

Introduction

The Canadian Conference of Catholic Bishops (CCCB) thanks the Standing Committee on Justice and Human Rights for the invitation to make this presentation. We also thank the Minister of Justice for providing Canadians with the occasion to participate in a discussion about marriage which until now has taken place largely within the judicial forum.

Today the institution of marriage, like other institutions, is facing many legal and social challenges. This is not too surprising in a world of rapid technological change and evolving social trends. The challenges are an opportunity to articulate for today's culture the rationale and meaning of marriage which has played a pivotal role in the stability of the family and well-being of society across all cultures, faiths, and political systems since recorded history.

The Bishops of Canada are the pastors of 12.5 million Catholics, grouped in 71 dioceses across the country. The overwhelming majority of adult Catholics are married. The Catholic Church has a long and treasured involvement with marriage which is one of the seven sacraments in our Church. Our clergy celebrate about 35,000 marriages [1](#) each year and are involved with lay people in pre-marriage and marriage enrichment courses as well as marriage counseling.

We are here today to support the continued recognition of marriage as the union between one man and one woman to the exclusion of all others. We believe that the fundamental purposes or characteristics of marriage are the good of the couple, and also the procreation and education of children, which in turn are for the good of society. Marriage thus has anthropological, personal, social and religious dimensions [2](#) that have deeply entwined roots in our history and culture. As Mr. Justice Gonthier said in the December 19, 2002, Supreme Court of Canada decision of *Nova Scotia (Attorney General) v Walsh*:

Marriage and the family existed long before any legislature decided to regulate them. For centuries they have been central to society, contributing to its social cohesion and fundamental structure.... Marriage and the family promote the psychological, social and economic well-being of all members of the family unit.

The Anthropological Dimension of Marriage

Marriage is founded on anthropological presuppositions well established and rooted in the personal being of man and woman. Among these presuppositions are: the social condition of the human being and the desire to be in relationship, the equality of man and woman, the complementarity and mutuality of the two sexes, and the love for the other who is sexually different and complementary.

“Marital communion sinks its roots in the natural complementarity that exists between man and woman, and is nurtured through the personal willingness of the spouses to share their entire

life-project, what they have and what they are: for this reason such communion is the fruit and the sign of a profoundly human need." [3](#)

Sexuality at its very core is relational; it is a creative force opening one to communion. Through conjugal love, expressed between a man and a woman in the language of their body and soul, they offer themselves to each other. In their physical, emotional and spiritual union, the other is recognized and accepted in every dimension of his or her being and, in turn, the other reveals the deepest reality of her or his existence. "Marital love is a love in which all the elements of the person enter – appeal of the body and instinct, power of feeling and affectivity, aspiration of the spirit and of will. It aims at a deeply personal unity, the unity that, beyond union in one flesh, leads to forming one heart and soul." [4](#)

This creative force of sexuality is directed towards new life: the creation of human beings. The love of a man and a woman, in its sexual nature, is a mutual gift that overflows and is designed to bear fruit. The ultimate fruit is a child.

The Personal Dimension of Marriage

Marriage is a profound unity of persons to which a woman and man commit themselves out of love. The commitment that a woman and man make in marriage is not only deeply personal; it is also public, as they proclaim to the community that they will not only share their lives but be faithful and true to a word solemnly given and honoured.

More than simply a means to form an exclusive partnership of sexual intimacy, marriage calls a man and a woman to love each other ever more in truth, ever more intensely, and to build with their children a true community of love like the one which exists in God and between God and humanity. It is at this deepest level of love that the sacrament of marriage is rooted, a love which tends towards the fullest union, the fullest respect for the other, the fullest intimacy ("to be with") and the fullest difference ("you are unique") [5](#).

The conjugal love of husband and wife goes beyond sentimentality by being a complementary and mutual commitment to give oneself fully to the other as man and woman. Each invites the other to become all that she or he can be, and is called to helping the other to be the man or woman that God intends.

The Social Dimension of Marriage – Procreation

The story of creation in the very first pages of the Bible proclaims the beauty of the relationship between a man and a woman, who are created in the image of God. In their communing love, the couple becomes a sign of the very love of God.

