

BRITISH COLUMBIA HUMANIST ASSOCIATION

400 – 3381 Cambie Street
Vancouver, BC V5Z 4R3

+1 (604) 265-9298
bchumanist.ca
info@bchumanist.ca



Hon Adrian Dix, Minister of Health
PO BOX 9050, STN PROV GOVT
Victoria BC V8W9E2

September 13, 2017

The Honorable Adrian Dix, Minister of Health:

Following on my August 15 email, I want to reach out again on the issue of who can perform marriages in British Columbia. I have included a current list of 518 individuals who have signed our online petition in support of our position¹. I also want take this opportunity to reiterate and clarify our position, particularly in light of your comments to CBC on August 24².

We fully accept the legislative reality facing the new government and the difficulty your government likely faces in passing its own agenda, let alone additional reforms. What we have proposed, however, we believe can be done within the framework of the existing legislation.

The *Marriage Act* does not define what a religion is and as far as we can tell the current test was simply created and is applied by staff at the Vital Statistics Agency. Our recommendation is for you to direct the Agency to use a more inclusive definition that would permit Humanist and other non-theistic worldviews to register as religious representatives. Such a definition could follow that of sociologist Émile Durkheim who defined religion as a “unified system of beliefs and practices relative to sacred things.” He explicitly noted that the sacred was not limited to gods or spirits and under such an approach, Humanist values of human dignity, reason and compassion could be considered sacred. Further, as Vital Statistics has already recognized a wide variety of worldviews, including several non-theistic philosophies, it’s a relatively minor step to recognize Humanism under the same banner. We detail other concerns with the existing approach taken by Vital Statistics in our report³.

¹ http://www.bchumanist.ca/legalize_humanist_marriage?splash=1

² <http://www.cbc.ca/news/canada/british-columbia/petition-bc-humanist-association-marriage-1.4261752>

³ http://www.bchumanist.ca/marriage_in_british_columbia

Recognizing Humanism within the existing Act would also be consistent with Ontario where the Government has recognized both Humanist Canada and Ontario Humanist Society under its Marriage Act for over a decade.

Conversely, we are prepared to argue that to not do so would be to run counter to the Supreme Court of Canada's ruling in *Mouvement laïque québécois v. Saguenay (2015)*.⁴ That ruling found that governments have a duty of religious neutrality, to neither favour nor hinder any belief, nor to preference any position over any other. In the USA, in *American Humanist Association v United States*, a United States District Court ruled "The court finds that Secular Humanism is a religion for Establishment Clause purposes."⁵ Other cases have specifically recognized that allowing religious leaders to perform marriages while barring Humanist celebrants violates the separation of church and state⁶.

In the comments to CBC News, you suggested that Humanists can apply to be marriage commissioners. This was also recommended to us by Vital Statistics following our 2012 application. I want to be abundantly clear that this is not an acceptable compromise to our organization. While the marriage commissioner program serves many British Columbians, the restrictions, including that applicants be retired and certain lines be included, and lack of vacancies mean Humanists are faced with significant barriers that are not present for representatives of any number of "religious organizations."

While we would be fully supportive of a move toward a change in the *Marriage Act*, we do not believe that it's necessary at this time. I would be happy to meet with you or members of your Ministry to discuss these issues further.

Sincerely

Ian Bushfield
Executive Director

⁴ <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/15288/index.do>

⁵ https://www.scribd.com/document/245271872/American-Humansits-v-US?ad_group=159464&campaign=VigLink&content=27795&irgwc=1&keyword=ft500noi&medium=affiliate&source=impactradius

⁶ http://www.bchumanist.ca/marriage_in_the_united_states_of_america