

SAME SEX MARRIAGES

Prof Devinder Singh Chahal, PhD
Institute for Understanding Sikhism
4418 Martin-Plouffe, Laval, Quebec, Canada H7W 5L9
email: Sikhism@iuscanada.com

The recent edict of the Akal Takht has been issued in hurry, which is creating some displeasure between the Sikhs and Sikh MPs; and between the Sikhs and the Government of Canada. The cancelling of visit of Prime Minister of Canada to the Darbar Sahib (Golden Temple) is already a sad news. I wish he should have been welcomed there whole heartily.

Mr Tej Thind of Montreal has also expressed his view on the Sikh Diaspora on January 19, as follows:
"There was no surprise in what has come to be known as a badly timed SGPC edict against homosexuality and gay marriages. Vedanti, viz, SGPC, were never considered politically savvy on the world stage, in this case they could have deferred the edict until after the Canadian Prime Minister Paul Martin's planned visit to Amritsar. There was no urgency indicating threat to Sikhi, Sikhs or Sikh institutions. This major diplomatic fiasco will be long remembered! Let's see how long it takes before another world leader visits Amritsar!"

An earlier edict from Akal Takht banning eating of *langar* (eating together without any discrimination) on tables and chairs had sharply divided the Sikhs of British Columbia, Canada into two strong groups, Now each group spends hundreds of thousands of dollars during election times to win the control of Gurdwara in BC. Such wasted money could go a long way to preach Sikhism in its real perspective.

So much so that the news on recent edict issued by the Akal Takht also appeared in Canadian Press, which broadside the visit of Prime Minister Paul Martin in India. For example, Montreal Gazette of January 19, 2005 reports:
" The Prime Minister, who favours legalization of same-sex marriage, was caught off guard when the Sikhs' supreme religious leader, Joginder Singh Vedanti, issued an edict condemning same-sex marriage as "an idea that originated from sick minds."

However, Dr Manmohan Singh, PM of India and a devout Sikh, issued a very sober statement, " *I don't think it is proper for me to comment on internal Canadian affairs, but certainly... such a thing in our country, I would think would not have a wide appreciation.*"
And

Toronto Star of January 19, 2005 reported the news as follows:

"Martin battles Sikh edict

Urges voters to back gay union bill
Issue overshadows New Delhi visit

*Tonda Maccharles
Ottawa Bureau*

NEW DELHI — Prime Minister Paul Martin vigorously countered an influential religious edict from the highest Sikh clerical authority urging all Sikhs to resist the legalization of same-sex marriage..."

LET US CONSIDER THIS ISSUE FROM NANAKIAN PHILOSOPHY

According to Nanakian Philosophy in the following two stanzas of Bani of Guru Nanak, the union of two opposite sexes (man and woman) is necessary to produce a new baby:

ਮਾਤ ਪਿਤਾ ਸੰਜੋਗਿ¹ ਉਪਾਏ² ਰਕਤੁ³ ਬਿੰਦੁ⁴ ਮਿਲਿ ਪਿੰਡੁ⁵ ਕਰੇ ॥
ਅੰਤਰਿ ਗਰਭ⁶ ਉਰਧਿ⁷ ਲਿਵ⁸ ਲਾਗੀ ਸੋ ਪ੍ਰਭੁ⁹ ਸਾਰੇ¹⁰ ਦਾਤਿ¹¹ ਕਰੇ ¹²॥੧॥

AGGS, M 1, p 1013.

*Through the union¹ of mother and father are given² the egg³ (blood) and semen⁴ (containing sperms) (The union of sperm with egg) forms the body⁵ (fetus in the uterus).
In the uterus⁶ (womb) the fetus develops with head down⁷ in tranquility⁸ where God⁹ arranges¹² every¹⁰ type of food¹¹ (for the developing baby through the umbilical cord). 1.*

And

ਮਾ ਕੀ ਰਕਤੁ¹ ਪਿਤਾ ਬਿਦੁ² ਧਾਰਾ³ ॥

ਮੂਰਤਿ⁴ ਸੂਰਤਿ⁵ ਕਰਿ⁶ ਆਪਾਰਾ⁷ ॥

ਜੋਤਿ⁸ ਦਾਤਿ⁹ ਜੋਤੀ¹⁰ ਸਭ ਤੇਰੀ ਤੂ ਕਰਤਾ¹¹ ਸਭ ਠਾਈ¹² ਹੇ ॥੪॥

AGGS, M 1, p 1022.

*From the mother's egg¹ (blood) and the flow³ of semen² (containing sperms) of father,
The Infinite God⁷ has created⁶ a beautiful⁵ body⁴ (baby).*

*The energy⁸ (life) and all types¹⁰ of food⁹ have provided (through umbilical cord) by You, the Creator¹¹,
who pervades everywhere¹².*

Biologically the union between two opposite sexes of is necessary to procreate their next progeny. Two homosexuals cannot produce their progeny. In lower animals, plants, and microorganisms there are many other methods for producing their next progenies but in human the union (marriage) of two opposite sex (man and woman) is necessary.

Therefore, biologically the marriage is union between two opposite sexes and their living together in a very congenial environment to nurture their progeny. I had already discussed a lot on 'soul' (at Sikh Diaspora Discussion Group and now in the January 2005 issue of Understanding Sikhism) so it is enough to mention here that the DNAs (souls) of parents are passed on to their children. In fact the children are the next 'juuns' (the so-called next life) of the parents. Their future depends upon the **nature** of parents' DNAs and **nurture** provided by the environment (by God) and the parents.