The integral image of Creation is reflected in the rich masculine and feminine dimensions of the couple. The fact that human beings are created male and female and the existence of the creative force that flows from this reality distinguish heterosexual couples from same-sex partners.

Mr. Justice LaForest in the Egan [6](#) case in the Supreme Court of Canada said that the ultimate *raison d'être* of marriage

...is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship.

It is their love that enables the married couple to set up and develop, day after day, the most favourable environment in which to welcome a child. Love begets love and, within their marriage, the union of man and woman generates a wellspring of love that nourishes children and family before launching out into the wider world.

Emerging from and rooted in marriage, the family provides a stable environment and is the best place in which to raise children and to educate future generations. Marriage ensures the psychological and emotional stability that is so essential for children. It is within a family that the men and women of tomorrow's society become socialized and learn how to love. We believe that marriage is a unique way of life, of benefit to couples, to future children and to society. Indeed, the 2001 Census shows that 68 percent of children aged 0-14 live with married parents and 13 percent with common-law parents, while 19 percent do not live with both parents. [7](#)

As Mr. Justice Gonthier said in the Walsh case:

The fundamental nature of marriage inheres in, among other things, its central role in human procreation, and its ability to offer both children and parents a framework for the development of values within the family. Living together as a family and rearing children in this context is foundational to our society. Marriage and family life are not inventions of the legislature; but rather, the legislature is merely recognizing their social importance.

We know that not every married couple has children, that not all children are born in marriages, and that not all marriages lead to stable and nurturing environments for children. We also recognize that, with the help of new technologies and the intervention of a third party of the opposite sex, that same-sex unions can have children. Exceptions, however, do not invalidate but prove the rule; individual practices and choices do not determine the objectives of an institution such as marriage which plays such a pivotal social role. The inherent biological fact remains that a marriage between a man and a woman will usually produce children which no shift in thinking, social trends or technologies can alter.

The Discussion Paper states that some people today think that, because of the growing number of divorces and common-law relationships, the purpose of marriage has evolved from an "instrument of social stability" to "an expression of commitment". While divorce and common-law unions are challenges to marriage and the family, the fact is that the General Social Survey issued by Statistics Canada in July 2002 [8](#) demonstrates that marriage continues to be the most stable environment in which to raise a family.

While it is true that common-law unions are increasingly popular, the most recent statistics reveal that the vast majority of people will get married. The data also shows the continuing importance of marriage for our society, since common-law unions are generally less stable than marriages and are twice as likely to end in separation as marriages. The National Longitudinal Survey of Children and Youth in 1999 showed that children born to a married couple who had not lived together before marrying were the least likely (13.6 percent) to see their parents break up; family breakdown was a fact for 63.1 percent of the children of unmarried couples. [9](#)

There is simply no evidence that can prove that the primary purpose of marriage has evolved. What has evolved is the desire of some same-sex partners to change the definition of marriage in order to have access to the institution. Our concern as a society should be that by changing the definition, the meaning itself of marriage will be changed.

Marriage involves both a profound personal commitment between a man and a woman who love each other, and a deep social commitment by the couple to society and by society to the couple. Marriage between a man and a woman is the basic unit of society, the social nucleus in which most children are born and raised. In exchange for the irreplaceable role of the married couple in the upbringing of children, society in turn makes a commitment to recognize and protect them. This reciprocity has demographic, economic, social and intergenerational consequences that we as a society ignore at our peril. In a decision upholding the opposite-sex requirement of marriage by the Supreme Court of British Columbia in October 2001, Mr. Justice Pitfield expressed the state's fundamental interest in the social institution of marriage in this way:

The state has a demonstrably genuine justification in affording recognition, preference, and precedence to the nature and character of the core social and legal arrangement by which society endures.

The Religious Dimension of Marriage

Marriage as a public commitment between a man and a woman has profound significance for all faiths.

For Christians, marriage means a man and a woman creating a shared sacred history, one that began for each of them at baptism, and becoming a community of life and love, a sign of the love of Christ for his Church.

