

Same-Sex Marriage Brief

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Traditions

Quoting Mr. Cere, he states heterosexual marriage is “rich in history and complex heritage of symbols, myths and traditions...”¹

History and tradition has evolved as society learned change and acceptance for others’ differences. Traditionally Canadian women were “non-people” until they were granted the right to vote in 1916 but it took 24 more years before women were given the right to vote in federal elections. In 1928 the Supreme Court of Canada considered the following question: “Does the word ‘persons’ in Section 24 of the British North America Act, 1867, include female persons?”

“After six weeks of deliberation, the answer was “no”. The five male Justices stated that the BNA Act had to be interpreted in light of the times it was written. In 1867, women did not vote, run for office nor serve as elected officials. Only male nouns and pronouns were used in the BNA Act. As well, the British House of Lords did not have a woman member and therefore, the justices concluded Canada should not change this tradition.”²

Yet another so-called tradition, which has been declared discriminatory, was slavery. In 1793, the Anti-Slavery act (*Statutes of Upper Canada, 33 George III, Chapter VII. (1793)*) was declared.³

In retrospect, if the Canadian Government were to pursue with Mr. Ceres’ logic and maintain traditions throughout the centuries, women should still be nothing more than ‘persons only in terms of pains and penalties, and not rights and privileges’ and slavery should still be considered legal.

These two items may not seem relevant, yet if you think about our history and how traditional these issues were to many people during that time frame, you will also see that the fear of change surfaced then too. Many traditions may seem fundamental yet in 10, 20 or 50 years, our grandchildren will look at this issue as we look at the past. Will they see it as we see slavery or women’s rights issues - - barbaric and unjust? Will they understand the anger and fear against allowing same-sex marriage as we strive to understand what our ancestors must have felt during the time their traditions were changing?

In the year 2003, as a woman, I have the right to vote. I can work, buy my own home, purchase a vehicle and travel on my own or with a companion. Choose to have a child or not. Yet, with all that, I still am a ‘person with no rights and privileges’ where marriage is concerned. I have found happiness in my career and now in my personal life, yet it is illegal for my personal happiness to be validated – simply because I am in love with a person who was born the same gender as I.

Last year, I received a letter from Mr. Dave Hancock, Alberta Justice Minister, stating that when my partner finishes gender reassignment surgery, we will be able to marry. This brings up the question, what defines a man or woman?

One Man, One Woman

To determine if the definition of marriage is correct by only including one man and one woman, one first must be able to define what a man and woman is.

Woman: the sex that bears young or produces eggs.

Man: being the sex that produces gametes which fertilize the eggs of a female
– Date 14th Century (Merriam-Webster Dictionary).

Bearing young, producing eggs and sperm? In the 14th century, when these two words were defined, adoption, invitro-fertilization, and surrogate mother/father did not exist. In the 21st century there are many people who are not able to bear young, produce eggs or sperm. Are they considered men and women? Of course they are because they still have the appearance of the gender they identify with. Society and the government would not deny the right of these people to marry simply because they could not reproduce or function as the ancient definition states they should.

In fact, I know a young girl who is 19 and is not able to produce eggs and will never have children without the assistance of medical science. Yet, Mr. Cere and many others do not agree that procreation with the aid of medical science is valid, so therefore is this 19 year old going to be denied marriage? According to the 14th century definition of a woman she is not a woman, yet she is not a man – so whom can she marry?

Article 16 of the United Nations Human Rights maintains:

“1- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2 - Marriage shall be entered into only with the free and full consent of the intending spouses.

3 - The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”⁴

Nowhere within Article 16 does it state that marriage is between a man and a woman. What it does tell us is that men and women must be full age to give their full consent freely. Same-sex couples do not have the option to give their consent freely as the government has already given it -- DENIED!

Myself and many of my family and friends find it completely ludicrous that my partner and I can marry after a penis is constructed yet our chromosomes will still be that of two females. Our relationship will not change simply because my partner's birth certificate will say male rather than female. Is it a penis that makes a man or the letter M on the birth certificate? Is it a woman's breasts and uterus that makes a woman or the letter F on the birth certificate?

