

# **Polyamory Politics in Canada: Problems and Possibilities**

by  
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Thesis Submitted in Partial Fulfillment of the  
Requirements for the Degree of  
Doctor of Philosophy

in the  
Department of Sociology and Anthropology  
Faculty of Arts and Social Sciences

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SIMON FRASER UNIVERSITY  
Fall 2022

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## Abstract

As a non-normative relationship structure, polyamorous behaviour sparks considerable curiosity and commentary but polyamory as a social movement receives less attention. I address this lacuna by focusing on polyamory politics in Canada through the lens of sexual citizenship. I locate sexual citizenship within citizenship studies more broadly to consider the implications of seeking rights to recognition and inclusion within the context of monogamy as a normative institution tied to broader relations of inequality and processes of social control. I conclude with an assessment of the transformative potential of polyamory politics.

This dissertation is based on 32 in-depth, qualitative interviews with polyamorous individuals, members of local polyamory groups, and the Canadian Polyamory Advocacy Association. I also analysed literature and documentation including court records and polyamory organizations' social media forums and websites. Polyamorous people are navigating tensions between the desire for inclusion and belonging with a desire for social-political change in three significantly different ways. First, there are polyamorous people who prioritize recognition and normalization via the cultural sphere by seeking acceptance and inclusion that is dependent on the exclusion of other "sexual deviants." I categorize these polyam folks – and the organizational initiatives they participate in – under the theme, "here we are." Second, some polyamorous people struggle to be "left alone" regarding the Canadian anti-polygamy law and this takes the form of fighting to be excluded from the scope of the law by differentiating polyamory from polygamy. The first two approaches are based in "respectability politics," represent an attempt to assimilate into dominant values and behaviour, fail to produce structural change, and risk reinforcing exclusions and subsuming diversity within polyamory. When it comes to marriage, rights, and "wanting in," however, I discovered that some polyamorous folks do not deeply desire these things. Instead, they advocate for the rights of all those who need them. This third approach is less likely to engage in discourses of respectability and identity politics, reaching instead toward a vision of universal rights, the deinstitutionalization of marriage, and expanded ideas of intimacy beyond monogamy. In other words, their politics hold transformational possibility.

**Keywords:** polyamory politics; sexual citizenship; marriage; monogamy; respectability politics; social movements; polynormativity

## Acknowledgements

First, I would like to thank my participants, without whom this work would not have been possible. Thank you for sharing your time and passion about polyamory with me. I appreciate all your contributions to polyamory community and the forging of politics beyond the personal. I am grateful to you all! I would also like to thank my fabulous committee, Dr. Michael Hathaway and Dr. Lara Campbell for their contribution to my success and especially Travers for their unwavering support and encouragement and sticking with me during this long process. Also thank you to Dr. Travis Salway and Dr. Mimi Schippers for their interest in my work and thoughtful questions and encouragement to take the writing further.

Graduate work can be an isolating and prodigious experience and it takes a community of support. I am grateful for the services at the Research Commons and Graduate Writing Facilitator Team for all their support and friendship, particularly Eleonora and Ben for their feedback on my drafts and Megan, Kelly, Julia, Robyn, and Poh for our years collaborating. I am also grateful to Nicole Lindsay for her mad editing skills. Professional and writing support is not all that gets students through the arduous process of graduate work. I am so grateful for the emotional support provided by SFU Health & Counselling Services and the weekly group meetings with Susan Brook, Daniele Doucet, and my other graduate student colleagues. The sharing of our stories and experiences and fostering a sense of connection and support was invaluable. I also appreciate Jen Thomas as confidant and weekly writing companion, especially during the last stretch of the writing.

I am thankful for friends and colleagues who were there from the beginning of this journey to those of you who continued to support me more actively in the last few years of writing. Thank you, Mela Brown, for forest chats and meals brought to my home. Thank you, Erin Henderson, for your words of encouragement and regular after work dog walks when that was all the time I could spare. A big thank you to my loving family for believing in me and quietly supporting me. A special thank you to my mom for inspiring me to be my own person and pursue my goals. Thank you for the crazy late nights editing and helping me be a better writer. I would not be here without your help and encouragement.

And finally, I am so very grateful for my loving partner, Jamie Wolf, who has been my most enthusiastic fan, constantly reminding me of my intelligence and worthiness when self doubt crept in and encouraging me through to the finish. Thank you for curious conversations, for challenging my ideas, and for believing in me even when I doubted myself. It has been a long journey and I am so glad to have shared the cumulation and success of all my years of hard work with you by my side.

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## Glossary

Bi	Abbreviation for bisexual
Compersion	Compersion is a term coined by polyamorists to refer to a feeling that is the opposite of jealousy where you feel happiness and pleasure when your partner interacts with/ receives pleasure from another person, usually romantically or sexually.
Consensual non-monogamy (CNM)	Consensual non-monogamy is an umbrella term used to describe relationships where there are knowing and transparent intimate, sexual, and/or romantic relationships between more than two people at the same time. It could include swinging, polyamory, relationship anarchy, open relationship, etc.
Handfasting	A handfasting is a commitment ceremony where the individuals' hands are tied together. Its roots are Celtic, and it is often associated with Pagan or Wiccan ceremonies. It can be used as part of a traditional marriage but more often has been used to unify people that have been denied access to legal marriage.
Intersectionality	Intersectionality is a term coined by Crenshaw (1989) that looks at the intersecting and interlocking system of privilege and oppression based on social categorizations such as race, class, and gender as they apply to a given individual or group. Within this framework, we cannot undo one axis of privilege without undoing all systems of oppression.
Fundamentalist Latter Day Saints (FLDS)	Fundamentalist Latter Day Saints (FLDS) are a sect of Mormonism that still practices plural marriage in the form of polygyny, the most common form of polygamy where a man marries more than one woman.
Heteronormativity	Heteronormativity is a term for a set of culturally-biased norms and values that hold that people fall into two stable, distinct, and complementary genders (men and women) based on two stable, distinct, and complementary sexes (male and female) with two natural gender roles (masculinity and femininity) and will be sexually attracted to people of their "opposite" sex. It maintains that heterosexual opposite-sex relationships are the normal sexual orientation and that homosexual same-sex relationships are abnormal. Furthermore, it states that sexual and marital relations are mostly or only fitting between one man and one woman. It privileges the nuclear family and the relationship's intended function is meant to be reproduction. Consequently, a "heteronormative" view is a hierarchal one, infused with power, which promotes stability and alignment of

biological sex, gender identity, and gender roles, as well as promoting procreation, monosexuality, and monogamy (Poole, 2011, pp. 11-12).

#### Homonormativity

Homonormativity mimics and defends heteronormativity. It upholds the same tenants as heteronormativity except that individuals are in same-sex relationships. It privileges cisgender identities and the couple. Lisa Duggan (2003) defines homonormativity as “a [gay and lesbian] politics that does not contest dominant heteronormative assumptions and institutions, but upholds and sustains them” (p. 50). Some gay men and lesbians promote certain respectable sexualities that align with a heteronormative framework and thus take up a homonormative agenda.

Homonormativity and gay narratives of being a “proper” gay serve as social control functions to restrict available identity choices and marginalize queer identities such as two-spirit, intersex, trans, pansexual, bisexual, and polyamorous (Steinman, 2001). Just because an individual is queer does not guarantee a “position as sexually radical: it depends on how one lives one’s queerness” (Grosz, 1995, p. 217). According to Penny Griffin (2007) homonormativity upholds neo-liberalism rather than critiquing monogamy, procreation, and binary gender roles as heterosexist. Homonormativity stabilizes and reinforces heteronormativity.

#### Kink/y

Kink, kinky, or kinkiness indicates unconventional sexual and intimate desires, practices, behaviours, rituals, and thoughts (fantasies). “Kink” has become a colloquial term to indicate a person’s engagement in a spectrum of unconventional sexually based practices including fetishes and BDSM. BDSM includes bondage and discipline (B&D), dominance and submission (D&S), and sadism & masochism (S&M). Kink can include things like foot fetishism, rope bondage, spanking, dominance/submission, and sadomasochism.

#### Leather Community or Leather Culture

The leather community or leather culture is a subset of kink/BDSM that started in the gay men’s community. Being part of the leather community is associated with wearing leather and honouring traditions and is also connected to particular values such as honour, integrity, and community.

#### Open Relationship

An open relationship is when people who are partnered agree to open up the previously exclusive relationship to allow for intimate, sexual, and/or romantic relationships with more than one person.

Polycule	A polycule, in polyamory communities, is a romantic network of people who are closely related in a network of non-monogamous relationships.
Poly fidelity	Poly fidelity means that groups of three or four (or possibly more) would be committed to each other sexually and romantically within the group and not enter into sexual or romantic relationships outside of the group. A triad is a union or group of three and a quad is a group or union of four.
Polygamy	Polygamy is where a person has more than one spouse at a time. Polygyny is when a man has more than one wife and polyandry is when a woman has more than one husband. The term polygamy has become shorthand for or synonymous with polygyny.
Relationship Anarchy (RA)	Relationship anarchy is a relationship philosophy that derives from anarchy and values autonomy and self-determination of individuals within relationships, anti-hierarchical practices, anti-state involvement, anti-heteronormativity, and community interdependence.
Relationship Escalator	The relationship escalator refers to the social script that dictates the prescribed way we are supposed to perform relationships, taking subsequent steps in our relationships from meeting, to declaring love and fidelity, towards a final socially sanctioned goal of cohabitation and (legal) marriage, potentially including a house and children. When I imagine the relationship escalator, I envision it as carrying folks along without them having to consciously participate in the ride. See Amy Gahran (2017) <i>Stepping Off the Relationship Escalator: Uncommon Love and Life</i> for more information.
Solo-poly	Solo polyamory is when someone may have multiple intimate, romantic, and/or sexual relationships with more than one person at a time but considers themselves to be independent and autonomous and may not value traditional relationship structures such as cohabitating, sharing resources, etc.
Swinging	Swinging is a practice of non-monogamy where an established couple has sex with other people, either as a couple or individually, with other couples or with individuals. Swingers tend to refrain from emotional attachments with outside partners.
Switch	A person who considers themselves both a top and a bottom or both a dominant and submissive in BDSM and can change between these roles

# Chapter 1. Introduction

*“As usual with the [polyamory] articles that hit the mainstream press, I am dismayed with the disproportionate attention to **personal** politics and the inattention to **societal** politics. Emotional strategies (and sometimes biological proclivities!) rather than social change too often get the major play in poly literature.” – (TallBear, 2014)*

## 1.1. Introduction

### 1.1.1. Research Problem

Sexual citizenship confers national status and rights on individuals whose behaviours and identities conform to what is currently legally and culturally acceptable sexually (Cossman, 2007; Bell & Binnie, 2000; Isin & Wood, 1999; Richardson, 2000; Rubin, 1984). The concept of sexual citizenship can be used to address issues of structural inequality and exclusion from equal membership in the nation-state on the basis of sexuality (Kahlina, 2012). Gay and lesbian groups have challenged the dominant heterosexual model of sexuality in multiple and conflicting ways, including by bringing about an increased awareness of differences or variance in sexual practices as well as advocating for “equal rights” such as same-sex marriage for gays and lesbians, a politics based on recognition and inclusion.

Currently, conceptions of sexuality, intimacy, family, and kinship are changing significantly in Canadian society—witness the *Civil Marriage Act* that legalized same-sex marriage nationwide in Canada on July 20, 2005. In Canada, gay and lesbian rights movements have gained social legitimacy and the right to marry, along with access to the accompanying social and legal benefits. However, the issue of “equal rights” and marriage for gays and lesbians remains a contentious issue that is often critiqued by feminist and queer political groups because an unintended side effect of the struggle for social, legal, and political legitimization includes the creation of hierarchies of sexuality through the continued exclusion of groups that do not or cannot seek such public legitimization, such as polyamorous people (Butler, 2002; Puar J. K., 2007; Rubin, 1984; Spade, 2011). It also does not challenge structural inequalities and oppression.

As a group marked outside the norm of monogamous marriage, *polyamory*, or what is sometimes just called “poly,” or more currently, “polyam,”<sup>1</sup> is loosely defined as the practice of respectful, responsible, and consensual non-monogamy; polyamorous proponents describe it as a type of relationship based on romantic love, in which it is possible, valid, and worthwhile to maintain long-term intimate and sexual relationships with multiple partners simultaneously (Club, 2010; Kirkman, 2010; Kleese, 2006). The normative principles of polyamory are based on gender and sexual equality (The Poly Majority, 2012). As a new relationship and family model, polyamory is developing into a widespread social practice with expanding communities and increasing media exposure. The popularity of polyamorous practices and worldviews has been steadily growing as an area of interest in popular culture and academia, including critical legal studies (Cossman, 2007; Strassberg, 2003; Tweedy, 2010) and sexuality studies (Haritaworn, Lin, & Klesse, 2006; Kleese, 2006; Mint, 2004; Rust, 1996).

According to Strassberg (2003), “community solidarity, together with a nascent public presence, suggests that polyamorists may be on the verge of ‘coming out of the closet’ as an interest group with a political agenda” (p. 443). In this regard, Kirkman (2010) says “poly is the new gay.” If polyamory is the “new gay,” then how has “polyamory politics” been impacted by earlier gay politics, particularly the struggle for sexual rights and equality? And if polyamory is a new interest group with a political agenda, then we must ask – what *are* the political goals of polyamorous people and how do they expect to achieve them?

As polyamory becomes more visible, debates concerning the “naturalness” or superiority of monogamy also become more evident. Once politicized, polyamorous issues, like gay and lesbian issues before them, may manifest through challenges to the existing framework *or* through conceptions of sexual citizenship, whose claims are often articulated through sexual rights that seek state recognition through the legal system. Given that polyamorous people are marked outside the norm of monogamous marriage and excluded from full sexual citizenship, what are the problems and possibilities of sexual citizenship and sexual rights claims for polyamorous people? Do polyamorous

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<sup>1</sup> There is debate about the appropriation of the term poly and it belonging to Polynesian people so polyam has become a new short form for polyamory. In my writing I will use the terms polyam or polyamory, except when reflecting the words of my participants, in which case I will use their words when they refer to polyamory as “poly.”

people find rights claims beneficial in their political struggle and/or do they find them problematic and seek a more radical reformation and renegotiation of sexual politics that reconfigures the regulatory framework of sexual citizenship and rights claims? If the notion of sexual citizenship is exclusionary, can it be reconceived of differently? Can it also be based on dissent?

### **Statement of Research Interest/Study Purpose**

My work is grounded in feminist, queer, and critical race theories (see e.g., Butler, 1991; Carter, 2008; Dua, 1999; Duggan, 1995 [1994]; Fraser, 2000; Hill Collins, 1998; Mohanty, 2003; Razack, Smith, & Thobani, 2010; Rust, 1996; Thobani, 2007) with particular attention given to intersections of sexual orientation, gender, socio-economic status, “race,” ethnicity, religion, and ability.<sup>2</sup> Sexual rights are circumscribed by these intersections (Richardson, 2000); there are varying degrees of access to sexual citizenship and rights based on these social factors and intersections and also because certain sexual practices enjoy legitimacy while others do not (Rubin, 1984). Moreover, monogamous marriage is normatively privileged, while sexual lives structured outside of marriage and monogamy are simultaneously marginalized (Butler, 2002; Rubin, 1984; Seidman, 2009; Weston, 2005).

To date, research on polyamory “has primarily concentrated on the rules and boundaries which people employ to manage such relationships” (Barker & Langdrige, 2010, p. 748). There is an abundance of publications on how to navigate polyamorous relationships including books, blogs, and podcasts that address the personal politics and emotions of polyamorous folks. However, as TallBear (2014) notes, there is very little writing about the broader socio-economic politics of being polyamorous that impact social change (TallBear, 2014). It is one thing to learn and know about being polyamorous, but what are the implications or impacts of polyamory on broader society, sexual politics, and changes to the family and sexuality? Barker and Langdrige (2010) suggest that future work should pay more attention to intersections with other identities and communities. Some of my questions address the intersection of polyamory with

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<sup>2</sup> Intersectionality is a term coined by Crenshaw (1989) that looks at the intersecting and interlocking system of privilege and oppression based on social categorizations such as race, class, and gender as they apply to a given individual or group. Within this framework, we cannot undo one axis of privilege without undoing all systems of oppression.



gays and lesbians, queers, trans folks, kinky people, polygamous groups, and other political groups. I also consider intersections based on age, gender, sexual orientation, socio-economic status, “race,” religion, and ability.

