toews: And then Pastor Neufeld this morning gave us also statistics regarding the harm to children outside of marriage. He talked about the increased dangers to children outside of that traditional definition of marriage. Again, we are dealing with this in a statistical sense rather than in a specific sense. So there are always exceptions to the rule. We can always say this is good, this is not good.

But the question I thought of here is why shouldn't we simply, say, let's encourage everyone to get married, including homosexuals, so that we can strive for that same stability for homosexuals? Is it as simple as simply saying, all right, you're married; therefore, our children in your relationship are going to be safer? Or is there something that you see as inherently unstable in the homosexual relationship that will not be resolved by simply opening the door to include same-sex couples in the institution of marriage?

The Chair: Before you answer, I wanted to explain that Ms. Fry has to leave and didn't want to walk out without some explanation. I took a little moment to explain myself earlier today, but it didn't get me very far ahead.

So hopefully you're allowed to get to Vancouver

Ms. Hedy Fry: I'm going to lower the flag, sorry.

The Chair: Ms. Kennedy.

Mrs. Rosemarie Kennedy: I'd like to state first of all that I am a Catholic. I was a flight attendant for 20-odd years, working within a group where there were numbers of homosexual, mostly men. I was also a single mother for a number of years before I married my husband.

My experience, first of all, with the people I worked with who are homosexual was that it was a very unstable environment they lived in. They came to work very excited about whatever relationship they were having, but it was very fleeting and very changing. I have read the magazine, which I understand was here earlier today, the *Swerve* magazine, for a variety of reasons. In there, if you look at the personal want ads, it's far from any kind of stability of relationship in terms of what is being requested in these personal ads.

Would it be suitable for children to be raised in this? It's tough enough when you have a husband and wife trying to raise.... Having been a single parent as well, I know it is very hard to be on your own.

• (1500)

Mr. Vic Toews: So you don't see, then, that if we simply open the door to same-sex couples to marry it would have any type of a beneficial relationship in terms of providing either protection or stability for children?

Mrs. Rosemarie Kennedy: Definitely not. What it will do, I believe, is start to weaken the foundation of marriage, which will

consequently weaken the foundation of the family within the society. My cohort with Campaign Life spoke with Dr. Gerard van den Aardweg in Holland. This law has been only two years in Holland, and he is consulting with recovering homosexuals who are saying themselves that they have screwed up the lives of these children they have adopted and could they please give them back. This is not a minor problem. This is something that they have now adopted in their society, and it is disastrous there.

We only talk about the homosexual group here, but what about the homosexuals who have left, who are no longer homosexuals? The people here won't agree with me obviously. They don't think there is something to be left, and Dignity is one group that is not in union with the church, because they continue to practise their homosexuality. But Courage is the group in the Catholic Church that helps homosexuals to remain chaste.

Mr. Vic Toews: Does anyone else wish to comment?

Ms. Terri Willard: If no one minds, maybe I'll jump in on that.

In terms of some of the statistics on relationships breaking up, if we look at society as a whole these days, all relationships between couples are under considerable stress due to the existing social and economic structures and pressures. I would say that we even find, as a dual-career young couple, it's incredibly difficult to stay together.

Workplaces are constantly trying to move you, relocate you, reassign you. Trying to juggle stresses between work and life balance is incredibly difficult for anyone in society in a long-term committed relationship. We see the increased numbers of divorces and separations and the breakdown of relationships within the heterosexual community as well as the homosexual community.

What I would like to stress on this is that homosexual relationships, long-term committed relationships, are under additional pressures compared to those that everyone is facing precisely because in many places their relationships are not supported by legal structures and continue to face prejudice within wider society as a whole. So there are even fewer elements of a support network to enable couples who may be committed to one another to stay together.

The Chair: Paul Macklin.

Mr. Paul Harold Macklin: Thank you, Chair.

Thank you, witnesses, for appearing today. It's very important that we hear your views.

First of all, I would like to deal with Mr. Veenendaal and just clarify that in the minister's approach, in his defence, his first suggestion was legislating the opposite-sex requirement for marriage. So in fact he did include that; it was number one on his list of options.

When we look at the issue before us, there are weaknesses and strengths that have been advocated. I guess I would like to hear from Mr. Veenendaal and Ms. Kennedy on what it would take away from marriage to allow gay and lesbian relationships to be so recognized. How do you think it would affect your marriage, as you see it, or your concept of marriage? Would it take away from that concept of marriage? Do you think it would weaken your marriage or the relationships you see among your friends and others?

•(1505)

Mrs. Rosemarie Kennedy: Our marriage is weakened.... On occasion, when you are with family or friends who are going through a divorce, you feel a threat to this vulnerable union. As I stated earlier on, it's difficult, even impossible, to stay with someone a whole lifetime.

The way society was set up was that we needed the stability to be able to continue to have our country grow. Homosexual relationships can't do that; they cannot procreate in the normal sense. Yes, we have in vitro and other things, but in the normal sense that doesn't occur.

So, yes, it's a threat, then, because it now is destabilizing even within the government or our laws. Homosexuals, everybody, including the common-laws, they all have protected rights under the government now, don't they?

Mr. Paul Harold Macklin: Aren't there many types of heterosexual married relationships that don't have the ability to procreate? This doesn't necessarily take away from your marriage concept, does it?

Mrs. Rosemarie Kennedy: That is understandable. Even in nature, all plants don't always procreate, but that is more the exception. We are looking at the larger picture of what we are trying to have as the foundation or norm of our society. Yes, we all know people who have not been able to have children, or who for one reason or another have chosen not to. When people would love to have children and they're not able to, it is difficult then, and they feel they are missing part of their union.

Mr. Paul Harold Macklin: Mr. Veenendaal.

Mr. Peter Veenendaal: I'd like to answer with a couple of points.

In the first place, I would have difficulty predicting how that would affect my personal marriage. I would hope that there would be no change in it. I think with God's help, in working in that imperfect marriage, it would remain as stable as it is today.

However, I tried to present in my brief that I was not dealing with this topic and making these suggestions in any kind of a selfish way. What I would like you to do as a committee is to look at this whole issue and ask, how would changes benefit our country, our society, our people, and not to ask in the first place, how would it harm them? How would there be any benefit in making these changes?

What I see happening now is a very similar thing. An earlier presenter made a comparison with the debate on abortion. As far as I know, the fact that abortions are done every day has not affected my children; they haven't died as a result. However, because abortions are allowed very freely in Canada, I see an overall devaluation of life happening—not only before birth, but also at the end of a person's natural lifespan. All of a sudden, we start talking about quality of life when we're talking about handicapped people or elderly people. All of a sudden, life is expendable.

I'm saying that we have to stick to the norms given in the Bible, and only then can we remain stable as a country and as a society.

Mr. Paul Harold Macklin: You have looked at the weaknesses. I would like now to see what you would suggest, how you could strengthen the institution of marriage and assist Messrs. Veenendaal

and Kennedy in finding it something that should be beneficial to them.

Ms. Terri Willard: It's actually interesting to look at it from two sides. I would say that basically, interestingly enough, all of us up here fundamentally want the same thing. I heard both people say we're looking to honour the name of God as our creator; we're looking for healthy children; we're looking for a growing, prosperous, stable country. That's something I would very strongly support, and I believe it's something very fundamental to the work of Dignity Canada.

What good would these kinds of changes in legislation do? We've heard people saying, why change things if there are no problems? My first answer on that is we're incredibly blessed to live in the province of Manitoba, which has some of the most progressive laws in the entire country at the provincial level dealing with same-sex couples, in terms of bringing them into the definition of common-law relationships. But that same opportunity is not available for most people across the rest of the country, and that's one of the reasons it would take a very large team of wild horses to pull Linda and me away from Winnipeg, away from being Manitobans; it's out of this respect and gratitude and sense of welcome that exists in this province as a whole.

As to other elements of the question, I'm just trying to remember....

•(1510)

Mr. Paul Harold Macklin: Primarily, I just want you to develop the theory of your strengths in joining in this state of marriage.

Ms. Terri Willard: Essentially what it does is bring stability into relationships—protection for the couple, giving them support to be able to maintain their relationship in difficult times. The challenge is that most of the legislation that deals with relationships, unfortunately, and with marriage deals with laws that kick into play when a relationship breaks down. It's not something everyone wants to talk about, but they are very important to deal with: issues of end-of-life decisions; issues dealing with visitation and hospitals; issues dealing with, when my grandfather was dying, Linda's ability to take time off from work to accompany and be there to help support my family. There are a number of areas of law such as this that are very important.

These kinds of legal changes would also support gay and lesbian couples who are raising children. There are large numbers of these families across Canada already, and without the protection of the law it becomes extraordinarily difficult to figure out who has the legal authority to sign when you're dealing with the child's healthcare, who has visitation rights in a hospital. All of these things become quite complicated.

The extension of marriage across the country using one same definition for how these relationships are to be treated under the law in Canada would very much enable people to have the same kinds of rights and responsibilities in all parts of the country.

The Chair: Mrs. Hathout, if you want to say something too... She had indicated to me she wanted to speak.

Ms. Linda Hathout (Dignity Winnipeg Dignité): I just wanted to stress support for what Terri was saying with a story from my own experience. In the industries I have worked in, there's a lot of mobility and a lot of demand for mobility. One of the things they look for to support being a manager is to move. What I have found is that one of the things they look to me for is my ring finger: do I have a wedding band on my ring finger? I actually purchased a wedding band for that purpose. That is followed up with the question, well, are you married? I say, no, I'm not married; I'm living with someone, and I actually have a lot of problems explaining to my employers that living with someone is the equivalent. I have made the same commitment to this person, and they don't understand.

I can talk around it, but they understand the word "marriage", and when I talk about being married, they understand that a move to Vancouver or the United States is a significant change in my life. Different things are expected of me as a "single person" rather than as someone committed. They will support me in my ability to relocate as a couple; they understand the problems associated with that if you are married. But they don't understand it in my situation, when I say I'm living with someone. They see that as a relationship that is easy to break up, or something that's not really that serious.

I find that society's response to not being able to say we are married, or that there is something beyond a common-law relationship, makes it difficult to develop that stability.

The Chair: Thank you.

Mr. Toews for three minutes.

Mr. Vic Toews: Ms. Willard, you pointed out the stresses on any long-term committed relationship, but that with the homosexual couples this is aggravated by a lack of certain legal structures available to heterosexuals.

Other than the institution of marriage itself, what legal structures are not in place for homosexuals that are available to heterosexuals? Perhaps you could address your comments in the context of the federal scene, because we are a parliamentary committee.

Ms. Terri Willard: I'm less familiar with...it's one of the challenges. I grew up in the United States and moved to Canada six years ago and became a Canadian citizen. So I'm still trying to familiarize myself with the federal-provincial split on legislation.

One of the things I have noticed in my time here in Manitoba is that the provinces have much stronger jurisdiction over family law and social law than I am used to, having grown up in the United States. It was a much stronger federal system there.

At this point in time, as a Manitoban, I feel fairly well protected under the laws we have here. What I don't have the right to do is move to other parts of the country or to necessarily feel that my relationship is accorded the same status of being married as that of our other friends, who are heterosexual and who are able to say they are legally married.

• (1515)

Mr. Vic Toews: All right. So the property and civil rights laws are different in every province, not just in respect of heterosexuals or homosexuals. If you go to Alberta, you pay certain premiums for your health care as part of their health care plan.

