

Polygamy, Polyamory Fail in BC Supreme Court

It's still illegal to marry more than one spouse in Canada.

The Supreme Court of British Columbia ruled that Canadian government has the right to prohibit polygamy and polyamory. The decision rejects an approach that could have had far-reaching effects on traditional marriage in countries around the world. The trial launched last November to examine the various harms of polygamy and polyamory to women, children and society.

ADF Senior Legal Counsel Austin R. Nimocks noted although some organizations claim that same-sex 'marriage' won't open the door to polygamy and group marriage, that's what nearly happened in British Columbia.

"Had marriage never been attacked there in the first place, it's questionable whether this particular assault would have ever occurred," Nimocks said. "Canada just dodged a bullet for the moment; Americans should take notice because this country need not risk the same thing."

As ADF attorney Gerald Chipeur sees it, no government should experiment with a practice that has been clearly demonstrated as harmful to women, children, and societies around the world.

"The British Columbia Supreme Court recognized that marriage is about children and parents, and that Parliament has a very important role to play in protecting the family," Chipeur says. "The court also recognized that Parliament, not the courts, has the authority to define marriage. I am pleased that the chief justice accepted our argument that, under the Constitution of Canada, Parliament may define marriage as no more than two people."

Chipeur, an ADF allied attorney with the firm Miller Thomson LLP, called Dr. Shoshana Grossbard to testify before the court during the that began late last year. Christian Legal Fellowship (CLF), which was allowed by the court to intervene in the proceedings, presented Grossbard to the court because of her extensive research and expertise on the cross-cultural effects polygamy has on women and society. The evidence she presented established that polygamy is human trafficking in disguise.

Grossbard is one of two CLF experts whose findings were submitted to the court and only one of many witnesses who were examined throughout the proceedings, known as the Constitutional Reference on Polygamy.

The Reference, brought by the attorney general of British Columbia, asked the court to determine if Parliament may prohibit polygamy and polyamory and at the same time uphold the Charter of Rights and Freedoms' guarantee of religious freedom. The court concluded that prohibiting polygamy and other forms of group marriage does not jeopardize religious freedom rights under the Canadian Charter.