I address these intersections in my research, and I extend the discussions around mainstream Canadian gay and lesbian sexual politics by exploring “polyamory politics” through an analysis that troubles recognition and inclusion via sexual citizenship and equal rights. During the current period of political negotiation, as polyamory enters the mainstream, it is important to look at and understand how polyamory politics might impact sexual citizenship, the social and legal institution of marriage, and the laws and responsibilities that traditionally accompany matrimony. I explore how more moderate notions of proper intimate relations impact polyamorous organising, advocacy, and social relations, and how these discussions inform polyamory politics. Where do dominant and “alternative” discourses converge or diverge, and for what reasons? More specifically, what are the multiple goals and tactics of polyamory politics, and what manner of engagement is there with the state and the legal system in polyamorous political struggles? Further, what diverse political alliances have polyamorous people formed? How, in what ways, and why are polyam people engaging in discussions with other sexual citizens?

### **1.1.2. Research Questions**

To explore the multiple sexual politics of polyam individuals and groups, I asked the following questions:

- What are the multiple strategies and goals of polyamory politics?
  - In polyamory politics, what manners of engagement are there with the state and the legal system?
  - How is the legal system being used, or not, in polyamorous political struggles?
  - Outside of attempts at legitimacy through the state, are polyamorous people engaged in politics in ways that are recognizable politically?

- How are polyamorous movements connected to other gender and sexual liberation movements?
  - How, in what ways, and why are polyamorous people engaging with gay and lesbian groups, queer folks, trans people, polygamous groups, people who practice BDSM/Kink, or others?
  - How are these connections informing polyamory politics?
  - Where do polyam people’s politics converge and/or diverge with these groups, on what grounds, and for what reasons?

## **1.2. Methodology**

### **1.2.1. Research Methodology**

For my examination of polyamory politics, I used a qualitative research design. I carried out my qualitative research by employing an ethnographic approach (Mason, 2002, p. 55). Ethnography is well suited to studies of “unconventional sites” such as polyamory communities – sites that have no obvious or simple community location yet are part of peoples’ everyday lives (Abu-Lughod, 2000). I critically analysed the political world of polyamorous individuals and the degree to which they are engaged in certain sexual political strategies and alliances in connection with gay and lesbian, polygamous, BDSM/kinky, trans, and queer politics, and the legal system and other political affiliations (Abram, 2003; Abu-Lughod, 2000; Emerson, Fretz, & Shaw, 1995). I focused on people and their “interpretations, perceptions, meanings, and understandings, as primary data sources” (Mason, 2002, p. 56).

As an “insider” researcher in the field, I accessed multiple data sources, including organizations/groups (and the people in them, both as individuals and as group members); polyamory events and happenings; and texts (including websites, public online unpublished and published materials, and court documents) (Mason, 2002, p. 52).<sup>3</sup> I did not do ethnography at a geographically “conventional site,” and so focused on

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<sup>3</sup> While traditionally social scientists have considered “objectivity” as important, it has been recognized that an insider perspective has the benefit of deeper understanding of the thoughts and actions of research participants (Babbie & Benaquisto, 2002, p. 312).

organizations/groups as the “place” or “site” in which I conducted my ethnographic research. The organizations/groups act “in place of place” (Wolcott, 2008). My fieldwork focused on six local polyamorous groups in three major cities across Canada, including Vancouver, Victoria, and Toronto, as well as one national organization, the Canadian Polyamory Advocacy Association (CPAA). There was some cross over, of course, between members of the national group and the local groups and some affiliations between local groups in different cities. I focused on the national organization to get a cross national perspective and because it was a polyamorous advocacy group that had explicit involvement in polyamory politics, engaging with the state by providing evidence in the B.C. Supreme Court *Reference* case on the constitutionality of the anti-polygamy law (Reference re: Section 293 of the Criminal Code of Canada, 2011).<sup>45</sup> The CPAA and the *Reference* case became a central focus in my research as a prime example of sexual politics engaging with the state. I focused on the other differently located and situated local discussion and political organizations/groups to bring together diverse perspectives and approaches to sexual politics that polyamorous people might be engaged in, including community building. I wondered if different communities in different locations would have similar or diverse experiences of their sexual politics and how the CPAA national organization might have brought polyamorous folks together.

I acknowledge that one of the limitations of this research is that although I desired to explore various perspectives, I have not included all voices. By focusing on the general polyamorous groups/organizations that I did, I captured mostly mainstream polyamorous folks. This means that I did not connect with focused groups such as solo-polyam groups, BIPOC (Black, Indigenous, People of Colour)-polyam groups, queer-polyam groups, women-polyam groups, etc. That is not to say that I did not talk to people with various intersections who were involved or identified with these particular groups but that despite my desire to include a greater diversity of participants, the fact is that the voices that are centered in this research are predominantly White, well educated, middle-class folks, many of whom still tended to be very couple-centric, and therefore do not represent the full spectrum of polyamorous people in the Canadian

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<sup>4</sup> A reference question is a submission by the federal or a provincial government to the courts asking for an advisory opinion on a major legal issue. In this case, the *Reference* was on the constitutionality of the anti-polygamy law, Section 293 of the Criminal Code of Canada.

<sup>5</sup> Polygamy is where a person has more than one spouse at a time. Polygyny is when a man has more than one wife, and polyandry is when a woman has more than one husband. The term polygamy has become shorthand for polygyny.

population; they do, however, represent the majority of polyamorous folks in mainstream polyamory communities, particularly those in leadership type roles (Shef, 2013). While there are groups such as Solo Polyamory that are less couple centric, as well as women's and queer polyam groups, I am not currently aware of any groups in Canada that specifically focus on BIPOC polyam folks. However, I believe that there is a promising surge of "critical polyamorists" (a term coined by polyamorist Indigenous scholar Kim TallBear) who are BIPOC.

Considering my positionality, it is not surprising that I failed to include more diverse voices, as my "in" to the polyam communities that I spoke to was as a well-educated, middle-class, cis-gender, White settler. As a White settler who identifies as polyamorous or consensually non-monogamous (CNM), my connections to the polyamory community in both Victoria and Vancouver were already established when I started my research. I lived in Victoria before moving to Vancouver to do my doctorate so was connected to the community there, where I had attended polyamorous discussion groups and events. I was also a part of the polyamory community in Vancouver where I attended polyam discussion groups and events. I was introduced to the polyamory community in Toronto by participants.

As a recognized member in the Vancouver community, I was able to connect with leaders of the polyam organizations/groups, talk about my ideas, and share information. Leaders that I knew recommended me to other members in the community and so on. During an interview it was not uncommon to hear, "Oh! You should talk to [so-and-so]! I will connect you!"<sup>6</sup> Many of the names were cross mentioned by more than one participant. Sometimes, interview participants were able to make recommendations of who to talk to but not make an introduction for me. These were usually public figures who I was able to contact using contact information accessed through publicly available websites, social media platforms, blogs, and forums. I also put out a call for participants through associated friends and social media and with permission, through the

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<sup>6</sup> In cases where friends, participants, or "gatekeepers" identified individuals as potential participants, the third party was not contacted directly but was given my contact information and invited to contact me if they so choose. In cases where third parties gave oral or written consent to the "gatekeeper" or participant to be contacted by me, then I contacted them directly by phone or email to confirm their compliance to participate in the research.

communication and social media platforms of specific organizations and associated groups (See Appendix A for Call for Participants Script).

Chain-referral sampling techniques are useful for accessing hard to reach populations such as polyamorous folks, and the most common and simple sampling design for accessing subcultures (Hannerz & Tutenges, 2021); however, I have reflected on how this type of “snowball” or chain-referral sampling could lead to similarities or homogeneity in the polyamorous people that I spoke to. Hannerz and Tutenges (2021) argue that ethnographers who study hard-to-reach populations and rely on simple sampling strategies such as chain-referral may end up perpetuating outdated presumptions about group uniformity (p. 5). This probably contributed to the lack of diversity among my participants and may be considered a limitation. That said, it was also how I managed to speak to so many community leaders and founding members of the CPAA, with whom I might otherwise not have been able to connect.

In addition to introducing me to further potential participants, I originally thought that making connections to community or group/organization leaders would be key in gaining consent to attend discussion groups and social gatherings for participant observation, as this was to be one of my data *generation* methods to find out if polyamorous people are talking about polyamory politics in their regular “everyday” group interactions.<sup>7</sup> I was interested in “the generation of multidimensional data on social interaction in specific contexts as it occurs, rather than relying [only] on people’s retrospective accounts” while still recognizing that I was the interpreter of these events (Mason, 2002, pp. 85-86). Here I note how I see myself as active and reflexive in the research process, and a co-creator of data, rather than “standing outside” the social world of those being researched (Mason, 2002, pp. 86-87).

I was very “out” about my status as an insider-researcher at polyamorous gatherings and discussion group meetings that I attended, and it was my impression that people felt safe with me as a standing member of their community. However, I realized early in my data gathering that participant-observation was not a particularly viable data gathering method for the topic of my research because folks were not talking about

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<sup>7</sup> Mason states that the “use of the term data ‘generation’ rather than ‘collection’ is intended to encapsulate the much wider range of relationships between researcher, social world, and data which qualitative research spans” (p. 52).

“polyamory politics” or “social politics” in their “everyday” group interactions and were mainly focused on talking about “inter-personal politics” and how to manage polyamorous relationships. Had my topic been jealousy, compersion, relationship, or interpersonal, the meetings and events would have been well suited to my research,<sup>8</sup> but the discussion meet ups were generally not a place where people talked about any kind of politics, except maybe sex positive types of ideas.

My data generation methods included qualitative, in person, face-to-face, in-depth, semi-structured interviews with purposefully selected participants involved in local and national organizations (See Appendix B for Interview Guideline Script). Participants were selected based on their leadership and advocacy involvement in these groups as well as their general membership in these organizations and the polyamory community. I wanted to make sure that I was talking to key individuals in the organizations, but I also wanted to talk to community members at large. Participants were not recruited based on their specific identification with being “political” (See Aviram, 2010). It was my intention to co-produce and co-construct (not excavate) knowledge through these informal, fluid, and flexible interview interactions (Mason, 2002, pp. 62-63). Interview participants were limited to polyamorous people of all genders and sexualities, 19 years of age or older, who spoke English. Because the definition of polyamory is loosely defined, I left it up to potential interview participants to self-define as polyamorous and as political. I will provide more details about participants later.

Interviews lasted between one to two hours. I conducted eleven interviews with people who identified Metro Vancouver as their home base, eight people who identified Victoria as their home, and twenty people who identified the Greater Toronto Area as their home area. I also interviewed two people from the city of Sudbury, Ontario, but subsequently omitted their interview so as to focus on urban experiences in larger metropolises. I was aiming for 10-15 for each city but left open the number of interviews I conducted, allowing the process of data generation to determine the parameters of interview data generation, along with time and travel restrictions. My snowball sample exploded in Toronto, with one person connecting me, one way or another, to a community of twelve polyamorous folks. Out of the 41 interviews conducted, I ended up

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<sup>8</sup> Compersion is a term coined by polyamorists to refer to a feeling that is the opposite of jealousy where you feel happiness and pleasure when your partner interacts receives pleasure from another person, usually romantically or sexually.

transcribing and analyzing 32 interviews. Some Toronto interviews were excluded as I got to the point in my transcription where I realized I had reached saturation of the Toronto data. Other interviews were omitted for various reasons, two being of such poor audio quality as to prevent transcription, and one being deemed non applicable to the topic of poly politics (focused on discussions about personal relationships and navigating polyamory rather than polyamorous politics). One of the participants I interviewed in Vancouver was a lawyer involved with the BC Supreme Court *Reference* case on the anti-polygamy law who, while not polyamorous that I know of nor part of the CPAA, provided me with perspective and more information about the Reference case.

I also included analysis of relevant literature and documentation such as court records, media reports, and specifically chosen polyamorous organizations' social media forums and websites (Abu-Lughod, 2000; Ritchie, 2004). I also reviewed participants' books, blogs, and websites. It was my intent to use documents as direct and indirect representations of, or ways into, relevant elements of polyamory politics, noting their constructed nature (Mason, 2002, pp. 106-108). I interpreted them in the context of "how they are produced, used, what meanings they have, what they are seen to be or to represent culturally speaking" (Mason, 2002, p. 108). The use of documents was particularly helpful when exploring the CPAA and the *Reference* case on the anti-polygamy law. Looking at legal documents and polyamory advocacy websites helped me to discuss more fully how polyamorous people were engaging in discussion with the state and the legal system, in what ways, and why. Once my research data was compiled, all interview and document data was analyzed to determine what "polyamory politics" looked like and how it was being mobilized at that time in Canadian history.

### **1.2.2. Data Analysis**

Data analysis in ethnography is an iterative, ongoing practice throughout the research process. An iterative process is "one that is cyclical but not merely repetitive" (Palys 2003, p. 314). Through a process of both induction and deduction, I was able to make connections between my data/empirical evidence, including excerpts from interview transcripts, documents, and my theoretical framework. I began by identifying concepts, themes, and connections in the data and then I analyzed them by using feminist, critical race, and queer theories about neoliberal government regulation of sexuality, sexual citizenship, and political/social movements. I continued with a refining

process of categorization and coding before undertaking descriptive analysis. My analysis was done using NVivo, a qualitative data analysis software, to help organize and analyze my data. During this process, I expected that ongoing interpretive shifts would lead to the building of new ideas and interpretations of the data (Cerwonka & Malkki, 2007, p. 15) – which it did.

## **1.3. Characteristics of Polyamorous Participants**

### **1.3.1. Pseudonyms**

While most participants were “out” as polyamorous, not everyone was out in every context. While being out was something that participants thought was important, it was not always possible. To protect their identities, most participants have pseudonyms; some, by their own requests, do not. To keep the confidentiality of those who have been given pseudonyms, I will not disclose who has been given an alias and who has not.

### **1.3.2. Geographic location**

As mentioned earlier, I conducted a total of 41 interviews and transcribed and analyzed 32 of them. Of these, 31 identified as polyamorous. Of the 31 included in my findings, there were ten interviews with polyamorous people from Metro Vancouver, five interviews with polyamorous people from Greater Victoria, and sixteen interviews with polyamorous people from Greater Toronto Area. I focused on these three cities as metropolitan areas where there was most likely to be polyamorous communities and because those were the main cities involved in the creation of the CPAA, where the founding members were from.

### **1.3.3. Organizations**

The organizations that I focused on were VanPoly and Vancouver Poly 101 in Vancouver, Van Isle Poly and Victoria Poly 101 in Victoria, and Toronto Poly Meet Up and Nerdy Toronto Poly Posy (NTPP) in Toronto. The organizations were divided up into what was often referred to as the “old guard” and the “new guard.” The old guard consisted of VanPoly, VanIsle Poly, and Toronto Poly Meet Up. The new guard included Vancouver Poly 101, Victoria Poly 101, and NTPP. I will speak more to the divisions,



perhaps better described as transitions, between groups in Chapter 3, “Here We Are.” I also focused on the CPAA, the national organization involved in the B.C. Supreme Court *Reference* on the anti-polygamy law, Section 293 of the criminal code.

#### **1.3.4. Community Participation and Roles**

Participants involvement in polyamory communities ranged from founding members of the CPAA and leaders of local organizations to polyamorous folks who felt like they were a peripheral part of the community and maintained more of an online connection to polyamory community as their only form of public presence. Generally, the polyamorous folks I spoke to in Vancouver and Victoria were more likely than the Toronto folks I spoke with to engage in community through in-person activities and discussion meetings, although many of the Toronto folks were involved in person in the kink community. Indeed, many participants in Toronto described themselves as having more of an online connection than an in-person connection to groups – they were not necessarily connected to an in-person community of polyamorous folks that they hung out with, but they had their own circle of polyamorous friends and also knew about the wider community via online formats. What my participants said very closely resembled a NTPP discussion thread on Facebook where I witnessed people defining community as something that you could be active or not active in in person, but still be a part of online. It was suggested that participating in online community was just as valuable as going to in person events.

Many of the people I interviewed had various leadership roles in the community, including CPAA founding members, lawyers, website developers, book authors, blog writers, journalists, counsellors, workshop organizers, conference organizers, discussion group moderators, social activity organizers, etc. I spoke to eight founding members of the CPAA. I also spoke to several lawyers involved in the B.C. Supreme Court *Reference* case on the anti-polygamy law. I interviewed many writers about polyamory, including four people who had written a book about polyamory, four folks who had blogs about polyamory and its intersections, and two people who wrote for the news media (not to mention how many of them were written *about* by the media). Three polyamorous participants specialized in counselling for polyamorous people, including workshops and private sessions. Two participants had organized conferences that focused on and/or intersected with polyamory, and several folks had given workshops at these

conferences. Eight of the participants were leaders or moderators of discussion or social groups at one point or another. I will discuss polyamory communities further in Chapter 3.