Ms. Terri Willard: What we're looking at, then, would be the treatment between heterosexual and homosexual couples to ensure that whichever province you're in, the laws are being applied equitably between heterosexual and homosexual couples in committed relationships.

Mr. Vic Toews: Are there any glaring examples you see that we as a parliamentary committee could recommend or consider in respect of matters...? I know we've been talking about marriage, but we've also been talking in the minister's discussion paper about—I don't know exactly what to call it—a parallel system or a method of strengthening those relationships outside of the context of marriage.

Are there any specific comments? Perhaps I'm putting you on the spot, and it would be of assistance to the committee if you or others chose to forward a subsequent brief on that. I know it's taking you a bit unawares. It's a difficult thing, because as for the federal-provincial relationship issue, I practise constitutional law and I still don't understand it.

Ms. Terri Willard: I'd be happy to give that some greater thought and follow up on it afterwards. I think it is the challenge of looking at how issues are treated in terms of relationship and family law among various provinces.

But again, I think the most important thing is, if you are going to legislate relationships, to legislate them all equitably. I'm not in favour of separate registrations. At that point, it becomes a question of what do we mean by the term "marriage"? How has it within the last 150 years been radically transformed from a civil, governmental, societal-legislated activity into something seen as a religious terminology and sacrament?

The Chair: Thank you.

I want to go to Ms. Neville, but because there was a reference to submitting a second brief, I'd like to advise anyone who is considering it that the opportunity is available to anybody. We cannot receive briefs after April 10 for purposes of giving instruction to our draftspeople in terms of our report. So the operative date is April 10.

Now, Ms. Neville.

Ms. Anita Neville: Thank you, Mr. Chairman.

I think Mr. Toews pre-empted me a little bit, Ms. Willard.

In your comments you said something to the effect that the recognition of same-sex marriages is a first step for the federal government to support same-sex couples, and you emulated and spoke subsequently about the relationship in the province of Manitoba. Can you tell us a little in terms of what else the federal government should be doing to support same-sex couples, as you see it?

Ms. Terri Willard: Again, largely it comes to ensuring that the provinces are living up to the spirit and law of the Charter of Rights and Freedoms in terms of developing legislation that treats same-sex and opposite-sex couples equitably in areas such as access to a partner or child who may be ill in the hospital; justice in economic matters, such as pensions, insurance, inheritance, and division of property upon separation; and ensuring appropriate custody of children in the event of a relationship coming to an end—ensuring that all of those relationships are treated equally.

My understanding of Canadian federal law is that the federal government does maintain a responsibility to ensure that the provinces are in fact fulfilling their responsibilities.

The Chair: We'll go to Mr. Veenendaal, and then back to Mr. Cadman.

• (1520)

Mr. Peter Veenendaal: I think, committee members, a couple of the last comments made here deal with the topics of symptoms of a larger problem.

It has been mentioned here several times today already that sometimes when we go on a certain path, when we make certain choices in life, we have to suffer certain consequences. I think here we would be wisest, as the federal government as well, to give direction to our younger people, our next generations, to give them proper direction in how they must live, how they must make choices for their own best interests, for the interests of their children, and for the best interests of Canadian society in general.

The Chair: Mr. Cadman, for three minutes.

Mr. Chuck Cadman: Thank you, Mr. Chair.

This is more just for a point of information, Ms. Willard, or clarification. You listed off a long list of societies, historically, where marriages were done for various reasons, for land alliances...well, I don't have to repeat that. Just for my own information, how many of those societies actually recognized homosexual marriage for those purposes?

Ms. Terri Willard: Most of the examples I was giving were from the 10th and 11th centuries. I can't speak to exactly how they treated or dealt with homosexual relationships at that point in time, because we're still lacking a lot of research and scholarship. It was an era and area of research that over the last few hundred years has been blocked out due to societal prejudices and shaping and shading of what we know, or looking selectively at history.

Mr. Chuck Cadman: What about the case of many parts of the world where marriages are still arranged? Can you cite any of those that recognize same-sex relationships?

Ms. Terri Willard: I'd say it's kind of outside my area of expertise.

By and large, within some of these traditional religions, no, it is not broadly accepted. But it's interesting, looking at how some of those are changing as well.

Within our family, Linda's father is a Muslim Egyptian who grew up in Alexandria. He has been the staunchest supporter of our relationship.

I was terrified when I first met the man. I had all my stereotypes about what it meant to be Muslim. What I've found is that I've been welcomed into the family. He treats me exactly as his own daughter and has gone as far as to help us in terms of buying a house together and getting set up in life, to make sure we are able to get along and that our relationship continues to flourish and grow and he can see his daughter becoming the best person that she can be.

Mr. Chuck Cadman: Thank you.

The Chair: Thank you.

Mr. McKay, for three minutes, and that will be our last.

Mr. John McKay: Thank you, Chair, and thank you, witnesses.

When Statistics Canada came in front of us now these many weeks ago, they did kind of an interesting study. They put up a five-year chart and said, over a course of five years, the common-law breakup rate was about 40%; that for people who start common-law and end up married over that five-year period, the breakup rate was about 16%; and that for people who marry at the beginning of that five-year period, the breakup rate was about 8%.

That is sort of counter-intuitive, which is one of the reasons we're a little concerned. We've been told over and over again that you should start living with someone before you marry them, just to take it out for a test run. Interestingly, that basically doubles your chances of a divorce.

The other interesting thing is that the common-law breakup rate is 500% greater than for a marriage. It puts common-law relationships almost in another category.

The interesting part is to try to break out lesbian and gay statistics out of those kinds of statistics. Ms. Kennedy raised the issue of, in three years, a 95% breakup rate, something of that order, in that rather small study in the United States. You get to the point where you say, well, whatever else these relationships are, they don't look like, if you will, the "traditional" definition of marriage, which in the traditional concept, values fidelity as almost a *sine qua non* of traditional marriage.

So I wonder whether in fact, once you've eliminated the issue of the gender of the persons in the relationship, you also bring into the dynamic the concept of fidelity, "to the exclusion of all others", and if the definition is composed of three parts, and you've eliminated one and you're well on your way to eliminating the second, that in fact you get a Pyrrhic victory. What ends up happening is that marriage has been so reduced that it means virtually anything anyone wants to say it means at any given time, and what the gay and lesbian community craves the most—that is, that stamp of approval, or whatever—ends up as virtually nothing.

So I'd be interested in both Ms. Willard's comments and Ms. Kennedy's comments on that observation.

• (1525)

Ms. Terri Willard: I don't think it's negligible. I don't think it's a meaningless stamp, particularly when we're looking at federal responsibility of ensuring that provinces are living up to their responsibilities for ensuring that all married couples are treated equitably.

That would mean essentially the need for revision of a wide suite of provincial laws that are currently discriminatory towards same-sex couples. So it's not a meaningless stamp. It's not just a word.

Mrs. Rosemarie Kennedy: Perhaps you could give me a little direction again of what's the issue here.

Mr. John McKay: Are you, in fact—

The Chair: We're into the next panel, and we're going to run out of time.

Mr. John McKay: What I'm driving at here is, are we comparing apples with apples, that the relationships you are concerned about are in fact of almost a different quality than what would be described as a "traditional" form of marriage, and that, at the end of the day, there's nothing left in marriage?

Mrs. Rosemarie Kennedy: It would appear that would be so. From this one study that was done and many homosexuals that I've encountered myself, fidelity is not really a big priority.

So how would we feel about that in our marriage, if fidelity wasn't important? Would we want that? Would our marriage survive?

The Chair: At this point, I'd like to move to the next panel. We're just slightly behind.

I want to thank the panel and my vice-chair for filling in, in my absence. I'll suspend for a few minutes, and then we'll be back with the next panel. I believe they know who they are.

• (1527) _____ (Pause) _____

• (1534)

The Chair: I call back to order the 32nd meeting of the Standing Committee on Justice and Human Rights.

For our final panel of the day, we have appearing as an individual, Kristine Barr; from Hearth Families Incorporated, Kathy Hildebrand and Brenda Sullivant; and as an individual, Susan Prentice, associate professor of sociology at the University of Manitoba.

You are invited to make a presentation of seven minutes. So that we can get as much conversation in as possible, please try to keep your comments inside that guideline.

First, we'll go to Kristine Barr.

• (1535)

Ms. Kristine Barr (As Individual): Thank you. It's a pleasure to be here today to present to the committee .

My name is Kristine Barr, and I'm an elected school trustee with the Winnipeg School Division. I'm also a law student at the University of Manitoba. I have my constitutional law exam in a couple of weeks. I'm not quite up on all of the issues, but I'm working on it. I'm also a CUPE member at my workplace and a community advocate.

I'm here today to speak to you on same-sex marriage, as I believe that marriage is a basic human rights issue and should be available to everyone. Recognizing marriage for all Canadians regardless of their sexual orientation respects the inherent worth and dignity of each and every individual. Not recognizing marriage for same-sex couples is discriminatory and clearly violates section 15 equality rights. We have seen courts recognize this discrimination through lower court

rulings in both Ontario and Quebec, and we are now waiting for a ruling from the Supreme Court of Canada.

As you have conducted your hearings across the country, I'm sure that you have heard arguments on both sides of this issue made quite passionately. I'm also sure you have heard that marriage should only be taking place between a man and a woman. There is a basis for this viewpoint that is grounded in our common law as it currently stands.

If we go back to the definition of marriage that came out of the Hyde decision in the 1800s, you all know it reads that marriage is a "voluntary union of one man and one woman to the exclusion of all others for life." When you look at marriage in that way, it makes sense that same-sex couples are being excluded. But I believe, and I believe that a majority of Canadians believe, that this is an outdated view from the 1800s. Our society has changed. People now get divorced, and they remarry and enter a new union.

That viewpoint of marriage is no longer recognized under our law. Same-sex couples are now obligated to report together under the federal tax regime, and we have no choice there. Marriage is an important social institution that should be accessible to everyone who chooses to freely enter it. Sexual orientation is recognized as a ground of discrimination under the charter in the Canadian Constitution. We've had the M and H decision, which has led to the extension of benefits and obligations to those who are in same-sex relationships that match those in opposite-sex common law relationships. Again, gay and lesbian couples in this regard don't have any choice about reporting. They have the obligation from the federal government of reporting income together, which has an impact on their day-to-day lives.

We all know the reality is that gay and lesbian families do exist. We also know that children are a part of these families. Same-sex couples now have the right to adopt children together here in Manitoba and in most other provinces.

We also know from looking at the opinion polls that a majority of Canadians do support gay rights and believe that it's about human rights, equality, and extending basic dignity to all.

There are a number of same-sex couples who celebrate their unions through commitment ceremonies in some churches. I'm proud to say that my faith tradition, being Unitarian Universalist, recognizes same-sex unions and has been conducting them since the 1970s. By not allowing churches to conduct same-sex unions, as my church already does, and not recognizing it through our laws, basically that's religious discrimination happening at the same time. It should be extended in that regard as well.

The basic point I want to make here today is that same-sex couples want to marry for all the reasons that heterosexual couples do. They want to publicly proclaim and celebrate their love, their respect, and their commitment for one another. They want to ensure legal and social recognition for their children, and they want to have their union fully recognized by our society.

