

Not in Polite Company

Religious and Political Discursive Formations on Same-Sex Marriage*

The following commentaries, by William Arnal, Joyce Green, Darlene Juschka, and James Merrett, were presented during an open forum at the University of Regina. While they do not make specific policy proposals, they provide some frameworks for thinking through the issue.

The New Testament and "Family Values" by William Arnal, Religious Studies

The following comments have to do with the claims made by some Christians that their opposition to gay and lesbian marriage is biblically-based. This concern is only one aspect of a much more complicated issue - it should be stressed, however, that in dealing with such a topic, the author does not want, inadvertently, to imply that arguments of this sort possess any legitimacy whatsoever. Gay men and lesbian women do not need to seek permission from the Bible, or from any religious doctrine or institution, to pursue the relationships they want to pursue. The very suggestion that sectarian religious attitudes toward homosexuality have any bearing on our country's laws grossly misconstrues the secular nature of the Canadian state and the multiple religious affiliations and beliefs that characterize our population.

Be this as it may, this commentary refers to the treatment of marriage as it appears in the New Testament (NT), and only the NT. There is no question that the Old Testament (OT) (the Hebrew scriptures, the Tanak) contains both positive assertions about marriage and prohibitions against men having

sex with men. But the appeal of Christians to such texts is self-contradictory and opportunistic, and need not be taken seriously. The fact is, the OT contains a tremendous range of rules, prohibitions, and laws that Christians, at least, generally feel under no obligation to obey, never mind to impose on the rest of the population. The OT prohibitions of male-male sex, however, acquire importance, legitimacy, and contemporary applicability in the minds of some Christians today because it is asserted, and believed, that the NT condemns such behaviors with equal vigor, and - most especially - that the NT is a repository of "family values," promoting and asserting the infinite value of the procreative, heterosexual, nuclear family.

Homosexuality in the NT

As it happens, the belief that the NT emphatically and unequivocally condemns homosexuality or homosexual relationships as such is mistaken. First, although some modern translations obscure this fact, the NT does not offer any comments whatsoever on homosexuality as an orientation. Second, the NT never discusses lesbians in any way, nor does it ever refer to any sex acts between two women.¹

*This Briefing Note is based on a public presentation held at the University of Regina on March 10, 2005 and chaired by Dr. Carol Schick, a Tier 2 Canada Research Chair, University of Regina.

¹The passage in Romans 1:26 refers to anal penetration of women by men, not to sex acts between two women.

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Third, the NT does offer a few, specifically three², disapproving comments on anal sex in general, whether between two men or between a man and a woman. Since anal penetration is possible for heterosexual couples, and since it is not the only sex act possible for gay men, the NT's disapproving comments on anal sex, even if we choose to take them seriously, no more imply a rejection of gay marriage than they do of straight marriage. Fourth and finally, these comments are of little interest to their authors and in these passages anal sex is set alongside a whole variety of other behaviors of which the author disapproves, some of which, like greed, are built into the very structure of our society. It is worth noting that the NT contains more explicit prohibition of divorce, which has been legal in Canada for years, than it does comments on anal sex. The latter occurs three times in the whole NT over a total of four verses, and then only in passing. Divorce, by contrast, is explicitly condemned, by both Jesus and Paul, at least five times; and a total of at least 22 verses are devoted to the issue.³

"Family Values" and Marriage in the Early Christianity

But the bulk of this commentary concerns the attitude expressed in the NT toward marriage in general, which is a very negative one. In light of this, it ill-behooves anyone to appeal to the bible (or at least to the NT) in support of so-called "traditional" family values. To put it somewhat differently, the writers of the NT cannot be shown to support gay and lesbian marriage in any way; but they do not seem to be very supportive of straight marriage either. There are, of course, passages scattered throughout the NT that do promote marriage. But the dominant theme is that celibacy is much the superior state, and that the Christian message is one that actually corrodes the worldly bonds of marriage.