### **1.3.5. Demographics**

According to Sheff (2013), mainstream polyamory communities in the U.S. are fairly homogenous and share particular similarities:

The vast majority are White, middle or upper middle class people in their early 30s to mid 60s with high levels of education, who typically live in urban or suburban areas, and often work at professional jobs in information technology, education, or healthcare. As a whole they tend to be either non-religious or practice uncommon religions like Paganism, Unitarian Universalism, or Buddhism (although there are a smattering of Christians and a few Jews, too).

I found the demographics that Sheff describes to be similar to the polyamory communities in Canada and the participants I interviewed. The ages of participants ranged a bit lower, from the youngest at 26 to the oldest at 64 with the average age being 40. Everyone involved with the CPAA was over 40. I spoke to seven people in their 20s, ten people in their 30s, eight people in their 40s, and six people who were over 50.

#### ***Socio-Economic Status, Education, and Occupation***

Most of my participants identified as middle class but only two of them identified as upper middle class and some identified as lower middle class, working class, or poor. When asked about their socio-economic status, participants often wanted me to provide them with a definition; however, I allowed them to define what it meant for them. Some of them simply stated “middle class” while others troubled the definitions that they gave, noting their complicated intersections and their privilege. Some noted that even though they may have come from middle-class families and/or have a high level of education, thus providing them with the appearance of being middle class or having the “status” of being middle class with future earning potential, they were poor or working class in terms of current income/occupation. Tara explained how she grew up in a well-off home where money was not an issue but because of her career choice (freelance sex educator and coach), she was poor. Although Howard previously felt he was upper middle class, he

was a retiree on a small, fixed income, “so I’m actually beneath the poverty line by Stats Canada standards.” Lucy identified as working poor, having part time precarious employment, while Natalie and Erika identified as working class to correspond with their trade type occupations as a hairstylist and a tattoo artist.

On the other end of the spectrum, there were only two participants who identified in the higher socio-economic range. These two folks were both men with high earning occupations in business management. Blake noted that he was not in the top 1% but “definitely above the poverty line so upper-middle class.” Hart identified himself as a “1%-er” who makes more than \$300,000 per year.

Most participants identified as “middle-class” or “lower middle-class.” Kay, Neil, Lauren, Matt, Peter, Simone, and Sherrie all identified as lower middle-class, noting that they might appear solidly middle-class but still struggled or worried about money. Kay recognized that she may appear middle class but felt “probably closer to lower class. If anyone looked at my life, they would probably call me middle class and I don’t want to deny that kind of privilege, that I managed to build that kind of appearance, but we’re still kind of living paycheck to paycheck and I stress about money all the time.” Matt identified on the lower end of middle-class, stating that he was “debt free, above the poverty line, but not super well-to-do.” Neil stated that he was “economically in the second lowest quintile of Canadians” but he comes from a middle to upper class background “and so presents the manners and habits and tendencies of a person with a university education and with university educated parents.” Lauren, also noting her social status and not just her income, felt “generally middle class but right now probably at the lower end but fairly solidly middle class both socially and economically.” Considering the city she lived in, the cost of living, and her limited capacity to work due to her disability, Sherrie felt that she was lower middle class. However, she also told me that even working part time, she made as much as her partner who worked full time and she rented a “luxury condo” with her partner. The rest of my participants (10) identified as largely “middle-class” (Emma, Parker, Zach, Alicia, Gabby, Pam, Dave, Kristy, Amelia, and Joyce). They were generally homeowners, debt free and/or having savings, with well paying, stable, career occupations, and partners with whom to share expenses.

Gabby noted that “polys are generally well educated but not generally in the higher socio-economic brackets” – this was the case for Colin, Kendra, Kris, and Luke

who all had a PhD or close to it. Kris noted that "although I was raised in kind of upper middle-class environment, there's nothing like becoming a PhD to be impoverished for the rest of your life. Most downwardly mobile thing you can do." While Kendra too was raised middle class, she identified herself as "poor but with high earning potential." Colin noted that he was comfortable and "getting there," not struggling but not wealthy. Luke identified as having middle class origins but felt he had a "slightly precarious class status" after having been a student for the past ten years and noted his upward mobility, having just landed "a tenure track job so I've just jumped up the security ladder."

It is true that participants were generally well educated and had some level of post-secondary education, as Gabby noted and Sheff (2013) found. Many participants had or were working on higher degrees. I spoke to polyamorous folks who had law degrees (Jay and Gabby) or were working their way through a law program (Lauren). I also interviewed nine folks who were either in the process of doing a graduate degree or had already earned one. Emma was in the midst of an MA in gender studies. Parker had an MSc. and Lucy had a Masters in Library and Information Studies. Rebecca had a Masters in Philosophy and was working on a PhD. As mentioned, Kendra also had partially completed her PhD and Kris had a PhD in History of Consciousness and Feminist Studies but was also currently a student finishing up an MFA in film production. Luke had a Ph.D. in Political Science and Alicia had a PhD in Gender and Women's studies. Colin had a PhD in Psychology along with a degree in Physics. Tara noted that both her parents were highly educated and she herself had a BA and was looking to go to grad school in Psychology.

Eleven participants had earned a Bachelor's degree, including a Bachelor of Arts in English and History (Dave and Zach), Journalism (Neil), Political Science (Simone), Computer Science (Amelia and Zach), and a Bachelor of Social Work (Kay). Blake had a Bachelor of Commerce from UBC and CGA (CPA) Accounting designation, and both Matt and Erika had a BA in Fine Arts. Joyce had a BSA in Sociology (Arts) and Psychology (Sciences).

The rest of my participants had various levels of post-secondary education. Natalie had finished trade school and just started post-secondary education. Peter did six years of college but never achieved even a two-year degree as he changed his major five times in six years. Pam had "not quite a BA" at the time we spoke. Hart had a few

years of university, did not finish his degree, but taught university. Howard had earned part of a BSc in Economics. In addition to Natalie, others had earned post-secondary diplomas. Kristy had a graphic design diploma, Sherrie had a certificate in counselling, and Brian did a two-year technology course.

The occupation of participants varied from the folks doing more trades/arts focused work to the stereotypical occupation of polyamorous people in “tech” or “nerdy” IT type occupations, as noted by Sheff (2013). Natalie was a hairstylist, Erika was a tattoo artist, and Kris was a film maker. Several folks worked in science, computers, and technology (Brian, Zach, Howard, Matt, and Peter). Parker was a scientist. Amanda was an IT consultant for a company that represented non-profit organizations. Matt, Hart, and Alicia were managers at an IT company. Blake was also in business management. Some participants worked in government and public administration (Simone, Pam, Dave, Emma, and Gabby). Joyce was an underwriter for an insurance company. Luke was a university professor. Four folks identified as writers – Jay had written six books and Peter had also written a book. Neil and Kendra identified as freelance writers, and Colin, Lucy, and Lauren were editors. Kay and Sherrie identified as counsellors. Tara had been a sex educator and coach for over a decade and Kristy was an event planner, who in addition to her paid event planning, also planned her own conference around sex and sexuality. Jay owned an "upscale educational sex store." A few folks were self-employed or consultants, some identified more than one thing that they did for paid or unpaid work, and some of them were students in addition to the paid work that they did. They ranged from retired from their careers to newly starting out. The security of their work ranged from precarious self-employment, hodge podged together various means of income, to secure government positions and elite business management.

### ***Religion or Spirituality***

Sheff's (2013) description of polyamorous folks tending to be either non-religious or practice uncommon religions like Paganism, Unitarian Universalism, or Buddhism, with a smattering of Christians and Jews, directly confirms the responses of my participants. When asked about their religion or spirituality, very few participants identified with or practiced any kind of organized religion. Blake simply replied "None." Several people identified purely as atheist (Colin, Amelia, Zach, Kristy, Erika, Luke, and Alicia) or agnostic; Natalie was “not into organized religion” but despite “not really thinking about it too much” she thought that she would like to study religion to

understand. Some participants identified as having their own faith and being “not exactly an atheist” (Kendra), “broadly spiritual” (Dave), “loving nature” (Jay), “spirituality as a part of life” (Simone), and connected with a “different spirituality” (Lauren). Six participants identified as growing up within a Christian religion but now being influenced by Buddhism in some way. Two people were non-practicing Jews.

A few people expressed being opposed to organized religion and eight participants had deliberately given up or been “as close to excommunicated as you can get” (Sherrie) from their Christian religion. They left the church due to reasons of abuse, sexism, disillusionment, hypocrisy, conservatism, dogmatism, and because of their non-normative lifestyles. Joyce described herself as being “post-church” and having left the Baptist church five years prior, noting that she had even waited until marriage to have sex. Only one participant identified as practicing any kind of organized religion and that was Kay who was part of the Unitarian Universalist Church. Kay described this church as “the church that you could go to that was really liberal, didn't have a dogma, and they don't really follow the Bible.”

### ***Gender and Sexual Orientation***

Participants were asked what their gender identity was and while most identified as cis-gender some identified their gender as otherwise. One participant identified as gender fluid or gender queer (Kendra) and another identified as “butch” (Kris). Tara explained that gender was a “weird thing” and identified as a “gender failure” which was fluid; she used to identify more masculine when younger and now identifies intentionally as Femme. She explained that she had a “nougaty masculine interior with a delicious honey coating.” The rest of participants identified as either cis-men (13) or cis-women (16).

The sexual orientation of most of my participants seemed to be “fluid” and the *exception* to the question of sexual orientation seemed to be “straight.” It was mostly men (10) who identified as straight or heterosexual; only one woman who identified as dating men exclusively but reported that “people think I'm queer” (Erika). Even when saying they were straight or heterosexual, that answer was qualified, in Blake's case with “99.9% straight” or identifying as “heteroflexible” as Hart did. Luke responded by identifying as “basically heterosexual. I think the categories are weird and fluid. My historical experience is sleeping with people that identify as women, but my sexual

attraction I don't think fits neatly into categories." Matt was very specific about identifying as heterosexual and not straight; "I like to really stress that it's not straightness. So, I am heterosexual because, so far, 95% of my sexuality is focused on female-identified people. And I consider myself drawn to femininity. But it doesn't really encompass. So, there is... Okay, I have at least one pinky toe into the queer world, I think is the best way to put it." In *Not Gay*, Ward explores how "straight White men can perform homosexual contact in heterosexual ways" to reveal "the fluidity and complexity that characterizes all of human sexual desire" (Ward, 2015).

Other participants also expressed the ambiguity or fluidity of their sexual orientation. Emma, who was married to a man, identified as queer and bi but noted that it had been a while since she had a relationship with a woman. She found it hard to date women but played with women in group sex situations. Kristy defined herself as a "queer, cis woman in a straight, hetero relationship." Simone identified as "pansexual but mostly romantically heterosexual." Gabby, reflected that, "at the moment I would identify partly as asexual. Otherwise, heteroflexible is the most accurate but it depends on the year where my interests are. I am no longer involved in kink and have not been dating for a few years."

Many participants identified as bisexual, pansexual, or queer or a combination of the three. Natalie, for example, identified as "bisexual and/or pansexual and maybe queer as a newer identity." In defining herself as mostly queer but also bisexual, Lauren explained that queer "more accurately represents the spectrum of my sexuality" but often refers to herself as bisexual because she feels it is a more politically positive label. Alicia who only slept with women until her early 20s identified as a lesbian in the past but then became interested in people who identify as other than women, including trans folks, so now identified as queer. Queer was also a bit of a political identity for her - "in the queer and trans community I'm involved in the political aspect [of being queer], it is implicit." Tara identified as queer and pansexual but also included being kinky, a switch, and a masochist. Joyce also identified as pansexual and kinky. Amelia identified as bisexual and also included being nonmonogamous and polyamorous as part of her sexual identity.

Queer was defined sometimes by the gender(s) that were included. For Kris, whose gender identity was butch, they identified as queer but with the caveat that "I'm

exclusively into women, gender queer-identifying people. I do not date or sleep with men, cis-men and rarely even trans-men but occasionally.” Whereas gender queer Kendra’s idea of queer “is the kind of queer that for me includes the possibility of cis-gendered men, which, I think for some people, they mean gay [when they say queer]. I’m not gay. But I’m pretty gay [laughs].” Meanwhile, Rebecca’s identity as queer meant that she “dates people of all genders.” And for Sherrie, it was not about gender at all, and she really did not want to define her sexual orientation but when I asked, she responded, “to narrow it down for people who like to box people in, I’m a bi poly switch. But I generally like to put out that I don’t have relationships with genders, I have relationships with people. Or types. It’s just whatever works for the relationship works for me; I have many types. I have many different people that I am drawn to and attracted to of both genders and other genders.”

When it came to “sexual orientation,” it was clear that it encompassed more than just who a person was attracted to and that they did not see it as static and unchanging. Rather, it was more about a sexual identity that included various intersections with being polyamorous, kinky, and queer.

### ***Race and Ethnicity***

With the exception of four people who identified variously as “mixed Indian and British,” Chinese-Canadian, Chinese-Indonesian, and Chinese from Hong Kong, the vast majority of the polyamorous folks I interviewed are White. This is consistent with Sheff’s (2013) findings.

### ***Health/Ability***

Three participants had chronic health issues which impacted their lives and put limitations on how they navigated polyamory.

Overall, the folks I spoke to had a variety of intersections but generally made up a fairly privileged group of mostly White, middle-class, middle aged, cis-gender folks who were non-religious, able bodied, had generally high levels of education, and often worked at professional jobs in urban areas.



### 1.3.6. Other Important Identities

In addition to core demographics regarding geographic location, age, socio-economic status, education, occupation, religion, gender, sexual orientation, race, ethnicity, and health/ability, participants also noted other intersectional identities that were important to them and in connection to their being polyamorous.

#### *Other Politics*

People who share an interest in polyamory do not always share the same politics (Luke). That said, I found that the people I talked to were most generally left leaning “liberals” (definitely not conservative) and anti-oppressive. They ranged from center-left liberals to more social justice and anti-oppressive politics connected to being a socialist anarchist feminist. These are people who mostly vote NDP or Green party and a few who participated in the Sex Party.<sup>9</sup>

The least left leaning were the two men who identified as upper middle class. On the more center left end, Hart noted that “it’s complicated” and identified as a more moderate “left leaning capitalist.” Blake asserted that “business comes first” so whatever is good for business, although he did counter, “I’m more liberal, I’m not really conservative... even though conservative government is good for business.” Dave also identified as “pretty liberal,” Neil, Howard, Brian, and Jay were “moderate left” (Neil), and Brian and Jay voted Green Party and NDP.

On the other end of the political spectrum, participants’ politics were far left leaning and connected to being a feminist (Gabby, Rebecca, Joyce). Kendra identified with “radical left politics – but not mean left.” Kris also identified as “radical leftist. Very, very far left.” They described radical left as “definitely with socialist leanings in the sense of being more invested in shared common good than individual rights, especially property rights, anti-capitalist, anti-institutional, anti-money, anti-work.” Emma also identified as being far left in her politics, she stressed she was not just “left leaning [but]

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<sup>9</sup> In the Canadian context, the liberal party is a center party where individual rights and freedoms, democracy, and a market economy are important. Whereas the NDP (New Democratic Party) or Green party are considered more socialist focused, where state interference in the economy, the environment, community ethics, and equality are more important. The Conservative party is the furthest right party, supporting many liberal values but relying more on traditional morals, the rule of law, and upholding order and tradition. The Sex Party was a provincial political party in B.C. from 2005 – 2012 that was based on sex positive values.

actually all the way left!" As a feminist she was interested in intersectional issues with regards to a particular awareness of (dis)ability, having a sister who has Down Syndrome and mother and sister who also have mental health issues. Alicia strongly identified as a feminist without hesitation. She described her brand of feminism as "a shorthand for social justice, particular ideas of anti-racist discourses with an attempt to understand intersectionality, more than just women centered, second wave kind of idea of feminism." As a feminist, Lauren's politics were interconnected; "generally my politics fall somewhere between liberalism and socialism depending on the issue, but my politics are centered around gender and sexuality and family and relationships and that tends to be where my politics start. A lot of my politics are informed by my feelings about those things."

Other participants identified with socialism and anarchism. Natalie identified with being a socialist-anarchist and stated that "we don't want the government involved in our lives." Kay said she was "probably in the NDP realm" and that her "social work education is really in line with my political values, really anti-oppressive beliefs around social structures" but also identified with anarchists because she was "really discouraged with how much change we're able to create politically, and it prevents me from getting more involved." Lucy also identified as "more on the socialist spectrum" as an NDP and Green Party supporter but was also "somewhat involved in the anarchist community...Food Not Bombs and housing and things like that." Luke disclosed that he was socially (meaning in his everyday interactions with others) libertarian and politically an anarchist.<sup>10</sup>

### ***Activists and Feminists***

For some participants, their polyamorous identity was intertwined with their politics and their identity as an activist or feminist. Matt identified as being an activist, splitting his time "between sexual issues, lifestyle issues and socio-economic issues." Jay referred to himself as "a sexual rights activist" within social, political, and legal realms. He explained how he was polyamorous and in and out of the polyam community at the time of the *Reference* case and so his involvement in the *Reference* case was

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<sup>10</sup> Libertarian philosophy advocates for individual freedom and defends civil liberties while also believing that government should have less control over people and society. Anarchism is "a political theory holding all forms of governmental authority to be unnecessary and undesirable and advocating a society based on voluntary cooperation and free association of individuals and groups" (Merriam-Webster).

