

Evangelical Witness and Bill C-415: Being Salt and Light in an Upside Down World
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I am not a particular fan of roller coasters but my teenage son and daughter are. In an effort to strengthen the parental bonds when so many issues in life seem determined to batter and bruise them, I have found myself on some pretty harrowing roller coaster rides. Out of sheer necessity, I have discovered a way to survive even the largest, most fearsome roller coasters. The trick is to just keep your eyes closed. This accomplishes two things: first, you don't know what's coming so the fear factor is stripped of its power; and second, by removing visible reference points it no longer matters whether you are right side up or upside down. You are simply "in space". This can actually be quite a "freeing" sensation because you are, at least momentarily, defying the law of gravity.

It occurs to me that there is a lesson in this for us as we consider how we ought to view, and respond to, issues like Bill C-415.

What is Bill C-415?

Bill C-415 is a Private Member's Bill put forward by Mr. Svend-Robinson (MP from Burnaby-Douglas, NDP). It is an act to amend the Criminal Code. The bill received first reading on November 22/01, one week after Aaron Webster, a gay man, was clubbed to death in Stanley Park in Vancouver, B.C.

In presenting the Bill to Parliament, Mr. Robinson said:

Mr. Speaker, I have the honour to present a bill this morning that would expand the definition of identifiable group under the provisions of the criminal code relating to hate propaganda to include any section of the public distinguished by sexual orientation.

The current provisions of the criminal code include reference to colour, race, religion and ethnic origin. The purpose of my amendment is to expand the protections of the hate propaganda provisions to include gay, lesbian, bisexual and transgender people to assist in protecting these groups against public incitement of hatred and violence...

The particular section of the Criminal Code to be amended is section 318 (4), a section which has been in the Criminal Code since 1970. If passed, the definition of identifiable group (to be protected from advocacy of genocide and public incitement of hatred) would include colour, race, religion, ethnic origin and sexual orientation. This bill subsequently received second reading on May 29/02 and has been referred to the Standing Committee on Justice and Human Rights.

What is a “Private Members Bill”?

Private Members Public Bills are initiatives sponsored by a private Member, that is, a Member who is not a Minister of the Crown. They are public policy initiatives that affect the entire general public or a portion thereof. These bills are numbered from C-201 to C-1000.

Very few Private Members Bills are successful (only 12.6% since 1983). In many cases, the introduction of a Private Members Bill is not so much a serious attempt to change public policy as an attempt to bring a subject to public attention. However, in the case of Bill C-415, it appears that there is quite widespread government support. In fact, during his speech at the second reading of the bill (May 29/02), Mr. Robinson said:

Finally, I want to note that in terms of the legislation, it has some of the broadest base of support of any private member’s legislation, indeed sometimes government legislation, that has come before the House. Every provincial and territorial attorney general supports the bill. In fact, in November last year there was a meeting of provincial, territorial and federal attorneys general and they unanimously called on the government to move ahead to adopt the legislation.

What would Bill C-415 accomplish?

According to the Evangelical Fellowship of Canada (EFC),

“The current law bans promotion of hatred and violence against members of an identifiable group and makes it a criminal offense to do the following:

- “Advocate genocide” – advocating the killing of members of an identifiable group or deliberately inflicting, on the group, conditions of life calculated to bring about its physical destruction.
- “Public incitement of hatred” – communicating statements in a public place that incite hatred against an identifiable group. A “public place” is defined as “any place to which the public have access as of right or by invitation, express or implied.” This would include churches and other religious meeting places.
- “Willful promotion of hatred” – communicating statements, other than in private conversations, that willfully promote hatred against any identifiable group.”

If Bill C-415 passes, it would be unlawful for anyone to advocate genocide, publicly incite hatred, or willfully promote hatred of anyone or of any group on the basis of their sexual orientation.

Is there a need for including sexual orientation in the definition of “identifiable group”?

There can be no doubt that many gay, lesbian, bisexual and trans-gendered individuals in our society have been subjected to various degrees of disapproval, rejection, and even hatred. Some of the most extreme examples of this have been reported by the media, but many have gone unnoticed and un-recorded, except in the consciousness of the person(s) singled out.

In a working document written in 1995, entitled “*Disproportionate Harm: Hate Crime in Canada*”, Julian Roberts says:

Hate crimes are crimes in which the offender is motivated by a characteristic of the victim that identifies the victim as a member of a group towards which the offender feels some animosity. The problem of hate crime is a truly global phenomenon and Canada is no exception. Because they are directed both at a group and an individual victim, hate crimes carry an element of harm that is not present in other forms of offending.