We all know that homophobia and anti-gay bias still exists at all levels of our society and in various systems that operate within it. As a member of the Winnipeg School Division, I am proud of the fact that we have put in place human rights and anti-homophobia education for all of our school staff so that every single member in all 78 of our schools goes through a half-day training workshop in order to recognize that everyone is entitled to a safe and healthy learning environment. Looking at what our laws are and how every staff member has a legal responsibility to children to provide that safe and healthy learning environment, which means confronting discrimination and harassment whenever you see it, we're providing our school staff with the skills to confront hallway harassment immediately and to stop discrimination in schools.

• (1540)

I believe you have an opportunity right now to deliver your own form of anti-homophobia and human rights education. By removing discriminatory barriers to marriage, this will help in confronting anti-gay bias and send a message to students, to families, and to society at large that everyone in Canada should be treated fairly and afforded the same equal rights.

You've also probably talked a little about the fact that there are a number of people within the gay, lesbian, bisexual, and transgendered community who don't want to marry. They should have that right to not participate in a social institution. But it's also widely recognized that almost everyone within our community and in the heterosexual community at large recognizes that those who want to marry should have that choice to do so.

There are many folks in heterosexual relationships who choose not to marry for their own personal reasons. There are many folks in heterosexual relationships who also have short-term relationships. Denying marriage to same-sex couples is unconstitutional and unfair, and I believe that I and members of my community should have the same basic choices as other Canadians.

Just on a personal note, my sister Suzie has accompanied me here today. She is sitting behind me here. We're in the process right now of planning her wedding for this fall. And as her maid of honour, I'm able to share wholeheartedly in her marriage vows and support her decision to commit to the man she's been dating for about two years now. I'll be able to sign her papers as a witness and watch the state recognize her decision to marry. We both find it very sad that she may never have the same opportunity to play that type of role in my wedding if and when my partner and I decide to get married. Our parents have brought us both up to believe in equality, justice, and fairness, and my mom just wants all of her children to be happy and to have the same opportunities in life.

I believe that as elected representatives of our federal government, you have a chance to extend equal opportunities to all when it comes to marriage. You can make history with the recommendations that come out of this committee. You can do the right thing and create legislation that recognizes same-sex marriage.

I'd ask you not to sit back and wait for the courts to tell you that you must do it. You already know that the way marriage laws are currently structured is unconstitutional and discriminatory. It's your responsibility to act in favour of equality and extend respect and

dignity to all Canadian citizens. We can only have true equality if we have equal access to marriage.

Thank you.

The Chair: To Hearth Families Incorporated, Kathy Hildebrand and Brenda Sullivan.

Ms. Kathy Hildebrand (Hearth Families Incorporated): Honourable Chairman, members of the committee, thank you for this opportunity.

From the beginning of time, marriage between one man and one woman has been the first documented human relationship and has established the moral basis for society. In all of creation, man is the only creature to violate the natural process of nature. When civilizations have deviated from that standard, there has been a physical, spiritual, psychological, mental, economical, social, and political decline.

To preserve the overall well-being of our country, it is crucial that we reflect on what has made Canada great. At the onset of Parliament each day, you members seek the guidance and direction of Almighty God in directing the affairs of our great land. Should we then not consult Him in matters that are so far-reaching in their effect on the home and society at large?

The importance of this issue is tantamount to an organization such as Hearth Families Incorporated, as we seek to fulfill our mandate in helping educate and reclaim the home. Hearth Families Incorporated, as a provincial parental rights support organization, is greatly concerned that the traditional Christian family remains strong and protected by our great country's government.

The possible erosion of that traditional family unit is viewed by Hearth Families Incorporated as greatly undesirable and wrong from a moral standard. To view it otherwise is to create a demoralizing effect, if you will, on our children and our society. For the moral Christian family, to not have a government supportive and protective of us is a grave and serious cause for concern. Many non-Christian religions and non-religious societies still view homosexuality as a serious form of perversion and reprobation. That is not to say that any individual should be subjected to cruelty or hate, but certain acts of immorality or violence should not be considered acceptable in a free society.

Your own study reveals that "Canada is not the first country in the world to address whether or how to legally recognize same-sex unions. Most countries have decided to retain marriage as an opposite-sex institution".

As we ponder the examples of history, we are forced to acknowledge that nations that have violated God's moral laws eventually experience grave consequences for their actions and their lifestyles. An example in history would be the time of the Roman Empire. Mankind, for the most part, went about doing what was right in its own eyes, including all manner of sexuality. The results were the persecution of those differing in their opinions and beliefs, to the point of death, and the emotional, psychological, and physical suicide of people and the nation as a whole.

As Jude 7 notes, “Even as Sodom and Gomorrah and the cities about them in like manner, giving themselves over to fornication, and going after strange flesh, are set forth for an example”.

Sodom and Gomorrah, once prosperous and beautiful cities, will always be remembered as an example of God's judgment. The total destruction of those cities was because of their ignoring and rejection of God's laws regarding sodomy. Sodomy is the crime of unnatural copulation. From early times, sodomy has been referred to in statutes and court cases as a crime against nature by a man with a man.

Strong traditional families are the strength and security of a nation. As caring and concerned parents, we believe that to be accepting of alternate marriage relationships is to degrade and undermine the all-important institution of the home and the family as it was originally intended.

The decision of government to seek to re-establish the laws of God and nature would no doubt have a devastating effect on any established moral standard and, therefore, open the door for a very chaotic and degenerative society.

The two concepts are not very likely to coexist without the one seeking to infringe upon the rights of the other. From the examples of history, it has been the moral and the Christian society that has suffered greater persecution.

In the Charter of Rights and Freedoms, part 1, we read: “Whereas Canada is founded upon principles that recognize the supremacy of God...” The law must remain established. To accept each individual's ideas and concepts would cause such variant positions that there will be no possible way of including all. Where will it end? What will be next?

Why not allow the higher laws to continue to guard and guide our great country and families, as they have so adequately done in our past? There will be a standard; can we not allow it to be high for the sake of our children and the good of all? The advantages to following the laws of God and of nature are both rewarding and beneficial to the people and the nation. As Psalm 33:12 states, “Blessed is the nation where God is the Lord”.

After all of the presentations have been completed and your committee gives its recommendation on this matter, please consider whether or not, in your own personal recommendation, you have done all to uphold the highest possible standard for all Canadians.

• (1545)

On behalf of Hearth Families Incorporated, we recommend that the definition of marriage should be the lawful union of one man and one woman to the exclusion of all others. God's laws do not change. His views on moral issues will remain forever the same. His love is vast, his patience is long, but his judgment is sure.

The Chair: Susan Prentice.

Ms. Susan Prentice (Associate Professor, Sociology, University of Manitoba, As Individual): Thank you.

I appreciate the opportunity to address this committee in my capacity as a family sociologist and as an expert in systemic discrimination, and I'm pleased to have a chance to offer the insights of family sociology to your discussions and deliberation.

In the discussion paper we are addressing today, the justice department outlines four options to address the question, what should marriage look like in Canadian law? Of the four options for action, I urge that your committee recommend to the federal government that it pass legislation to remove the opposite-sex restriction on legal marriage, thereby extending freedom to marry to same-sex couples. In my presentation I will both make arguments for this position and refute some of the arguments in opposition to it.

Among family sociologists it's widely recognized that the state and state policies actively shape the way in which we live and form families, as well as shaping our ideas about families. The boundaries between private life and public life are open and mutually formative. There is no part of social life that is purely private and no part that is only public. As the federal government has widely noted in its discussion paper, marriage has many aspects—social, religious, emotional, and financial, among others. It also has legal consequences.

Marriage is therefore also a political matter in both senses of the word. It is political because it falls under state regulation and it is political because how the state regulates marriage bears on power, inequality, and stratification.

Today's families include many different types of living arrangements and relationships, including heterosexual nuclear families, single-parent households, common-law unions of both same-sex and opposite-sex couples, multiple-generation families, as well as solo living and cooperative or co-housing. Family sociologists recognize both change and continuity in marriage in Canada.

I'm confident that you have heard evidence about many of the patterns that have characterized Canadian families: declining marriage rates, the continuing increase in age at first marriage, rising numbers of marriage dissolutions, persistent family poverty, rising numbers of lone parents—particularly lone mothers—and in all of this you must have been forced to grapple with the question of what is a family.

Statistics Canada defines the sense of family as a now-married couple, with or without never-married sons and/or daughters of either or both spouses; a couple living common law, again with or without never-married sons and/or daughters of either or both partners; or a lone parent of any marital status with at least one never-married son or daughter living in the same dwelling.

This tongue-tangling but inclusive definition responds to Canadian realities. In popular use and in social realities, family is a flexible term, and it changes historically. By its own definition, the Government of Canada can recognize families of both heterosexual and lesbian and gay Canadians. The only question is whether or not the Canadian state will permit only one kind of family to include legal marriage. I would argue it is very important to remove this element of family discrimination.

I'll make a number of arguments in favour of it, if you ask me. It might be more useful for me to move through some of the arguments that rebut the evidence you have heard against same-sex marriage.

From a family sociology position there are no valid reasons for opposing same-sex marriage. As family sociologists we recognize that families are diverse; they take vastly varying forms in different historical periods; and they change as social circumstances change. These evolutions are neither to be feared nor discouraged, as they are the natural and inevitable result of changing social interactions and shifting social institutions.

Let me move through three arguments.

The first is the procreation argument. As a family sociologist I can specifically refute the bogus argument that marriage must be restricted to procreating couples. I'll do it in two ways. First, the fecundity of lesbian couples is twice that of heterosexual couples, so if marriage were to be organized as an instrument of pro-natalism, preferential access to marriage should be awarded to lesbian couples.

Secondly, many heterosexual couples are unchilded by choice or circumstance. The absence of children in these unions is no barrier to marriage, nor should it be. Twinning marriage to direct physical procreation is to reduce marriage from a social institution to one of raw biology, and this opens the door to harming all Canadians and must be rejected.

• (1550)

The Chair: Continue.

Ms. Susan Prentice: Second, under a large umbrella is the moral undesirability argument. Loving and caring relationships are not determined by sex or sexual orientation. I would point out that heterosexual families are very far from perfect. The evidence of this is incontrovertible. As one prominent Canadian criminologist has concluded, the ideal of the family as a private domain and resting place or sanctuary has been shattered by the finding that violence in the home is a frequent occurrence in contemporary society, and violence between adults is systematically and disproportionately directed against women.

There's a great deal of physical, sexual, and emotional abuse against children and women in traditional heterosexual families. Two-sex households are often replete with violence and abuse, and there is no valid empirical research evidence to suggest that same-sex families are any more or less vulnerable to such violence and abuse.

Where the research evidence does reasonably lead to speculation, it is again actually in favour of lesbian families. The vast number of perpetrators of violence are men, and in lesbian families men are absent. They would appear to be statistically safer places for women and children than traditional heterosexual families.

Finally, on the religious freedom argument, I am not a scholar of religion, but I am persuaded that the state can legalize marriage without diminishing the freedom of religious denominations that want to continue to discriminate. Their prejudicial practices could persist because civil marriage could be opened to all persons.

Finally, as the Vanier Institute on the Family points out, Canada as a nation must decide how best to acknowledge, support, and reinforce the commitments that individuals are willing to make to one another as they create and sustain their families. To provide this acknowledgment, support, and reinforcement, legislation should be

changed so that same-sex couples, like two-sex couples, have the legal right to marry.

Thank you.

• (1555)

The Chair: Mr. Toews is next for seven minutes.

Mr. Vic Toews: Thank you.