The marriage is a very serious relationship and it should not be taken lightly and there is no need to change the natural biological laws created by God according to Nanakian Philosophy. The marriage is not being understood in its real perspective in these days by the so-called modern society. The implications of wrong interpretations of marriage are already taking its toll and effecting the new generation of the disturbed marriages.

The definition of marriage according to Canadian Constitution is as follows, which is exactly what I call it, **a biological definition of marriage:**

The Constitution (<http://www.fotf.ca/familyfacts/analysis/110501.html>):

The debates of Confederation clearly indicate that marriage was understood to be the union of one man and one woman when it was included in the Constitution Act, 1867. The inclusion of marriage in Sections 91 and 92 of the BNA Act did not create the legal relationship of marriage. Nor did it give governments the power to define marriage. Instead it simply recognized, in the law, the pre-existing relationship of marriage - the union of one man and one woman.

More recently, the framers of the Charter of Rights and Freedoms understood marriage to be a union of one man and one woman when the Constitution Act, 1982 was adopted by Parliament and 9 out of 10 provincial legislatures. Therefore, the definition of marriage is deeply embedded in our country's Constitution.

The only possible way to change the definition of marriage from a monogamous, heterosexual relationship would be a constitutional amendment. This view was affirmed by BC Supreme Court Justice Ian Pitfield. (See below)

In the M. v. H. case -- dealing with same-sex rights -- in writing for the majority, Supreme Court Justice Iacobucci clearly stated that the issue at hand was not a "Challenge to traditional conceptions of marriage." The Supreme Court made a further, strong statement about the definition of marriage in the Egan v. Canada case. Justice LaForest wrote for the majority:

“... marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions. But its ultimate raison d'être transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual. It would be possible to legally define marriage to include homosexual couples, but this would not change the biological and social realities that underlie the traditional marriage.”

The Government of Canada is committed to the human rights and also the rights of minorities. She has protected many rights of the Sikhs, and also of the other minorities like, Hindus, Muslims, etc and also that of the majority, the Christians. It is not justified that the Sikh clergy should start issuing edicts to order the Sikh MPs and the Sikhs against the policy of Government of Canada to protect the Human Rights. Since the Government of Canada has protected the religious rights of the Sikhs let Canadian Government protect the rights of the other religions and groups.

Since the humanity is passing through economic crises and some (of the same sex) feel it is easier for them to live together as married couple to get the benefits of a married couples from Government and to live together economically. However, they cannot produce their new progeny or *juun* (next life). The only alternative for them is to have their clone. In this case the male can get only male clone and female can get only female clone not vice versa. Therefore, according the Laws of Nature such union between same sexes cannot be declared as a marriage.

It is much better to follow the Laws of Nature as advised in the Nanakian Philosophy. The constitution of Canada on marriage is exactly based on the Natural Laws – Nanakian Philosophy.

My Suggestion to the Government of Canada is that "Living together of homosexuals" should be allowed to receive the benefits of married couples but such union or living together SHOULD NOT BE DECLARED AS MARRIAGE UNDER CANADIAN LAW. Such union should be defined differently.

And my suggestion to the clergy of Sikhism and of other religions that such union should not be solemnized as marriage since it is against the Laws of Nature (against the Laws of God). However, homosexuals can always go to the civil courts for declaration of such union to get the benefits of that of married couples.

Finally, I would also suggest to the Akal Takht to issue a statement keeping in view the above facts of Nanakian Philosophy to erase the displeasure of the Prime Minister Paul Martin, and displeasure between the Sikhs and Sikh MPs, and between Prime Minister of Canada and the Sikh MPs.

Now a long discussion is going on on various Sikh Internets, and Sikh media (TV, Newspapers, Radios, etc.) on this topic since that edict was issued by the Jathedar of Akal Takht. The most important point being missed is that “Union of homosexuals should not be declared as a marriage under the Canadian Laws.” Biologically ‘marriage’ means union between two opposite sexes. However, a new term should be coined for such union of homosexuals. This fact was ignored by all the participants on various discussions except in my posting on Sikh Diaspora, however, it was understood very well by Mr Jaggi Singh when he declared on the Sikh Diaspora Discussion Group on January 20, 2005 as follows: "*I wish the legislator would coin a new word for this union and leave "marriage" to mean between a man and a woman.*"

In Canadian press Conservative Leader Stephen Harper (clearly) said the traditional definition of marriage should be enshrined in law or Canada could be faced with more radical demands, such as legalizing polygamy. (<http://cnews.canoe.ca/CNEWS/Canada/2005/01/20/904893-cp.html>, also in The Gazette, Montreal, January 21, 2005)

I want to repeat that marriage is only between one male and one female. It does not mean marriage between one male and more than one female or vice versa. It is called polygamy. The Liberal Government is already concerned about the problem of polygamy, which will surface as soon as union of homosexuals is legalized

as 'marriage'. The Federal Government has already launched an urgent study into the legal and social ramifications of polygamy. Sayd Mumtaz Ali, President of Canadian Society of Muslims, said he opposes same sex marriage, but if it were legalized in Canada, polygamists would also be within their rights to challenge for their choice of family life to be legalized (The Gazette, Montreal, January 20, 2005). While some suggest that a push to legalize polygamy may lurk on the fringes of the same-sex marriage issue, Justice Minister Irwin Cotler says there is no link between the two. "We don't see any connection, I repeat, any connection between the issue of polygamy and the issue of same sex marriage," he said Thursday. "Any attempt to make that kind of connection is simply a way of confusing distinguishable issues in every regard." (<http://cnews.canoe.ca/CNEWS/Canada/2005/01/20/904893-cp.html>)

Since biologically marriage is between one man and one woman, therefore, union of same sexes cannot be declared as a marriage, a new name has to be given to this union of same sexes in the Canadian Charter of Rights and Freedom.