“really just an extension of his representing sexual people for years.” He described how “In the same way that marijuana or the environment needed an advocate he became an advocate for sex.” Luke also identified being “an activist” as part of the way he lived his life and “that’s a big part of my personality.” He also felt that his polyamory “naturally flowed” and fit with his anarchist practice. He explained,

For me, poly is the sexual lifestyle component of anarchist philosophy. That’s more of a central identity for me. For me, if I had to choose one political identity, it’s like that, and that’s the way that I see my life and generally frame my politics. That’s more of a label that I use rather than poly. Poly to me is the sexual side of my anarchism. Does that make sense?

Rebecca identified as a “relationship anarchist” thus also connecting her relationship style to her anarchist values.

Other participants included being a feminist (Matt, Hart, Natalie, Alicia, and Kristy) as connected to their being polyamorous. Connecting feminism to polyamory was a rejection of patriarchal monogamy and the control of women’s sexuality. Luke felt like polyamory was an extension of his and his former partner’s early, youthful feminism and that it was important to him that women were able to control their sexuality and “have and enjoy lots of sex.” Moreover, he reflected, “I just think basic feminist and anti-capitalist ideas made me not want to think of a partner, particularly a woman, as a sexual possession of me, as a man, and feeling that that somehow was tied up in monogamy, or at least could potentially be.”

The connection of feminism to polyamory was about inclusion and empowering women. Natalie’s feminism was inclusive and meant “equal rights for women and people of all sexualities and genders.” For Emma, it was important that her feminism connected to polyamory, and she felt like several folks in the polyamorous communities were feminists:

Women who are involved in polyamory get to advocate for themselves a lot more based on the way that polyamory is set up based on communication and owning your own stuff...because women are more empowered within that community it feels like a safe space to land with all your vulnerable bits, so, with my feminism and my consent activism and my sexuality, with all of those things sort of being alternative, the poly community is like a safe place to be because they kind of can be mostly open to all that although not always the sex positive piece.

Feminism also connects to being polyamorous because polyamory is thought to be based on gender equality, where women, not just men, have the possibility and power to have more than one partner at a time (compared to polygamy, which is considered patriarchal).

### ***Intellectuals, Burners, Ravers, Swingers, and Blues Dancers***

Other important identities participants identified as being connected to their polyamory included being an intellectual, a “Burner,” a raver, a swinger, and a blues dancer. Placing a focus on their intellect, Tara and Colin identified being a “geek” or “nerd, scientist, intellectual” as important to them and being connected to their being polyamorous. In addition to her queerness being important, Kendra noted that being a writer, who wrote about polyamory, sex, and sexuality, was a “huge piece of my identity.”

Many participants identified being a “Burner” (a community of people who go to Burning Man and other related events) as important and connected to their polyamory (Kay, Emma, Dave, and Blake).<sup>11</sup> Erika described being a raver and using MDMA as part of a “subculture” that was connected to being polyamorous for her and others that she was in relationship with. She explained, “Oh, I guess I'm a big raver...So among them [polyam friends/partners] like we just did a lot of, we just do a lot of MDMA and I think MDMA is very much connected to being polyamorous. I think it rewires your brain to not be jealous.” Amelia identified as “swally” – part swinger and part polyamorous – because she came to polyamory via being a swinger.<sup>12</sup> Peter also thought there was overlap between polyamory and swinging, despite resistance from both to each other. He argued that some people come to polyamory from swinging when partners fall in love beyond just sex.

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<sup>11</sup> Burning Man is an annual gathering of folks who create a temporary city in the desert. The event is guided by ten principles: radical inclusion, gifting, decommodification, radical self-reliance, radical self-expression, communal effort, civic responsibility, leaving no trace, participation, and immediacy (The Culture: Philosophical Center, 2004). According to the Burning Man website, a “Burner” is “the common term people use to identify their kinship with Burning Man culture and/or community. Being a Burner is more than attending an event, it’s a way of being in the world. There are myriad ways to connect with other Burners around the world, throughout the year, whether in person, or online” (Connect with Burners, 2021).

<sup>12</sup> Swinging is a practice of non-monogamy where an established couple has sex with other people, either as couple or individually, with other couples or with individuals. Swingers tend to refrain from emotional attachments with outside partners.

Neil and Kay both spoke about the connection of blues dancing to polyamory for them.<sup>13</sup> Neil explained how it was “fascinating” because it is a community that is not explicitly poly but has a critical mass of poly people where monogamy is no longer normative, so it is a different way of navigating a social space. He explained how people flirt and date through blues dancing and that all his romantic connections were connected to blues dancing. He thinks that “blues dancing is a gateway drug to non-monogamy” because it can show you intuitively that your partner can have intimate physical experiences with other people that do not threaten the relationship, and their connections with other people add more richness and complexity to the relationship – “So, if you can do that with blues dancing then you can do that with sex and love. It’s very intuitive.”

Kay explained that “a lot of blues dancers are poly, because it’s a really intimate dance and it’s a social dance. You’re changing partners constantly. No one goes and just dances with one person.” Kay was so passionate about blues dancing, she enthused, “I just love it. It’s slow swing dancing that’s really cuddly.” She described it as very physically intimate, dancing “chest to chest,” as well as emotionally intimate because of the level of intuitive communication, consent, and trust. She theorized that you could “develop and practice compersion through blues dancing because you’d be watching your partner have quite intimate connections with people... in a structured environment.”

These identities provide spaces that are connected to non-normative ways of being in the world sexually, where there is a freedom to express one’s sexuality in various ways that are inclusive, sex positive, intimate, and promote compersion – all values that polyamorous people feel are important. In his research on queer BDSM communities, Bauer (2010) found that consensual, negotiated, and openly lived non-monogamy was often found in “various alternative communities, especially among certain sexual minorities” and that the norm of monogamy is almost reversed (pp. 145-146). This was particularly so in Queer and BDSM communities where non-monogamy prevailed (p. 146).

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<sup>13</sup> Blues dancing is a fairly new dance community that grew out of blues music history and culture and the Lindy hop dance community. Blues dancing is done with close physical contact and can be quite intimate and even sexual (Kay).

## ***Queer and Kinky***

Polyamory intersected with important identities such as being queer (Tara, Alicia, Kris, and Kendra), nonmainstream sexually, or sex positive (Dave, Luke, Matt, and Kristy), and kinky. It is common that there are various coincides in marginal sexual identities and/or practices and it is suggested that sexual dissidence is contagious. Bauer (2010) refers to this as the "domino effect of perversion" (p. 151) where once a person has transgressed normative sexuality in one way, they begin to question gender and sexual norms in other ways as well.<sup>14</sup> They are more exposed to various "perversions" beyond the culturally normative scripts and become more open minded as they learn. I found the same effect in my research on bisexuality (Poole, 2011). It seems that once a person is open to one type of "alternative" sexuality then the floodgates are open to other forms and practices of sexuality.

Being queer was associated with non-normative ways of practicing relationships and so participants felt it went hand in hand with being non-monogamous and identifying as polyamorous. Kris connected their queerness as "definitely being a big influence" on their polyamory. They attributed to this coming out in 1995 during a time when queer and non-normative sexualities, such as being "not monogamous," came together "and just being anti-normative in all the ways, that being anti- whatever heteronormativity was about, including monogamy and public sex and multiple partners." Alicia also felt her long held queer identity impacted her being polyamorous. She grew up in queer communities that practiced relationships beyond normative romantic couple centric connections and expectations where value was placed on freedom to form relationships that included adopted families and the ability to "design your relationships in a way that makes most sense to you" including non-monogamously. This helped her to form her polyamorous identity based on the values and understanding that romantic connections with people could be multiple: "there's a causal connection of... why I ended up having the relationships I do and thinking the way I do." These queer spaces have normalized non-monogamy and influenced individuals' sexuality broadly. Women's queer leather communities, where Kendra spends a lot of her time, are predominantly non-monogamous, thus informing Kendra's nonmonogamy practice. She reflected, "I think

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<sup>14</sup> This is similar to Rubin's (1984) "domino theory of sexual peril" which I will discuss in the next chapter.

that in some circles non-monogamy is so normal that it is almost strange to not be non-monogamous, in some queer circles.”

Indeed, it is quite normal for people in the kink community to be non-monogamous. The most salient identity that participants identified as intersecting with their polyamorous identities was being kinky or into BDSM.<sup>15</sup> That polyamory and kink share a variety of characters and overlap in membership is noted by other researchers (Sheff & Hammers, 2011; Bauer, 2010). Specifically, it is important to note that they share race and class privileges and that there are protections that accompany those privileges that enable White, well-off individuals to engage more freely in “perverted” practices without the risk of stigma and the socio-economic risks associated with engaging in these marginalized sexual practices (Sheff & Hammers, 2011, p. 199). At least two thirds of the polyamorous folks I talked to specifically identified kink as connected to their polyamory. Many spoke about kink and polyamory being inseparable, about how they went hand in hand, and sometimes one led to the other: “the kink community is very non-monogamous” (Neil).

When it came to the domino effect of perversion, polyam folks I spoke to confirmed that their involvement in kink led to their being polyamorous (Blake, Gabby, Lucy, Matt). Blake learned about polyamory “through kink.” He explained there was “quite a bit of overlap between the two of them [kink and poly communities] or so I found... [It] made it seem so normal and easy.” His kink and polyamory identities became deeply intertwined.

Several other folks who identified as predominantly kinky, noted the connection between kink and polyamory as both being non-normative and discovered them simultaneously. Simone, who is a kink community leader and rope bondage educator in the rope community, discovered both kink and polyamory at the same time. She noted that kink and polyamory were connected because they are “both not mainstream.” Matt started off as “very interested in BDSM and alternative sexuality in general” and as he explored BDSM through podcasts and reading he noticed that there was “a lot of BDSM

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<sup>15</sup> Kink, kinky, or kinkiness indicates unconventional sexual and intimate desires, practices, behaviours, rituals, and thoughts (fantasies). “Kink” has become a colloquial term to indicate a person’s engagement in a spectrum of unconventional sexually based practices including fetishes and BDSM. BDSM includes bondage and discipline (B&D), dominance and submission (D&S), and sadism & masochism (S&M). Kink can include things like foot fetishism, rope bondage, spanking, dominance/submission, and sadomasochism.

documentation that would also mention polyamory.” While he came to polyamory through kink, he reflected that his “sexual desires were becoming clear to me, sort of, at the same time. And the research for one just happened to come out as a process of the research for the other. But I think I knew what I wanted, politically, I think long before I knew there were words for it.” He also identified as being an educator in the rope community and felt specifically that rope and polyamory were “bound up a little bit” (I really don’t think he meant this as a pun) “in rope-centric kink communities.”<sup>16</sup> He explained, “I feel like rope is extremely poly, for a couple of reasons. I think because it’s very, very possible for someone to be completely worn out and because part of the process of learning rope is drilling certain techniques in... and learning to be very, very proficient in a way that necessitates I have multiple people to tie.”

It was also noted how non-monogamy is the norm in kink communities. Kris came to polyamory via the BDSM community. They explained how the BDSM community had a big influence on them because the BDSM communities were “very poly immersed” and polyamorous individuals are the “fuller and larger population with the BDSM communities,” particularly queer BDSM communities. They recall, “I think that was probably the first time that I actually started seeing people practicing non-monogamous relationships as well. That definitely had a big influence.” Kris summarizes, “for me, poly and kink are interchangeable. I know they’re not technically interchangeable, but that’s almost exclusively how they’ve operated for me...they just go together.” As discussed regarding being queer, for Kendra, she does not separate her queerness from her leather/kink and polyamorous identities, and so they are intertwined in a way that is inseparable. She refers to her identities as a queer, non-monogamous, leather woman as one identity: “that’s kind of a biggie.”<sup>17</sup>

Sometimes the coincides of kink and polyamory were so connected and held similarities that they could not be separated for individuals, and groups and events that combined these identities were highly valued. Dave and Emma created the Vancouver

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<sup>16</sup> The rope community is a subset of the kink community that focuses on rope bondage associated with Japanese rope bondage, such as Shibari and Kinbaku. It is used to restrict movement, restrain, or suspend a person.

<sup>17</sup> The leather community or leather culture is a subset of kink/BDSM that started in the gay men’s community. Being part of the leather community is associated with wearing leather and honouring traditions and is also connected to particular values such as honour, integrity, and community. For more information, see <http://www.leatherpedia.org/leather-culture/>



group “We Love It All” because they did not feel they could separate their multiple sexual identities, yet so many of the events or groups they attended seemed to be siloed into either kink or polyamory. According to Dave and Emma, “We Love It All” started to fill a void and bring multiple interests and identities together “in harmony” – kinky, swinger, different types of polyam people, burners, etc. – where folks did not have to hide or be ashamed of any aspect of themselves. Like Dave and Emma, Pam desired to bridge the borders or the boundaries between groups. She explained, “There’s a lot of people that cross between all the communities. That was one of my biggest advocacy efforts. There was your kink or your poly or your swinger and then they were never to mix. And then I’d say, ‘well I’ve got news for you, people who run these groups, I’ve seen your people at all of these meetings, and you need to be less hardline about that.’” Sherrie, having started out as kinky before becoming polyamorous, combined the two and connected them by giving a talk “about the combination of kink and poly” at the first polyamory conference in Victoria. In Toronto, Tara was a leader in the kink community who organized intersectional events such as a recurring kink party, social networking group, discussion group, and workshops, noting the importance of the connection between her kink and polyamorous identities. Howard, who identified as “mild on the kink side” also saw how an event such as “a sex-positive conference which has a lot of stuff like trans, gay, kink -- it’s going to be much more inclusive” and can be a way to bring polyamory and kink together and increase understanding about polyamory for kinky people who are not monogamous.

Some folks I interviewed became polyamorous to accommodate their kinky proclivities. Gabby became polyamorous because she wanted to explore her kinky side, but her husband was not interested in kink, so they needed to figure out a way to navigate their relationship due to her newfound interests which did not match his. Hart described how polyamory “ties into” kink “because some of my partners are not kinky and I couldn’t be with them if I were monogamous, you know, it would not be workable.” Pam also saw her kink and polyamorous identity intersecting. Polyamory allowed for Pam and her partners’ desires to try different roles of dominant and submissive within their kink lives. According to her, “blossoming to be dominant was part of the poly growth. I learnt that as co-partner in this relationship, I have my rights and interests and I’m empowered to be who I need to be and that isn’t a submissive person... So, finding

myself through poly and empowering myself to be what I need to be and love who I need to love and all of that.”

Some folks I interviewed found that already being polyamorous enabled them to accommodate their kinky proclivities. Parker “was poly before I became interested in kink.” For him, his polyamory and his kink made sense as connected because he saw kink as so intimate and emotional, “almost spiritual,” that he could not understand how anyone could be kinky and not be polyamorous if they played with people beyond their partners. For Kristy, her being polyamorous allowed her to explore her kinky side when her partners were not kinky. According to Kristy her being polyamorous allowed her to explore kink and her “babygirl side” of herself since that was something her husband was not interested in. She explained, “once I discovered the kink side of things, I realized that I wasn’t getting that at home. And it’s just not really something that’s... He’s not wired to be that way. So, yes. The kink stuff for me is definitely very integral to poly.” Similar to Kristy, Lauren’s partner was not kinky and so her bisexual and kink identities were connected to being polyamorous.

### **1.3.7. Relationship and Family Statuses**

Regarding relationship and family statuses, there was more relational diversity than there was population/demographic diversity among the polyamorous folks I talked to. The relationships of participants varied among them as well as individually over time. Some described changes in their relationships that resulted in their current relationship status when we spoke. I will give a snapshot of the participants at the time I spoke to them. They included couple-like married or common-law relationships, families with children, and those who identified as “single.”