Interestingly, in discussing the issue of the variability in the definitions in use by police services across Canada, Roberts notes that:

*Some police forces (such as the Metropolitan Toronto Police Service) use what might be termed an exclusive definition. That is, a crime is only classified as a hate crime when, in the opinion of the investigating officer, the act was 'based solely upon the victim's race, religion, nationality, ethnic origin, **SEXUAL ORIENTATION**, gender, or disability.(emphasis added)*

Concerning hate crimes directed at gays and lesbians, Roberts states:

Research in other countries such as the United States has clearly shown that gays and lesbians are a principal target for hate crimes. In addition, there are several reasons to believe that members of the gay community are less likely than any other victimized group to report incidents to the police. For this reason, police statistics are likely to seriously underestimate the extent of the threat to the gay community in Canada. Analysis of calls to a hotline in Toronto run by the 519 Church Street Community Centre shows that a high incidence of hate-motivated incidents directed at gays and lesbians involve physical assault. Only a minority of incidents reported to the hotline had been reported to the police.

While this is only one report, it is important for us to consider the question of need very carefully. According to this author, the practical implementation of the legislation is already in place, and has been for some time. Another way of asking the question is to say, "what message does it send if we do not include sexual orientation in the definition of identifiable group"?

Can Christians endorse hate crime legislation (Bill C-415) without endorsing homosexuality?

It is my view that Christians can (and should) be very concerned about the expression of hatred toward any flesh and blood person on any grounds. While it is my firm conviction that the bible (in both the Old and New Testaments) prohibits homosexual activity, I am dismayed when the Christian community can't, in addition to these prohibitions, also see homosexuals, first and foremost, as fellow sojourners through this barren world, and in need of the Saviour.

When we insist on drawing lines and singling out homosexuality (amongst all of the possible arenas of sin), and the homosexual, as being somehow beyond the reach of Christ, surely we are guilty of grieving the Holy Spirit. As citizens in this pluralistic society, surely we do not wish to use Scripture to advocate genocide or to publicly or willfully incite hatred.

I believe that whatever else the gay community or the general public hears from Christians on this issue, they should hear that we abhor the expression of hatred towards any individual or

group on the basis of sexual orientation. Thus, I would suggest that our priorities on this issue should be:

1. opposing the expression of hatred in any form toward gays and lesbians;
2. educating our constituency on this issue and encouraging a biblical understanding of both the issue (homosexuality) and our responsibility to engage in ministries that are consistent with Christ's example;
3. supporting and demonstrating the value to our society of religious freedom and freedom of expression.

Although we may believe that we understand God's TRUTH on this issue, we can only offer that truth in humility. A homosexual who does not know Christ as Lord should not, and cannot, be expected to be held accountable to biblical standards of sexual morality. We who know Christ, however, are accountable to go to unusual lengths to bring wounded souls to Christ.

Could the Bible be defined as “hate literature”?

Much of the response from Christian organizations to this issue has focused on the possibility that, if passed, Bill C-415 might lead to court challenges of the Bible and ultimately that our Courts might deem certain passages to be labeled as hate literature. Fear that this may be the path we're on has led, I believe, to too much confusion over the issues.

In these days, with much wrangling over rights and freedoms, it is no surprise that efforts will be made to intimidate and silence those whose views are not in line with political correctness. Certainly, gay rights activists will do all that they can to render ineffective those who disagree with their views of morality on biblical principle. However, as those entrusted with a ministry of reconciliation, I think we must distinguish between the political agenda of a movement, and the real life struggles of individuals. When we are blinded by the agenda of the movement, to the needs of the individual, we have lost our ability to speak a message of hope to those who desperately need to hear it.

My concern is that we need to be very clear what it is we object to and what we are trying to protect. I'm afraid that the message we are giving on this issue is that we are terrified that the bible may be criticized and found, by secular society, to be offensive. Furthermore, it would seem that we have become so consumed by this fear that we appear to be willing to defend religious freedom, no matter what the cost. To my knowledge, this approach has never effectively advanced the Kingdom of God. Unfortunately, the sad reality is that some who profess to be Christians have used the bible to promote hatred against gays and lesbians.

I would hope that we would be using Scripture to incite, not hatred, but understanding and compassion and I would be happy to see that presented in a court of law by articulate, well-informed, credible, humble, spirit-filled Christian spokespeople! I recognize that what does and does not constitute “hatred” will be decided in the courts and I realize that decisions of the courts do not always follow predictable patterns.

I also recognize that there is a (perhaps valid) concern that the distinction between legitimate debate on an issue, or simply expressing an opinion which challenges moral presuppositions,

could result in court challenges. There are a number of safeguards in place that should protect freedom of speech and freedom of religion. The Criminal Code, subsection 319(3), for example, states that no person shall be convicted of an offence under this subsection if, among other grounds, in good faith he/she expressed or attempted to establish by argument an opinion on a religious subject. No doubt these protections will be continually defined.