Jesus' comments on marriage as they appear in the gospels are consistently negative. For instance, when Jesus prohibits divorce in Matthew 19:3-9, his disciples immediately assert (19:10): "If such is the case of a man with his wife, it is not expedient to marry." Jesus replies to this by saying (19:11-12):

There are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the kingdom of heaven. He who is able to receive this, let him receive it.

In other words, let those who must marry do so, but it is better to avoid sexual relations altogether, perhaps even to the point of voluntary castration.

Likewise, some sayings of Jesus denigrate family attachments in favor of the claims of the gospel. Particularly ferocious is the assertion made by Jesus, according to Luke 14:26,⁴ that "if anyone comes to me and does not hate his own father and mother and wife and children and brothers and sisters . . . he cannot be my disciple." Here, the point is not simply that the claims of the gospel are greater than the claims of family, but that the two are so intrinsically opposed to one another that any commitments to family rule out a commitment to Jesus. In Luke 17:26-27,⁵ there is even the suggestion that the pursuit of worldly, everyday concerns, including those of marriage, will lead to apocalyptic destruction: "As it was in the days of Noah, so will it be in the days of the Son of Man. They ate, they drank, they married, they were given in marriage, until the day when Noah entered the ark, and the flood came and destroyed them all."

When we turn to the letters of Paul, the situation is much the same. Paul himself does not by any means prohibit marriage. But he allows it only as a concession to weakness. He says this

² I.e., Romans 1:26-27; 1 Corinthians 6:9; 1 Timothy 1:9-10.

³ Matt 5:31-32; 19:3-9; Mark 10:2-12; Luke 16:18; 1 Cor 7:10-11. (An example of a more prominent theme still is found in Matt 7:1-5.)

⁴ Cf. Matt 10:37.

⁵ Cf. Matt 24:37-39

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specifically in 1 Corinthians 7:1-9. Part of this text reads:⁶

It is well for a man not to touch a woman. But because of the temptation to immorality, each man should have his own wife, and each woman her own husband . . . I say this by way of concession, not of command. I wish that all were as I myself am [i.e., celibate] . . . To the unmarried and the widows I say that it is well for them to remain single as I do. But if they cannot exercise self-control, they should marry. For it is better to marry than to be aflame with passion.

Evidently, Paul does not regard marriage as a good thing at all. Celibacy is much better, in his view, and the best state is therefore to remain unmarried. Marriage, rather, is a concession made to people, a sort of necessary evil to accommodate for human sexuality. And this, in turn, indicates that Paul regards marriage as little more than a sexual outlet. Neither here, nor in any of his authentic letters, does he refer to the purpose of marriage as procreative, or as part of God’s ordering of the world, or any such thing. Marriage is simply something people do to have sex. And since, for Paul, it is altogether better not to have sex, it is likewise better not to be married.

Persecution of Christians

It is precisely these anti-marriage attitudes that appear to have motivated at least some of the persecution that Christians endured in the late first and early second centuries. One of the main reasons that pagans gave for killing, jailing, torturing, or otherwise harassing Christians in this period was that Christians were misanthropic. This charge has mainly to do with the Christian interest in celibacy. In a society in which infant mortality rates were extremely high, and

in which the standard of living depended mainly on human labor, society could only be maintained by high levels of reproduction. The first Roman emperor, Augustus, actually introduced legislation penalizing (aristocratic) families that failed to reproduce sufficiently, and honoring those who produced large numbers of children. The basic responsibility of all men and women (rich and poor, slave and free, urban and rural), was to produce children, and lots of them. Those who shirked this duty were guilty of the most heinous dereliction of their social responsibilities; and those who actively promoted sexual asceticism and celibacy were akin to cultural terrorists, since if their ideas took hold, society itself would collapse within a generation. And so these ancient Christians, following the teachings of Jesus and of Paul, were accused of hating the human race because their promotion of celibacy, it was thought, would bring that race to an end. Those who persecuted the Christians did so, therefore, out of a desire to defend “family values” against the immoral teachings of Jesus and Paul; they did so out of a desire to maintain “traditional” definitions of marriage against the ungodly forces of innovation.