#### ***Married or Common law – No Children***

Many participants were married or living together and did not have children. Dave and Emma had been married for three years. Dave referred to Emma as his “primary” partner and it was his wife who introduced him to polyamory. Neither Dave nor Emma had any other partners when we spoke, and they did not have children. Blake had a “live-in partner” who he had been with for three and a half years and living with for around two years. At the time, they had no children. He also had another partner, their “sweetie,” who he dates, she dates, and they date together. Joyce was married to her

husband for six years, with no children, and was in relationship with five other folks. Natalie also did not have kids, nor did she want any. When we spoke, she was engaged to her male partner with no intention of getting married except if needed for the relocation of her partner (“visa stuff”); she explained that she was engaged to indicate that this “is my person” since neither one of them has felt like that before. Brian lived with his long-term partner who he was married to. They had been together since their teens and were always polyamorous. Peter was not married but lived with one of his five partners; his other four relationships were long distance. He was married for eighteen years with a monogamous identified woman, but he was polyamorous; he called this a mono/poly relationship. He did not have any children.

Neil and Lauren were not married but had lived together as common-law for three years. They lived with another couple who Neil described as “partners” and Lauren described as “mostly friends and roommates, not in a relationship with the other couple but occasionally hook up.” They both dated other people beyond their household, having ongoing but less time-consuming relationships. When we spoke, Kay lived with a partner, had other partners, was not married, and had no children.

### ***Children***

Many participants had children, some grown and some young. Four folks I talked to had grown children and some even had grandchildren. Gabby had two adult children, a son who lived at home and a daughter. She was married to her husband since 1986 and they dated for seven years before marriage. At the time we spoke, she had not been dating outside the marriage for a few years. Pam had two grown children who lived outside of the home. She lived long term with two male partners she called “co-partners,” and sometimes had outside relationships. She was in one relationship for fourteen years and the other for six when we spoke. Pam also had grandchildren. Sherrie had adult children between the ages of 30-35 as well as grandchildren. Howard had been married twice previously and had two grown children that he was open with about being polyamorous. Lucy had two long-term committed partners who “both present as male but they both identify as gender-fluid or trans.” She lived with one of her long-term partners and also dated a heterosexual couple. She had two kids; one child who identified as female and the other as neither male nor female.

Other polyamorous folks I spoke to had younger children. Amelia had two children, a five- and seven-year-old; she was out about being polyamorous with her kids. Hart also had two children who he shared custody of with his wife. He was still married for the security of the children but lived with the children half time and otherwise alone. He was partnered with three other people and saw other people beyond these three on a more "casual" basis. Kendra lived with her partner who was a gender queer woman and had two stepchildren with her live-in partner. At the time we spoke, she had no other relationships, stating that she was too tired from health issues and had also recently ended an eight-year relationship which was like a divorce for her. Parker, who was married and lived with his wife, had two daughters aged 18 and 20 who still lived at home but were old enough to be attending college and living with much freedom.

### ***Single***

Many of the polyamorous folks I talked to did not live with a partner and/or considered themselves single. Zach had two partners: "one primary partner, to use that term, and a few other 'secondary' partners [caveat that he does not usually use this language]" but did not live with either partner and he had no children. Alicia lived alone and had no children and in fact, "hates children." She identified as having "multiple relationships." There was a lot of pausing and hesitating trying to "define" her relationships. They included family and parents; people in her community - some romantic and some not; a "partner" in Toronto (Zach) who she makes life-based decisions with; a partner or boyfriend in Amsterdam, so a long-distance relationship; and a play/kink relationship with Hart. Simone had "married young" but was no longer with her partner, had no primary partner, no children, and lived alone. Kris, Erika, Matt, Luke, Colin, and Jay all had no children, had never been married, and were single at the time we spoke. Jay was single for the first time in his life and was quite excited about it and was contemplating being single for the rest of his life, feeling comfortable on his own now. Howard had been married but now identified as solo poly.<sup>18</sup> Tara, too, identified as "solo poly" and neither lived with a partner nor had children.

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<sup>18</sup> Solo polyamory is when someone may have multiple intimate, romantic, and/or sexual relationships with more than one person at a time but considers themselves to be independent and autonomous and may not value traditional relationship structures such as cohabitating, sharing resources, etc.

## 1.4. Overview of Chapters

To approach the exploration and analysis of polyamory politics, I need to situate my findings within the literature on sexual minority social movements and sexual citizenship. In Chapter 2 I review the theory and literature relevant to my research. I begin this chapter with a review of social movement theory and the history of sexual politics that address the “cycles of change” regarding the strategies and goals of the gay and lesbian movement in Canada and the U.S. so as to establish a framework from which to compare and understand the history and trajectory of polyamory politics. Are polyamorous folks I spoke to influenced by and/or mirroring the strategies and goals of the gay and lesbian movement?

I highlight the gay and lesbian movement’s advocacy for full citizenship and sexual rights, such as marriage equality, in the context of neoliberalism. I situate polyamorous politics within a neoliberal framework, taking into account the neoliberal state, governmentality, and the history of the welfare state in Canada before moving on to review citizenship theory, sexual citizenship theory, and connect ideas about sexual citizenship back to the neoliberal state and the regulation of the sexual citizen. After reviewing the literature on sexual minority social movements and sexual citizenship, I present the findings of my research.

Entering into polyamory and sexual minority politics often begins with connecting to community. Chapter 3 is my first findings chapter where I focus on polyamory community building and collective identity formation as a first stage in movement building. Building community and collective identity was associated with creating awareness and acceptance of polyamory through advocacy, education, and visibility. Here I note the idea of “normalization” of polyamory as an important main goal of many polyamorous people that I interviewed. This chapter focuses on the social and cultural aspects of sexual politics, (versus the legal aspects of sexual politics which I address in the next two chapters). This sphere is where polyamorous folks I talked to had focused much of their energy in their movement to date.

Shifting into a focus on the legal aspects of sexual politics, in Chapter 4, my second findings chapter, I focus on the CPAA and their involvement in the 2011 B.C. Supreme Court *Reference* case on the constitutionality of the anti-polygamy law Section 293 as a challenge to oppressive laws. After I describe who the CPAA are and why they

formed in response to the *Reference* case, I dive into their goals and strategies and how they provided evidence at the hearing by creating a survey, defining polyamory, and differentiating polyamory from polygamy in an effort to control information and discourses about polyamory with the overall goal of excluding them from the anti-polygamy law. Departing from the social and cultural sphere of sexual politics, this chapter looks at the legal system and *freedom from* discrimination in the political sphere, an area where the CPAA focused most of their energy at that time.

Continuing to explore the legal aspects of sexual politics, in my third findings chapter, Chapter 5: “*We Want In?*”, I explore the goal of civil rights and the strategy of recognition and inclusion into normative institutions, such as marriage by the state. I wondered if polyamorous folks wanted to protect themselves from discrimination and exclusion by fighting for rights in the social, economic, and political spheres. I found that polyamory folks I spoke to were not really advocating for plural marriage at the time but would still appreciate equal rights. They were uncertain about the institution of marriage as a purveyor of rights, seeing it as a means of attaining access to rights but not as the best means for distributing those rights.

Finally, I explore the potential of polyamory politics and future possibilities.

## **Chapter 2. Theory and Literature Review**

### **2.1. Introduction**

Polyamory politics are emerging in a particular social, economic, and political context, as other sexual political movements have before them. In order to understand polyamory politics, we need to look at the wider political-economic context of neoliberalism and the dominance of the concept of citizenship within contemporary sexual politics, along with the associated emergence of the idea of the “normal” “good sexual citizen” self-regulated through marriage (Richardson, 2004, p. 393). Neoliberalism is a theory of political economic practices with economic and social policies that prioritize cost-benefit analysis over citizen well being (Harvey, 2011; Mohanty, 2003; Richardson, 2005; Whitehead, 2012). As a result of neoliberal policies and practices, social insurance against poverty and illness comes to be seen as an individual problem instead of a public responsibility (Whitehead, 2012, p. 300). In this model, self-surveillance and regulation are preferred over direct state control and intervention (because it is cost effective for the state). The state’s role is to provide opportunities for subjects to self-govern and be “normal” by voluntarily complying with the interests and needs of the state. The “opportunity” that I discuss here is to become a “good sexual citizen.”

### **2.2. Sexual Politics History: The Gay and Lesbian Movement “Cycles of Change”**

Sexual politics are not a static, monolithic thing; they change over time, depending on economic, political, and social contexts. Different people and groups advocate for different issues, depending on where they are personally situated and how they are connected to larger social structures. John D’Emilio (2002), an influential historian of sexuality, outlines the “cycles of change” and multiple strategies and goals of the gay and lesbian movement over the last fifty years in the U.S. D’Emilio (2002) describes the strategies as follows: the 1950s to 1960s as “give us a hearing,” the homophile movement’s request for the dominant heterosexual norm to engage with homosexuals (p. 94); the 1970s to 1980s as “here we are,” dominated by the gay liberation movement’s commitment to coming out and building community (p. 95); the

1980s to 1990s as “leave us alone,” influenced by AIDS activism and ACT UP, this period called for a demand to the end of being mistreated through attempts to counter sex law (p. 96); and the 1990s as “we want in,” a call for recognition and inclusion through the state, particularly with the call for equal rights to marriage (p. 97).

Garner (1996), a social movement theorist, also outlines a cycle of change regarding the strategies and goals of the gay and lesbian movement. She notes that the first step in the movement was the Formation of Communities and Subcultures where sexual minorities formed their identity around their sexual orientation (p. 332). Where previously folks engaged in homosexual acts, they did not have an identity or community connected to those practices. Coming out and building collective identity are important as a first step in the gay and lesbian movement to build a solid foundation and “unify people” who are diverse (p. 335). The second step Garner identifies is Civil Rights Mobilizations which first focused on decriminalization, an end to police harassment, and an end to discrimination against public employees (p. 333). Garner states that the civil rights emphasis of the movement that began in the 50s and 60s continues to advocate for rights but has shifted emphasis from “leave us alone” and the demand to stop being mistreated and discriminated against to “we want in,” a call for recognition and inclusion through the state. The third step she identifies is Challenging Sexual Institutions, which goes beyond civil rights and is focused on the cultural sphere and changing attitudes of society; “a larger questioning of a social order that is based on multiple forms of repression” – questioning compulsory heterosexuality and heteronormativity (p. 334).

I use both D’Emilio’s historical framework for the sexual political struggles of the gay and lesbian movement as well as Garner’s social movement theory about gay and lesbian movements as a point of comparison and framework for my findings. While the gay and lesbian movement in Canada had its own unique experiences, the cycles are similar to the U.S. with regards to building community and coming out, fighting against discriminatory laws, and advocating for inclusion as sexual citizens with equal rights, including marriage (Auger & Krug, 2013).

As part of the larger civil rights movement across Europe and North America starting in the 1960s, the gay and lesbian movement, fighting against the social and political marginalization of sexual minorities, impacted the social, legal, and political climate in Canada, changing cultural beliefs, public policy, and laws. Significant gains



were made, particularly from the mid-1980s onward (Rayside, 2016). From the decriminalization of homosexual acts between consenting adults in 1969 (Bill C-150), to the passing of the Canadian Charter of Rights and Freedoms in 1982 prohibiting discrimination based on sexual orientation, to the federal legalization of same-sex marriage in 2005, rights concerns and rights discourse have been an important part of lesbian and gay politics (Smith, 1999, p. 4). Smith (1999) argues that the Charter ushered in a new kind of sexual minority politics, one based on rights with an associated increase in an appeal to the judicial system to regulate equality (p. 4).

### **2.3. Conflicting Tactics in Gay and Lesbian Politics**

Within gay, lesbian, and queer communities in Canada, there is continuing debate about “the efficacy and effects of legal strategies for achieving social change” (Smith, 1999, p.4). Throughout these recent decades, gay and lesbian and queer groups have practiced two broad, sometimes conflicting, tactics: they challenged the dominant (monogamous) heterosexual model of sexuality in part by bringing about an increased awareness of differences in sexual practices (considered the more cultural aspect of sexual politics), and by advocating for “equal rights” such as same sex marriage for gays and lesbians (seen more as the formally ‘political’ component). These two broad tactics were frequently seen as incompatible and not necessarily endorsed by all groups.

While there have been different tactics used by gay and lesbian and queer people in the US and Canada, the most recent and now “mainstream” has been the fight for full citizenship and sexual rights, such as marriage equality, in the context of neoliberalism. While this approach may be typical, appeals to the state as a way to legitimate kinship relationships remain *controversial* and are troubled and challenged by theorists, social science researchers, and activists because they are exclusionary – particularly of concern to me is the exclusion of polyamorous folks. Part of the challenge to this approach is that although concepts of intimacy, sexuality, relationships, family, and kinship have changed in Canadian society – monogamous marriage is still *the* dominant model which is state sanctioned, while other models remain excluded, such as polyamory. Although I would suggest that there is an increased acceptance of same-sex marriage and “non-marital choices” such as being single, divorced, or cohabitating, Seidman (2010 [2003]) argues that these choices continue to occupy a *lesser* status than marriage despite increased cultural acceptance (pp. 120-121) and monogamous

marriage remains primary. According to Butler (2002), in *Is Kinship Always Already Heterosexual?*, within a system that already privileges [heterosexual] marriage as the basic unit of kinship and indeed, social life, *marriage for a specific group of gays and lesbians becomes the primary goal with the highest standing*. It becomes the “only” way to legitimate sexuality and distribute and allocate resources (pp. 18-20). Other possibilities, such as “the nonmarried, the single, the divorced, the uninterested, the nonmonogamous,” remain “unthinkable” (p. 18 & 21). Whitehead (2011) concurs, saying that the inclusion of gays and lesbians into the institution of marriage “is predicated on making nonmarital intimacies abject – mere distractions from the ‘real issues’” (p. 310). Butler (2002) says people should challenge “the very [limited] norms of recognition supplied and required by state legitimation” (p. 26).

A further critique of the advocacy of same-sex marriage is to point out that sexuality and the current model of monogamous marriage require regulation by the state, yet the state is not neutral. Historically in Canada, as a colonial nation, the state has been complicit in building a nation based on the exclusionary ideal of a White, able, middle class, heterosexual, monogamous citizen (Duggan, 1995 [1994]; Spade, 2011). This colonial legacy continues under the current neoliberal state which continues to regulate sexuality by offering limited opportunities for legitimizing relationships, mainly through monogamous marriage and becoming good sexual citizens.

Rubin (1984) argued that we need a “radical theory of sex” for thinking about sex and politics from a social justice perspective (p. 307). In “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality,” she provides an historical overview of sexual politics to show us that sexuality has “its own internal politics, inequalities, and modes of oppression” (p. 267). She notes that there are periods of “renegotiation” when the terrain of sexuality is more hotly debated and overtly politicized (p. 267). She claims there are long-term impacts of these struggles “in the form of laws, social practices, and ideologies” (p. 274). I will explore the impacts of these struggles on polyamory politics.

## **2.4. Neoliberalism, the Neoliberal State, and Governmentality**

### **2.4.1. Neoliberalism**

The dominance of the various concepts of citizenship within contemporary sexual politics, and the associated emergence of the idea of the “normal” lesbian/gay, needs to be understood within the wider social and political context of neoliberalism as it is the context in which emergent forms of polyamorous resistance are appearing (Richardson, 2004, p. 393). Loosely, neoliberalism is used to describe “a range of interlocking trends in domestic and international politics that constitute the current political landscape” (Spade, 2011, p. 49). According to Harvey (2011) neoliberalism is:

... a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade (p. 2).

Neoliberalism includes a redistribution of wealth and economic power to the rich, intentional weakening of labour and unions, the dismantling of welfare programs, globalization, increasing criminalization and immigration enforcement, and a rolling back of gains by civil rights and social movements of the 1960s and 1970s along with a mobilization of racist and sexist discourses (Harvey, 2011; Spade, 2011, pp. 49-50). The advocates of the neoliberal way “occupy positions of considerable influence” in all facets of society including education, the media, corporations, state institutions, and international institutions (Harvey, 2011, p. 3).

Neoliberalism can “be used to refer to the realms of both economic and cultural politics” (Richardson, 2005, p. 517). Along with monetary and economic policies, neoliberalism contains social policies “concerned with personal, sexual and domestic life, including welfare reform, education, and recognition of domestic partnerships” (Richardson, 2005, p. 516). Harvey (2011) argues that under neoliberalism, “deregulation, privatization, and withdrawal of the state from many areas of social provision have been all too common” (p. 3).

### **2.4.2. The Neoliberal State**

According to Harvey (2011), the role of the neoliberal state is to create and preserve an institutional framework appropriate to neoliberal economic and social practices and policies. In theory, it does this through privatization by the shrinking of the state and the transfer of public services to private interests (Harvey, 2011; Richardson, 2005). There is an emphasis on individual freedom and rights against the excessive intervention of the state (Richardson, 2005, p. 516). Richardson (2005) explains that “the role of government is to provide advice and assistance to enable self-governing subjects to become normal, responsible citizens, who voluntarily comply with the interests and needs of the state” (p. 516). Accordingly, the “normal responsible citizen” should be accountable for their own actions and well-being (including in the areas of welfare, education, health, care, and pensions) (Harvey, 2011, p. 65).

