

The eReview provides analysis on public policy relating to Canadian families and marriage.



Marriage on trial

The polygamy reference in British Columbia is an opportunity to learn about marriage

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On November 22, 2010, Chief Justice Robert Bauman began hearing arguments on the constitutionality of Canada's existing polygamy laws in British Columbia's Supreme Court. Section 293 in the criminal code currently outlaws polygamy, or "any kind of conjugal union with more than one person at the same time." [1]

While the case raises passions both for and against polygamy, there is certainly a third segment of Canadian society: Those who don't understand why it matters. A columnist in the *Vancouver Sun*, Pete McMartin wrote that if we are going to criticize polygamy, perhaps we should also look at monogamy, since abuse occurs in that context as well. A letter writer wrote in agreement, saying, "Who gives a whit about polygamy as practiced by adults and why should the argument about marital arrangements and/or religion distract from the real potential criminal or social issues?" [2]

While it is important that polygamy remain illegal, it is equally important that Canadians understand why. What the nation needs, then, is to hear a thorough defence of why marriage matters in Canadian society. Marriage has substantial public functions, and as a result public discussion of the purpose of marriage is very much warranted.

Marriage is the bulwark of our economy. Without strong and lasting marriages, we cannot count on the ongoing strength of our economy. This is a truism we have forgotten, such that today, it is a statement that needs defending. Recently, Dainius Kreivys, the Lithuanian Minister of the Economy, made this very point publicly. "If traditional family values were stronger in our society, we would have a much stronger economy, not to mention a more mature society... Nobody can deny that successful families more often produce responsible citizens who later also become outstanding professionals. Economically, that means better qualified specialists, people who create added value in the economy, people who support themselves, create jobs, maintain a family and pay taxes; people who do not live off welfare benefits." [3]

Intact marriages are likewise a social safety net. Single parent families are more likely to be dependent on welfare, and are far more likely to fall below the Low Income Cut-Off (LICO). [4]

Marriage is inclusive. It allows men to engage in the creation of a family, and be affiliated with any resulting children. Research shows married men are more engaged in civic society, less likely to be engaged in criminal activity, drugs or gangs, and more likely to be healthy. [5]

Marriage (the two-person, male/female variety—we have no studies as of yet on same-sex marriage) is a positive indicator for improved health, longer life and decreased depression. [6]

Marriage creates a healthy foundation for new families. Cohabitation is on the rise, but this should be correctly identified as an ominous trend because these relationships are far more likely to break up than marriage. Research shows living together does not offer the same stability as marriage. [7]

This evidence shows that marriage is not exclusively a personal relationship. If it were, it would be irrelevant to public policy. Some scholars go even further than that, stating that without a public dimension, marriage falls from irrelevance into non-existence. "If marriage does not have a valid, comprehensive public dimension, then marriage for all intents and purposes does not exist," writes David Blankenhorn, author of *The Future of Marriage* and a non-religious, non-partisan marriage scholar. [8]

Blankenhorn defines marriage this way: "In all or nearly all human societies, marriage is socially approved sexual intercourse between a woman and a man, conceived both as a personal relationship and as an institution, primarily such that any children resulting from the union are—and are understood by the society to be—emotionally, morally, practically, and legally affiliated with both of the parents." [9] During Canada's same-sex marriage debate, an exclusive definition of marriage was deemed to be judgmental. But in order for marriage to survive and thrive, it must be exclusive. Marriage cannot logically include every relationship form. Without exclusivity, whether defined by number, gender or preferably both, there is no meaning left to marriage.

In our politically correct world, it is unpopular to discuss the idea that heterosexual, two-person marriage is unique. The reality is that children fare best when raised by their married, biological parents and contrary to what the mainstream media would lead you to believe, we don't have reliable research on whether same-sex parenting offers the same. [10] We do have some evidence of harm resulting from polygamy, but given that harm or the lack thereof has not been a factor in deciding constitutionality in the past, it remains to be seen what the courts will decide.

Certainly it is not wise to shrug and assume that whatever the outcome, it doesn't matter. For one, polygamy is not limited to Bountiful, British Columbia, given reports of polygamous Muslim families living in Toronto, collecting multiple benefits. [11] Arguably, this court reference on polygamy could have much broader implications than those associated with same-sex marriage.

The bottom line for family advocates is that we should welcome each and every opportunity to discuss the research on how and why family form matters. For it is this information that will give Canadians the ability to decide for themselves what sort of relationships will enhance their own lives and strengthen our culture, our communities and our economy at the same time.

Endnotes

- [1] [Criminal Code of Canada](#).
- [2] McMartin, P. (2010, November 23). Polygamy's on trial? How about monogamy? *Vancouver Sun*, p. A4. Letter to the editor in response by Tom Noort, November 27, 2010. Retrieved November 30, 2010 from the [Vancouver Sun](#).
- [3] Kreivys, D. (2010, November 18). Economies rise and fall with the family. MercatorNet. Retrieved November 30, 2010 from [MercatorNet](#).
- [4] Walberg, R. and Mrozek, A. (2009, June). [Private choices, public costs: How failing families cost us all](#). Institute of Marriage and Family Canada, pp. 9-13 and 22-24.
- [5] Akerlof, G.A. (1998). Men without children. *The Economic Journal*, 108: 287-309 and Gilder, G. (1986). *Men and marriage*. Gretna: Pelican Publishing Company, Inc. Some of the benefits of marriage for men are discussed in [The Status of Men](#), released in November 2010 by the Institute of Marriage and Family Canada.
- [6] Wood, R.G, Goseling, B and Avellar, S. (2007, June 19). The effects of marriage on health: A synthesis of recent research evidence. Washington D.C.: Department of Health and Human Services, pp. 27-42.
- [7] Le Bourdais, C., Neill, G., and Turcotte, P. (2000). [The changing face of conjugal relationships](#). Canadian Social Trends, no. 56. p. 15.
- [8] Blankenhorn, D. (2007). *The future of marriage*. New York: Encounter Books.
- [9] Blankenhorn, p. 91.
- [10] The lack of solid studies regarding outcomes for children of gay parenting made up the testimony of Steven Nock, University of Virginia sociology professor in the Ontario Superior Court in Halpern v. Canada. Halpern v. Canada, [2003] was the case which decided that the definition of marriage as between a man and a woman was unconstitutional. Nock's affidavit reads: "Through this analysis I draw my conclusions that 1) all of the articles I reviewed contained at least one fatal flaw of design or execution; and 2) not a single one of those studies was conducted according to general accepted standards of scientific research."

The affidavit can be read [here](#).

Further making this point about the dearth of science on gay parents is a study by William Meezan and Jonathan Rauch called *Gay Marriage, Same-Sex Parenting and America's Children*, and published in *Future of Children* 97, 104 (Fall 2005). "...[T]he authors find that the children who have been studied are doing about as well as children normally do. What the research does not yet show is whether the children studied are typical of the general population of children raised by gay and lesbian couples."

- [11] Godfrey, T. (2008, February 8). [Muslims claiming cash for numerous wives](#). The *Toronto Sun*.