While I don't think a change in the definition of marriage will result in the criminal prosecution of church ministers who refuse to conduct same-sex unions, I do, however, believe that the institution of the church will be attacked indirectly by the withdrawal of certain state-granted privileges, specifically things like charitable tax status and government financial support for religious, educational, or other institutions.

In Manitoba, we've already seen this kind of discriminatory action against a faith-based organization. A faith-based organization, Camp Arnes, refused to rent its facilities to a homosexual organization because of its faith-based standards. The Manitoba government is prosecuting Camp Arnes under the Human Rights Code. Furthermore, the Winnipeg School Division is banning the opportunity for children to go to this camp—something that these school children enjoyed for many years. So school children are being used in this kind of political way.

Ms. Barr, as a member of the school board that instituted this ban, can you assure individuals and faith-based organizations who object to homosexual conduct that the board's action in that case is only a misguided aberration on the part of the board, or is it indeed a sign of things to come in the context of marriage if that definition is changed?

My concern is not the direct prosecution of church ministers but the withdrawal of the enjoyment and the freedom that these faith-based organizations have had in this country. We've seen it in other contexts. We see it now in Manitoba. Can you offer people here any assurance that this is just an aberration and it won't happen again?

Ms. Kristine Barr: I cannot offer that type of assurance, Mr. Toews. I do believe you're comparing apples and oranges with the two issues right now, but I will speak to it in the context of the decisions that were made by the Winnipeg school board, and how they could have the same types of implications as same-sex marriage.

When our school board decided to stop doing business with Camp Arnes, we did not impact on their decision to continue to offer their services to the children of our division, should they choose to attend their services on their own time. But when we're using publicly funded dollars and we have anti-discrimination policies and human rights policies in place, when an organization specifically has a policy spelled out that they will not rent facilities to folks based on their sexual orientation and religious beliefs, we know we have students and staff within our school system who are part of those groups that Camp Arnes has indicated they do not want to do business with.

On the point you made, I believe churches will still be able to function with their own belief systems. I don't think extending the right to marry to same-sex couples will change individual people's values. Everyone will have the right, under the religious freedoms that are also protected under our Constitution, to continue to believe what they believe and to put their beliefs into practice through their own church congregations. But when it comes to public dollars being invested in that way, I don't believe that public institutions like the school board and the federal government should be discriminating.

Mr. Vic Toews: And that's exactly my concern. Today we have in this country, in Manitoba, for example, faith-based religious organizations receiving 50% of their operating funding from the Government of Manitoba. Those faith-based organizations have a code of ethics that prohibits homosexual activity. We've seen the same thing happen with Trinity Western.

You're the first person who's clearly and truthfully, I think, answered that question. It is a great danger to faith-based organizations, given the fact that they will be deprived of government funding that has in fact been their enjoyment and their right in this country for a long period of time.

Your example in the school board is exactly that. You've withdrawn the financial support from Camp Arnes because—

• (1600)

Ms. Kristine Barr: It's about a certain policy. There are many faith organizations that have policies.

Mr. Vic Toews: Yes, but you have withdrawn—

Ms. Kristine Barr: And we've—

Mr. Vic Toews: Let me just finish this, and I will let you finish.

But you have withdrawn it from that organization because of their faith-based organization. Our government is prosecuting Camp Arnes, and you've chosen to do that.

The Chair: Ms. Barr.

Ms. Kristine Barr: We have not withdrawn funds because it's a faith-based organization. The Winnipeg School Division still does business through winter camps with a large number of faith-based organizations that do not practise the same discriminatory policies.

The fact that they still teach that homosexuality is wrong doesn't mean that they discriminate on who else can come to their facilities to access their services. That's where the difference comes in. We continue to do business with faith-based organizations that have different beliefs from ours, but the policies those organizations put into place are where the differences lie.

The Chair: Ms. Prentice wants to answer.

Ms. Susan Prentice: I would like to be the second person to answer the question, Mr. Toews.

I think that if, as a consequence of prejudicial actions and non-equitable treatment, faith-based organizations can no longer receive public funds either directly or through charitable donations, that's a fair consequence. It's the price you choose to pay for having policies that fly in the face of majority Canadian support, and those faith-based denominations can run on their member support but not on public dollars.

Mr. Vic Toews: All right. So we have your position, and you've basically stated exactly that. Your position is that if they continue with their faith-based principles, they should be denied government funding, that it's inconsistent to provide government funding to them.

Ms. Susan Prentice: I hope you heard my point, which was that it's about faith-based prejudice, faith-based non-equitable treatment of all Canadians.

Mr. Vic Toews: Thank you.

The Chair: Mr. McKay.

Mr. John McKay: Thank you, Chair. Thank you, witnesses.

Ms. Prentice, you started off by saying that the state can shape policies, policies that have influence on the direction of the formation of social units. We have heard testimony from many, many people saying that the traditional form of marriage, marriage between one man and one woman to the exclusion of all others, produces better outcomes for pretty well all involved: better outcomes for children, healthier outcomes for children, better outcomes for the participants involved, longer lives, and the list goes on and on and on. It's almost incontrovertible.

So my question to you is this. If in fact it is a desirable goal on the part of the state to shape public policy in a particular direction so those kinds of outcomes continue to be enjoyed by as many Canadians as possible, I'm curious as to why, therefore, you would be against the traditional definition of marriage if in fact it is working so well.

Ms. Susan Prentice: Well, speaking as a social scientist, I can say that the evidence is far from incontrovertible. We haven't yet seen the sorts of outcomes that would happen if children were raised in gay and lesbian families in the absence of discrimination and in the full presence of social inclusion. It's a standard tenet in social science research that you have to have a control group before your findings are valid. So the evidence, I would submit, is not yet in. I do believe that gay and lesbian parents are as good in that as all other Canadian parents and that the normal distribution of talents and aptitudes applies.

I can tell you that I do have two small children. I have a daughter who is six and a son who is five, and their legal guardians are my sister and my sister-in-law, their lesbian aunts who live in Toronto. Our family would be much more secure if their aunts had legal rights to marriage; for example, if joint decision-making had to happen about the children or if property decisions or end-of-life decisions had to be made, all of those would be facilitated if my children's legal guardians were married.

Mr. John McKay: So you take the view that the evidence is not in, and on that point I actually agree with you, that the evidence is not in. But we have had very limited experience with gays and lesbians raising children, and it's anecdotal at this point as to whether there is any meaningful distinctiveness between groupings of people.

That being said, that there's no meaningful distinctiveness between groupings of people as to how they raise their children and how they interact, then why would you be in such a rush and have such enthusiasm from a sort of outcome space to expand that definition?

•(1605)

Ms. Susan Prentice: I object to the lack of symmetrical treatment between heterosexual and same-sex couples. We allow heterosexual couples who will never have children to marry. We don't make their capacity as parents a condition of whether they're entitled to a marriage licence. We don't make having children a requirement for a marriage. It strikes me that conflating parenting capacities and legal right to marriage is, as we say in the research business, switching the subject.

Mr. John McKay: You mentioned in your evidence that there is violence in more traditional relationships, yet evidence that's gone before you said that same-sex violence, particularly among male same-sex individuals, is very significant, I don't know whether statistically but at least anecdotally greater than in traditional forms of marriage. I put it to you that this is not quite as you had put it, that in fact there is a significant level of violence, particularly in male homosexual relationships.

Ms. Susan Prentice: It's a difficult research subject to be conclusive about, but what is very true is that there is violence in all family forms, and it is true that there is a great deal of violence in the traditional family you're hearing so much defence of today.

If we're interested in finding ways to reduce violence, I'd be very pleased to come back and present you other research findings on ways to promote and encourage stable families and to reduce violence. I don't think marriage bars will have any bearing on that.

The Chair: Mr. Macklin.

Mr. Paul Harold Macklin: Thank you, Chair.

I'm curious. As a sociologist or a social scientist, you obviously look at experiments in societal change and see how they work out, examining the repercussions. It's been suggested to us that so far some of our legislative change has not been particularly admirable, in particular with respect to divorce. There are suggestions that in fact this has led to less stability within the family unit as we know it. With respect to one witness we had, a Daniel Cere of McGill University's Institute for the Study of Marriage, Law and Culture. He concluded his treatise by saying: Canadians should work together for a society that treats all persons, whatever their sexual orientation, with profound dignity and respect. However, upholding dignity and respect for gays and lesbians does not require assent to demands for the reconstruction of an institution fundamental to heterosexual bonding and critical to the social ecology of the human life. ... Legal tampering with core features of marriage has social repercussions.

Do you see any social repercussions you or we might anticipate in going forward with this experiment?

Ms. Susan Prentice: I do, and they are beneficial ones. They will be about restoring and enabling all Canadians to participate in a legal institution that matters to them. I would submit that my McGill colleague and I differ on what human dignity means. It's long been established in inequality law that separate but equal is not separate but equal and that asymmetric treatment is inherently discriminatory. If heterosexuals are allowed to marry and same-sex couples are not allowed to marry, I would argue that it's a violation of their dignity and it is evidence of discrimination.

Mr. Paul Harold Macklin: It was also mentioned by a professor who had studied this matter with respect to divorce, Professor Allen.

If I can paraphrase what he said, he said that when he reviewed the concerns and the possible outcomes that had been raised at the time the Divorce Act was being contemplated, he found in study after the fact that no one had anticipated the outcomes that were seen. So shouldn't we exercise caution in this process when we're not sure of the outcomes?

Ms. Susan Prentice: Since I can see no prejudicial or harmful outcomes, I see no reason to delay ensuring equality rights.

•(1610)

Mr. Paul Harold Macklin: Thank you.

The Chair: Thank you very much, and I thank the panel for their participation here today.

Before people start to get up, I have a lengthy list. I think that we actually engaged in a bit of a draw to see who would get to make a two-minute presentation. Since we are running a little early, I think we might be able to include all the people who had indicated a desire to do so. That will mean, of course, that everybody will have to be very respectful of the two minutes that are available to make their two-minute statement.

In an effort to make sure these people whose tickets didn't get pulled can speak, I'm going to be quite vigilant in terms of the two minutes, if you understand my point. So I'm going to ask the panel to withdraw and I'm going to name the first three people to make a two-minute statement on the subject: Diane Kelly, Peter Broeski, and Loni Schwendeman.

As soon as Ms. Kelly is finished, I will name the next three, and I would like the third person to stand. That way we're not standing too long, but we're not waiting too long for people to come to the microphone.

I don't want to be unfair to Ms. Kelly, so I'll give a moment if people are intending to leave.

Diane Kelly, two minutes.

Ms. Diane Kally (As Individual): I am the proud and loving mother of a gay man. I am so happy to be here today in front of so many God-loving people to declare my thank you to God for giving me a gay son.

The only problem I have is that last Saturday we were at his cousin's wedding and I was thinking to myself, I would love to be a part of a wedding. I already have my son's wedding card picked out—nobody tell him, okay. I really think that he is an equal to his cousin. His cousins feel that he's equal, his family feels that he's equal, and I want the Government of Canada to treat him as an equal.

The Chair: Thank you.

Peter Broeski, Loni Schwendeman, and Gary Bastone.

Mr. Peter Broeski (As Individual): I am a pastor. I'm also a travelling evangelist. I've travelled to numerous countries.

With all due respect to the various presenters here today, I want to point out that the issue before us is not a matter of rights but of principle. Nor is it exclusively religious, because the institution of marriage has been shared by cultures and societies throughout the world and throughout time. Neither is it a matter of types of people, but of behaviour and gender.