Richardson (2005) asserts that the way that most western governments have adopted new forms of neoliberal social governance since the 1980s is relevant to sexual politics: “the emphasis in neoliberal approaches is on individual freedom and rights, and the importance of self-surveillance and regulation over direct state control and intervention” (Richardson, 2004, p. 393). She further states that

Central to neoliberal modes of governance is normalization, the means by which norms of behaviour are identified, encouraged and (re)produced within populations. The primary goal is to establish the self regulating citizen, who has internalized the norms and goals of new liberal governments... In this respect, one might argue that there is a convergence occurring between contemporary lesbian and gay politics and neoliberal state practices... (Richardson, 2004, p. 393).

### **2.4.3. Neoliberalism and Governmentality**

Writing from a governmentality perspective, Whitehead (2012) argues that neoliberalism “is characterized by its ethic of managing poverty, illness, and social order by prioritizing cost-benefit analysis above citizen well being” (p. 6). Whitehead states that social insurance against poverty and illness comes to be seen as an individual problem rather than a public responsibility (p. 300). This means that the population should be managed by “methods of self-governance” instead of costly state-based programs (Whitehead, 2012, p. 7). Moreover, “ethical and effective governance occurs when subjects make responsible choices and utilize profit-maximizing strategies for managing

the problems of the population” (p. 7). When individual subjects accept responsibility for social issues, such as health and poverty, population-level problems become individualized, offloaded onto the individual, and thus reduce the state’s fiscal responsibility (p. 7). Whitehead argues that the institution of marriage in the contemporary US operates as a technology of neoliberal governance that maximizes individuals’ opportunities for self-regulation (p. 7). As such, marriage becomes important “in the context of a diminishing public care structure” (p. 8). Since the AIDS crisis and the “lesbian baby boom” in the 1980s exposed the vulnerability of gays and lesbians to a lack of official care structures that are accessible to heterosexual married couples, gays and lesbians now find that they *need* to “gain access to a structure [such as marriage] that acts as a gateway to laws and benefits within civil society that allow and obligate couples to manage social problems such as illness and poverty” (p. 8).

Neoliberalism has become a hegemonic system that is taken for granted in our everyday worlds and guides the way that we live and understand the world without our even thinking about it (Harvey, 2011, p. 3). Spade (2011) explains, that neoliberal discourses of “freedom” and “choice” obscure the systemic inequalities associated with neoliberalism and so social movements turn toward “goals of inclusion and incorporation and away from demands for redistribution and structural transformation” (p. 50).

#### **2.4.4. History of the Welfare State in Canada**

The history of the responsibility of social issues in Canada has changed over time, depending on the social, economic, and political climate. The responsibility of social issues, such as poverty and illness, has not always relied on the individual, nor has it always been a public responsibility. Throughout the nineteenth and early twentieth centuries, during state formation, it was the family and the private market that were seen as the “normal” avenues for helping individuals and families in poverty and illness when income was inadequate (Guest, 1980). If an individual did receive government assistance, or “relief” as it was called, it was not considered a right of citizenship; rather, it was an embarrassing, demeaning and stigmatizing experience and “evidence of personal incompetence and failure” (Guest, 1980, p. 1). However, since the twentieth century, particularly after the Great Depression, there has been a struggle for welfare reforms in Canada. In the wake of the political and economic crisis created by the Great Depression, “individual protest and collective action helped to redefine the meanings of

welfare and citizenship” (Campbell, 2009). This struggle saw rapid growth of the Keynesian welfare state in the postwar era between 1945-1970 (Struthers, 1994, p. 5). Ultimately, with the expansion of government involvement in the economy and social welfare, there was “a shift from a charity model of welfare provision to one based on an articulation of *rights*” (emphasis added, Campbell, 2009, p. 9). National welfare policies and programs have evolved over time so that social programs such as unemployment insurance, family allowances, old age pensions, and medicare now seem like the norm, so much so that they “have helped to create a sense of social rights linked to national citizenship” (Struthers, 1994, p. 4).

The shift to the modern liberal welfare state has been controversial with a “residual” concept of social security (charity type model) continually impacting the “institutional” concept of welfare (rights based model) so that debates about deserving and undeserving poor continue as well as ideas about the gendered and heterosexualized distribution of welfare (Campbell, 2009; Guest, 1980).

The current construction of marriage as a social safety net is a holdover from the gendered and heterosexual nature of welfare policies. According to Struthers (1994), historically,

...the welfare state itself is a gendered, two-tiered construct in which ‘rights-based’ social insurance programs...typically serve a male wage-labour force. In contrast, discretionary ‘needs-based’ social assistance, along with its more intrusive tradition of casework intervention, responds to the particular vulnerabilities and moral expectations surrounding women’s dependence within the family (Struthers, 1994, p. 4).

Welfare state policy regulates (White) men as well as (White) women in attempting to prescribe the boundaries of gendered behaviour; the state has upheld the idea that the man should be the sole, self-supporting provider for the family (Campbell, 2009, p. 10). Despite some advances for women and gays and lesbians, this model is still privileged and this narrow conception of citizenship and unequal access to rights based on gender and sexual orientation continues to be challenged by women (ibid) and gays and lesbians. Campbell (2009) argues that “the rights, duties, and obligations of citizenship are closely entwined with the development of the welfare state policy” (p. 11).

Despite the problematic ways in which the welfare state was developed with regards to upholding normative gendered and heterosexual ideas of family and the

ideology of individualism that remained critical of the welfare state, the welfare state created a social safety net that Canadians came to see as a normal component of their national identity. Since the 1980s, neoliberalism, with its strong focus on individual freedom, choice, and rights and the importance of self-surveillance and regulation over direct state control and intervention, has eroded the social safety net created by the welfare state. The idea of marriage as a social safety net has returned. It is not surprising given the gendered and heterosexual character embedded in welfare policies. Not only is this model unfair to women and gays and lesbians, but it is also exclusionary to polyamorous people as the institution of marriage continues to be based on monogamy of the (mostly straight) couple.

Individuals and groups continue to be excluded from a definition of full citizenship. I will examine the concept of sexual citizenship within citizenship more broadly from an intersectional perspective to understand how citizenship in Canada is exclusionary and integral to nationhood and state power.

## **2.5. Citizenship Theory**

Citizenship is defined as the status of a person in society, recognised under the law of a state, which grants certain legal, political, economic, and social rights and privileges. The welfare state broadened the concept of citizenship to incorporate new social rights (Weeks, 2011). Citizenship carries with it both rights and responsibilities that relate to various aspects of society including ideas of how a person should behave in society (Bell & Binnie, 2000; Harvey, 2011; Richardson, 2005; Richardson, 2004). Historically, citizenship in Canada has not been inclusive, but rather has been exclusionary and integral to nationhood and state power. Citizenship in Canada has been: capitalist/classist (Mohanty, 2003); colonialist, imperialist, and nationalist (Carter, 2008; Thobani, 2007); racist/White supremacist (Carter, 2008; Mohanty, 2003; Thobani, 2007); sexist and heteropatriarchal (Bell & Binnie, 2000; Carter, 2008; Mohanty, 2003; Richardson, 2000; Weeks, 1998; Spade, 2011).

Ideally, citizenship is centred on a vision of “democratic citizenship” (Mohanty, 2003). Democratic citizenship is based on “just and equal participation of all social groups in the institutions that effect their lives” and is necessary for all to develop their capacities and exercise their choices (Mohanty, 2003, p. 176). In reality, Mohanty (2003)

argues that what we actually have at this time under global capitalism and neoliberalism is a “market-based capitalist citizenship” (p. 178) based on the ideology of privatization which incorporates an ethical shift from public participation and institutional responsibility and accountability to profit motive (p. 177). The capitalist system is also specifically connected to racist, sexist, heterosexist, and nationalist relations of rule in the production of the capitalist/corporate citizenship (p. 183). In the context of capitalism and corporations, citizenship is not defined “in terms of civil rights or democratic participation or shared vision but in terms of financial stakes and the ability to consume goods and services” resulting in “citizen-consumers” (p. 181). Only those with the economic means can participate in democratic politics under this model; “wealth determines citizenship” and consumers, not citizens, make decisions (p. 184). Those who lack economic capacity are considered “noncitizens” (p. 184). Mohanty concludes:

Capitalist corporate culture thus privatizes citizenship, defining the values, rights, and responsibilities of citizenship as a private good, substituting the language of personal responsibility and private initiative for the commitments to social responsibility and public service (p. 184).

The privatization of citizenship means the privatization of rights, in that access to welfare-based rights and the management of poverty and illness, as outlined above, are no longer public responsibilities but become a personal responsibility. Marriage as a form of governance is an institution that offloads social responsibilities and public services onto the individual and the “private” arena of the family and the couple.

Although a model of democratic citizenship is preferable to capitalist citizenship, democratic citizenship remains problematic as it can still be exclusionary. Iris Marion Young (1996) critiques the idea of “deliberative democracy” which “conceives of democracy as a process that creates a public, [with] citizens coming together to talk about collective problems, goals, ideals, and actions. Democratic processes are oriented around discussing this common good rather than competing for the promotion of the private good of each” (p. 121). A democratic citizenship operates in opposition to an “interest-based” model of democracy in which individuals pursue their own private interests and goals which will best serve them as individuals. Individuals do not have to engage with each other in reasonable dialogue nor can they make claims “on others about justice or the public good” (p. 121). Young argues that although it is preferable to have a conception of democracy that promotes a politics where citizens meet and



engage to decide public ends and policies, deliberate democracy is still exclusionary in its assumption of cultural neutrality and universality of the citizen as well as its assumption of “unity [as] either a starting point or goal” (p. 122). Young proposes an ideal of “communicative democracy” which recognizes that when political dialogue attempts to solve collective problems, citizenship needs to include a variety of “perspectives, speaking styles, and ways of expressing the particularity of social situations as well as the general applicability of principles” (p. 132). It should incorporate multiple styles of communication and facilitate communication across different cultures and social positions.

Like Young (1996), Thobani (2007) further critiques the idea of democratic citizenship. She does this in response to Benhabib and suggests that Benhabib’s “conceptualization of citizenship as based largely on an ‘internal’ discussion within the political community,” focusing on the experience of those included within citizenship “rather than examining citizenship from the perspectives of those denied citizenship, such as indigenous peoples” (p. 70). Thobani (2007) describes the national subject, the citizen, as an exalted figure that supposedly embodies the “quintessential characteristics of the nation and the personification of its values, ethics, and civilizational mores” and who is bestowed with rights and entitlements from the state (p. 3). The “responsible citizen” is contrasted with the “outsider” or the “stranger” – the “Indian,” the immigrant, and the refugee – who is seen as lacking any of the positive qualities of the citizen and as a threat to collective welfare and nationality. The national citizen, even when denigrated as gendered, sexed, or classed, “commands respect as the locus of state power” (p. 4). The exaltation of the national citizen, as a technique of power “which seduces subjects into reproducing their nationality” (p. 8), has been central in the process of modern national formation (p. 5).

Unlike Mohanty, when it comes to citizenship, Thobani (2007) does not see “capitalist citizenship” as the foundational principle of organization at this time; rather, she sees the problem of citizenship as mainly a problem of race (p. 72). Canada is a settler society that has been built on White supremacy and racism through colonization and the negation of Indigenous sovereignty and restrictive, racist immigration policy. The category of citizen emerged from the process of colonization as it transformed “insiders (Aboriginal peoples) into aliens in their own territories, while simultaneously transforming outsiders (colonizers, settlers, migrants) into exalted insiders (Canadian citizens)” (p.

74); Indigenous people today are the outsiders who “seek to defend their rights from the incursions of citizens” (p. 73). All non-Indigenous populations have become citizens through migration, albeit these migrations have been unequal, with White, Western European immigrants being preferred over non-White, non-Western European immigrants (Thobani, 2003). A hierarchy delineating the worthy and the unworthy was created based on race, with Whiteness being the “embodiment of legitimate and responsible citizenship” (p. 75).

According to Thobani (2007), the immigrant stranger is a complex player in the field of nation building and citizenship. Even as these outsiders struggled with their own suffering, they contributed to the ongoing colonization of Indigenous peoples through their fight for inclusion. In seeking inclusion and access to citizenship, immigrants supported the nation’s erasure of colonial violence (p. 16) and inadvertently participated in and benefitted from the “ongoing cultural and material domination of Aboriginal peoples” (p. 17). As immigrants sought inclusion, they created further exclusions. Complex racial hierarchies were developed by colonizing powers. Looking at the multiple roles of immigrants requires addressing complex racial hierarchies and an “examination of the specific roles played by all non-indigenous populations in the ongoing colonial project, even as the force relations among these various populations are taken into consideration” (Thobani, 2007, p. 17).

Mohanty (2011) explains that there has been a shift in citizenship under a national security state; where states have previously focused on producing national citizens, the opposite is now at stake in “the undoing of the very possibility of citizenship for targeted populations” (p. 81). The targeted populations are “indigenous, immigrant, Muslim, raced, classed, and gender-marked bodies” who are at risk of having their basic civil rights suspended and the dissolution of their citizenship enacted (p. 78). Mohanty (2011) states that “neoliberal and militarised conditions privilege certain populations (the bona fide citizen-subject) while simultaneously dispossessing others, constructing them as non-citizens [and] criminals” (p. 78). Anchored in colonial legacies, current imperial projects foster an “us versus them” ideology which is enacted in securitised states to “justify borders, walls, and regimes of incarceration in the name of protection of the homeland” and the demarcating of who is considered a citizen (p. 77). Mohanty argues that post 9-11,

consolidation of imperial democracies and securitised regimes ... mobilise anatomies of violence anchored in colonial legacies and capitalist profit-making. These regimes utilise specific and connected racial and gendered ideologies and practices. ... It is at the social and territorial borders of the nation... that securitised regimes exercise militarised and masculinised forms of control, surveillance and dispossession that illuminate the contours of national political subjectivities and the uneven construction and dissolution of citizenship. While... more overt [in the borderlands], imperial democracies militarise all domains of social life, and discipline or imprison not just abandoned and criminalised communities, but all state subjects (p. 83).

The governance practices of securitised regimes is such that security is deeply entangled with citizenship or “subjectivation” processes (Mohanty, 2011).

Citizenship is an institution that is exclusionary not only externally in the building of a nation, but also internally, sometimes distributing rights unevenly among citizens. Conflicting “internal” interests, such as gender, within the boundaries of the nation result in inequitable distribution of “national’ worthiness” among subjects (Thobani, 2007, p. 21). Like Struthers (1994) and Campbell (2009) in their discussion of the history of the welfare state, Carter (2008) argues that the state helped shape an unequal gender order through the imposition of monogamous heterosexual marriage that was based on heteropatriarchy. Women were expected to be submissive and dependent wives. Monogamous marriage was a “critical component in the deliberate shaping of the west as White ‘manly space’” (Carter, 2008, p. 283). Legal, Christian monogamous marriage forged a national identity and the gender order of “the obedient and submissive wife, and provider, head-of-family husband” (ibid). However, when compared to the sexual and kinship practices of “other” less civilized groups, monogamous marriage was seen in an idealized light in that it elevated women as nation builders (Carter, 2008). Even when White women challenged state power to increase their access to citizenship, they continued to align with the elite and the state in limiting access of non-European populations to the same rights (Carter, 2008).

In furthering a racial hierarchy and an unequal gender order in the context of Canadian nation building and creating good citizens, colonial rescue narratives were enacted, and continue to be enacted under a security state, whereby White men had to save brown women from brown men (Mohanty, 2011). If Indigenous women were not being labeled as prostitutes and sexually depraved and thus outside of citizenship, then they needed saving from polygamous marriages which justified colonial intervention in

their domestic affairs so that they could be respectable citizens, just like White women (Carter, 2008, p. 11). Law, particularly marriage law, has been and is used in the act of civilization and colonization (Carter, 2008; Thobani, 2007); discourses of civilization rely on a heteropatriarchal monogamy as a measure. In Canada, the anti-polygamy law was instilled under the guise of protecting women and children based on the notion that somehow gender equality is inherent in monogamous, heterosexual marriage; yet, in reality, it was a colonizing tool used to protect Whiteness and the purity of the nation. It also resulted in being more punitive for women, particularly Indigenous women, in that it left women little recourse to marriage by impeding their leaving marriage while also leaving them open to criminal charges themselves. The “Indian” was also created as lawless and in need of being legislated and bureaucratized by the colonial state through the *Indian Act* (Thobani, 2007, p. 14). State practices play an important role in determining access to nationality, citizenship, and the associated rights and entitlements (Thobani, 2007, p. 24).

