

## **Opinion on the Ontario Divisional Court decision regarding the definition of marriage**

The Ontario Divisional Court has recently delivered an unprecedented judgement which marks a further step in the public dismantling of Canada's Christian heritage. According to the Justices of the Court, the legal definition of marriage as the voluntary, exclusive union of one man with one woman is 'discriminatory' and should therefore be amended to embrace similar unions between persons of the same sex.

Lutheran Church–Canada views with grave concern the Justices' demand that the Federal Government introduce legislation in conformity with their ruling. As we thank the Prime Minister for this opportunity to contribute to public discussion of this matter, we wish to register seven objections to the proposed legalization of same-sex marriage.

1. We point out that 'discrimination' is often a positive component of human mental activity. Sensible people discriminate between sides of the road as they drive. Hikers discriminate between poisonous and non-poisonous herbs and berries. The police discriminate between law-abiding and law-breaking citizens. So there is nothing inherently wrong in the law's discriminating between marriage as the voluntary, exclusive union of one man with one woman and other sexual relationships.
2. Moral truth cannot be ascertained through ideologically-motivated interpretation of a recent document such as the 1982 Charter of Rights and Freedoms. Genuine human rights are based on nature created by God, and must be distinguished from unfounded demands made by vehement pressure groups. The Court's ruling belongs entirely under the latter heading.
3. Acceptance of the Court's ruling would lead even beyond the same-sex marriage which the Justices envision. If marriage is redefined to include also the voluntary, exclusive union of two persons of the same sex, what stands in the way of other thinkable variations such as bigamy and polygamy? Any tampering of the age-old definition of marriage will necessarily drain the term itself of any specific content.
4. Holy Scripture attests that the institution of marriage as the voluntary, exclusive union of one man with one woman is a work of God which predates the foundation of both government and religion. In faithfulness to the written Word of God, Lutheran Church–Canada therefore teaches the sacredness and inviolability of marriage as the fundamental building-block of human society, through which Almighty God wills to continue and nurture the human race. On the basis of natural and divine law, we reject the elevation of any other forms of sexual relationship to the status of marriage.
5. The Court's proposed amendment of the law would produce an unprecedented conflict between church and state in Canada which could only end in the governmental persecution of Christianity. Our pastors and congregations are unanimously unable to accept any other definition of marriage than as the voluntary, exclusive union of one man with one woman. We cannot publicly recognize or bless 'marital unions' otherwise constituted, and we are obliged to hold fast to the moral tradition that flows from the Ten Commandments (which is shared with non-Christians and adherents of other religions in the form of the natural law).

6. Lutheran Church–Canada must bear public witness on this issue even apart from the general invitation issued by the Prime Minister. The ruling of the Ontario Divisional Court represents an extra milestone in the ominous dechristianisation of Canada. We can only view the Justices' opinion as a deliberate insult to the God who gives the natural moral law to all of humankind, as a breathtaking blasphemy of God the Holy Trinity who in the Old and New Testaments pictures His own relationship with His people under the image of marriage as the voluntary, exclusive union of one man with one woman. We therefore warn the public authorities of this land of the dire consequences of such despising of Almighty God as is evidenced in the Justices' ruling. A Judge stands over us who ranks before and above all federal and provincial courts. A nation which defies Almighty God in the manner requested by the Justices is liable to His severe chastisement.
7. Our objections to the proposed amendment of Canada's legal code operate on two levels. The argument based on natural moral law arises from age-old human experience which is daily ratified by common-sense. We share this objection with people of good will and with the adherents of other religions. Our second argument, which derives from the unanimous testimony of Holy Scripture and Christian tradition, carries authority only within the bounds of Holy Christendom. We regret that Canada has undergone such extensive dechristianisation in the past several decades that the religion professed by the majority of our people could be so completely disregarded by the Divisional Court of Ontario. And we consider it unthinkable that our elected representatives could presume to override the universal and unanimous testimony of the natural moral law which Almighty God has written on the hearts of all our citizens.