Neither is it a matter of discrimination. The exclusion of the same-sex unions from the marriage institution is no more discriminatory than the exclusion of men from the feminine movement or than my being forbidden to marry my own sister.

The redefinition of marriage to accommodate some same-sex unions will certainly weaken the foundation and sanctity of marriage and open the door to many other types of marriages. In light of all the credible evidence that redefining marriage is not a justifiable move, plus the fact that marriage is a pre-existing institution that our government did not invent, and because cultures and religions around the world have preserved and protected this institution since the dawn of mankind, I believe it is the government's responsibility to do what is right instead of catering to special interest groups to the detriment of others.

No segment of our society should be allowed to force the hand of our parliamentarians to cater to the wishes and the agenda of special interest groups.

•(1615)

The Chair: Thank you very much.

[*Applause*]

The Chair: I appreciate that there will be people in the audience who are sympathetic to the views that are going to be expressed, but I really genuinely want to have everybody who wants to speak have an opportunity, and any time that is spent expressing that appreciation will be time taken away from the people at the end of the list.

Please withhold your expressions of support—I think it's understood—so that we can get as many people through as possible.

Next are Loni Schwendeman, Gary Bastone, and Robert Humphrey.

Ms. Loni Schwendeman (As Individual): Thank you for this opportunity to present my comments regarding the definition of marriage in Canada, and thank you for devoting three weeks to travel Canada to allow Canadians to participate in this debate.

Parliament boldly stated its position on marriage on June 8, 1999, with a motion that marriage is and should remain the union of one man and one woman to the exclusion of all others, and that Parliament would take all necessary steps within the jurisdiction of the Parliament of Canada to preserve this definition of marriage in Canada. This afternoon I urge this committee to take those steps to once again maintain the definition of marriage and to promote policies that support and strengthen the institution of marriage.

This committee has already been presented with submissions that clearly outline the importance of marriage to society—the submissions that focus on the family that the Evangelical Fellowship of Canada presented on: the benefits of marriage to adults, children, and society; the universality of marriage, and how defining marriage changes marriage; and the impact a change in the heterosexual definition of marriage would have on marriage and the implications of a redefinition of marriage for religious freedom.

Let me add my support to their submission. I hereby urge this committee to give them due consideration. I have mentioned Focus

on the Family and EFC because I have read their submissions and, as an ordinary working wife, mother, and grandmother, know that I could not articulate or present my views as well as they did.

To be short here, marriage does not need to be redefined. No fundamental human rights are violated by the existing definition of marriage. The marriage challenge is not about equal rights, as that equality has already been obtained in practically every area of life. Many Canadians have come forward to express religious freedom concerns surrounding same-sex marriages, and that is one of my concerns as well.

I strongly endorse the option presented in the discussion paper “Marriage and Legal Recognition of Same-Sex Unions” that marriage remain an opposite-sex institution and that it continue to be defined in law as the union of one man and one woman to the exclusion of all others.

The Chair: Thank you.

Mr. Bastone, Robert Humphrey, and Ernie Wiens.

Mr. Gary Bastone (As Individual): Thank you to the committee.

My name is Gary Bastone. I am a retired school administrator. I grew up in a family where my parents were considered second-class citizens. They were deaf, and the community treated them as not able to look after themselves.

Living in this generation, you know that deaf people have asserted themselves and have begun to make decisions for themselves, and now they are administrators, they are politicians, they are doctors, and so on. They have shown that they can do and can be responsible citizens.

I also am a gay man. I have seen parallel prejudice and discrimination in the gay-lesbian community. My point for the committee is, please, do not establish a second-class category of marriage or union for gay and lesbian people. They deserve equality and they can live up to it, just as handicapped people are rising up to take responsibility for their own lives.

I have four children. I'm very proud of them. One is a PhD, and the others are all very responsibly employed and are beginning to have their children. They're very proud of me; I'm proud of them.

Do not establish second-class citizenship for any Canadian.

•(1620)

The Chair: Thank you very much.

Roger Humphrey, Ernie Wiens, and Kerry Cazzorla.

Mr. Robert Humphrey (As Individual): Ladies and gentlemen, my name is Robert Humphrey, and I'm here today as an ambassador for Jesus Christ. Based on his holy word, his answer to the question of whether the definition of marriage should be changed to include homosexuals is unmistakably no.

I'm also a representative of the Canadian Family Action Coalition. CFAC was founded in early 1997, with a vision to seek the restoration of Judeo-Christian moral principles in Canada. CFAC is a grassroots citizens' action organization that provides strategies, network training, and tools to enable ordinary Canadians to influence our government. We are non-partisan and non-denominational.

The following principles guide the issues we may address on a provincial or a national level. We believe that the Judeo-Christian moral tradition is foundational to Canadian society. We believe that all Canadians have the right to express and practise publicly their religious beliefs, and the government has a duty to respect and safeguard those rights. We believe that the family, based on marriage of a husband and a wife of the opposite sex, is essential to the fabric of society. We believe in policies that protect the inherent right and responsibility of parents in raising and educating their children. We believe in the inherent dignity of human life from conception to natural death. We believe in the mutual responsibility of all citizens to be active in community life and to participate in the democratic political process.

We are currently circulating a petition in defence of traditional marriage and have printed 200,000 brochures. Copies are available on the desk outside this room and include a letter to our justice minister.

I believe my time is up.

The Chair: Thank you very much.

Ernie Wiens, Kerry Cazzorla, and Audrey Goertzen.

Mr. Ernie Wiens (As Individual): I am a farmer and a part-time pastor of the Glenlea Mennonite Church. I represent my congregation as I speak here this afternoon.

We strongly adhere to the view that marriage should remain a heterosexual institution for the following reasons.

One, heterosexual or opposite-sex marriage was instituted by the creator God when this world came into being. Marriage was created and blessed by God as outlined in Genesis. This was later reiterated by Jesus. I submit that to tamper with, and to seek to change fundamentally, a divinely created institution is to tread on dangerous territory, whether it is by governments, courts, or individuals.

Two, heterosexual marriage and family life are foundational for a stable and functional society. They are the natural way of procreation and the best setting in which to raise children in a safe and secure environment. We know that when the basic family unit breaks apart, then the basis for a stable society is also eroded. So for this reason, every effort is required by individuals, churches, and governments to strengthen heterosexual marriage.

Three, Canadian law already gives same-sex couples virtually all the rights and privileges that heterosexual couples have. Why then is it necessary to continually challenge the definition of marriage? It should not be changed to accommodate the wishes of a very small percentage of the population.

Four, it's our understanding that the Charter of Rights and Freedoms guarantees freedom of religion. We have great concerns in this regard. We do not condone hatred against any minority, but we cannot support laws that potentially limit religious freedom and expression, and we look to our elected members of Parliament to protect our freedoms and to assure that the freedom of religious expression is upheld.

The Chair: Thank you.

Kerry Cazzorla, Audrey Goertzen, and Cornelius Fehr.

•(1625)

Ms. Kerry Cazzorla (As Individual): Hi, I'm Kerry Cazzorla. I really want to thank you guys for hanging in here for the whole day, and I'm actually very disappointed that Hedy Fry and Anita Neville are not here. As women, I would like them to hear my perspective.

I find heterosexual marriage to be a great deal of comfort, and it is a great deal of protection for women. For women's rights, there is nothing nicer for me, as a woman, than to know that I can go and get full support from a man. They can call that sexist, but I think men are great. I really do.

Anyways, although this is really good, it is very premature, because no one has defined what sexual orientation is. I would really like this committee to come out with a definite definition of what sexual orientation is before you take it to the public or before you say what same-sex marriage is going to be about, because sexual orientation changes. It can be anything, and it can be many things to many people. Right now we are looking at same-sex marriage, but we could be looking at tri-sex marriage, which would still fall under the guideline of same-sex marriage. So before you bring it before the people, I really wish that there would be a proper definition of what sexual orientation is, so that we, the public, can make a decision as to what we would support.

Anyways, that's about it.

The Chair: Thank you very much.

To Audrey Goertzen, Cornelius Fehr and Virginia Larson.

Ms. Audrey Goertzen (As Individual): Hi, my name is Audrey Goertzen. I would just like to quickly explain that this was written by Lorna Sobering, but she has asked me to read it for her.

Let me begin by saying that I have a sincere respect for the men and women who are trying to redefine this bill. When we truly believe in something, we must stand behind it without wavering. That is why I, along with many others, feel a strong desire to ask that this bill not be redefined. Our opinion stems from deep-rooted biblical beliefs as well as societal realizations.

While those opposed to this bill stand firmly behind it, we stand beside in confidence that the Lord goes ahead of it. We will simply follow His calling by firmly stating our position on this issue. He will do the rest.

Again, I would like to reiterate that there is much respect for your determination here; but that aside, I personally feel sadness to think of a future that seems to have no respect for the existing institution of marriage. Marriage needs to remain between a man and woman for many reasons, an obvious one being that it is the only setting for the existence of procreation. It is impossible for a homosexual civilization to even survive if it minimizes greatly the credibility of its marital function.

Another major reason for marriage to remain between one man and one woman is for the sake of the children who would possibly be adopted into families with homosexual parents. It is simply not fair to ask children to deal with adult issues when they do not have the wisdom that comes from experience. Children thrive when they have the influence of both sexes in their lives on a daily basis. For them to learn how to deal with both sexes confidently as adults, they need to interact naturally with both a mother and a father. To deprive them of this would be unfair both to them and the generations to come that would, without a doubt, be affected.

Out of respect for your time, I will limit my comments to the ones stated above. I am confident that the results of this hearing will reflect the Lord's heart, and I am grateful for this opportunity to defend something so basic but so important. Thank you.

The Chair: Thank you.

Cornelius Fehr.

Mr. Cornelius Fehr (As Individual): My name is Cornelius Fehr. I'll just try to glean a few points.

Marriage is a historical institution that has produced all succeeding generations. This has given rise to the family unit. This family unit is the first level of government. It has produced a long line of ancestral history. The family unit brings with it responsibility to provide for, to teach, and to discipline the next generation for their own well-being and the good of society.

In my opinion, same-sex marriage is a misnomer. Same-sex individuals are advancing this against all historical practice and by claiming it is their right under the equality section of the Charter of Rights.

Where does equality come into consideration? There is no equality to traditional marriage. There is no capacity to produce biological offspring. No offspring means no family. No family means no heritage, resulting in no lineage. No family means no responsibility to raise, to teach, and to discipline children. It does away with the extended family.

We as a country have in recent years been on what we would call a slippery slope: the philosophy of sexual liberation, free sex, unlimited sexual expression, abortion, relativism—everything is relative—same-sex marriage, free love, and unbridled sexual relationships. These things have led to maybe as many as 50 sexually transmitted diseases. We are in the process where we reap what we sow.

•(1630)

The Chair: Virginia Larson, Katie Heier, and Andrew Micklefield.

Ms. Virginia Larson (As Individual): Thank you very much for allowing us this opportunity to ask you to think before we go forward in such a grave issue. We all are here because we believe in the enormous weight of this issue.

The definition of marriage is the union of one woman and one man to the exclusion of all others. The union of marriage is the foundation of the building of history, the world, and society as we have known it. Over the past 20 or 30 years the homosexual militant lobby for their agenda has now brought us to this—the defence of

the definition of marriage. They call it discrimination, the final equality.