For Catholics, marriage is also a sacrament which signifies the union of Christ and the Church. "It gives spouses the grace to love each other with the love with which Christ has loved his Church; the grace of the sacrament thus perfects the human love of the spouses, strengthens their indissoluble unity and sanctifies them on the way to eternal life." [10](#)

The goodness and holiness of marriage are essentially connected with the great goods intrinsic to married love: free, faithful and permanent conjugal love, and the procreation and education of children. It is precisely in order to protect and promote these great human goods that the

Catholic Church proposes the sacrament of marriage which signifies the life-giving and love-giving union of Christ with his Church.

The sacrament of marriage is fundamentally an experience of faith in the sense that it continually calls for trust and commitment. Faith in their relationship and in the sealed bond of their marriage is deeper than romantic feelings, deeper even than love, since love can suffer breakdowns. Faith in God sustains and supports those who draw on the source of all love. The husband and the wife are for each other and their children a sign of the love of the Lord.

The love between a man and a woman is a human sign of their emotion and will, their understanding and memory. The basic meaning of the word “sacrament” is “a sign”. It takes shape in a vow, a solemn statement, a promise. In fact, the Church recognizes that there exists in the conjugal love between a man and a woman, whether they are Christian or not, a sacred sign of the love of God and the human potential for the fullness of communion. Since the beginnings of the Church, the followers of Christ have insisted that the human reality of marriage is an expression of faith.

Responses to Possible Approaches Outlined in the Discussion Paper (the approaches found in the Discussion Paper are indicated in bold)

1) “Marriage could remain an opposite-sex institution, either by:

- **Legislating the opposite-sex requirement for marriage; or by**
- **Restating the opposite-sex meaning of marriage in the preamble of a new piece of legislation that would create an equivalent to marriage for federal purposes (either civil union or domestic partnership) for other conjugal relationships”**

The Bishops of Canada, as pastoral leaders of the Catholic Church, want marriage to be maintained as an “opposite-sex institution”.

We affirm that marriage is a unique and exclusive public commitment between a man and a woman whose love overflows in fruitfulness, and ultimately brings children into the world. We believe that the transmission of marital love from generation to generation, communicated a thousand times over from one couple to another, from one family to another, is indisputable evidence of the greatness and grace of marriage. It deserves the support and protection of society and the Church.

We know that marriage is sometimes imperfectly lived out and that children are created and nurtured in circumstances outside of marriage. Marriage has, however, lasted for centuries and continues to provide the most reliable and stable foundation for the future of society.

We know that there are other relationships between adults that involve commitment, caring and emotional and financial interdependence. For the last 15 years, the federal and provincial governments have found ways to address their needs and requests for social benefits and three

provinces have already enacted legislation allowing for domestic partnerships or civil unions. Those of us who have participated in the discussion and legislation about extension of benefits to same-sex partners have always been concerned about the impact on the definition of marriage. In response to these concerns, Bill C-23, The Modernization of Benefits and Obligations Act, was amended in March 2000 to include in the preamble: "For greater certainty, the amendments made by this Act do not affect the meaning of the word 'marriage', that is the lawful union of one man and one woman to the exclusion of all others."

Members of the House of Commons affirmed on June 9, 1999, by a vote of 216 to 55, "That, in the opinion of this House, it is necessary, in light of public debate around recent court decisions, to state that marriage is and should remain the union of one man and one woman to the exclusion of all others, and Parliament will take all necessary steps within the jurisdiction of the Parliament of Canada to preserve this definition of marriage in Canada."

We urge you to live up to these recent pronouncements in the House and do everything you can to preserve the definition of marriage. Should you also see fit to address the concerns of other adult interdependent relationships, we ask you to do so in a way that respects their human dignity but does not radically redefine and thus void the vital and irreplaceable social institution of marriage.

2) "Marriage could be changed to also include same-sex couples"

This is a nonviable option because, as we have said, procreation is one of the fundamental purposes of marriage. Same-sex unions are not able to fulfill this purpose and consequently are unable to be included in marriage as we understand it.