In the end, the ideals of the NT do not promote family values, or the sanctity of “traditional” definitions of marriage, or even any strong emphasis on sexual morality. They do not, therefore, offer much comfort to those who on these grounds oppose gay and lesbian marriage. Those who seek an ancient model for their desire to preserve a society oriented to “traditional” notions of family would do better to identify themselves with the enemies of the first Christians.

⁶ Verses 1-2, 6-9.

“What those who are against same-sex marriage desire is that the rights that they have held thus far in the social body be given only to those who, like themselves, are oriented toward heterosexuality.”

Contesting for the Concept of Family

by Darlene Juschka, Women’s Studies

Whenever there are shifts in the social body of any given society, anxiety concerning change manifests itself in a multitude of ways. One of the most frequent ways is the emergence of resistant voices that tend to circle around or evoke a fixed range of concepts; often deity, family, tradition, and children. These concepts will be gathered together and signified under the category of “family values,” which itself can be evoked by an ironic slogan, verbalized in the television show *The Simpsons*, “What about the children.”

The intention of this contribution is to ask others to think about denaturalizing the concept of family (and in this family values), to think about the ideological imperatives of “naturalized family,” and to envision the possibility of the reclamation of the concept of family by, and a broadening of the notion of family values for, those designated homosexual within our current social frame of heteronormativity.

Listed on the Saskatchewan LGBTQ (Lesbian, Gay, Bisexual, Queer and Transvestite) Family web-site (Aunty Em-dash) is an open letter to Cardinal Ambrozic (Ontario) and Bishop Frederick Henry (Alberta), and I will quote the first paragraph largely because this letter emphasizes the issue that I am raising here today:

Cardinal Ambrozic, I’m a lesbian mother, and I’d like to know what you meant by ‘family’ when you warned Prime Minister Paul Martin that allowing same-sex marriage could irrevocably change the nature of family. Bishop Henry says the family is a foundation of society through which children are brought into this world and nurtured as they grow to adulthood. And didn’t I bring my child into the world? And didn’t I nurture her every day since she was born and help her

grow into young adulthood? Didn’t I bathe her and diaper her and nurse her and take her to the doctor with fevers and to church and to see Grandma and Grandpa? And didn’t I go to school plays and put presents under the tree for her from Santa and invite her classmates to her birthday parties and help her with high-school course selections? Ain’t we planted flowers and gathered berries together? Ain’t we laughed and cried together? Ain’t we had a home? Ain’t we a family?

So what is at stake here? One significant issue being tussled over is the power to give meaning to social relations and thereby to represent interests of the social body. The conservatives would have it that their concept of the family is definitive and true, while others argue that, within the current social frame and in line with human rights, the exclusion of lesbian and gay people, in particular from the rite of marriage, is untenable.

Thinking, then, in terms of ideological imperatives, the discourse of family and family values is a rhetorical strategy engaged in by those groups who would argue against same-sex marriage. In this rhetorical strategy of claiming and defining family and family values by the religious right, what is central is to establish family (and family values therein) as a thing in and of itself. Family is not understood within this framing as a concept, rather it is a thing; indeed in order to establish one’s definition of family as definitive and singular it must be a thing found out there rather than developed with human social relations.

This thing these people did not construct, according to their presentation, is a traditional thing founded in the long-distant past, or even something set down by a deity. Within this strategic formation, this thing called family is not something that is perceivably variable and changing in historical and cultural contexts. Rather, it is

static, fixed, and outside of human ken and, as such, these people did not manufacture the concept of family and family values, they are merely protecting it from those “others”.

