

LIFE IN SOCIETY: A CHRISTIAN WITNESS

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The Question

My task this morning as I understand it is to address the theme "Life in Society: A Christian Witness" in the context of the current national debate about same-sex civil marriages and the deliberations within churches about the blessing of same-sex relationships. This debate, fraught with tremendous social friction as we all know, does challenge us to ask more specifically, "What is the character of a Christian witness in, and to, what some describe as a postmodern, multi-faith society that is Canada?"

The Law

It might be helpful to review the evolution of this issue. It has been said —somewhat like sausage— that those who love the law, should never see how it is made. Such has been the case with the origins of this social debate in Canada. Canada has come a long way on same-sex rights since 1965 when the Supreme Court of Canada upheld Everett Klippert's conviction as a "dangerous sex offender" and imprisoned him until 1971. Gradually public policy changed. In 1969, Trudeau's "I think the view we take here that there is no place for the state in the bedrooms of the nation" leads to the decriminalization of homosexuality. In 1977 Quebec became the first province to include sexual orientation in the human rights code. Other provinces followed suit. In 1979 sexual orientation was added to the Canadian Human Rights Act. In 1982, Canada became a constitutional democracy complete with a Charter of Rights and Freedoms.

The Charter has played an important role in framing questions of human rights and public responsibilities. Canadian Courts have had a pivotal role in safeguarding these rights, particularly when it comes to issues of same-sex rights. In June 1993 the Supreme Court of Canada in *Mossop v. Canada* ruled that it is unconstitutional to deny bereavement leave based on "family status." In 1995 in *Egan v. Canada* the court rules that Section 15 protects gay and lesbian people against discrimination "despite the absence of any explicit reference to sexual orientation in the Charter."¹ In April 2000, Bill C-23 was passed that granted the same federal benefits to same-sex partners as heterosexual couples while not changing the definition of marriage. By 2002 the question of same-sex marriage had been referred to the Standing Committee on Justice and Human Rights, which heard testimony from some 467 witnesses across the country. Before the Committee could issue its report, the B.C. Court of Appeal, the Quebec Superior Court and the Ontario Superior Court ruled the definition of marriage unconstitutional. On June 10, 2003, the Ontario Court of Appeal upheld the lower court ruling in the case of *Halpen v. Canada* and initiated an immediate change in the

definition to allow for same-sex marriages. Most other provinces followed suit. In December 2004, the Supreme Court of Canada supported this direction in a reference on the federal government's proposed same-sex marriage bill.

This brings us to where we are today. While some have suggested that it is activist courts that have overstepped their role that are making the laws, Canadians for the most part agree with Simon Potter, the former President of the Canadian Bar Association, when he argues that courts are a “discipline on the power of the majority.” Canadians believe “courts are performing their appropriate role, not exceeding it.”²

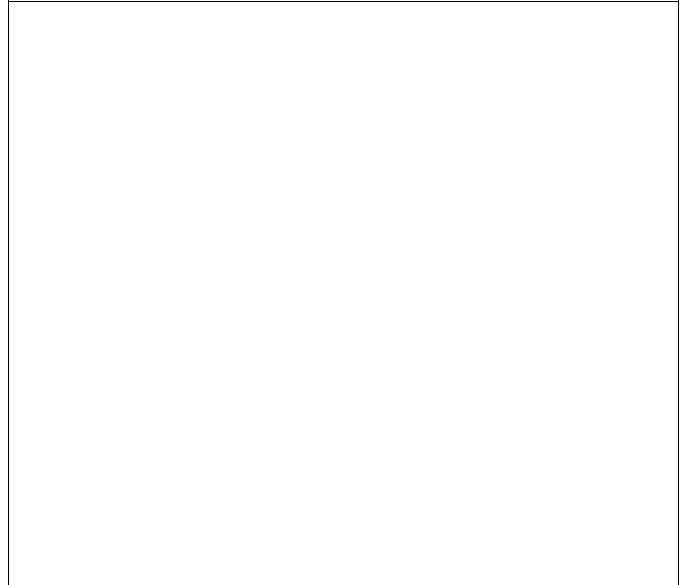
Canadians have changed their views over the years. Currently, Canadians are committed to equality for gay and lesbian couples. Equality remains a core value for many Canadians still. But they are more evenly divided on whether such recognition should be as a marriage. Ipsos-Reid reports:

