

Polygamy case may test limits of Canadian same-sex marriage law: Broad definitions of marriage

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A landmark court case will test whether Canada's decision to legalize same-sex marriage also justifies the practice of polygamy.

The defense lawyer for a British Columbia man who openly admits to having multiple wives will argue that Canada's decision to legalize same-sex marriage broadens the definition of marriage to include multiple spouses.

Blair Suffredine, lawyer for Winston Blackmore, who prosecutors claim has 20 wives, said in January that he will argue in court that the Canadian Charter of Rights and Freedoms protects polygamy under the principles of equality and religious freedom.

When the Canadian parliament made same-sex marriage legal in 2005, members of the Conservative Party argued that changing the definition of marriage would open the door to court challenges from people who want polygamous unions legalized.

Canadian evangelical Christians also opposed making same-sex marriage legal on the grounds that it could permit immigrants from countries where polygamy is legal to maintain multiple spouses in Canada. Some Muslim countries allow polygamy.

Legal specialists say it would be hard to cite same-sex marriage laws to defend polygamy in the U.S., in part because same-sex unions are not constitutionally approved across the country.

In the U.S., polygamists who belong to fundamentalist breakaway Mormon sects have been prosecuted for sexual crimes involving minors—not for polygamy itself.

Daphne Gilbert, a law professor at the University of Toronto, told Canadian Press that the argument proposed by Blackmore's lawyer is predictable but without merit. Same-sex relationships maintain Canada's traditional view of marriage, she said,

because they involve only two people. Polygamous marriages, she added, raise questions about whether the wives, who often are very young, are truly consenting to being married.

Even if a lawyer could prove that a ban on polygamous marriage is a violation of the Canadian rights charter, Gilbert said, the government would be allowed to ban polygamy by arguing the value of protecting the greater public good.

Blackmore and another British Columbia man charged with polygamy by government prosecutors—in the first case of its kind in Canada—are leaders of rival polygamous factions of roughly 400 members each. They reside in a community called Bountiful in the foothills of the Canadian Rocky Mountains near the U.S. border.

High-profile entrepreneur Winston Blackmore, 52, has more than 100 children from his many wives. The other man on trial is James Oler, 44, who is charged with having two wives. Both Blackmore and Oler have long been affiliated with the Fundamentalist Church of Jesus Christ of Latter Day Saints. *—Religion News Service*