

# marriage =

## Have you thought about... **equality for other relationships?**

In conversations about “marriage equality”, we are told that changing the legal definition of marriage will not lead to expanding the definition to other types of relationships. But there is no logical reason why it couldn't.

### *Marriage is about love... but so are other relationships*

Slogans such as “marriage is about love”, “equal love” “love is love”, and “love wins” are catchy and even attractive. But that's all they are - catchy slogans. Think about it! If the Government recognises a relationship in law, simply because the relationship is based on love, there is no logical reason why other loving relationships should be excluded from the *Marriage Act*.

Marriage is certainly about love and commitment, but so are many other relationships. Polygamous relationships are about love and commitment. Non-sexual relationships are about love and commitment. Friendships are about love and commitment. Family relationships are about love and commitment. Same-sex relationships are about love and commitment. Love and commitment is wonderful. But it is not enough for a relationship to be defined as a “marriage.”

### *“Marriage equality” for same-sex couples also means equality for polygamous relationships*

Any argument which might be used to justify the legal recognition of same-sex relationships could equally be made to justify the legal recognition of polyamorous and non-sexual relationships:

#### **“Denying same-sex marriage is discrimination”**

The relationship recognised currently in law as “marriage” is different to any other type of relationship, and therefore it is treated differently. This is a distinction, and not discrimination. If excluding same-sex couples from marriage is considered discriminatory, then excluding polyamorous relationships as well as loving non-sexual relationships from being called “marriage” could equally be seen as “discrimination.”

#### **“Same-sex couples have the right to be protected legally and financially in law”**

If equal protection in law requires a change in marriage law rather than a change in the area of law where the inequality exists (such as tax law, superannuation law, or insurance law), then we would need to change marriage law to include other relationships too. There is no reason why those seeking for equal protection of polygamous relationships could not seek to amend the *Marriage Act* to include their relationships as “marriage” as well.

#### **“Marriage is a human right”**

Marriage is a recognised human right, but even the United Nations has said that the right to marry is the right to marry one person of the opposite gender. It doesn't follow that changing the definition of marriage to include other types of loving, committed relationships is also a human right. If it did, then there is no reason why marriage should not equally be open to polyamorous relationships and non-sexual friendships.

#### **“Same-sex marriage will not affect your marriage”**

The argument that personal relationships have no public consequences, and that the legal recognition of some relationships as marriages will not affect existing marriages can equally be used by people who advocate for polygamy, and even currently illegal relationships such as incest.

#### **“It would provide stability for children in same-sex parenting arrangements”**

If the presence of children could be used to justify defining a relationship as marriage it would be unjust to exclude other arrangements in which children are raised from marriage.

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## "It's about love"

If love is the only, or the main, criterion for a relationship to be recognised as a "marriage", then there is no reason why other types of loving relationships, irrespective of kind or number, should not also be defined as "marriage".

## Is this just fearmongering?

The suggestion that taking the redefinition of marriage to its logical conclusion is not borne out by the experience in other countries where the legal definition of marriage has been changed to include same-sex couples. These are only four examples among many:



Although polygamy is illegal in **Canada**, as of January 2009, no person had been successfully prosecuted for polygamy. In 2011, Chief Justice Robert Bauman conceded that there is a conflict between the law banning polygamy and the civil right principles used to justify same-sex marriage.

(Re: Section 293 of the Criminal Code of Canada, 2011 BCSC 1588)

The "FREEDTOM" (Freedom to Marry) lobby group campaigning for the legalisation of polygamy has gained support and momentum since the definition of marriage was changed in the **UK**. *"But what about the sanctity of marriage I hear you cry? Well if that ever existed it ended long ago and even more so now with David Cameron's talk of gay marriage."*

Source: [freedomtom.com](http://freedomtom.com)



The pro-polygamy lobby groups in the **United States** are actively lobbying for the legalisation of polygamy, using the Supreme Court's consideration of same-sex marriage as a justification of their position: *"While the Supreme Court and the rest of us are all focused on the human right of marriage equality, let's not forget that the fight doesn't end with same-sex marriage. We need to legalize polygamy, too."*

Source: Jillian Keenan, Legalize Polygamy! Slate Magazine.

Several **Dutch** MPs have admitted that polygamous marriage is the "next logical step" following the introduction of same-sex marriages in the Netherlands. Currently, the Netherlands recognises the 'samenlevings-contract' contract, which is a formal cohabitation agreement open to two or more people of any sex.

## Why does this matter?

Recognising any type of loving relationship as a "marriage" goes against the purpose of the *Marriage Act*, which is to recognise the biological reality that the sexual relationship between a man and a woman can result in children, and these children have a right to be protected under law by being tied to their biological parents, wherever possible. Removing the biological reality of marriage from its definition in law means that all of the arguments that have been presented in favour of same-sex marriage, can (and will) also be used to fight for the recognition of other relationships under the *Marriage Act*.

## KEY POINTS

**Marriage is about love... but so are other types of relationships. Love on its own is not why the Government should recognise a relationship as a "marriage."**

**Any principle that would justify the legal recognition of same-sex relationships would also justify the legal recognition of polyamorous and non-sexual relationships.**

**This is not fearmongering, as is evident in examples overseas.**

**Recognising any type of loving relationship as a "marriage" completely goes against the reason we have the Marriage Act in the first place.**