For example, “Comments on the Marriage Redefinition” issued by LifesiteNews.com states, “This (same-sex marriage bill) is an openly declared war against the family, traditional morality and religious belief” while Bishop Frederick Henry states in an pastoral letter “Since homosexuality, adultery, prostitution and pornography undermine the foundations of the family, the basis of society, then the state must use its coercive power to proscribe or curtail them in the interests of the common good,” (CBC news Jan 17, 2005) and, finally, the Hutterite letter sent to Paul Martin comments, (CBC Feb 18, 2005) “We will be classed as traitors in God’s eyes, and we will live the darkest day in all of Canada’s history.”

In the positions assumed by these people, the family in the abstract is a thing in and of itself that humans either found or were given. Having found the truth, they then take the position that their formulation and understanding of family (and the family values therein) is the only formulation and understanding of the family. What is not made clear in their positioning is that this understanding of the family is one generated by, and from within, their own systems of belief. Indeed, this author is quite willing to have conversations with people about their systems of belief and the concepts and category formations produced therein, but is quite unwilling to have conversations with people who take the position that their perspective is not socially manufactured and politically driven by their desire to have others conform to their systems of belief.

Although these people attempt to take the ground of nature and/or deity to uphold their position on same-sex marriage, which indeed is a manifestation of their world view, this ground can be countered by the following deconstruction of their position. The anti-lesbian/gay marriage positions that claim the ground of nature and deity

for their development and understanding of family and family values obscure the working out of social relations and, as such, obscure their own bid for power to manifest their views in the social realm. What we have are various groups of people sharing a social body who hold different views of what the world looks like and what it ought to look like. The question becomes, then, not who has the truth, but whose position most reflects what one sees as viable and convincing within our current social formation.

What those who support same-sex marriage seek is the normalization of same-sex relations within the Canadian social body at large. On the social and political stage they desire to legitimate within the larger social body their social existence as lesbian and gay. They wish to redefine the concept of the family and in so doing to wrest it away from those who would define the family in accordance with their own views. What those who are against same-sex marriage desire is that the rights that they have held thus far in the social body be given only to those who, like themselves, are oriented toward heterosexuality.

When, in the larger social frame, dominant views are called into question, those who hold to the dominant view can and do resist, and ultimately desire to reassert their world view. They wish their perspective of existence to be upheld and maintained as dominant; those who reject this view and bring their own to the stage will often be demonized or called evil and in the process, as we have noted again and again throughout human history, be dehumanized.

The family as a concept is simply that, a concept. The term family is derived from the Latin word *familia* referring to “household”, further derived from the Latin *famulus* meaning servant. It appears in English in the 15th century. Family in the modern Euro-west, broadly defined, according to the Oxford English Dictionary is “the unity formed by those who are nearly connected by blood or affinity.” In this definition we see that those who are united, without a statement about the charac-

teristics of those who would be united, are those nearly connected by blood or affinity. The concept of family thus seems to be quite flexible. Indeed, in this author's understanding, family is a unity of those who have come together because of kinship and/or love. What is underscored by the concept of family is not the necessity to adhere to heterosexual reproduction, as is implied by many religious groups contesting same-sex marriage, but love, sharing and support. This is, as far as the author understands, what lesbian and gay couples desire, and not, as some have incorrectly stated "the destruction of the family".

Choosing the Unions We Bless by James Merrett

In the role of church priest, one has the distinct privilege of doing matrimonial triage. Priests work with couples who intend to marry in the church, who present themselves to the church's representative. The priest facilitates their trip into a state of married-ness, wedded-ness, and commitment. At the altar of the God both priest and couple accept, they will exchange vows, and all present will celebrate the blessing of their union. That is, the church blesses only those whom it approves, in the context of a faith community and faith doctrine, and only at the request of the couples.