## 2.6. Sexual Citizenship Theory

Although ideals of citizenship are linked to democratic ideology, citizenship is not equivalent to a condition where all members of a nation-state, regardless of class, “race,” ethnicity, gender, and sexuality, get to be considered human and experience equal access to rights. Citizenship theory has been broadened to include a critique of class and racialized assumptions, as well as to attend to dimensions of gender and heterosexuality in the building of the nation, and as it continues under national security states. Like there are racial hierarchies, there are also sexual hierarchies (Rubin, 1984), and these hierarchies are mutually constituted.

Rubin (1984) outlines and challenges several assumptions that have prevented a radical theory of sex from developing. The first, *sex negativity*, is the assumption that sex is a dangerous, destructive, negative force which is upheld by Christian ideology. Sex is considered bad unless it is totally heteronormative and geared for reproduction (p. 278). The second assumption, the *fallacy of misplaced scale*, follows from sex negativity; it suggests that “sexual acts are burdened with an excess of significance” (p. 278-279). Third, the *hierarchical valuation of sex acts* is a system of sexual value which places “marital, reproductive, [monogamous], heterosexual” sex at the top of the erotic hierarchy (p. 279). Those at the top receive positive benefits from society and those at

the bottom are denied (p. 279). These hierarchies of sexual value, including religious, psychiatric, and popular culture, “rationalize the well-being of the sexually privileged and the adversity of the sexual rabble” (p. 280). Rubin describes how lines must be drawn or boundaries erected in order to distinguish between good and bad sex or what is acceptable and unacceptable, and debates over these boundaries occur. Fourth, the *domino theory of sexual peril* suggests that the line between acceptable and unacceptable “appears to stand between sexual order and chaos” and the fear that if anything crosses it will all fall apart (p. 282). “Moral complexity” is awarded to good sex acts, and bad sex acts are seen simply as bad (p. 282). Finally, the *lack of a concept of benign sexual variation* means that sexuality is supposed to conform to a single standard.

In her discussion of sexual stratification, Rubin (1984) explains how “sex law” has been a profound agent of sexual stratification and erotic persecution (p. 288). The coercive power of the law and the state enforce conformity to conservative values embodied in the laws, which are transmitted through agents of socialization such as parents and teachers (pp. 288-291). This system upholds the sexual hierarchy through bureaucratic regulation and results in sexual oppression (p. 291). Rubin (1984) further outlines different characteristics of political struggles over sex. There is the struggle over legal regulation of sexual conduct as well as ideological and definitional battles with producers of ideology such as church, family, psychiatrists, and media and territorial and border wars where dominant groups seek to restrict “sexual zones” (p. 294).

The most important and consequential kind of sex conflict is the “moral panic” (p. 297). According to Rubin (1984), moral panics “rarely alleviate any real problem because they are aimed at chimeras and signifiers” (p. 297). They draw on already existing ideology and fear and invent victims that need to be saved by “treating vices as crimes” (ibid). Criminalizing otherwise benign behaviour is rationalized by portraying sexual “deviants” as threats to health and safety, women and children, national security, or even civilization! According to Rubin, sex laws do not actually distinguish between consensual and coercive behaviour except in rape law. There is an assumption that forbidden sex acts are a detestable “crime against nature” (p. 304). Criminality is intrinsic in the acts, no matter the desire of participants. Yet, heterosexual sex is allowed this moral complexity of consensual/coercive because it is “good” and consent is a privilege reserved only for the highest status sex acts and those engaged in them (p. 305). She

proposed the idea of “democratic morality” where we “should judge sexual acts by the way partners treat one another, the level of mutual consideration, the presence or absence of coercion, and the quantity and quality of the pleasures they provide” (p. 283).

As a result of “sex conflicts” over time, change occurs and “some behaviour near the border is inching across it” (p. 282); some sexual behaviours are becoming more acceptable, “moving in the direction of respectability” (p. 282), although not entirely. It will depend on the intersections; for example, homosexuality is still bad but if it is combined with monogamy then it is more acceptable, and it can be considered good.

Since the 1970s, the idea of the sexual citizen has become prominent in theorizing citizenship and foregrounding a “new politics of intimacy and everyday life” (Weeks, 2011, p. 178). However, sexual citizenship theory is also debated; some see it as a way to focus on “what it means to bear rights and to belong, [while] for others it carries the danger of accommodation to the traditional order” of heteronormativity (Weeks, 2011, p. 178).<sup>19</sup> Currently there is a mainstream gay and lesbian sexual politics based on sexual citizenship, equal rights, and inclusion into social institutions such as

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<sup>19</sup> Heteronormativity is a term for a set of culturally-biased norms and values that hold that people fall into two stable, distinct and complementary genders (men and women) based on two stable, distinct and complementary sexes (male and female) with two natural gender roles (masculinity and femininity) and will be sexually attracted to people of their “opposite” sex. It maintains that heterosexual opposite-sex relationships are the normal sexual orientation and that homosexual same-sex relationships are abnormal. Furthermore, it states that sexual and marital relations are mostly or only fitting between one man and one woman. It privileges the nuclear family, and the relationship’s intended function is meant to be reproduction. Consequently, a “heteronormative” view is a hierarchal one, infused with power, which promotes stability and alignment of biological sex, gender identity, and gender roles, as well as promoting procreation, monosexuality, and monogamy (Poole, 2011, pp. 11-12). Homonormativity mimics and defends heteronormativity. It upholds the same tenants as heteronormativity except that individuals are in same-sex relationships. It privileges cisgender and the couple. Lisa Duggan (2003) defines homonormativity as “a [gay and lesbian] politics that does not contest dominant heteronormative assumptions and institutions, but upholds and sustains them” (p. 50). Some gay men and lesbians promote certain respectable sexualities that align with a heteronormative framework and thus take up a homonormative agenda.

Homonormativity and gay narratives of being a “proper” gay serve as social control functions to restrict available identity choices and marginalize queer identities such as two-spirit, intersex, trans, pansexual, bisexual, and polyamorous (Steinman, 2001). Just because an individual *is* queer does not guarantee a “position as sexually radical: it depends on how one lives one’s queerness” (Grosz, 1995, p. 217). According to Penny Griffin (2007) homonormativity upholds neo-liberalism rather than critiquing monogamy, procreation, and binary gender roles as heterosexist. Homonormativity stabilizes and reinforces heteronormativity.

marriage. These politics and policies have the potential of creating divides between “good sexual citizens” and “bad sexual (non)citizens.” By ignoring the claims of other sexual minorities, individuals not considered “good” citizens are excluded from citizenship. This exclusionary element is evident in the emergence “of a new sexual citizenship discourse that asserts the ‘normality’ of being gay” and it is through this means that gay people wish to seek and justify social integration (Richardson, 2004, p. 392) – “we are just like you.”

In *The Sexual Citizen: Queer Politics and Beyond*, Bell and Binnie (2000) discuss their ambivalence about sexual citizenship and suggest that the strategy of sexual citizenship has its “limitations as well as [its] opportunities” (p. 2). They argue that current manifestations of sexual citizenship are characterized by a compromise between rights and responsibilities which means that rights are granted in exchange for acceptable ways of being a sexual citizen (pp. 2-3). However, they argue, “acceptable” struggles for inclusion within existing political definitions are problematic as not only are they commonly assimilationist but furthermore the “boundaries of inclusion can be expanded and contracted at political whim” (p. 39). Although this compromise between rights and responsibilities is not new, what is different is the way that rights-based political strategies are foreclosing and denying aspects of sexuality deemed as ‘unacceptable’ and demanding “a modality of sexual citizenship that is privatized, deradicalized, de-eroticized and confined in all senses of the word: kept in place, policed, limited” (Bell & Binnie, 2000, p. 3). As outlined above, Rubin (1984) also describes how lines must be drawn or boundaries erected in order to distinguish between “good” and “bad” sex or what is acceptable and unacceptable through what she calls the “charmed circle”; the line between acceptable and unacceptable that appears to stand between sexual order and chaos and the fear that if anything crosses it will all fall apart (p. 282).

One of the limitations to a strategy of sexual citizenship, noted by Richardson (1998; 2004; 2005), is that citizenship has been constituted through heterosexual norms and practices. Generally, all conceptions of citizenship are gendered and heterosexualized (Richardson, 1998; Richardson, 2004) as well as racialized, etc. According to Richardson (1998), “claims to citizenship status, at least in the West, are closely associated with the institutionalisation of hetero-sexual, as well as [White, middle-upper class, able,] male, privilege” (p. 83). The implied ideal citizen is a middle-

upper class, White, able, heterosexual, married, monogamous male and is foundationally colonial. Again, we currently see a citizenship discourse mobilized by gay men and lesbians that “asserts the ‘normality’ of being gay” that is used to justify social integration (Richardson, 2004, p. 392). These discourses posit gay men and lesbians as “oppressed minorities seeking [equal] access to core institutions such as marriage, family and the military, as ‘good’ citizens who want to be included and share in the same rights and responsibilities as heterosexuals” (p. 392). This current demand for “equality” is based on an argument of “sameness” (assimilation) rather than “equality in difference” (pluralism) (p. 392); many implications of citizenship and inequality remain unchallenged, and nonnormative sexualities, like polyamory, remain outside the heteronormative framework of citizenship.

Drawing on Berlant (1997), Rambukkana (2015) argues that intimacy is not just the usual spaces of sex, romance, close kinship and friendship, it is not simply private but a public-private realm that includes multiple forms of human relationships - “the intimate public sphere.” He explains: intimate space is a contested space that is social, national, cultural, subcultural, familial, and sexual, and these spaces “define and constrain what forms of relationship, embodiment, and subjectivity are seen as legible, viable, ethical, legal, and even real” (p. 28). Citizenship, or personhood, becomes dependent on our relationship to the family sphere. Citizenship is not natural or neutral but rather privileges dominant groups while marginalizing others through the logic of heteronormativity. Dominant groups want to regulate what they consider “‘perversion,’ and they fear the socio-cultural challenge of the non-heteronormative family” when the normative nuclear family is called into question – not White, straight, reproductively-inclined heterosexual – then “the logic of the national future comes into crisis” (Berlant qtd. in Rambukkana, p. 28).

Privilege exists if a “special right, advantage, or immunity” is granted or available only to a particular person or group of people (Rambukkana, 2015, p. 29) – because it does not apply to all people it cannot be universal; it is a privilege. Rights are actually privileges when they do not apply to everyone universally. Rambukkana describes heteronormativity as

a social and cultural structure through which only certain forms of intimate discourse, expression, subjectivity, or embodiment are seen as normal, healthy, moral, or ethical. Its conception of sexuality tend to privilege a



presumed 'heterosexual standard,' equating unfamiliar or non-universifiable sexual practices with harmful ones. Work on heteronormativity seeks to deconstruct structures of privilege around the heterosexual family and the norms that are attached to it. (p. 33)

According to Rambukkana, "a privilege is only a privilege *in as much as some have it, whereas others do not*; it's a privilege because it is predicated on a logic of exclusion" (italics in original, p. 35). Looking at the structural privilege of heteronormativity, Rambukkana argues that it is not simply enough to expand the range of those with privilege since it just extends the range of the privileged by pushing the borders of the dominant category to expand the range of "exalted subjects" (Thobani, 2007) or the "charmed circle" (Rubin, 1984). Instead, we should contest the logic of privileging, starting with challenging heteronormativity since it also addresses other sexualities, gender identities, and kinship structures and how they are dismissed as unethical, unreal, or unintelligible (p. 35) (while also considering the intersectionality of intimate privilege as we cannot undo one axis of privilege without undoing all systems of oppression). He argues that "the privileged form of the intimate embodiment ('the married couple'), subjectivity (the 'husband and wife' dyad), or relationship ('the traditional family') – [are] taking up all the space and blocking societal recognition of other intimacies" (p. 37).

In *Rethinking Recognition*, Fraser (2000) theorizes citizenship by reformulating the politics of recognition. Fraser (2000) explains that misrecognition is perpetrated through institutionalized patterns; "through the workings of social institutions that regulate interaction according to parity-impeding cultural norms" (p.114). An example of this might include "marriage laws that exclude same-sex partnerships as illegitimate and perverse" which constitute some social actors as "normative and others as deficient or inferior" – in this example, "straight" is normal, "gay" is perverse (p. 114). The result is "to deny some members of society the status of full partners in interaction, capable of participating on a par with the rest" (p. 114) – in effect, denying them citizenship. The aim then becomes to change social institutions which may involve legal and policy changes. Fraser suggests that this can be done in various ways. One would be granting same-sex marriage rights while "another would be to de-institutionalize heterosexual marriage, decoupling entitlements such as health insurance from marital status and assigning them on some other basis, such as citizenship" (p. 115).

Bell and Binnie (2000) look to other theorists to help challenge this moderate idea of sexual citizenship. They discuss Sparks' notion of citizenship that would incorporate *dissent* instead of narrowly focusing on mainstream ideas of citizenship which centre on "attempts to secure rights within the public sphere of advanced capitalist market societies" (Sparks, 1997, p. 77 qtd. in Bell & Binnie, 2000, p. 9). Sparks asserts that we need to "acknowledge that dissent politics is still the politics of citizens" (Bell & Binnie, 2000, p. 10). Bell and Binnie (2000) also suggest that many theorists "omit sex, the erotic, and embodied dimensions" in their discussions of sexual citizenship, which echoes a moderate gay assimilationist agenda of the upstanding, desexualized, essential gay identity (p. 10). In contrast to an assimilationist agenda is the sexual citizen who advocates for "the right to be different" as a "reorientation of sexual citizenship", a kind of appeal to "queer the citizen" (p. 20).<sup>20</sup> This "reorientation of sexual citizenship" may be an opportunity for those who are polyamorous to be included in citizenship based on a right to be different.

In *The Sexual Citizen*, Weeks (1998) argues that acceptance/citizenship and subversion/transgression are *both* necessary for an overall sexual politics. He argues that making a claim for citizenship and inclusion

may seem assimilationist, but actually making demands on a culture which denies you is extremely radical: it identifies the frontiers of the conventional, it demarcates the lines of struggle. So, you can see transgression and citizenship as simply different faces of the same moment of challenge. One is separating, the other is calling for belonging. But you can only do one with the other. (Weeks, 1997, p. 323 qtd in Bell & Binnie, 2000, p. 29)

It may be that polyamorous folks are both seeking acceptance and attempting to transgress and open up possibilities.

Bell and Binnie (2000) also challenge the dualism of "transgression-versus-incorporation" common to theorizations of sexual citizenship (p. 30). They suggest that the transformation of intimacy that Weeks describes could "be read as opening up new ways of living and loving that might break up the heterosexualized model of citizenship

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<sup>20</sup> Bell and Binnie are playing on Lisa Duggan's call to "queer the state."

delineated by Richardson” (p. 31).<sup>21</sup> However, Bell and Binnie are ambivalent about Weeks’ argument that “the reshaping of personal life has brought sexual politics centerstage, thereby shifting the meaning of citizenship to take greater account of the sexual... extending the bounds of citizenship itself” (Bell & Binnie, 2000, p. 31). They note that there are still political, economic, and social structural limitations to the possibilities that Weeks highlights (p. 32). They agree with Richardson that the task of the sexual citizen must be to challenge the heterosexualization of citizenship discourse and acknowledge that there are different forms of sexual citizenship: there is a naturalized, mainstream heteronormative sexual citizen as well as various forms of “dissident sexual citizenship” (p. 33). These different forms of sexual identity will “mark claims to citizenship differently” (p. 33); polyamory may be one form of “dissident sexual citizenship” that may make a claim to citizenship differently.

## **2.7. The Neoliberal State and the Regulation of the Sexual Citizen**

It has been argued that the state is deeply involved in interfering and regulating the personal desires and behaviours of the sexual citizen; the state criminalizes, disenfranchises, regulates, monitors, and uses law in wielding its power to construct and control our sexual lives (Seidman (2010 [2003]), p. 105). Moreover, the state sanctions “the exclusively heterosexual character of marriage” through the force of law (ibid). Sex laws in Canada began as an attempt to protect marriage by criminalizing a range of non-marital forms of sexuality. Marriage was a way to maintain gender subjugation and regulate sexual behaviour to ensure it was for procreation and not lascivious or lewd. According to Seidman, by the early twentieth century, government control over sexuality expanded and controlling sex became the “business of the state” (ibid). In Canada, the imposition of a White, heterosexual monogamous model of marriage was the business

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<sup>21</sup> Weeks (1998) argues that the sexual citizen has emerged from accelerating, recent social change that has created space for new conceptions of sexuality and ideas of self and identity that are multiple, fluid, and culturally created. The politics of everyday life can no longer be ignored because these social changes have opened up new opportunities and problems which must be addressed in new ways. The sexual citizen has become an important agent of social change that challenges the contemporary political sphere and calls for new responses to issues concerned with the quality of life. The sexual citizen is a “harbinger of a new politics of intimacy and everyday life” (p. 35 & 48).

of *building* the state (Carter, 2008; Dua, 1999; Razack S., 2002) – a kind of White, colonial, cispatriarchal hetero-nationalism. The anti-polygamy law is an example of a way to criminalize relationships outside of monogamous marriage and as a tool of nation building.