We believe in the covenant of marriage exclusively designed for one woman and one man, and here we are defending it. Why? Why are we defending marriage to approximately only 1% of our Canadian population? Why are we thinking about and discussing changing society as we have recognized it for thousands of years for 1% of our society? Think about this.

With very little evidence to make the case for change, the homosexual community has every benefit society has been asked to give them except one—the term “marriage”. Could we see some evidence, some facts, some data to support turning a society on its ear? Has anyone here seen or heard the masses of evidence that this should require? I have not heard very much here today.

A very common thread in the lobbying for rights for the homosexual community is all about the couples, the adult individual. I would submit to you today that the children, our generation, the future, the innocent, have been mentioned for accumulatively less than half an hour—and I'm being generous. Why is this? Could it be that we have no support that this is good for children, no measuring stick, not even a generation to pass that we should know the results? So I ask, what is the hurry? For the sake of the innocent and those who have yet to speak about the lifestyle of the homosexual family, let us do what we ask our children to do: stop, look, and listen.

Listen to the children. Listen to the generation that this will affect before we start to dismantle what generations have come to build upon.

The Chair: Time.

Ms. Virginia Larson: I have one more paragraph, sir.

The Chair: No. You're way over, and there are other people who wish to speak.

Ms. Virginia Larson: I ask...as you have given time for others.

The Chair: Please, please, everybody has time. We're way over. It's almost three minutes.

Ms. Virginia Larson: Okay, I'll pick this up later, then. Thank you for your time.

The Chair: Katie Heier, Andrew Micklefield, and Werner Trapp.

Ms. Katie Heier (As Individual): Thank you for this privilege you've given us to express our views here. We really do appreciate it very much.

I would like to speak about some of the harmful effects same-sex marriages may have. I'm not speaking against the homosexual, gay, and lesbian people; in fact, I appreciate them, I acknowledge them, I honour them. It is not meant in that sense.

But I do have some particular concerns. One of them is that, the way I see it, this could lead to certain religious groups who don't share the homosexual belief being discriminated against. Extending the freedom to one group may in fact curtail the freedom of the others. I would be concerned that this protection would be in place if same-sex marriages were granted.

Secondly—and some of this has been alluded to—if a gay couple wanted to marry and the minister were to refuse on the basis of his convictions, I could see as a possible problem that it might be considered a criminal offence to refuse someone, because it would then be the law.

Thirdly—I have been an educator for many years—children look up to role models, heroes in various areas of life. Legalizing same-sex marriages can create confusion about family relationships. Also, on the international level, English, American, and European law—with the single exception of the Netherlands—have all confined marriage to a union between a man and a woman. This is the position of the UN Universal Declaration of Human Rights and of the UN International Covenant on Civil Rights. If Canada were to recognize other relationships as legal marriages, it would place Canada outside the international norms of the world. This would lead to complications both externally for Canada in law, immigration, and society and in our relationships with other countries.

•(1635)

The Chair: Thank you very much.

We'll go to Andrew Micklefield, Werner Trapp, and Albert Friesen.

Mr. Andrew Micklefield (As Individual): How are you guys doing?

Despite the religious and moral arguments that have been put forward, I think we need to also supply some evidence for those who don't subscribe to the religion or moral framework that perhaps Christians do.

I'm a teacher, I've been a youth worker for nine or ten years, and now I serve as a pastor. I believe there is harm in same-sex marriages. I just want to share a few observations from my own experience with you.

As a teacher in Winnipeg's school system, I observed a correlation between students' performance and maturity and their family backgrounds. I noticed repeatedly that students from married father-mother homes typically performed better socially, emotionally, and academically than students from other home environments. The pattern is so noticeable that at university we are cautioned as teachers-in-training against what is called self-fulfilling prophecy. In other words, they say, do not pigeonhole students based on the background you know they come from—though time and again that so-called bias is reinforced by behaviour. There is a relationship between “mom, dad, and kids” and other arrangements.

As a youth worker, I observed something similar. The traditional family unit creates more mature and emotionally balanced young people compared with other types of home units. While divorce and other unfortunate situations are often out of a child's hands, the damage done by the breaking down of a mom-dad relationship is lifelong and not adequately replaced by any other arrangement I have observed.

In my experience, youth living with single parents, other relatives, or gay-parent families—all of which I've personally observed—are considerably less stable than those living with two married parents.

Thanks.

The Chair: Thank you. Next will be Werner Trapp, Albert Friesen, and Gary Driedger.

Mr. Werner Trapp (As Individual): Thank you, committee.

I am a retired horticulturalist and pastor. I will not approach the subject with theology. That's been done very ably. I will approach the subject from biology and natural history.

First, nature teaches us that the homosexual relationship is something Mother Nature does not consider to be politically correct in regard to her foresight of life on earth. Let me zero in on that term “politically correct” to demonstrate this.

The word “politics” comes from the Greek word “politica”. It refers to the art and wisdom to rule a city. A city can only come about through heterosexual activity. The same is true for the formation of a nation. The term “politically correct”, as Mother Nature would understand it, would be any policy of the state that encourages physical multiplication of and prosperity for the species. From Mother Nature's point of view, a homosexual union does not contribute to a city's or nation's physical growth. It is therefore on a dead-end track.

If all society were to engage only in homosexual activity, there would be no city or any country that could be ruled by politicians. The human species would be extinct within one generation. Therefore, to include same-sex couples in the Marriage Act would not be politically correct.

Secondly, the Canadian government should not include same-sex couples in the Marriage Act because it would encourage the homosexual community to use this new status for propaganda purposes. This would not be in the best interests of the Canadian people or our government. If a homosexual couple wishes to live together, nobody can stop them. However, it is a totally different matter to extend the Marriage Act to include such a relationship.

Thirdly, nature provided marriage for heterosexual couples with a view to raising well-balanced children. Children need the input of both sexes to become balanced individuals. This is not possible for a same-sex couple to achieve, therefore the state should not go against nature by granting marriage status to same-sex couples. It should do all it can to protect the special status of the natural family unit as anchored in the Marriage Act, for the natural family alone guarantees a future for our country.

•(1640)

The Chair: Thank you.

Albert Friesen, Gary Driedger, and Kim Holgate.

Mr. Albert Friesen (As Individual): Ladies and gentlemen, honourable members of this committee, I thank you for the privilege of addressing you this afternoon.

Let me begin by reminding everyone that this country was founded by men and women, many of whom had a strong faith in God and were guided by Judeo-Christian values. Part of this faith was based on the belief that a society could best function when built on strong family units. Many of our laws also reflect values based on principles and truths from scripture and the Judeo-Christian perspective. Because of these factors, our nation has achieved greatness that includes freedoms and prosperity many nations can only dream about.

Marriage, from the beginning of time, has been defined as the union of one man and one woman for life to the exclusion of all others. Unfortunately, our nation has experienced a dramatic shift away from these traditional and time-honoured values. As a result, we see our society becoming increasingly fractured, violent, and lawless. A quick glance through any newspaper or newscast will verify this.

Children need the role model of a mother and father to reflect both the female and male gender. Speaking from personal experience as a former member of a juvenile justice committee, I have seen firsthand the devastation experienced by children from broken and dysfunctional homes and the resultant hardships and encounters with the law. The vast majority of troubled youth came from broken and dysfunctional homes such as those.

In closing, I strongly urge this government to do what it can to strengthen and improve marriage and to leave the definition of it as currently and correctly defined rather than undermine it, as some seek to do.

Thank you.

The Chair: Thank you.

Gary Dreidger, Kim Holgate, and Laura Foresh.

Mr. Gary Driedger (As Individual): Thank you. The Christian perspective has been very strong today, and I appreciate that very, very much. As an assistant pastor in a church, I have only one standard that I can live by, and of course that's the Bible.

I'm not going to take the time I have today to talk about that, but as a Christian living in the 21st century, I have a great concern for the direction in which my nation is heading. The great land of Canada that we inhabit and many of us have been born in is our home and has been a source of security and national pride. We must consider, however, that the various laws and policies a nation adopts will both strengthen and build it, or weaken and begin to tear it down and bring it to ruin.

The leaders of today have a difficult task before them, as it is paramount that they not only ensure the security of the people today but also leave a strong government for the next generation. The past, present, and future must be considered when making or changing laws.

I love my country as much as any other and would defend its people and borders with my life, if need be. Many men and women have already done so in wars of the past, of whom we must be mindful when making decisions that affect the future of all Canadians. They have given their lives that we may enjoy the freedom we have today. To disregard the sacrifice of so many would

indeed be an injustice to their memory and the blood they shed for our benefit and those Canadians who were and are yet unborn. They died so we could be free to choose. The liberty Canadians enjoy today came at a cost that others paid, but it was not paid so that we could choose what we pleased, what was beneficial to the particular minority's agenda, but what is best for all. This includes future Canadians.

The enemies of freedom do not always attack from without, but often from within, and must be challenged and defeated as well. The laws of any country must be established and based upon some standard that does not bend with the times, but brings the times in line with itself, and that's the Bible.

Thank you.

● (1645)

The Chair: Thank you.

Kim Holgate, Laura Foresh, and Scott Kennedy.

Ms. Kim Holgate (As Individual): Hello. This is a very personal issue for me because I am a lesbian. I am a bit nervous.

Members of the gay and lesbian community currently participate in all Canadian social and legal institutions, with one exception. We are denied the legal right to marry. This right, which is not denied to any other minority group in Canada, has significant legal and social implications in Canadian society and is not just a religious institution, as some might suggest.

Not every gay and lesbian person wishes to marry, as not every heterosexual person wishes to marry, but for those who do, marriage is seen as a monumental event that legitimizes the permanency of their relationship in legal, social, and spiritual context.

It is difficult for lesbian, gay, bisexual, and transgendered persons not to identify exclusion from this institution with that of second-class status and discrimination. To be denied entry into a major Canadian social institution sends a message to LGBT people that their relationships and families are less important. If a person were denied the right to marriage because of age, colour, race, religion, or socio-economic status, no Canadian would find this acceptable, and it is no less unacceptable when LGBT people are involved.

Gays and lesbians are active Canadian citizens who work hard to live up to their social responsibilities. We are taxpayers, members of the Canadian military, judges, police officers, ministers, teachers, students, and businessmen. We are parents, church members, politicians, and community activists. We are Christians, Baha'is, Mormons, Muslims, and Jews. We share the struggles of every other Canadian and have the same dreams and desires for a peaceful, dignified, stable existence.

Most of these topics have been covered well by members of my community who spoke before me, so I'm going to take a very personal angle at this.

The Chair: Excuse me. Your time is up. Can you put it in a sentence?

Ms. Kim Holgate: Sure.

The religious right talks a lot about the harm that we could cause our children by legalizing same-sex marriage. Well, I can tell you from personal experience that you are causing harm to your children. I have been harmed by the shame and hate messages that have come mostly from Christians. I live in fear of Christians, not of God—from Christian people who have basically shamed me.

Could I just end with one quote to my Christian friends?

The Chair: I'm sorry, but I've cut off other people who had the same amount of time.

Ms. Kim Holgate: Just one quote from the Bible—

The Chair: I've cut off other people. Honestly, I can't.

Ms. Kim Holgate: Thank you for your time.

The Chair: Laura Foresh, Scott Kennedy, and Kelvin Goertzen.

Ms. Laura Foresh (As Individual): My name is Laura Foresh. I am a lesbian and the mother of a bright, well-adjusted, and loving five-year old daughter. I am also in a loving, committed, and life-giving relationship with another woman. Both my life and the life of my child have been deeply enriched as the result of the presence of my partner in our lives.