Why is it my partner and I can marry after surgery but not today? Does the government think that marriage is held together by gender and that love, commitment and sacrifice doesn't count?

Procreation requires Marriage?

“...Marriage embeds itself in the male-female pair bonding as the procreative matrix for human life, but the inherent procreativity of opposite-sex bonding, as we all know, is not mechanical. It's massive and powerful, but complex and variable. What marriage does is publicly affirm the procreativity of heterosexual bonding while embracing its complex plasticity, its variability, into the fold of the conjugal bond...” - Mr. Daniel Cere⁵

Even through Mr. Cere's use of "big words", he still shows his hypocritical outlook towards marriage. The idea that a person is supposed to be married in order to have a child is absurd. Many people, young and old, want to have children but do not wish to be married.

If marriage publicly affirms that procreativity of heterosexual bonding then from Mr. Cere's standpoint couples that do not have children must not be considered married. As well, those individuals who have adopted or used other means of reproduction must not be considered parents. Mr. Cere's logic has a double standard as he is essentially telling the Government, it is okay for heterosexuals to marry but not have children, even though procreation is part of marriage. Yet, it is not okay for same-sex marriage because they are not able to procreate.

Since the UN Convention of the Rights of the Child was brought up by Mr. Cere, it would stand to reason that other references to this document must be taken into consideration just as seriously. Mr. Cere fails to report that the UN Convention also states:

"Article 2 - 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 16 - 1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation."

Article 25 - 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection."⁶

Mr. Cere would have the Government believe that denying same-sex marriage benefits children, yet the UN specifically states that children are not to be discriminated against simply because of their parents' beliefs. Nor are children born out of wedlock to be denied the same social protection as children born in wedlock. Denying marriage to same-sex couples would not only subject the couple to hinder and harm, but also effect the many children that are being raised in equally-stable homes, making pariahs today out of Tomorrow's future.

Families

Mr. Richard Hudon, Association of Christian Families, stated, "Even adolescents and pre-pubescent children realize that marriage and the family are of supreme importance in our society."⁷ Although I believe his intention was to show the Committee how important it was not to allow same-sex marriage, instead this statement actually shows how important it is to acknowledge and allow same-sex marriage.

Children do know how important marriage is and that marriage means love, stability and family. Denying same-sex marriage states to children "They are not a family. They are not stable. They do not deserve love." Hence, beginning at a young age, children of heterosexual parents tend to tease and harass children of homosexual parents. As the years progress the harassment may and often does become violent.

"The family is one of the most fundamental expressions of our humanity, and families in all their myriad forms are entitled to constitutional protection. Children with lesbian or gay family-members are harmed by the deliberate exclusion of their families from the curriculum at a time when all their other classmates are learning about their families." Susan Ursel, lawyer for "Families in Partnership"

As with the Education Board, the government must decide whether to allow same-sex marriage neither for secular reasons nor strictly from their own personal beliefs. Instead the government must make its decision by seeking equality and diversity for all Canadians, just as the Supreme Court stated regarding *Chamberlain v. Surrey School District No. 36*

“215 - The legislature has delegated a broad discretion to the Board in choosing educational materials, and there is no positive obligation on it to introduce books that portray same-sex parented families. But when the possibility of doing so was placed before it, it had a duty to consider the matter in accordance with the values of secularism and non-sectarianism, and to arrive at a decision that avoided the taint of intolerance. It is not the prerogative of the Board to repeal or override the legislated policy of running schools on strictly secular and non-sectarian principles, whether in response to pressure from certain parents or for any other reason. The distaste of some parents for books that do not conform with their personal beliefs cannot shape the policy of a pluralist education system that has proclaimed its commitment to accepting and celebrating diversity.”⁹

Government and Religion

Some religious faiths believe that allowing same-sex marriage would in turn force them to go against their beliefs. When divorce was introduced, did the churches not believe that this would be brought forth to court? Yet, as far as I have discovered, no one in the past 50 years, has taken this to court to force the Catholic Church to marry them. In fact, speaking as a person who has been married and divorced --I simply went to a Justice of the Peace.