*“ . . . a poll of Canadians finds that a full majority (71%) support the concept of same sex marriage. However, these Canadians are split in how they would like the union recognized: four in ten (39%) believe same-sex marriage should be “fully recognized and equal to conventional heterosexual marriages”, while 32% believe it should “be allowed to exist in civil law but not have the same legal weight as a conventional marriage”. In the alternate, the poll found that only a minority of 27% believes that “it is wrong and should never be lawful”.*³

A Crowded Public Square

Against this history on same-sex rights is the reality that the public square is increasingly much more congested than it once was. To speak about the relationship between church and state is to appear somewhat naive in these sorts of conversations.

There are many more players in the public debate as the voluntary sector or civil society has grown exponentially during the past twenty years. The accompanying picture from the cover of a report from the Federal Government's Voluntary Sector Roundtable illustrates just how crowded the public square has become. And if you look particularly closely to the details, you will note that the Canadian churches do not even have a place, which speaks volumes to how we are perceived. And, which I might add, does not mean that we don't play a role.



Our modern “entertainment oriented” media that does not lend itself to the public discussion of complex issues further complicates matters as Neil Postman so ably pointed out in *Amusing*

Ourselves to Death.⁴ We can understand a bit more the problem facing our legislators in such a caldron of give and take.

Therefore, in such matters that require collective public decisions, there are a number of new realities:

1. Moral consensus may not be possible (a moral accommodation may be).
2. There are competing interests and competing values.
3. No appeal can be made to universal truths or values of the faiths.
4. All issues are related to all other issues (i.e. Gomery Commission, same-sex matters, national unity).
5. Complex questions are reduced to simple solutions.
6. Opposing sides are polarized and caricatured.

These challenges are clearly evident in the current debate about same-sex marriage in Canada and certainly within the church on the question of blessing same-sex relationships.

A “Problem” or a “Mess”

Which leads us back to our question: “What is the character of a Christian witness in this context?” A number of years ago, Lorne Mead, a church consultant with the Alban Institute, pointed out a key difference in addressing issues then as opposed to now. He noted that in times past, as heirs of the Enlightenment, we often saw issues as “problems” and problems have “solutions.” That is to apply a kind of binary logic to social questions. If this is the question, then there is a specific answer. Today, Meade argued, our issues or challenges are more like a “mess” with either no “solution” *per se* or many competing or contradictory courses of action. When you are faced with a “mess,” it is much like untangling a jumbled pile of ropes: you pick one end and follow it until its conclusion.

Reinhold Niebuhr made this point too when he noted that the first ethical question is not “What’s right?” or “What’s wrong?” but “What is happening here?” “What is happening here?” is the question I think we also need to think about in this debate about same-sex relationships. For while we can develop the most brilliant arguments “for” or “against” on a specific issue, if we fail to grasp the broader currents, they will be merely swept away.

I have suggested elsewhere that there are at least three principal national narratives playing in the background of our collective national psyche: that of Canada as a nation state, as a national enterprise, and/or as a national community. While I appreciate the problems with the idea of narratives—and there are, in fact, probably many more than I identify—I do believe that they inform our response to ethical issues and do need to be taken somewhat seriously. Furthermore, while churches like to believe in a kind of pristine theological purity in their teachings, our history and culture do become a lens by which we view what is theologically and socially important. I would also hasten to add that these three narratives are not mutually exclusive. Each may be important to varying degrees at different times and in different ways. Nevertheless, one may predominate.

