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Same-sex marriages give polygamy a legal boost

By [Valerie Richardson](#)

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The outlook for polygamy hasn't been this good since Abraham took Keturah as his third wife.

Plural marriage remains illegal, but it's undergoing an image upgrade as a result of television shows like HBO's "[Big Love](#)" and TLC's "[Sister Wives](#)." More significantly, it's getting a legal boost from a strange bedfellow: the success of same-sex marriage.

Gay-rights advocates cringe whenever the connection is made between same-sex and plural marriage, but more than a few legal analysts say the recent gains posted by gay marriage in the courts and state legislatures cannot help but bolster the case for legalized polygamy. The federal government and most states define marriage as an institution between one man and one woman. If marriage is redefined to include two people of the same sex, the argument goes, then it can be redefined to include more than two people.

Critics reject the polygamy comparison, arguing that marriage's definition as a union of two people remains inviolable. They also dismiss the specter of legalized polygamy as a scare tactic used by the traditional-marriage camp to chill public support for same-sex marriage.



Kody Brown hugs his wives, (from left) Robyn, Christine, Meri and Janelle. They appear on the reality series "Sister Wives" on TLC. "'Sister Wives' shows that polygamy is rather boring," said Brian Barnard, a Utah-based religious-freedom lawyer. (Associated Press)

Claiming much deeper roots in human society than gay marriage, plural marriage has been practiced for centuries in nations and cultures across the globe and has ties to both Christianity and Islam. Same-sex marriage is a recent phenomenon confined to the secular West.

"Unlike same-sex marriage, which has no historical roots and is a new frontier — you can't say the same thing about polygamy," said [Austin Nimocks](#), attorney for the conservative [Alliance Defense Fund](#), which opposes same-sex marriage. "There's a cultural underpinning and support for plural marriage, so one could say the case is actually stronger for plural marriage."

[Wayne McCormack](#), dean of the [University of Utah law school](#), predicted a pro-polygamy legal challenge based on recent court decisions in favor of same-sex marriage is all but inevitable. Five states and the District of Columbia now recognize gay marriage. "I don't have any doubt we'll see it," said [Mr. McCormack](#). "It's going to play out after same-sex marriage is resolved, but we're going to get new cases."

He pointed to a case now before a Canadian judge testing the national ban on polygamy. British Columbia Chief [Justice Robert Bauman](#) is expected to rule later this year on whether anti-polygamy laws violate [Canada's](#) constitution. [Canada](#) legalized same-sex marriage in 2005.