

Same-Sex Marriage

An Example of the
Evolution of a Right

Team Workbook

Answer
key

Team

members:





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Table of Contents

Presentation of the Activity and In-Class Procedure	4
Reconstruct the Chronology of the Right to Same-Sex Marriage	5
Analyze and classify the documents.....	5
Date the Key Events and Place Them in Chronological Order	13
Deepening the Reflection	16





Presentation of the Activity and In-Class Procedure

As a team, you will do some research, and analyze key events or documents on the evolution of the right to marriage between same-sex couples. This analysis will help you date and arrange the key event cards in chronological order. You must also answer the reflection questions to finish this activity.

- 1 Make a team of 4 students.
- 2 Analyze the event or document by answering the guiding questions (pages 7, 8, 10 and 12).
- 3 Arrange the key event cards in chronological order. (pages 13 to 15).
- 4 Answer the questions at the end of this workbook (page 16).

Looking for clues: the dictionary is your ally

Important! Some historical documents use complex language. It's normal for you not to understand all of the words in the texts on the following pages.

As detectives or historians, analyze the clues as best you can to understand each situation. The guiding questions will help you understand the essential information in each document. Some of the definitions are provided, but a dictionary is still your best friend!

Reconstruct the Chronology of the Right to Same-Sex Marriage

Analyze and classify the documents

Pierre Trudeau Speaking Outside the House of Commons	6
Guiding questions	7
Roger and Théo's civil union	8
Guiding questions	8
Criminal Code	9
Guiding questions	10
Civil Marriage Act	11
Guiding questions	12



What is a "bill"?

A "bill" is the term used for the text of a proposed law. In Quebec, it's a member of the National Assembly who writes the bill and presents it to the rest of the Assembly. After several sessions of discussion and debate, the members of the Assembly vote: they decide whether the bill should become a law that all of society must respect.

When the members of the Assembly vote "Yes" to a bill, it is "adopted" and becomes law.

Important! Decriminalizing does not mean legalizing! When a gesture or action is decriminalized, a person cannot be charged with a crime for performing this action. For example, if the possession of a drug is decriminalized, a person who possesses this drug cannot go to prison.



Pierre Trudeau Speaking Outside the House of Commons

Context

In the late 1960's a bill known as the Omnibus Bill was introduced with the aim of modifying the Criminal Code. The passing of this bill resulted in changes in the law governing different areas, including homosexuality. Some of the propositions of this bill were considered controversial at the time, notably the idea of decriminalizing homosexual acts under certain conditions. In 1967, Pierre Trudeau, the Federal Justice Minister at the time, pronounced a statement on this topic that later became famous. According to the Minister's statement, "There's no place for the state in the bedrooms of the nation".

Instructions

1. Do an Internet search on Pierre Trudeau's statement about the Omnibus Bill.
You can search for:
 - a. "There's no place for the state in the bedrooms of the nation. Pierre Trudeau."
 - b. "Pierre Trudeau Speaking Outside the House of Commons on December 21, 1967."
 - c. "Pierre Trudeau statement homosexuality Omnibus Bill."
2. Browse through the results and select a few websites to consult.
 - a. Select reliable sources! Consulting the websites of rigorous newspapers and national museums is a good idea.
3. Answer the guiding questions.



Guiding questions

Answer
key

- 1) Which websites did you consult?

*Students must list reliable sources, such as reliable newspapers
or national museums.*

- 2) When was the content published?

Answers will vary according to the websites students consulted.

- 3) Describe the historical event to the best of your ability.

*Example of an answer: Following the introduction of a bill to modify the Criminal
Code in 1967, the then-Federal Justice Minister, Pierre Trudeau, was questioned
about its content by the media. This bill aimed at modifying the law governing many
topics, including homosexuality, which was criminalized at the time. Regarding
the topic of homosexuality, the Minister stated that "There's no place for the state
in the bedrooms of the nation."*

- 4) Where did the historical event take place?

Outside the House of Commons, in Ottawa.