For those who understand Canada as a nation state, the focus is on national identity. No longer the

colony, British or otherwise, deciding our own future —and taking our own independent place in global affairs— is the governing imperative here. The battle for Vimy Ridge in April, 1917 during World War I, where Canadian soldiers fought together for the first time under their own command, is often cited as the defining moment for the emergence of Canada’s nationhood. With an emphasis on tradition and continuity, Canada is a “Dominion” that embodies Christian values.⁵ Altering the original national bargain is seen as threatening. For this group, changing the definition of marriage, for example, is not merely being “homophobic” but threatens who we are as a nation.

For those who understand Canada as a national enterprise, the imperative is on economic growth and progress. Often, from this perspective, the question is “How will this impact future ‘prosperity’ and, more specifically, ‘business’?” To a large extent, those driven by this perspective have not been vocal participants in the debate about same-sex relationships. More often than not they have quietly adjusted to this reality, modifying their employment practices, altering benefit structures, and slowly realizing the business potential of marketing to the relatively affluent gay and lesbian community. On the broader stage, they may be just as happy with the national debate preoccupied on what they deem personal moral matters and not being troubled with too much public meddling in affairs economic —like trade agreements or further economic integration with the United States.

For those who understand Canada as a national community, the imperative at work is social inclusion. Here, it is important that people are welcomed, take their place in the common life and where care and mutual support are built into the social structures. In large measure this perspective is reflected in the various court rulings, in the arguments put forward by the Federal government in support of Bill C-38, *The Civil Marriage Act*, and by other groups like “Canadians for Equal Marriage.”

I don’t think you’ll be surprised when I suggest that the debate within Canada has largely been between those who understand Canada as a nation state with an identity imperative and those who see Canada as a national community with an inclusion imperative. My point isn’t to state the obvious but to remind us that how we address this question is not merely a matter of what I believe as an individual. It is influenced and will impact the national narrative that is Canada. For the church to address this question, it needs to understand this relationship as well. How and what we say about the blessing of same-sex relationships does affect the national story.

The Christian Witness in the Debate

In a crowded public square with a multitude of competing voices trying to untangle an issue that needs to be approached as metaphorically “a mess” not a “problem,” which is not just a personal question but a profound social question, what useful role can the Christian community play? In the midst of a lot that is not helpful, I think there are at least three key helpful contributions:

- broadening the analysis of what is happening;
- focusing the question;
- being a community of bridge-builders.

While my remarks pertain more widely, I will try to relate them to the current debate on same-sex rights and same-sex blessings.

There is a danger of social myopia that can often seep into our discussions. The nearsightedness of our perspectives can lead us to see what we want to see. On matters of sexuality, many like to relegate these to personal choices, which can be made by all people on the same basis as one person. Broadening our analysis requires that we look at the interconnectedness of issues. We cannot merely take one rope and untangle the bunch unless we are mindful of how it impacts the wider whole.

This was evident recently at the Lutheran World Federation's North American Consultation where our Lutheran partners from the Global South had been invited and the issue of the blessing of same-sex relationships was a major item on the agenda. We are all aware of the serious tensions with African and Asian churches on this question. Admittedly our five southern participants may not have been fully representative of their broader constituencies. Nevertheless, what was fascinating is that when they were asked to identify the serious issues facing their churches, it was the debt crisis, the restructuring of their economies, widespread hunger and poverty, the destruction of their agricultural sector due to dumping by rich nations like the United States, the exploding price of HIV/Aids pharmaceuticals that were now out of reach for poor people due to the elimination of generic domestic production, and what one described as the "theology of coffins" (death). None mentioned the issue of same-sex rights nor the issue of blessing same-sex unions. Now imagine, if you will, for years our friends trying to get our attention on these matters of life and death but with limited success. Now they find that a major issue of the "Lutheran Communion" is our issue — not theirs. This is even more troubling in that it was Northern missionaries who insisted their cultures accept our sexual morality and now that they have accepted it and are defending it, they are told to abandon it. We need to broaden our analysis to take in this wider social horizon. And we need to address their questions with the same commitment and passion.

Secondly, the church can, with some humility and modesty, help focus the question—or dare I say *questions*— in these debates. In a world of thirty-second sound bites, answers often precede the questions. We work backwards and in that process, elements of the discussion get confused.