I am also an ambassador for Jesus Christ. In fact, I recently completed theological studies for ministry in the United Church of Canada. I worship at Augustine United Church in Winnipeg, and Augustine is a community of justice seekers who not only welcome and affirm gay and lesbian people into the Christian community but also believe it to be an essential part of our Christian responsibility to ensure that all are treated with dignity and respect. We believe it is our basic human right to be able to live our lives free of discrimination and separation. We strive, as a community, to follow the teachings of Jesus, teachings that demand radical inclusions.

Throughout Jesus' ministry he challenged those who sought to push others to the margins of society. He welcomed and nurtured those who had been labelled different and unworthy by those in positions of privilege and power. It is Jesus' example of love and respect that brings us here today. His struggle for equality and freedom is also our struggle.

Non-discrimination and fairness are basic human rights. As a church, we see it as our responsibility to advocate for these rights and to work towards creating legislation that sends out a clear message that Canada is a country that holds up and values the dignity of all.

Thank you.

• (1650)

The Chair: Thank you.

Scott Kennedy, Kelvin Goertzen, Elsie Peters, and Sally Lewis.

Mr. Kelvin Goertzen (As Individual): Mr. Chairman, committee members, ladies and gentlemen, I would like to thank you for this brief opportunity to address the committee today. My name is Kelvin Goertzen and I'm a law student at the University of Manitoba.

Let me begin by thanking you for selecting Steinbach as the location of your Manitoba hearing. I would suggest that today's attendance and interest confirms that decision.

I would like to speak in favour of retaining the traditional definition of marriage as between one man and one woman.

I understand that in your role as legislators you have the responsibility for developing laws that provide Canada with a balance of individual rights and collective freedoms. Over the past several years, both provincial and federal legislators have expanded the right to same-sex and common-law couples in a number of areas, including property division. While some have suggested that allowing same-sex couples to access marriage is a natural extension of individual rights, I believe that it is not and that it significantly tips the scales against competing freedoms, including those related to freedom of religion.

While the state has a right to regulate a variety of commercial and domestic relationships, marriage is not an institution that belongs to the state. Marriage existed prior to the state, and therefore it is not within the state's moral justification to fundamentally alter its definition. The institution of marriage was assumed by government because it served its purpose to regulate relationships. It does not follow, however, that government can use marriage for whatever purpose it wishes.

Marriage has not generally been intended by the religious community to change and evolve over time. This is because marriage is rooted in the fundamental beliefs and values, and at its core therefore it is not an evolving principle, and government should not attempt to make it so.

I would like to thank the committee members for providing me with this democratic opportunity, and I wish you safety in your travels and wisdom in your deliberations.

The Chair: Elsie Peters, Sally Lewis, and Reverend Dr. Lorraine Mackenzie Shepherd.

Ms. Elsie Peters (As Individual): Thank you so much for this opportunity.

I am speaking regarding the Bill C-250. A letter I received from Svend Robinson states, and I quote: "This is precisely the intention of C-250: to curtail the incitement of hatred or genocide against Canadians".

The Chair: Excuse me, I appreciate very much your desire to speak to this issue, except that today is about same-sex unions.

Ms. Elsie Peters: Will there be other hearings regarding Bill C-250?

The Chair: There will be hearings. I can't promise you they will be in Steinbach.

Ms. Elsie Peters: Okay. Thank you very much.

The Chair: Thank you.

Sally Lewis, Reverend Dr. Lorraine Mackenzie Shepherd, and Lisa Passante.

Ms. Sally Lewis (As Individual): My name is Sally Lewis. I make this presentation with the best interest of our country at heart. I believe that the fabric of our country is built upon the institution of marriage and family—marriage being defined as the union of one man and one woman, and family being a female mother and a male father and the children that are produced through this marriage. The family is traditionally the backbone of this nation. The union between two men or two women does not produce a family, so we concede that this is not a natural union and that this is not an asset to the growth and development of our community or our country.

I pray that this committee would examine this evidence and agree to the definition of marriage to remain as it is at present—that marriage be defined as the union of one man and one woman to the exclusion of all others.

I think that Mr. Toews touched on a very crucial point this afternoon when he mentioned the loss of religious freedom and privileges that may be lost if the definition of marriage is changed.

Thank you.

The Chair: Thank you.

Ms. Peters, if you send me a copy of your thoughts with regard to Bill C-250, I will see to it that they are on the record when we consider that piece of legislation.

Reverend Dr. Lorraine Mackenzie Shepherd, Lisa Passante, and Leona Doerksen.

•(1655)

Rev. Dr. Lorraine Mackenzie Shepherd (As Individual): Rev. Dr. Lorraine Mackenzie Shepherd (As Individual) Thank you for your time on this very important matter today.

This brief is addressed to the Standing Committee on Justice and Human Rights.

I believe that the extension of marriage to same-sex couples is an issue of justice and human rights. As an educator for candidates training to be ordained ministers in the United Church of Canada, I look forward to the day when we can prepare our ministers to legally officiate at marriages of lesbian and gay people. Currently many of us have officiated at covenanting services of lesbian and gay people, while recognizing that these covenants do not hold legal weight in the courts.

Even as we speak, I know of a woman who has been shut out of inheritance rights from her recently deceased partner because her partner's family of origin does not recognize their relationship. The possibility of legal marriage would clarify significant relationships with partners, with their children, if they have any, and with their extended family. This clarification would protect children of lesbian and gay couples, prevent unjust treatment of life partners, and allow same-sex couples equal treatment under federal legislation.

Certain groups today we've heard assert that giving an extension of marriage rights to same-sex couples will threaten the institution of marriage. As a United Church minister who has officiated at many heterosexual weddings and offered marital counselling, I would argue that the extension of marriage rights to lesbian and gay couples might strengthen heterosexual marriages. I say this because the

extension of marriage rights causes us to reassess the basis of relationships—the basis of healthy relationships.

For instance, in the United Church we've struggled to come to terms with lesbian and gay relationships. We have been forced to closely examine what constitutes a healthy, life-giving, God-blessed relationship. In these studies we have identified a number of factors that contribute to strong healthy relationships. And I quote: "God's intention for all human relationships is that they be faithful, responsible, just, loving, health-giving, healing and sustaining of community and self". On this basis, same-sex and opposite-sex relationships can be equally deserving, I assert, of marital recognition.

Thank you.

The Chair: We're not allowed to use props. Just a bit of a warning.

Lisa Passante, Leona Doerksen, and Ralph Unger.

Ms. Lisa Passante (As Individual): My name is Lisa Passante. I'm a social worker working in the school system in Winnipeg, so I come with the knowledge and background in the area of social and emotional development. I've heard a number of people speak today about psychosocial development and how kids develop best, so I want to speak firsthand, based on my personal and professional experience in the field in that regard.

The DSM, the *Diagnostic and Statistical Manual of Mental Disorders*, is the manual that is used. Now, I'm a proud Canadian and I don't like to quote American sources, but it is the one that is most respected by psychologists and psychiatrists. It's put out by the American Psychological Association. Homosexuality is no longer considered, and hasn't been for some time, a cause of sickness or mental instability or unhealth.

What I'm hearing today are some arguments that, first of all, queer folk are bad people, so we shouldn't recognize their relationships because they're sick. That's some of the undertone of what I'm hearing. Their relationships aren't as good, are more prone to breakdown, and that sort of thing. The other thing I'm hearing is that they make bad parents because they're bad people.

Well, they're not sick people, so to speak. In terms of parenting, I would just suggest you touch base with the American Psychological Association's web page. There is lots of information there on parenting, and they have done studies of kids growing up in a same-sex marriage.

Now, as Ms. Prentice said, they cannot control for the homophobia that these families experience in heterosexism. However, what they can do is say that kids that grow up in same-sex families are not more likely to be damaged by the fact that their parents are gay. If their parents are bad parents, well, then that's another story. And that goes in the straight world too.

Now, looking around the room—I come from Winnipeg, so people come in all shapes and sizes there—this is a pretty white crowd. Families also come in more shapes and sizes in Winnipeg—lots of grandparents, and aunts and uncles, and moms and dads, and single parents, and same-sex parent families. What is the core? It's stability and commitment among the family. So I want you to know that—I'm not showing my sign—my family counts. I support recognition of same-sex marriage.

Thank you.

The Chair: Thank you.

And I do appreciate your observing our infrastructure here. Thank you.

Leona Doerksen.

Ms. Leona Doerksen (As Individual): My name is Leona Doerksen. I'm an educational assistant. I've sat here today and I've listened to many people misquote or take out of context many statements. I have read statistics on homosexuality and marriage, but what I'm going to tell you today is just what I've seen in my own family.

I have an uncle and a female cousin who have both chosen a homosexual lifestyle. Both were abused, neglected, or not valued as children—not unlike one of our presenters, Brad Tyler-West, who openly admitted his experience in an unloving family.

I am not saying that all people who choose a homosexual lifestyle do so because of terrible hurts in their past or that they are unloving people, but I would guess that many of them have been deeply hurt in their childhood. I've heard many presenters here today mention the struggles homosexual people who have chosen a homosexual lifestyle have to live with, and I believe that there are many.

But what about those who have no choice about it—the children from these relationships? They are being denied the biological right to a father and a mother. My husband and I both love our children, as do partners in homosexual relationships. But my husband loves my children in a different way than I do—only in a way that a daddy can. I love them in the way that a mommy can.

We believe that extramarital sex is wrong because it hurts the other spouse and the children. Although we may not fully understand how homosexual activity hurts the people involved or their children, we do know that many who choose this lifestyle have been hurt as children themselves. We need to help them, but we need to do what's best for them. I urge you today not to rush into changing the definition of marriage.

Surely if our government can afford billions of dollars on gun registry, a highly controversial idea, then it can afford to put money into an unbiased study on the homosexual lifestyle—its causes and its effects on children and society. If this government changes the definition of marriage, it will cost itself billions of dollars in changing school curriculum alone, not to mention all the other aspects.

I ask you to please keep the definition of marriage, for now, as it is.

● (1700)

The Chair: Thank you.

Ralph Unger, Jennifer Howard, and Wayne Chacun.

M. Ralph Unger (As Individual): Tolerance is a wonderful thing. Some of you see tolerance as the belief that every view is equal. Not admitting that every view is equal is seen as bigotry. Many of us prefer to see tolerance as admitting that every person is equal in worth. We are all entitled to our own view, and we each think that ours is the best. Why would you hold a view that you do not think is the best? In this definition of tolerance, we give each other the freedom to express our views without attacking the person who holds a different one.

Now let me speak for the view that our denomination holds on the subject at hand. I am the vice-moderator of the Evangelical Mennonite Conference, a registered denomination of 50 churches in Canada with about 7,000 members.

Is a union of two people of the same gender a marriage? No. First of all, males and females are very different anatomically and are made in such a way that cohabitation is to be heterosexual. Same-sex cohabitation goes against nature and, in religious terminology, against the created order. From the Christian perspective, God designed humankind, male and female, to pair off, love each other, and to cohabit. Each brings something to the relationship that the other one cannot bring. Each brings something that makes the relationship complete. Also, children need the modelling of both the father and the mother.

On the other hand, the Bible does not tolerate hatred. We are called to love everyone, including those who disagree with biblical teaching on marriage. As a group of churches, we commit ourselves to respect and help people of homosexual orientation.