- 5) What's the significance of this event to same-sex couples?

*Example of an answer: This bill proposed the decriminalization of homosexual acts
between two consenting adults in private. Same-sex couples still couldn't express
their love in public, nor get married.*

Roger and Théo's civil union

Instructions

1. Do an Internet search on Roger Thibault and Théo Wouters' civil union.
2. Browse through the results and select a few websites to consult.
 - a. Select reliable sources! Consulting the websites of rigorous newspapers is a good idea.
3. Answer the guiding questions.

Guiding questions

- 1) Which websites did you consult?

Students must list reliable sources, such as reliable newspapers.

- 2) When was the content published?

Answers will vary according to the websites students consulted.

- 3) What did you learn about Roger and Théo's civil union?

Exemple of an answer: In 2002, Roger Thibault and Théo Wouters became the first same-sex couple to enter a civil union in Quebec. Their civil union was celebrated in Montreal and was made possible thanks to the adoption of Bill 84.

- 4) Where and when did Roger and Théo's civil union take place?

In Montreal, on July 18, 2002.

- 5) What does Roger and Théo's civil union tell us about the evolution of same-sex couples' right to marriage?

Example of an answer: In 2002 Roger and Théo were allowed to celebrate their civil union thanks to the adoption of Bill 84. Although civil unions and marriages grant the same rights and obligations, they are not the same legal act. In 2002, same-sex couples were not allowed to get married.

THE
CRIMINAL CODE. 1892
55-56 VICTORIA, CHAP. 29

PART XIII.
OFFENCES AGAINST MORALITY.



Acts of gross
indecenty.

178. Every male person is guilty of an indictable offence and liable to five years' imprisonment and to be whipped who, in public or private, commits, or is a party to the commission of, or procures or attempts to procure the commission by any male person of, any act of gross indecency with another male person. 53 V., c. 37, s. 5.

Text transcription:

THE CRIMINAL CODE, 1892

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Retrieved from: <https://www.lareau-legal.ca/CodeCriminel1892UN.pdf>



Guiding questions

Answer
key

- 1) What type of document is it?

Document 3 is an excerpt from the Criminal Code of 1892.

- 2) Who created this document?

The federal government of Canada (the Parliament of Canada).

- 3) When was this document adopted?

The Criminal Code was adopted in 1892.

- 4) What does this document say?

The Criminal Code lists what are considered crimes in Canada. Section 178, in Part XIII "Offences against Morality" states that men are guilty of a crime and can face consequences if they commit, participate or try to commit any "act of gross indecency" with other men.

- 5) Where?

The document was written and published in Ottawa. The law applies to all of Canada.

- 6) What does this document tell us about the rights of same-sex couples?

Example of answer: At the time the Criminal Code was written, homosexuality was considered a crime. The possible sentences were imprisonment and whipping.



Civil Marriage Act

Civil Marriage Act

S.C. 2005, c. 33

Assented to 2005-07-20

An Act respecting certain aspects of legal capacity for marriage for civil purposes

Preamble

WHEREAS the Parliament of Canada is committed to upholding the Constitution of Canada, and section 15 of the *Canadian Charter of Rights and Freedoms* guarantees that every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination;

WHEREAS the courts in a majority of the provinces and in one territory have recognized that the right to equality without discrimination requires that couples of the same sex and couples of the opposite sex have equal access to marriage for civil purposes;

WHEREAS the Supreme Court of Canada has recognized that many Canadian couples of the same sex have married in reliance on those court decisions;

WHEREAS only equal access to marriage for civil purposes would respect the right of couples of the same sex to equality without discrimination, and civil union, as an institution other than marriage, would not offer them that equal access and would violate their human dignity, in breach of the *Canadian Charter of Rights and Freedoms*;

WHEREAS the Supreme Court of Canada has determined that the Parliament of Canada has legislative jurisdiction over marriage but does not have the jurisdiction to establish an institution other than marriage for couples of the same sex;

WHEREAS everyone has the freedom of conscience and religion under section 2 of the *Canadian Charter of Rights and Freedoms*;