A question that is often asked is "how would granting same-sex partners the legal right to marry affect opposite-sex marriages?"

Marriage is both a personal and social commitment. What is recognized is not only the personal commitment but also the social commitment to contribute to the future of society by having and raising children. Allowing same-sex partners to marry would change the definition of marriage so that it would no longer be marriage, because by definition marriage is a union between a man and a woman. As Mr. Justice Pitfield said in the B.C. case (see above), "The only issue is whether marriage must be made something it is not in order to embrace other relationships."

Laws must be examined not only for their impact on individuals but also for their impact on the social fabric. It is important for the stability of the family and ultimately society to strengthen the institution of marriage. The maintenance of the opposite-sex definition of marriage is a decision that upholds the common good and ensures the future of society. As recent statistics indicate, almost 70 percent of Canadian children live with married parents.

Legal and social distinctions are drawn between marriage and other relationships

such as common-law unions, same-sex unions and other adult non-sexual relationships, not on the basis of irrelevant personal characteristics. The nature of these relationships is substantially different from marriage, even if they may have some similar aspects. The institution of marriage transcends the exceptions. Nor is it being suggested that distinctions are made on the basis that individuals in one type of relationship are more worthy of respect as human beings than others. Catholic teaching is clear that the dignity of all human beings must be respected because they are created in the image of God. What is in question here is whether it is to the benefit of society to change the definition of marriage so that it no longer corresponds to its reality, not only as known and lived over the centuries but by the vast majority of Canadians today.

3) “With the cooperation of the provinces and territories, Parliament could leave marriage to the religions by:

Removing all federal references to marriage, and replacing them by a neutral registration system for all conjugal relationships, leaving marriages exclusively to individuals and their religious institutions”

This is a very revolutionary concept that would require a great deal of time and reflection. At this stage, however, we would like to pose some questions about this approach that would make Canada the only country in the world without civil marriage. Where would that leave people who do not wish a religious service but want a marriage ceremony because it has meaning for them? Why would Canada disengage from an institution with such strong cultural, historical, social and religious roots?

Given that about 75 percent of all marriages are performed by clergy, what confusion is being risked by removing all legal effect from religious marriage?

What signal is being sent to the religious communities who have officiated at marriages since Confederation that their marriages would have no legal recognition? Why would Parliament “choose to underscore the division of Church and state in Canada” when such division does not exist in the Constitution? What purpose would be served by unraveling the connection between the social and religious dimensions of marriage? Marriage has deep religious significance but it also has a critical social function. Why would the Government of Canada wish to vacate that field? As stated at the beginning of this presentation, marriage has many dimensions: anthropological, personal, social, and religious. The richness of marriage is that these dimensions do not exist in hermetically sealed compartments but depend on one another.

Conclusion

In closing, we again thank the Committee for the invitation to participate in this discussion which is of immense importance to Canadians. Married couples perform a role within society which is of service to all and distinct from all other forms of human relationships. We strongly urge you to maintain this distinction for the good of all Canadians.

1. In 2001 there were 156,340 marriages performed in Canada. See Statistics Canada, Marriages, CANSIM II, Table 053-0001.
2. Large parts of this presentation come from *In Love for Life*, Catholic Organization for Life and Family, Ottawa, 2002.
3. John Paul II, *Familiaris Consortio*, 1981, no.19.
4. John Paul II, *Familiaris Consortio*, 1981, no.13.
5. Michel Fortin, Hélène Lussier, Nicole Mathieu-Valade & Renaat VanHove, *Perspectives nouvelles en pastorale du mariage* [New pastoral perspectives on marriage], Montreal, Inter-diocesan working document, 2000, p. 4.
6. *Egan v. Canada*, (1995) S.C.R. 513 (S.C.C.).
7. Statistics Canada, Profile of Canadian families and household: Diversification continues, October 22, 2002.
8. Statistics Canada, General Social Survey, Changing Conjugal Life in Canada, July 2002.
9. Nicole Marcil Gratton, "Growing up with Mom and Dad?" in *Transition*, the Vanier Institute of the Family, Spring, 1999.
10. Catechism of the Catholic Church, no.1661.