Even so, people are still concerned, although there is a specific paragraph protecting the rights of clergy in the Charter of Rights. In fact, Mr. Douglas Elliott has stated an additional paragraph could be added for additional protection, as was the case in the Quebec Civil Code.

I find it interesting that many of the individuals/groups that have spoken to this Committee who support same-sex marriage, including religious faiths, have stated they would support an additional paragraph to ensure clergy are not forced to marry a same-sex couple if they do not believe it is correct. However, not too many individuals/groups that are against same-sex marriage have agreed this type of action would merit thought. Does this not show who is grown up and willing to ensure that religions, which do not agree with same-sex marriage, are safe?

The childishness that this committee has seen is simply amazing. It's like my youngest son coming home and saying, “Mommy, I don't want Joey to play with Billy anymore because he won't play what I want to play”. Simply put, the religious groups and individuals who do not agree with same-sex marriage are refusing to “let Joey play with Billy” (allow any form of marriage to gays and lesbians) because they don't agree with or like it.

The Justice Committee has heard from many religious faiths who support same-sex marriage and a few who do not. Why then, would there be an area of concern that this would “go to court”? Just as there are churches and religions that permit marriage after divorce or children before a marriage, there are also religions and churches that would gladly permit same-sex marriage. Same-sex marriage should be considered a non-religious issue and treated just as divorce, inter-racial marriage, adoption, pre-marital sex or birth control – a topic that some religions agree with and others do not.

As Mr. Toews stated, “Ultimately, Parliament is going to have to determine this issue in accordance with what we hear and what each of us as parliamentarians personally believes.

This is not a legal issue for the courts to determine; rather, it's a matter that we are going to have to determine.”¹⁰

Within our lives our personal beliefs plays some role in our choices in life. Yet, as representatives of Canada you must also understand the beliefs of Canadians – all Canadians, not just the ones that have relatively the same beliefs as you.

Your own website disagrees with Mr. Toews statement:

“Parliamentarians put the principle of representative government to work by advocating Canadians' views and suggesting policy initiatives on their behalf. Most parliamentarians are a member of a political party. As such, they also have an obligation to support their party's policies and to play a role in the overall functioning of the party. Parliamentarians who sit as independent members are free of this obligation.”¹¹

Does the above description state parliamentarians use their own personal beliefs or religious views to govern Canada? The topic of same-sex marriage is not a religious issue although many would argue this point. If religious beliefs play a role in determining whether same-sex couples are **legally** allowed to marry, then the Government and the Church have not separated. As in 1508, when Pope Julius II managed to commission the reluctant artist Michelangelo to paint the Sistine Chapel, as Julius fought in "the holy wars". At that time, the church was not only the people's faith but also the legal system, law enforcers and military. Since this is the view of some government representatives, should we instead have a Bishop govern Canada rather than parliamentarians?

Myths

How many myths has this Committee heard about homosexuality in the past couple months?
How many believe these myths without question or research?

◆ Ms. Ferrari's statement that she believes homosexuals live together for six months to a year was not backed by any valid proof.¹² In fact, many of the couples that have appeared before or written to the committee could discredit Ms. Ferrari's comment easily. After reading the Standing Committee on Justice and Human Rights evidence, the proof is in the witnesses. There are numerous relationships that this committee has been privy to the length of commitment to each other:

- [1] Donna Kilpatrick & Kale Hobbes, Edmonton, AB (since 22 August, 2001)
- [2] Nigel Flear & Steve Rawlinson, Ottawa, ON (four years as of 2003)
- [3] John Fisher (of EGALE) and Jerome (over seven years as of 2003)
- [4] Monica Perazzo & Gabriel Pinkstone, Quebec (nine years as of 2003)
- [5] Michael Hendricks and René LeBoeuf, Montreal, PQ (since June 21, 1976)
- [6] Robin Robberts and Diana Denny, Vancouver, BC (since 1983)
- [7] Anthony McNaughton & partner, Vancouver (12years until his Feb 2000 death)
- [8] Bob Peacock and Lloyd Thornhill, (since 1968)
- [9] Bob & Michael, Kingston, ON (since 1979)