Allegorically, consider marriage and church blessing in the case of two couples who seek the church's blessing on their unions. Couple A has been courting or dating, whatever the era, for some time. They have a long history of quite intimate association followed by some pretty rocky times. They come from well established families and

backgrounds and, indeed, the families have dreamed of their merger for some time. Their union will advance their overall influence and have implications for the direction, development and control of the whole community. Couple B comes together with a great deal of personal risk-taking. The hallmark of their relationship seems to be their mutual affection and love, and their commitment to grow in a relationship to each other. The wish that their relationship be blessed engages the whole of the community to hold up values which embody the respect, dignity and integrity of every human being.

Who do we choose to bless? A is the union of an offspring of the body politic to a cousin of religion. B is Alice and Freda. As whimsical as this may seem, there is a choice to be made; indeed, the choice is being made.

The notion of, and the institution of, marriage have changed over the course of human history, and across cultures. Pamela Dickey Young, Head of Religious Studies at Queens University, has publicly denounced those who portray marriage as a religious concept. She argues that in the Roman Empire's era and early Christian times, marriage was the transfer of a dowry. In the 12th century AD, the state became connected to the church blessing because the priest was probably the only literate person to do the paper work, so the function of civil and sacred became combined into one service. Young is very clear that the argument justifying a union of a man and a woman as the pre-ordained model coming out of scripture simply cannot be made.

This historical technicality has never deterred the church from re-imagining the secular institutions in sacred formulae. The movement that argues it

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can support its position against same sex marriage in the name of the holy institution, the church or religion, comes with an interesting pedigree. Marriage, as a legal (that is, state-determined) term in Christian clothing, dates from the 16th century. Diarmid MacCullough, in his exhaustive study of the Reformation, observes that the church became interested in the exchange of marriage vows when it was accompanied by the exchange of cash. The whole indulgence package had been exposed as a scandal and as a result the considerable income that the sale of indulgences represented fell off dramatically. It was at this point that the church became interested in making a holy matrimonial bond in tandem with the legal marriage contract. That is history, and it sets the stage for our own context.

There is a war being waged by an ideologically unified constituency on the terrain of marriage; the battleground is the debate over same-sex marriage. The prize is the capture of the political agenda for neoconservative purposes. This war is fuelled by homophobia, directed through apparent religious fervour. The religious claims seem to sanitize the debate, and immunize much of it from critical scrutiny. That is, the claims made in the name of Church and faith are not subjected to the same kinds of empirical and intellectual critique as are other political and ideological claims.

While it is easy to dismiss the institutional church, we are naive to disregard the powerful motivating force of religious fervour. The unifying and emotionally seductive energy that is produced when the religious appetite of people is activated is a powerful reality and may manifest itself in exuberant public display. Religious fervour can be the charismatic re-enactment of Mohammed's flight by a million people or a suicide bomber crossing into Tel

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Aviv, or the gentrified swaying of a whole new wave of middle class Americans as they praise the Lord in their new-found faith which sets the course for every aspect of their lives. The common thread through all of this is to see that people ideologically position themselves in a place of being certain, beyond doubt and justified in thinking in any way that will consolidate and advance their program. This positioning provides also reinforcement of the status quo.

The Anglican Communion is an organization of 78 million Anglicans, organized in 38 provinces, who function as a confederate fellowship*. The Anglican Communion is the latest victim of the unholy alliance of Couple A, or the phenomenal effect of evangelical Christianity on institutional structures.

At a recent meeting of the primates of the Communion, and as a result of the vehement reaction to the stance of the church in the US and Canada on homosexuality and blessing of same-sex unions (which had been arrived at through a democratic process), the two provinces (Canada and the USA) were asked to withdraw their members from a governmental body which, ironically, is made up of not just bishops, but also lay people and clergy. Ostensibly it is over the ordination of homosexuals, especially those who would live out their sexuality in a permanent relationship. The issue becomes more evident as we see decisions are made and postures taken which have nothing to do with sexuality but everything to do with power.