Nowhere is this more evident than in the debate about using the "Notwithstanding Clause" in order to reaffirm the definition of marriage and overriding the Charter of Rights and Freedoms. Many of those who wish to defend the "traditional definition of marriage" work back from that conclusion to define the question. It has been my view that rights are guarantees of the dignity of all persons and that a right is a right. Christians need to be extremely careful about a willingness to override the safeguards for all people that the Charter provides. Section 2A guarantees the very *freedom of conscience and religion* that we enjoy to practice our faith without fear of persecution or discrimination. The ELCIC bishops in their letter of August 2003, which was reaffirmed by National Bishop Ray Schultz in his letter to Prime Minister Martin in January of this year, were quite right, in my view, to make this important distinction. Both these letters recognized that the State's interest in marriage is different from that of the church.

The bishops also went on to point out that this is not just a question of same-sex rights. It is also a question of encouraging the acceptance of responsibility. Bishop Schultz made this point in his letter to the Prime Minister:

I believe it is important to recognize that it is not just a question of the equal right to marry but that those who seek recognition of their relationship are really seeking to

*formally and legally accept responsibility for another person. Accepting responsibility for others certainly lies at the heart of the message of Jesus and other faith traditions. We believe our laws should recognize and encourage this sense of mutual responsibility in such matters as social benefits, property ownership, and survivor rights.*⁶

The bishops in both of these interventions, though not popular with various groups within the church (and in some ways overstating their point), were trying to help define the question.

Isaac Newton is reported to have once said “We build too many walls and not enough bridges.” In closing, I think we need to always remind ourselves that as Christians, we are in the business of building bridges between issues, with various perspectives, and most of all among people. To this task we must bring our interpretation of the Gospel as it comes to us from a critical reading of scripture, a rigorous theological reflection on our tradition, the rational insights from the sciences, and our experience as people who live in a broken world by God’s grace. This will mean that the resolution of these questions will not be a clear choice between one side or the other but rather somewhat ambiguous. Nor will this mean the absence of conflict or debate. But in the midst of such struggles, let us hope that others will see in what we do the presence of love.

Endnotes

1 See Janet L. Hiebert, *From Equality Rights to Same Sex Marriage — Parliament and the Courts in the Age of the Charter*, Public Policy Options, October 2003, p.11.

2 Simon V. Potter, *Judging the Judiciary: The Rule of Law in the Age of the Charter*, Policy Options, October 2003.

3 See Ipsos-Reid Poll of December 9, 2004 available at <http://www.ipsos-na.com/news/pressrelease.cfm?id=2491>. Other polls indicate similar results. A February 2005 Ekos Poll shows that 60% believe that same-sex couples should have the same rights at heterosexual couples with 28% opposed. But Canadian are more evenly split when it comes to “allowing gays and lesbians to marry” with 42% in favour and 40% opposed. See <http://www.ekos.com/admin/articles/14feb2005background.pdf>.

4 See *Amusing Ourselves To Death*, Neil Postman, (Penguin Books, New York, 1986).

5 The word "Dominion" is the official title of Canada. The term was chosen at the London Conference of 1866 when Canadian and British politicians were planning the final details of the Canadian Confederation. The Canadians preferred "Kingdom of Canada," but it was rejected because it might offend the Americans. Then Samuel Leonard Tilley of New Brunswick suggested "Dominion," quoting from the Bible (Psalm 72:8): "He shall have dominion also from sea to sea, and from the river to the ends of the earth." This quotation was to provide Canada with its motto as well as its name. The term is little used today. (From the Canadian Encyclopedia. See <http://thecanadianencyclopedia.com>.)

6 See ELCIC National Bishop Ray Schultz’s letter to Prime Minister Paul Martin on January 4, 2005 available at <http://www.elcic.ca/bishop/20050104.html>. This letter was sent to all the party leaders in advance of the House of Commons debate on Bill C-38, *The Civil Marriage Act*.