WHEREAS nothing in this Act affects the guarantee of freedom of conscience and religion and, in particular, the freedom of members of religious groups to hold and declare their religious beliefs and the freedom of officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs;

WHEREAS it is not against the public interest to hold and publicly express diverse views on marriage;

WHEREAS, in light of those considerations, the Parliament of Canada's commitment to uphold the right to equality without discrimination precludes the use of section 33 of the *Canadian Charter of Rights and Freedoms* to deny the right of couples of the same sex to equal access to marriage for civil purposes;



WHEREAS marriage is a fundamental institution in Canadian society and the Parliament of Canada has a responsibility to support that institution because it strengthens commitment in relationships and represents the foundation of family life for many Canadians;

AND WHEREAS, in order to reflect values of tolerance, respect and equality consistent with the *Canadian Charter of Rights and Freedoms*, access to marriage for civil purposes should be extended by legislation to couples of the same sex;

Guiding questions

Answer
key

1) What is this document?

It's the Civil Marriage Act, which is a piece of Canadian legislation.

2) Who created this document?

The federal government of Canada (the Parliament of Canada).

3) When was this document adopted?

It was adopted in 2005.

4) Why was this document's created?

It was created to amend the Marriage Act to legalize same-sex marriage nationwide.

5) What does this document tell us about the rights of same-sex couples?

Example of an answer: This piece of legislation legalized same-sex marriage across Canada. It ensures equal legal rights and protections for same-sex couples while respecting religious freedoms.

Date the Key Events and Place Them in Chronological Order

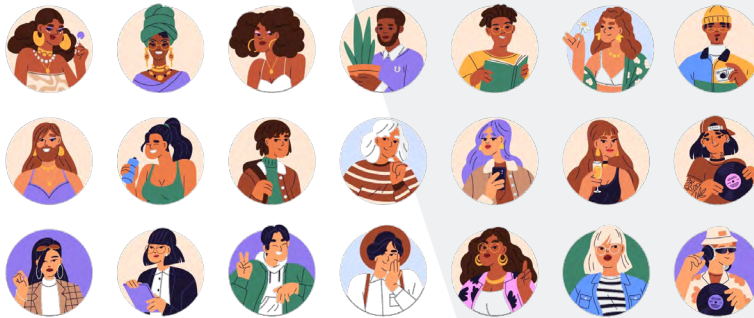
Answer
key

Cut out the cards below. Use your knowledge to try to place them in chronological order. Add the relevant year on the line on each card.



Try to guess the date

1977 : Discrimination based on sexual orientation is prohibited in Quebec



1969 : Homosexuality is decriminalized

- Between consenting adults 21 years old or over.
- For acts done in private.





2005 : Canada adopts the
Civil Marriage Act



1995 : Canada prohibits
discrimination based
on sexual orientation





From 1759 to 1969

Homosexuality is a **crime**

- Homosexuality was long prohibited.
- Maximum sentence at the time: 5 years in prison and whipping.



2002 : Quebec creates **the civil union**



Deepening the Reflection

Answer
key

- 1) What did you learn about the evolution of the right to same-sex marriage? Name at least two aspects.

Personal answer. The students must write an answer that is coherent with the facts presented in the documents.

Example: I learned that it took various changes in laws and in society for same-sex marriage to be permitted. Initially, homosexuality was considered a crime. In 1969, it was decriminalized. Yet, same-sex marriage was not permitted until 2005.

- 2) Scenario:

- a) It's Quebec, 1902. Joel is deeply in love with Pierre and wants to show his love by kissing him. Does the law of 1902 allow him to do this? What are the possible consequences?

No. Homosexuality was criminalized at the time. Joel and Pierre could have gone to prison.

- b) It's 2003. Anne and Julie have been a couple for 15 years and live in Quebec. They want to get married. Does the law allow it? Explain your answer.

No. Same-sex marriage was only permitted in 2005 in Quebec. Anne and Julie can only enter a civil union.