In his recent book “A church at War”, Stephen Bates documents a strain of the evangelical church in England, Africa, and the United States. He describes

* I wish to refer to Anglican Communion for it is the situation which I know the best. I want to use it as a case study for it is an institution which is reeling from the effects of what we are trying to describe in this collection.

the roots of the evangelical movement in the British context, and how that was exported to Africa. Good-hearted and zealous missionaries in the 18th and 19th centuries, trained in good evangelical colleges in England, took the Word to the “dark continent”. They also took an attitude which mutated into a block of voices from the majority world who make an exclusive claim for the theological Truth as they define it. Bates tracks the inevitable union of African and Asian evangelical cadres with dissatisfied elements in the Episcopal (Anglican) Church in the U.S.A. This convergence is not so much against the common enemy as for the common cause. It is not extreme to say that this alliance has mounted a well-orchestrated coup to throw the Anglican Communion into disarray.

Bates is clear that the move is intentional: the issue is the control of the political agenda by using the influence of church and religion. This is the issue: homosexuality and same sex blessing is smoke and mirrors. He is also clear that the backers of this alliance are exceedingly wealthy and delight in paying, or paying off, their counterparts in the majority world to accomplish the desired outcome.

Earlier attempts by evangelicals to gain ascendancy in the mid-seventies were foiled when their orchestrated opposition to the ordination of women did not cause the grassfire they had hoped for, nor the wedge issue they needed in order to move the church into chaos and take it over. But with same-sex marriage, in the context of a political culture of hostility toward gays and lesbians, this political constituency has an issue with the capacity to divide people emotionally, theologically, culturally, scripturally and politically. The costs of this are staggering.

The first cost is the loss of the theological tradition. Theology has been called the Queen of

Sciences (a reference made without any intention of innuendo!) because it seeks to find and articulate truth. But the traditional, tested and self critical discipline of theological scholarship cannot co-exist with theology grounded in fundamentalist principles and practices. The parameters for thought development are completely different: fundamentalism pretends to absolute authority, infallibility. Such a position cannot be criticized and, hence, is not consistent with the process of scholarship or of spiritual seeking for truth.

The second cost flows out of this fundamentalist positioning, in an apparent re-configuration of values. Balance, equity, rights, justice goals, inclusiveness for the ongoing dialogue which leads to change - these values vanish behind the spectre of morality, ethics, and “family values”. These new priorities distort the message of love, acceptance and generosity and replace it with an approach of infallible authoritarian judgement. But someone said once, “judge not and ye be not judged”.

The third cost to the church is a shift in what it means to be a community and how we manage in that community when differences arise. The Anglican Communion has long modeled a way of being an institution which could be comprehensive in its acceptance of divergent opinion. This requires participants to commit to intentional meeting at the table in on-going discussion. The compromising of the model of mutually respectful community, where all can speak and all are heard, is the breaking of relationship by those who intend to create polarity.

It seems that in polite company, religion finds its place in the closet with sex and politics. It must not be so. In 1995, Supreme Court Justice Cory detailed how the human dignity of gays and lesbians has been attacked in our society: Public harassment and verbal abuse of homosexual indi-

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viduals is not uncommon. Homosexual women and men have been victims of crimes of violence directed at them specifically because of their sexual orientation. They have been discriminated against in their employment and their access to services. They have been excluded from some aspects of public life solely because of their sexual orientation.

This is not polite talk, even if it is from a Supreme Court Justice, for it flies in the face of the daunting spread of a virile form of evangelical Christianity, but it speaks truth. The Anglican Way has traditionally found a sense of balance for its life and mission in the interplay of Scripture Tradition and Reason. The conversation that happens is meant to place the church with the world and speak with the world. This conversation is happening as we meet today and the margins are straining against each other at every juncture. But we are having the conversation and trying to deal with what we are learning from it.