The Chair: Thank you.

Jennifer Howard, Wayne Chacun, and Ray Duerksen.

Ms. Jennifer Howard (As Individual): First of all, I want to thank you for this brief amount of time to speak.

One of the questions the committee has asked a few presenters is what the committee's role is with regards to family law on this issue. I think that one of the roles of parliamentarians is to respond to reality. Gays and lesbians are getting married. I've been to two weddings myself, one in the Lutheran Church and one in the United Church. We're raising children and we're forming families. And nothing that is said by any of us here today is going to change that reality.

Your choice is whether or not you want to legally recognize that reality, and whether or not you want to include us in equality under the law, which I would submit is your role as parliamentarians—to uphold the equality of all Canadians under the law.

Recognizing same-sex relationships as having access to marriage can give legal definition to those relationships. And one way that can help is with regards to immigration. I currently have friends who are committed and have been in a loving relationship for several years, and one is trying to have the other partner become a Canadian citizen. They're going through tremendous hoops and hearings, and we're all having to write letters. This could all be fixed very easily if they had equal access to marriage.

Marriage changes over time. I want to share with you one story. As I was coming here today, a friend of mine whose family is from Steinbach told me the story of his grandparents, who had not been allowed to get married in the community because, although they were both from the same faith community, they came from different geographic or national origins. So at that time, they weren't allowed to get married; they had to go to Winnipeg to get married. I think that has changed.

Societies that don't change over time perish. I don't see how allowing more people into marriage can harm it or limit the institution. So I would encourage you not to go the civil union route but to include us in marriage.

Thank you.

• (1705)

The Chair: Wayne Chacun, Ray Duerksen, and Paul Haselauer.

Mr. Ray Duerksen (As Individual): Thank you, Mr. Chairman.

In presenting to this very committee in January, the president of the Law Commission of Canada said that when you are in a society that says it has equality of its citizens before the law, you must be able to justify why you exclude some of them.

Exclusion or discrimination is actually an accepted part of daily life in Canada. Any organization is exclusive by nature. The very word "Canadian" is discriminatory and exclusive to those outside our country. I am excluded from the rights and privileges of a member of Parliament simply because I do not meet the definition of a member of Parliament. I can't, for example, show up in Parliament one day when the House is sitting, and sit on the government side and decide to speak to an issue—though I often wish to. Why? Without exclusion, the very nature of the institution would be diluted and become unworkable, bringing about chaos in our society. That's a good reason for exclusion.

In the same way, the definition of marriage is exclusive, as the union of one man and one woman to the exclusion of all others. When you leave out the principle of exclusion you run amok. When Mr. McKay asked the president of the Law Commission on January 30 what the reason is for excluding a group of more than two people from a marriage, she answered that, "In our view, what's interesting is that there is no reason for why it should be excluded". In other words, she is saying that there is no reason why polygamists and polyandrists should be excluded from marriage as well. But as with government institutions, this undermines and dilutes marriage and the family.

Marriage is not just about commitment, but the complementary fashion in which a man and woman interact with themselves and their children. Studies demonstrate that society reaps huge benefits from these committed heterosexual relationships, which are

complementary relative to all other kinds of personal partnerships and relationships. So let's strengthen and promote, rather than redefine and dilute, marriage.

The Chair: Thank you.

Nancy Renwick, Sarah Brewer, and Dale Smith.

Ms. Nancy Renwick (As Individual): Good afternoon. My name is Nancy Renwick. I would like to thank you for allowing me to speak and to participate.

I'm speaking as a proud Canadian. Canada grants that all Canadians can participate in society in shaping policies and contributing to how our laws are shaped. Right now, in terms of what the committee is talking about, I can come up here and speak as a concerned citizen; however, if I were to apply for a marriage licence, as a lesbian I would be denied that very right. Canada has a very strong tradition of encouraging and allowing the participation of all individuals in an equal sense in our society, yet right now, the law as it stands denies a significant portion of Canadian citizens that very equal right to be granted a marriage licence.

We've been hearing that we need more studies about this issue, that gay and lesbian relationships tend to be not as stable as heterosexual relationships, and that they are in fact a threat to the institution of marriage as we know it. What I would suggest is that there is a circular argument here. Gays and lesbians are not afforded the same social protection through the institution of marriage as heterosexual couples. Therefore, there's an inherent instability. Perhaps if gays and lesbians were granted that same right to marriage, the relationships would in fact be more stable.

What I am suggesting is that instead of waiting for more studies, we need to change the laws now, so that 50 years from now, we can see that allowing same-sex couples to marry has enriched our Canadian society, as granting the woman has enriched our Canadian society, as expanding the definition of marriage to include couples from different ethnicities to marry has also enriched our society.

So I would suggest to the committee that you adopt the recommendation that gays and lesbians should be granted full and equal marriage rights under the law.

Thank you very much.

• (1710)

The Chair: Thank you.

Sarah Brewer, Dale Smith, and Irwin Warkentin.

Ms. Sarah Brewer (As Individual): My thoughts are much like those that have just come before me. I am proud to be sitting in this room today to hear the diversity of voices that are being spoken by people, all of whom consider themselves to be living in this country. I make that assumption. I feel very strongly it is a gift and a privilege to be in a room like this, where I can hear the voices of those who speak words that differ from my own thoughts, and I respect that. I also think it is a gift and a privilege to be able to share mine.

My perspective comes from having grown up in an interracial family, of watching the gifts and the challenges that come with that—the fears, the concerns, all that came with that experience—and I am proud that our country made the changes that were necessary years ago for my family to be included and counted as family. I urge that we do the same now, to include the families of those who are different from us, whom we fear, and to say we will respect them as well.

Thank you.

The Chair: Thank you.

Dale Smith, Irwin Warkentin—

Mr. Paul Haselauer (As Individual): I'm Paul Haselauer. They were clapping, so I didn't hear my name.

•(1715)

The Chair: Mr. Paul Haselauer.

Paul Haselauer: Thank you for the privilege to express my view.

Forty-five years ago when I came to Canada, Canada was a country with values, but over the years these values have eroded little by little. Today we are faced with a decision whether to have members of the same sex be married.

When a man and a woman marry, they become a part of a unit where one modifies the other. If you would like to take two cars and cut them lengthwise apart, you would have two right halves and two left halves. If you would attach the right half to the other right half, you would not have a working unit.

Another example is that if one passes counterfeit money and explains it's only alternative money, he would be considered a felon and the authorities would not treat the matter lightly.

Once I saw a poster entitled "The Last Spike". The left rail from the west joined the left rail from the east. The result was that the right rails did not meet.

The most important issue is in the Lord's Prayer. We pray "Thy will be done, on earth as it is in heaven". God wants to bless us. If we reject God, we are heading for trouble.

May God bless Canada.

The Chair: Next are Dale Smith, Irwin Warkentin, and Ted van Baalte.

Mr. Dale Smith (As Individual): Hello. My name is Dale Smith. I originally applied to speak in full before the deadline, but was told you were full and I might have a chance for two minutes. Then my name wasn't drawn, so I didn't have the two minutes. But then I luckily got the two minutes, so thank you for the two minutes.

I thought to myself, what the hell do you do in two minutes? I can't make a presentation on same-sex marriage in two minutes. I can't even introduce myself in two minutes. So that's what I'm going to try to do.

Who am I? My name is Dale Smith. I'm a supporter of same-sex marriage. I'm a Canadian. I'm an uncle. I have three kids who call me Uncle Dale. I would do anything for those kids. I would do anything to protect those kids. I'm a godfather. I have a six-year-old godson. I take my role as a godfather very seriously. Again, I would do

anything to protect him. I'm a Christian and a member of the United Church.

I was also born a gay man. I didn't choose to be a gay man, and I wouldn't choose to have to go through this today. I come from a normal family. I have a mom and a dad and I turned out gay. Who knew?

I'm a social worker. I help people and protect children. I fight for social justice. I'm a student at the University of Manitoba. I'm also in a long-term relationship with a partner. We're very happy and we would love to have the opportunity to get married, but we don't have that opportunity.

I'm also the survivor of a gay-bashing. Before I was with my partner I was on a date. I dropped my date off at his home, and as I walked back to my car three men jumped me. As I was lying on the ground trying to cover my face and protect myself while three men called me "a fucking faggot that deserves to die", I thought, so this is how Canadian society values me.

After today, I feel a lot like I did after I was physically gay-bashed. Today I feel like I've been verbally gay-bashed. I wouldn't put anyone who is gay or lesbian through this and have them sit here and listen to the thoughts and opinions of people. This has been awful.

I support same-sex marriage. I hope you do. I'm a Canadian just like anyone else.

The Chair: Irwin Warkentin is next.

Mr. Irwin Warkentin (As Individual): I want to commend the members of the committee for their patience. It's been a long day. I've already seen some eyes starting to glaze over. I hope you can bear with us. It's not going to be much longer.

My name is Irwin Warkentin, and among other things I am a Mennonite. I do not speak for my church, nor do I speak for any other group of Mennonites, but I do come from a tradition I value that strongly emphasizes the separation between church and state.

I have read the minister's position paper and find it to be an excellent summary of the viewpoints and options that are available to the Government of Canada in the question of same-sex marriage. Of the three major approaches that are outlined in the paper, it seems to me the third one most meets the objectives I'm looking at in terms of separation of church and state—that is, leave the actual definition of marriage to other societal forces, including, but not necessarily limited to, religions. This approach takes seriously the separation between church and state and the legal consequences of any kind of conjugal relationship, in particular the rights of children, property rights, rights on death, and so on.

I support an approach like the one the paper indicates is operative in France, perhaps adapted toward a more Canadian content, but nonetheless a civil registry. I know this is a very difficult option from a political stage, but I suggest it is the best.

Much has been heard here today, and I'm sure across Canada, on the impact on churches if same-sex couples are permitted to marry. But I suggest that many churches and faith groups are in fact hiding behind the law. They are not honestly examining scriptures and theology to come to a realistic faith position. They are simply following a comfortable traditional path, and they expect the government to back them.

• (1720)

The Chair: Time.

Mr. Irwin Warkentin: Let me just end, then. There are some churches that have legitimately re-examined same-sex relationships and would have no objection to same-sex marriage. To restrict legal marriage to opposite-sex couples means that the state actually interferes with freedom of religion for members of these churches.

The Chair: Thank you.

Ted van Baalte is next. No?

I'd like to thank everyone. Many people I saw here when I arrived early this morning have sat here and taken this in. Your interest in the subject is very much appreciated. It is not lost on us that these issues carry great emotion on both sides of the issue. We believe this is a democratic exercise and opportunity that you've participated in, and we thank you for that participation.

I would like to take a moment to say a couple of things, particularly for those who are leaving. Please have a safe trip home, but drop off your interpretation equipment on the way by the desk. I'd also like to tell everybody what's going to happen now, so you have a sense of what you have participated in.

We will leave here to visit our families, Air Canada and the weather cooperating. We'll be in Halifax on Monday, Sussex on Tuesday, Sudbury on Wednesday, and we'll spend Thursday and Friday in Toronto. We will be in our constituencies for Easter and then for two days in Montreal and one day in Iqaluit. We will have been to 11 different locations and have heard 11 times what you have witnessed here today.

Thank you very much to the people who have come here from the local community and farther away. We do believe, as members of Parliament, in what we're doing. We do believe in this process and appreciate the extent to which your participation has supported that view.

Thank you very much to everyone.

The meeting is adjourned

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