

Gay Marriage Legalized in Canada

Christian activists say they will work even harder to block similar legislation in the United States

The tempestuous six-month parliamentary debate over legislation that would legalize same-sex marriage in Canada ended with its passage June 28. But Christian traditional marriage activists on both sides of the Canadian border say they'll continue fighting the acceptance of gay marriage in mainstream culture.

Following a close vote of 158 to 133, marriage was redefined as "a union between two consenting adults," rather than a union between one man and one woman. The legislation includes a provision that permits religious officials to refuse to marry gays and lesbians.

Canada is the third country in the world-following Holland and Belgium-to legalize same-sex marriage. Spain followed suit in approving gay marriage legislation just two days after Canada did. Seven of Canada's 10 provinces and one of its three territories already allowed civil marriages for same-sex couples prior to the parliamentary vote. Ontario was the first province to do so, following an appeal by a gay couple in June 2003 to the Supreme Court of Ontario.

"June 28 was a sad day for Canada, a sad day for marriage and a sad day for children," said Charles McVety, head of Defend Marriage, a coalition of Christian groups seeking to maintain traditional marriage in Canada. "I don't know if traditional marriage will be the norm by the time my 7-year-old daughter

grows up.”

The House of Commons sat for several days into its summer break to allow the Liberal minority government time to finish voting on the controversial legislation. A parliamentary drama unfolded, with some Liberal Members of Parliament becoming independents or joining other parties, and others losing their cabinet positions because they refused to follow Prime Minister Paul Martin’s orders and vote in favor of legalizing gay marriage.

Critics say rushing the legislation was a ploy to keep gay marriage from becoming an issue in the upcoming federal election, and they say a referendum should have been held for the Canadian people. Opinion polls show Canadians are as equally divided as their politicians over the issue.

Christian watchdog groups say the legislation has already caused a lot of problems for Christians working in the public sector. Two human rights complaints were filed in January against Catholic Bishop Fred Henry following a letter he wrote to his own diocese, in which he said homosexuality, prostitution and pornography should not be accepted and that the federal government should use coercive power to outlaw same-sex marriage.

Civil marriage commissioners in several provinces have been told in writing that they’ll lose their jobs if they refuse to marry same-sex couples. Some have resigned, and others have lodged complaints with their provincial human rights commissions. Chris Kempling, a guidance counselor and teacher in British Columbia, has been suspended from his job twice for statements he made about homosexuals.

The legal repercussions for Christian business owners affiliated with the wedding industry are tremendous, said Janet Epp-Buckingham, director of law and public policy for the Evangelical Fellowship of Canada. "Business owners who say they're refusing service because the client wants a gay wedding can be charged with discrimination under the Human Rights Code," Epp-Buckingham said.

"I had a Christian caterer phone me in tears because her husband unknowingly told a gay client that she was available the day of the client's wedding. At that point she couldn't refuse service."

Same-sex marriage also has caused rifts within the Canadian church. When an Anglican diocese in British Columbia added a service of blessing for same-sex unions in 2002, a group of Anglican clergy broke formal ties with the church and established The Anglican Communion of Canada. The communion, which acts as an international advocate for traditional biblical values for Anglicans, now has 12 Canadian parishes on board who report to archbishops in other parts of the world.

Epp-Buckingham says the problem is worse for United Church clergy who disapprove of same-sex marriage. "Their superiors won't back them legally if they decline doing a same-sex ceremony because the United Church of Canada has already sanctioned the process," she said.

Americans fighting same-sex marriage in the U.S. say its validation in Canada is making them gear down harder. "It's alerted us that there's a virus to the north, and we better not let it cross the border," said Lou Sheldon, president of the Traditional Values Coalition based in Washington, D.C.

“I think federal passing of it in Canada will get us moving to tighten up on same-sex marriage here,” said Mathew Staver, president and general counsel for Florida-based Liberty Counsel. “I think what’s intended to tear down marriage will actually strengthen it because it’ll make us rethink the importance of marriage.”

Staver said the Defense of Marriage Act protects any state from validating a same-sex marriage license issued elsewhere. He said a same-sex couple who was married in Canada launched three lawsuits seeking to get Florida to recognize their marriage. All were rejected.

Same-sex marriage is now permitted in Massachusetts, and California and Vermont allow civil unions for gay couples.

Glen Lavy of the Alliance Defense Fund cautioned that the legalization of gay marriage in Canada and other nations could prompt courts that look at international law to use that as rationale to force same-sex marriage through U.S. courts.

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