There is a fourth element in the economy of Anglican thought, which is unwritten but understood. The Church's focus is the outcome and the issue is: will the outcome reflect the realm of God? - A realm expressed in values which are pro-justice, pro-peace, pro-environment, pro-equality, pro-consistent ethic of life and pro-family, without making scapegoats of single mothers, lesbians and gays.

If we choose to support the polite union of Couple A, the expected outcome, as we have come to see, is one of destruction, hurt, exploitation and manipulation. If we choose Alice and Freda, we open the door and encourage the blessing that will flow on the constructive relationship of people who articulate a clear vision of political direction informed by, but not wedded to, a progressive theology that delights in spiritual health and professes the realm of liberty for all people.

We must choose Alice and Freda - choose life, hope and love.

Religion, Politics, and Democratic Conversation by Joyce Green, Professor of Women's Studies and Political Science, University of Regina

The standard social wisdom suggests that one does not discuss either religion or politics in company, for fear of giving offence or inciting argument. Yet, religion and politics are about profoundly important values which shape our political culture. Healthy democratic processes require consideration of religion and politics, especially when they intersect. Public policy attempts to meet social and political needs, but it does not do this in a vacuum: our political culture shapes our ideas of what those needs are and whether or how they should be met. By not talking about religion and politics, citizens avoid engaging our normative values, and thinking through the difficult tensions that challenge us; we avoid looking at how our personal and collective behaviours support and undermine our values; we avoid being responsible for knowing about how we are implicated in political decisions and social practices.

But this is not simply an argument that democratic citizen participation is the legitimating process for any decision. Religion and politics, themselves formed of values and power, have always worked together. Much good, and much evil, have arisen because of their conflation. Contemporary political culture minimizes and privatizes religious values and replaces them with a new religion – allegedly rational individual economic activity and consumption. These activities, too, are sustained by political decisions, and in the absence of thorough normative political conversation among citizens. Our social formations and our public policy continue to be shaped by our political culture, in the absence of much discussion in civil society about the normative “ought”.

In the case of same-sex marriage, though, it seems that politics and religion are quite evident as

the frameworks for opinions about the normative “ought”. Some invoke religion to denigrate homosexuality and homosexuals, and claim the public policy of making the institution of marriage available to same sex relationships is a profound moral violation of religious significance. They call on government to defend a particular interpretation of religious fiat and hence to not make marriage available to homosexuals. Their primary focus is on prohibited sexual activity. Others invoke the same religious corpus to argue that the values of toleration, inclusion, and committed human relationship are to be made available to all those who wish to engage in them. Adherents of liberal political philosophy join the discussion from another perspective, that which privileges respect for privacy of autonomous rational individuals, and prefers minimal government interference with social institutions and government support for universal standards and policy applications. Hence, Pierre Trudeau’s famous dictum that “the state has no business in the bedrooms of the nation”. All of these positions intersect on the subject of same-sex marriage, and all are contextualized by our political culture, but their premises are quite different.

The discussion of same-sex marriage occurs in the context of a political culture which has historically been and still is homophobic. Previous governments had criminalized homosexual sex, while civil society engaged in its own forms of informal oppression. Yet, this violates our international and domestic commitments to human rights, which are conceptually drawn from positive presumptions about the minimum conditions for

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our fundamental shared humanity. This is why the Supreme Court of Canada “read in” to the Charter of Rights and Freedoms sexual orientation as a prohibited ground of discrimination. To be an “out” gay or lesbian in our society is to be at risk of violence, of derision and denigration, of loss of employment, and to be subject to policy designed to support heterosexual relationships. Honouring the committed relationships of gays and lesbians is a positive step toward acceptance of the full humanity of gays and lesbians. It is also a pragmatic social step in shifting our political culture to one in which homophobic policies and practices are intolerable.

