



## **Submission to the Legislative Committee on Bill C-38 (CC38)**

### **By Canadian Friends Service Committee (Quakers)**

60 Lowther Avenue, Toronto, ON, Canada, M5R 1C7

**April 10, 2005**

#### **Introduction:**

Canadian Friends Service Committee (CFSC) is the peace and service arm of Canadian Yearly Meeting of the Religious Society of Friends (Quakers). CFSC was established in 1931 with a mandate to unify and expand the concerns of Friends in Canada.

#### **Background:**

Since its beginnings in the 1650's, the Religious Society of Friends (commonly known as "Quakers") has regarded marriage as a religious, not a mere civil compact. Those contemplating marriage are exhorted to seek Divine guidance in making their decision and throughout their subsequent married life.

The most important unit of our Quaker structure is the Monthly Meeting. This is a group of members in one locality who usually meet every week for worship, and every month for business. All members of a Monthly Meeting have the opportunity and responsibility to participate in the decision-making at a meeting for worship for business. No vote is taken. Decisions among Quakers are arrived at through a process of spiritual discernment. This is expressed through "the sense of the meeting", or what those present discern to be the inward leading of the Spirit.

The approval of a marriage has always been the responsibility of the Monthly Meeting to which the request has been made. Friends are mindful that it is the Spirit that unites a couple and that we are but witnesses. Quakers have no ordained clergy. Couples marry each other in the presence of God and community and are not married by a priest or minister.

Friends within Canadian Yearly Meeting (the corporate body of Quakers in Canada) first began seriously discussing whether to allow same-sex marriage under the care of Monthly Meetings in 1988. The first Quaker same-sex marriage was on August 22, 1992 under the care of Vancouver Monthly Meeting. Some Monthly Meetings have taken same-sex marriages under their care (or have minutes supporting equal marriage within our tradition), while some others have not reached a decision on this issue.

#### **Quaker position on civil marriage for same-sex couples:**

At its annual sessions in 2003, Canadian Yearly Meeting of the Religious Society of Friends (Quakers) adopted a minute (see Appendix), which supports "the right of same-sex couples to a civil marriage and the extension of the legal definition of marriage to include same-sex couples."

The Canadian Yearly Meeting minute notes Friends' strong objections "to statements by some religious groups that it is harmful to children to be brought up in same-sex families." Our experience is that "love makes a family".

The minute stands in a long Quaker tradition of speaking out on issues of social justice and human rights. In this instance, the rights of gay and lesbian couples stands along side the right of faith communities to act on their own beliefs without imposing these beliefs on others.

**CFSC's position on Bill C-38:**

Based on this minute, which represents the corporate position of Quakers in Canada, Canadian Friends Service Committee registers its supports for Bill C-38, the *Civil Marriage Act*.

The Bill respects the diverse needs of faith communities, some of which wish to perform same-sex marriages and some of which wish to be able to refuse such marriages. It is not the role of Parliament to decide which religious position to endorse. To do so would be to choose sides in a religious debate. The religious beliefs of some, even if they are the majority, must not become the law for all.

The Bill also respects the minority rights of gay men and lesbians guaranteed by the Canadian Charter of Rights and Freedoms of the Canadian Constitution, rights which should not be subject to majority rule and require protection by Parliamentarians. We believe the Bill protects religious freedom for all faith communities and protects equality rights for minorities.

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## Appendix:

### A Minute of Record regarding Marriage of Canadian Yearly Meeting of the Religious Society of Friends (Quakers)

*Approved by Canadian Yearly Meeting in session, August 8, 2003.*

Canadian Yearly Meeting of the Religious Society of Friends (Quakers) has laboured for many years over the issue of the recognition of the marriage of same-sex couples. Friends have a long history of supporting human rights and witnessing against injustice. Individual Quakers have often provided leadership in movements for social change such as the abolition of slavery, civil rights movements, and equality for women. Many religious groups have already declared strong positions on this issue on both sides of the public debate.

*For the right joining in marriage is the work of the Lord only, and not the priests or magistrates; for it is God's ordinance and not Man's; and therefore Friends cannot consent that they should join them together; for we marry none; it is the Lord's work, and we are but witnesses.*

[George Fox (1669)]<sup>1</sup>

In a Quaker Meeting, couples whose marriages have been approved by a local Meeting marry each other in the presence of the community without officiating clergy. Our usual practice is only to approve the marriage of those couples where at least one of the partners has membership in our Religious Society.

Whether or not to support same-sex marriages is decided at the local Meeting level. Some Meetings have chosen to recognize marriage as open to both opposite and same-sex couples, and several have taken same-sex marriages under their care, even when these relationships were not recognized in law as marriages.

Our experiences and discernment on this issue have been partly shaped by the presence in our community of wonderful, loving, committed same-sex relationships. We have experience of couples in same-sex relationships that are bringing up children in the same loving way we would expect any family we know to do. "Love makes a family." We strongly object to statements by some religious groups that it is harmful to children to be brought up in same-sex families. Whether a family is a loving and supportive place, or is a harmful place to bring up children, does not depend upon the gender of the parents.

We support the right of religious groups (including individual Quaker Meetings) and clergy, to consent to or to refuse to perform same-sex marriages. We also support the right of same-sex couples to a civil marriage and the extension of the legal definition of marriage to include same-sex couples.

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<sup>1</sup> George Fox was one of the founders of Quakerism in the mid-17<sup>th</sup> century in England.