

# Same-Sex Marriage

An Example of the  
Evolution of a Right

## Team Workbook

Team

members:

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##### August 2025 version

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# Presentation of the Activity and In-Class Procedure

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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**Important!** Some historical documents use complex language.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

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### *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

1) Which websites did you consult?

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2) When was the content published?

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

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4) Where did the historical event take place?

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

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## 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?

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- 2) When was the content published?

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

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

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

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

**PART XIII.**  
**OFFENCES AGAINST MORALITY.**



Acts of gross  
indecency.

**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:**

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



## Guiding questions

1) What type of document is it?

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2) Who created this document?

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3) When was this document adopted?

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4) What does this document say?

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5) Where?

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

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# 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

1) What is this document?

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2) Who created this document?

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3) When was this document adopted?

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4) Why was this document's created?

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

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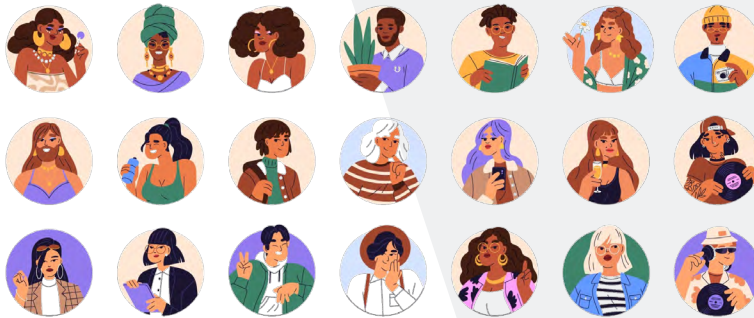
# Date the Key Events and Place Them in Chronological Order

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

\_\_\_\_\_ : **Discrimination** based on sexual orientation is **prohibited in Quebec**



\_\_\_\_\_ : **Homosexuality** is **decriminalized**

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





\_\_\_\_\_ : Canada adopts the  
**Civil Marriage Act**



\_\_\_\_\_ : Canada prohibits  
discrimination based  
on sexual orientation





From \_\_\_\_\_

## Homosexuality is a **crime**

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



\_\_\_\_\_ : Quebec creates **the civil union**





# Deepening the Reflection

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

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- 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?

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- 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.

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