I think it is essential that we remember a few fundamental points in order to contextualize this discussion with respect to our efforts to be salt and light. Increasingly, we are going to need to decide which “kingdom” we belong to. The Kingdom of God - the Kingdom Jesus came to advance – is not of this world. Jesus prayed that we would be in the world, but not of it. Ultimately, we will need to let go of our control of this world, where courts and parliaments decide what is right and acceptable, and realize that God’s Kingdom is not subject to this world nor governed by democratic principles.

In his book (completed and published posthumously) called *Final Roar*, Bob Briner says:

One simple way to understand the lesson of God’s kingdom and to see very clearly how we have failed our world is to understand that the Christian’s job is not to change society or to “clean up” its institutions. Rather, it is to offer the life-changing power of the gospel. It is the gospel that brings about God’s kingdom in the lives of believers as the Lord Jesus begins to rule and reign in our hearts. When this occurs, society and its institutions change, reflecting the new godly focus of believers.

When Christians get it backwards, something we too often do, it never works. When we try to force changes in society through pressure, ridicule, protests, boycotts, political power, judicial activism, and all the other ways of this world, we only bring about the kind of societal failures and moral and ethical uncertainties we see all around us. Make no mistake, we are being disobedient when we do this. We are not following our instructions. We are not building God’s kingdom. We are not serving our country or our fellow citizens. We may feel righteous, but we are sowing seeds of unrighteousness because we alienate people and drive them further away from the truth of the gospel.

These are critical days and crucial issues in our society. Traditional assumptions about truth are being challenged but we need not fear any human authority or the manipulation and politicization of society’s institutions. We do, however, have an obligation to offer truth and to speak truth into our society. Briner (2000:9) says:

Christians are to offer the peculiar and particular insights of Christianity and the Bible. We are not to sell them, force them, develop power blows to install them, sue to have them enacted, or legislate them into being. We are to offer them...

Of course, in order to be able to make an offer, one must be positioned to do so, to show up at the place in the public square where offers can be made and accepted or rejected. A failure to show up in the larger society with any level of influence (except for a negative influence) is another one of the ways we Christians have most grievously failed [our society].

Conclusion

Some will accuse me of closing my eyes and burying my head in the sand. Some will say that this is all very well, but we still have to do something. Yes, perhaps. But the doing must come out of the being. As we abide in Christ, and He in us, we can safely close our eyes on this particular roller coaster and learn to live in a space where the law of gravity is suspended. We do not need to fear what lies ahead but orient our perspective so that we are thinking from the point of view of God's kingdom.

In terms of practical steps of engagement, we can commit ourselves to a ministry of prayer, for:

- those in positions of secular authority (in our courts; legislatures, and parliament) that they will rule with integrity;
- those who will represent the Christian perspective in the public square on this issue, that they will have divine wisdom and will represent Christ well;
- those who have distorted God's word and used it to justify attitudes and actions of hatred, that they will come to their senses and repent of their sin;
- those who have been victims of expressions of hatred because of their sexual orientation, that God will bring into their lives Christians who are caring and compassionate and who are willing to go to unusual lengths to bring them to Christ;
- those who have opportunity to teach and preach messages of reconciliation, that they will grasp the extent of God's love for all His creation.

On this issue, as with others, let us keep our wits about us and remember that we do live in an upside down world!

About the author:

Lois Mitchell serves part-time as Director of Public Witness and Social Concerns for the Convention of Atlantic Baptist Churches (CABC) and part-time as Public Witness and Social Concerns Facilitator for Canadian Baptist Ministries (CBM). The views expressed in this paper are offered as a means of stimulating thought, discussion, and action around this particular issue. The principles can be transferred to other issues. This paper should not be considered to be a formal or official expression of the opinion or position of CABC or CBM on the issue.

Notes

1. Bill C-415 is actually Mr. Robinson's second attempt while in the House to bring about this amendment, the first attempt being on June 27, 1990 when he tabled Bill C-326. That attempt went the way of most Private Members Bills, attracting little public attention.
2. First reading of Bill C-415 occurred during the 1st session of the 37th Parliament
3. In 2000/01, none of the 63 Private Members Bills introduced was passed. Since 1983, 247 of the 1,953 Private Members Bills introduced have been adopted.
4. This can be found on the EFC webpage (www.evangelicalfellowship.ca). It was also include in a mass mailing to EFC members.
5. This document can be found on the web at <http://canada.justice.gc.ca/en/ps/rs/rep/wd95-11a-c.html>. This study was funded by the Research and Statistics Division, Department of Justice

Canada. The views expressed in this document (and quoted here) are the views of the author, and do not necessarily represent the views of the Department of Justice Canada.

6. See Mark 2:1-12 for example.
7. 2 Corinthians 5:18-20.
8. If you seriously question this statement and feel that you need concrete evidence, check a website by Fred Phelps: www.godhatesfags.com.
9. John 18:36.
10. John 17:15-19.
11. Briner, Bob. Final Roar. Broadman and Holman Publishers, Nashville, Tennessee (2000), pg. 22)