◆ Stereotyping same-sex families by arrogantly presuming homosexual parents are not equivalent to heterosexual parents. As Mrs. Gwendolyn Landolt delightfully informed the committee, “..Now, this has been reviewed, all the literature on homosexual parenting, and the

evidence from several studies does not establish that homosexual parenting is equivalent to heterosexual parenting...”¹³

Any parent knows that parenting skills are not defined by gender otherwise the age old stereotype of: mothers in the kitchen “barefoot and pregnant” while fathers go to work or “mothers” would cook, clean, help with homework and teach the children right from wrong while the “fathers” would be there for discipline, would still be in effect.

Parents love and nurture their children, teach them right from wrong, explain about hardship, heartache and help them become strong and independent individuals. Parents have some influence over their children but as the child grows, they develop their own values and beliefs. A parent is there to guide their child through life, not to live their life. Therefore, Mrs. Landolt’s view is imperfect and she should realize parenting skills come from within a person’s heart and is not based on gender.

Has Mrs. Landolt or this committee taken the time to interview homosexual parents or better still, children of homosexual parents? Have you considered their opinions and views or are you assuming their opinions and views?

If you would like I am sure our children would be more than willing to discuss their feelings, fears and troubles with school-children, with you, since the government sees our relationship as same-sex and we are not able to marry like other kids’ parents. This would give you the perspective of children aged 19, 14, 11, 9 and 6.

◆ Yet another myth that is most disgusting equates gays and lesbians to pedophiles and bestiality. Ms. Rita Curley from the Christian Family Life Convenor states: “To redefine marriage to be more inclusive of homosexuality is to create a new morality in which homosexuality is not merely tolerated but is normalized and would branch out into sexual activity with babies, children of both sexes, and with animals.”¹⁴

I would ask if Ms. Curley provided any references or statistics to back her malicious statement? I have worked in the mental health field for 20 years, on the units and off. In those 20 years I have never heard a doctor or any other professional report because this person is homosexual that is the reason they are a pedophile. The outright lies that have been submitted as “evidence” to this committee is appalling.

Ms. Curley could have contacted the numerous mental health facilities across Canada for further information before she so slanderously equated all homosexuals to pedophiles. One such facility could be the Phoenix Program at Alberta Hospital Edmonton, which is an “Intensive adult inpatient sex offender treatment to federal and provincial serving prisoners.”¹⁵

Conclusion

The committee has heard many witnesses both for and against same-sex marriage. Each has their own views and opinions of what a marriage is. Please take this time to think about your spouse, past or present, and reflect on the feelings you hold for this person. Love, Trust, Happiness and a sense of completeness. Commitment, not just financially but emotionally.

These virtues are marriage - they embrace the word, not procreation, purity or an exclusive club.

- ❖ When you were planning your wedding, were you proud to stand in front of friends and family and say those words, "I Do"?
- ❖ Did you think your marriage was special because you were in love or because you were now able to procreate according to religious feelings?
- ❖ Did you feel joy when you cut your wedding cake or was it because you realized you belonged to an exclusive club that only heterosexuals were invited to join?
- ❖ Watching your bride walk down the aisle or your groom stand waiting at the altar, did it make you nervous yet happy or were those feelings simply because you were thinking that your kids would have two parents instead of one?

Most people who are in love, marry simply because they want to share the rest of their lives together. To begin a life together. Some decide to have children, others do not. To share joys, sorrow, experiences and grow closer as time goes by.

Marriage is not statistics, ensuring you have 2.4 children, money or even sex. It should not be broken down to how someone has sex or if they are capable of bearing children. It's about feeling complete with someone who accepts you for yourself. Someone you don't have to hide your faults from because it doesn't matter to them.

Love is difficult enough to find but to be told that your love is not good enough to marry simply because you are unable to have children or that you have sex differently than others, is something no one should have to hear.

Words of Wisdom

We need to teach the next generation of children from day one that they are responsible for their lives. Mankind's greatest gift, also its greatest curse, is that we have free choice. We can make our choices built from love or from fear.

Dr. Elizabeth Kubler-Ross (1926 –)

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