Citizen participation is a measure of the health of democracy, and Canada’s rates of citizen participation indicate our democracy could use some prescriptions for greater health. For the most part, our citizens do not make themselves familiar with political issues nor practices. They do not participate in political activities. They do not hold politicians, and therefore governments, in high esteem. Almost half of adults didn’t vote in the last election. But it is not every policy question which attracts attention: the emotional and symbolic elements of same-sex marriage have stimulated more engagement than pressing questions like national budgets and sectoral social crises. Still, democratic engagement is to be encouraged, but it is also to be constrained. Why would I argue for constraining democracy?

All those who are targets of discrimination have needed defence of the law, a law drawing on the principles of democracy but also of fundamental human rights. Those rights are codified in international treaties and conventions to which Canada is a signatory; we have agreed to be bound by them. Indeed, our constitutional Charter of Rights and Freedoms is based on principles drawn from international law. Democracy is a powerful symbol in Canada: it is foundational to our political values and

culture. Democracy thrives in a climate of free and vigorous inquiry about political matters. One principle of democracy is “majority rules”. But in Canada, we understand that if the majority always rules, democratic practices will produce human rights abuses. Consider our history, which includes, but is not limited to, the state’s disenfranchisement of women, of Chinese, Japanese, Aboriginal, and other marginalized communities; the seizure of Japanese-Canadians’ property, and forceable relocation to internment camps; punitive immigration policies directed at Jews, Asians, and Blacks; the abrogation of political, social and economic rights of indigenous people, who were also subjected to policies that violated their persons and their human rights. Our history is littered with these examples, all policies made by democratically elected governments, and enforced by the authoritative arm of the state.

We have learned something from this history, and it is this. Majoritarian democracy has the capacity to violate the human rights of minorities, especially where those minorities are despised. Those who invoke liberal political values to promote a referendum on the issue of same-sex marriage are setting up a scenario for the majority to democratically agree to violate minority rights. This is not a constitutionally valid position or outcome in Canada.

Gays and lesbians are perhaps the most despised minority in Canada, subjected to all kinds of social discipline, from vile humour to gay bashing. The term “fag” or “gay” is routinely used by our teenagers as a put-down for their peers, regardless of sexual orientation: it is synonymous with denigration. If we are to protect gays and lesbians from homophobic policy and practices, our majoritarian democracy must be constrained by the caveat “with protection of the rights of minorities”. The Constitution provides this caveat, in its guaran-

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tee of equality rights to a number of categories of citizens, all of whom have historically suffered from discriminatory social and political behaviours.

The Constitution limits majoritarian democracy at the point at which its outcomes impinge on fundamental human and equality rights. Our political conversations, and our religious conversations, must take account of this important context. Not all speech is defensible; some of it is inflammatory and hateful. Not all exclusions are defensible; some are acts of discrimination that violate human rights and our Constitution. Our political culture has always been shaped by religious and political values – but these evolve over time, with conditions and with insights gained from human experience and human thought. This culture continues to evolve, through contested conversations about fundamental values, in the context of our collective commitments to law and human rights. Even religion and political philosophy evolve over time, in the context of new consensus on values.

This contribution is a call to recognize and affirm the important role that religion and politics play in our civil society, and in our democratic engagements. It is also a call to participate in these normative conversations in the context of our obligation to the over-riding value of respect for fundamental human rights, and to our best political values, some of which are encoded in our Constitution. We must limit our invocation of religion, with its absolutist normative frameworks, and its infusion into politics at the point at which it incites or legitimates human rights violations.

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The Saskatchewan Institute of Public Policy (SIPP) was created in 1998 as a partnership between the University of Regina, the University of Saskatchewan and the Government of Saskatchewan. It is, however, constituted as an institute at the University of Regina. It is committed to expanding knowledge and understanding of the public-policy concerns in Canada with a particular focus on Saskatchewan and Western Canada generally. It is a non-profit, independent, and non-partisan Institute devoted to stimulating public-policy debate and providing expertise, experience, research and analysis on social, economic, fiscal, environmental, educational, and administrative issues related to public policy.

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