Marriage still functions to “civilize” people by containing sexual contact and conduct; however, this is now done less through the force of law and more through self-regulation and voluntary compliance – and even, as we see in contemporary sexual politics, the active fight to be included in the governing institution of marriage. Seidman states, “(w)hether it is the legal restriction of marriage to heterosexuals, the state privileging of heterosexual marriage over all other forms of intimate solidarity, or the idealization of marriage in popular culture and commerce, the ideal national citizen is married” (Seidman, 2010 [2003], pp. 120-121) and monogamous. If the ideal national citizen is married, and marriage is exclusively between two people, then it could be argued that polyamorous folks are barred from becoming ideal citizens.

The politics of recognition for “alternate” families emerged in conjunction with the neo-liberal economic system and the national security state in the West at the turn of this past century (Butler, 2002; Weston, 2005, p. 122).<sup>22</sup> The state was seen as the purveyor of sexual rights and recognition, so lesbians and gay men advocated for sexual and familial rights through the state and the legal system, using it to secure rights for queer relationships in the form of “family, kinship, partnership, and marriage” (Weston, 2005, p. 123). But, according to Weston, the state is not the ideal way to regulate or produce sexuality and relationships; rather, she believes a politics of recognition within a neoliberal context is restrictive and exclusionary. She critiques mainstream gay and lesbian movements as complicit in reproducing hegemonic ideas of sexuality through their appeals to a neoliberal state. She argues that working towards legal recognition is not simply assimilationist but actually *limits* possibilities and undermines kinship practices that have no hope of gaining legal standing, and that it narrows the range of intimacies that people can create (p. 135). Weston proposes instead that queer families “might do better to move toward forms of organizing that question the justice of

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<sup>22</sup> Alternate is in quotations because when we talk about “alternate” families we “leave undisturbed fantasies of a nuclear family as the real family to which queer forms of family are imagined to represent an alternative” (Weston, 2005, p. 132).

allocating resources fundamental to life – food, housing, peace, work, travel, health care – through kinship in the first place” (p. 138).

According to Duggan, “It is queers who have been excluded from the benefits of state support in all kinds of areas” (Duggan, 1995 [1994], p. 188). She suggests an attempt to “disestablish” heterosexuality from the state through queer campaigns (pp. 188-189). Spade (2011), too, argues that there are limitations to reform strategies for transformative political change within the context of a neoliberal state and a liberal legal framework (p. 14). According to Spade, mainstream gay and lesbian strategies have been *incorporated* into the neoliberal agenda in such a way as to not just ignore but also “directly disserve and further endanger and marginalize, those most vulnerable to regimes of homophobia and state violence” such as trans people (p. 15 & 68). The state and law are not benign “protectors” of society, as neoliberal ideology would have us believe. Spade emphasizes rather, that states are racist, sexist, ableist, cultural supremacist institutions that perpetuate “state violence” and “produce populations with different levels of vulnerability to economic exploitation, violence, and poverty” (pp. 20-21). Since the law and the state are used to control and uphold monogamous (hetero)sexuality (i.e. the anti-polygamy law) it is particularly important to analyse how the state produces and regulates an ideal, hegemonic monogamous heterosexuality as privileged, while marginalizing non-monogamous polyamory, and also decides who gets to be considered a proper citizen and who does not, or as Spade (2011) asserts, who lives and who dies.

This speaks to a tension among theorists and activists. On the one hand, some theorists and activists see advocating for sexual rights like marriage equality as problematic because these rights only secure protection for some while they continue to justify the exclusion of others. On the other hand, some authors/activists such as Lehr (1999) and Brown (2002) suggest that marriage and equal rights could be a component of a larger gay liberation movement that encourages the breakdown of hegemonic cultural norms (Lehr, 1999). Nonetheless, Brown (2002) states that rights are a mitigation – not a resolution (Brown, 2002). She argues that alleviation of suffering is not a bad thing; the problem arises when that mitigation becomes the end point, leaving the structures intact, “*regulating* rather than challenging the conditions within” (p. 231). In “Gay marriage 70s style,” Chenier (2013) touches on this aspect of same-sex marriage as being potentially disruptive yet co-opted. They state that “(t)he liberationist and queer

vision was reduced from an expansive view of sexual rights and justice that challenged definitions of normative sexuality to a narrower concern with lesbian and gay equality that aligned with normative heterosexuality” (p. 21). Given the exclusions created by a call for inclusion and the tensions in the tactics of sexual politics, where does that leave polyamory politics?

## 2.8. Implications for Polyamory Politics

The *normative idea* of citizenship means the granting of legal, political, economic, and social rights and privileges along with responsibilities. There is a compromise between rights and responsibilities in that rights are granted in exchange for compliance to a “normal” “good sexual citizen” which includes being accountable for actions and wellbeing (e.g., welfare, education, health care, etc.). Those not considered “good” sexual citizens are excluded, which forecloses and denies unacceptable sexualities. The mainstream gay and lesbian movement has advocated for inclusion and access to these sexual citizenship rights by accepting “responsibility” and arguing that they are “normal” sexual citizens that should be included – “we are just like you” and “we want in.”

Marriage is an institution that the state provides as a means for self-governance and of becoming a “good sexual citizen.” Of course, this is an exclusionary model of marriage based on the ideal sexual citizen as male, White, heterosexual, and monogamous, which denies some members of society the status of citizenship. Yet, it is through this model of marriage that individuals can access care structures; therefore, subjects seek out access to marriage and the associated rights (laws and benefits) that allow and obligate couples to manage social problems such as illness and poverty. Whitehead (2012) argues that the institution of marriage operates as a “technology of neoliberal governance” that maximizes individuals’ opportunities for self-regulation (p. 7).

Alternatively, a more *radical idea* of sexual citizenship has been proposed by some sexual citizenship theorists who are asking if sexual citizenship and a politics of recognition can be reconfigured – a kind of “queering the citizen.” It could: incorporate dissent; advocate for the right to be different; expand the definition and boundaries of sexual citizenship which could be considered radical; employ a rights approach based on a revised model of a politics of recognition which could be complementary to a broader, transformative approach to sexual politics and sexual citizenship; and/or, it

could aim to change social institutions, such as marriage, by not just granting same-sex or plural marriage rights but by deinstitutionalizing “heterosexual marriage [and] decoupling entitlements such as health insurance from marital status” (Fraser, 2000, p. 115). It is within this framework of sexual citizenship and neoliberalism that I will explore “polyamory politics.”

## 2.9. Polyamory Politics and the *Reference*

Polyamorous people constitute some of those who are excluded from sexual citizenship, but an important question concerns agency. Are polyam people “unwillingly excluded,” as Whitehead (2012) would ask, or are they willingly excluded? Here in Canada, there was a 2010-2011 Supreme Court of British Columbia Charter *Reference* question regarding Section 293 of the Criminal Code of Canada concerning the constitutionality of the criminalization of polygamy and if it was consistent with the *Canadian Charter of Rights and Freedoms*. Interested parties were able to apply for “intervener status” to make submissions during the hearing, and so polyamorous people gave evidence at the hearing.<sup>23</sup> In the case decision in 2011, the law was upheld and *polygamy* remains a crime in Canada. However, under this ruling, *polyamory* was confirmed as exempt from the law as long as there was no marriage ceremony, but there is nevertheless no polyamorous institution of marriage. According to this ruling, polyamorous people are not criminals, their actions cannot be criminalized, but they are still marginalized, and monogamous relationships and marriage remain uniquely state sanctioned and laws continue to grant privileges to couples who are legally married and in common law monogamous relationships.

There is still the question of how this case affects issues not related to the formalization of marriage, such as its impact on taxes, immigration, pensions, community property, child custody issues, extended health and dental benefits, or hospital attendance privileges for people in polyamorous relationships. Some polyamorous people do want the same rights as married couples. Under the current neoliberal system, these issues cannot necessarily be resolved by simple agreement between

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<sup>23</sup> In law, intervention is a procedure to allow a nonparty, called intervener, to join ongoing litigation, either as a matter of right or at the discretion of the court, without the permission of the original litigants. The basic rationale for intervention is that a judgment in a particular case may affect the rights of nonparties, who ideally should have the right to be heard.

parties but must be specifically authorized by legislation. According to Ince, the lawyer and spokesperson for the Canadian Polyamory Advocacy Association (CPAA) (Canadian Polyamory Advocacy Association, 2013), these rights are going to have to be worked out on a case-by-case basis over time, similarly to what gay and lesbian couples have had to do, working their way up to the issue of marriage. Ince suggests that if there are polyamorous people who want exactly what gays and lesbians have, who want the right to institutionalized polyamorous marriage, then the *first step* toward that goal is resolving all issues pertaining to child custody, pensions, immigration, tax issues, communal property, etc., in a purely co-habitational context, and then some time in the future seek the final step of the legal recognition of polyamorous marriages (Canadian Polyamory Advocacy Association, 2013). An example of this is British Columbia's new Family Law Act passed in March 2013 that allows up to four legal parents on a birth certificate.

Will polyamory politics seek out access to the institution of marriage and the rights and responsibilities associated with it (such as legal issues pertaining to child custody, pensions, immigration, tax issues, communal property, etc.) as gay and lesbians have done previously in Canada? And/or will they do something quite different, more transformative, and seek to "disestablish" marriage from the state entirely, along with the associated rights and responsibilities? It is at this current junction that polyamorous people must weigh the problems and possibilities of a sexual political legacy based on sexual citizenship and rights claims for recognition and inclusion.



# **Chapter 3. “Here We Are”: Building Community and Collective Identity, Creating Awareness and Acceptance, Advocacy and Education, and “Coming Out”**

## **3.1. Introduction**

Polyamory is already said to be “coming out” of the closet and is becoming prevalent in multiple forms of media and academia. In this chapter, I will focus on the formation of polyamorous communities and/or subcultures and building collective identity, along with the importance of awareness, social acceptance, education and advocacy, and visibility and coming out for polyamorous people. The polyamorous people I spoke with were specifically building community and collective identity while also placing importance on coming out. According to D’Emilio (2002) and Garner (1993), sexual political struggles for sexual minorities begin with building community, collective identity, and coming out. It is a similar kind of politics that occurred in the gay and lesbian movement from the 1970s to 1980s, when the main strategy and goal was dominated by the gay liberation movement’s commitment to “coming out” and building community (D’Emilio, 2002, p. 95); a kind of mantra of “here we are.”

The idea of “normalization” of polyamory is an important main goal of many polyamorous people that I interviewed. Given this goal, participants reported two main strategies for achieving normalization. The first strategy in the “normalization” of polyamory is the importance of education and advocacy in tackling ignorance about polyamory and creating collective identity. The second strategy is “visibility,” being out, and projecting a “positive image” of polyamory to society so that it will be accepted. In this chapter, I will look at how individual polyamorous people I interviewed are doing this (and in chapter 4 I will explain how the Canadian Polyamory Advocacy Association (CPAA) is “branding” polyamory.)

I will analyze these findings using critical sexual citizenship discourse, including Rubin’s (1984) framework regarding how sexuality is divided into practices that are considered good, normal, and acceptable (the charmed circle) and those considered bad, abnormal, and unacceptable (the outer limits). I will focus on the intersectionality of

intimate privilege (Rambukkana) and on critically analyzing the “respectability politics game” as well as “polynormativity” (Zanin, 2013) that participants identified.<sup>24</sup>

This chapter focuses on the social and cultural aspects of sexual politics, rather than the legal and rights-based aspects of sexual politics. I will focus on freedom from discrimination in the political sphere and the *Reference* case in my second findings chapter and on fighting for rights to protection from discrimination in my third findings chapter.

### **3.2. The Importance of Community and Community Building**

The polyamorous people that I interviewed all noted that community and community building was important to them in some way or another. A community can be a virtual, physical, or combined space “where people sharing common interests, goals or/and experiences come together to share, connect, exchange and work towards shared goals” (Margherita, 2021).

Polyamory communities were not always straight forward for my participants: some belonged to multiple, varied, sometimes intersecting communities; the importance of their polyamory community fluctuated over time for some; and the various polyamory communities were not always seen as cohesive. I found that there was already quite an established set of communities, both online and in person, in which many of my participants had leadership roles. Community was formed for various reasons, sometimes for specifically political purposes and sometimes for other reasons, such as support and to help new people learn about polyamory and meet likeminded people. The idea of community was highly valued by the polyamorous people who engaged with me.

Talking about and defining community can be challenging. I am mostly letting participants define what community means to them and why they believe building community is important. However, I think it is valuable to note some of the challenges in defining “the polyamory community.” First, there is no monolithic, single polyamory

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<sup>24</sup> Polynormativity is a term coined by Andrea Zanin (Zanin, *The Problem With Polynormativity*, 2013). She outlines four norms that make up polynormativity: polyamory starts with a couple, is hierarchical, requires a lot of rules, and is heterosexual-ish. Also cute and young and White. Also new and exciting and sexy.

community in Canada as they exist spread across the country, in most cities, both online and in person. Because of this, I will refer to polyamory communities or polyamory community (rather than “the polyamory community”) in my own writing, while respecting the words of participants in their references to polyamory community. Second, there is a general recognition that mainstream polyamorous communities tend to be predominately White, straight, cisgender, middle class, well educated, with professional occupations. In their review of *More Than Two*, Zanin (2015) makes a distinction between the practice of polyamory and “poly community” noting that

poly communities... are often made up predominantly of straight men and bisexual women, mostly cis with a sprinkling of trans folks, mostly White, etc etc. Poly people do not necessarily fit this description at all, but those who don't may not circulate primarily in poly communities because it's not where they best fit.

So, folks may practice polyamory but not be part of “the poly community” per se, despite their other sexual minority communities being composed of a large percentage of folks who practice polyamory (as we saw with the intersection between polyamory and kink). Zanin explains, “conflating the two makes for some odd logical burps, which become evident for someone like me who really doesn't hang in ‘the poly community’ at all, nice though those folks may be, except that 90% of the people in my rather vast social network are nevertheless poly because we're primarily queer-identified leatherdyke types.” I did not require the folks I interviewed to be part of a polyamory community, and like Zanin, some of them did not identify closely with a polyamory community nor did they fit the normative description of folks involved in mainstream polyamory communities; however, since my snowball sample started in polyamory communities, many folks I spoke to did fit that description.

### **3.2.1. Already Established Community**

By the time of my field study and interviews in 2014/15, there were established polyamory communities, both online and in person, in all three cities (Vancouver, Victoria, and Toronto) where I did field work and conducted interviews. The people I interviewed talked to me about several advocacy organizations, both national and local; various polyamory discussion groups, some general and some with specific intersectional group foci; special social activities organized for polyamorous folks such as polyamorous camping or “pub nights”; various social media groups for connecting

people and sharing information; conferences that either included polyamory or were specifically organized around polyamory or subsets of polyamory (e.g. solo poly); websites connected to advocacy and education, as well as “how to” platforms; blogs both academic/educational and personal; podcasts, workshops, talks, and books focused on polyamory meant to educate and share stories of being polyamorous.

### **3.2.2. Community Leadership**

Many of the polyamorous people I talked to were leaders in polyamory communities. Indeed, almost everyone I talked to in Victoria and Vancouver were polyamorous community leaders of some sort. In Toronto, I talked to community leaders as well as polyamorous folks less connected to the in-person polyamorous community and more connected to an intersectional community of kink/BDSM, queer, and polyamory, as well as the online polyamory community. I spoke to polyamorous folks who: formed the national advocacy organization, the CPAA; initiated, hosted, and facilitated discussion groups; planned entire conferences and facilitated workshops; and who wrote books, articles, and blogs about sexual politics, polyamory, and its intersections. They talked about how to do polyamory as well as how not to do it. At the time we talked, the polyamorous folks I interviewed who were in leadership positions were well known and respected in their communities. I will discuss the specific educational and advocacy elements of these community organizations, groups, and individuals further in section 3.9 on Advocacy and Education and in Chapter 4.

### **3.2.3. Community Building as an Intentional Political Act**

Building community may not seem like a political act or a political aim; however, for many of the polyamorous people I talked to, building community was an intentional political act and they saw their leadership in community building as political. The community leaders expressed their community involvement as part of their political advocacy. Lucy, Dave, and Blake recalled wanting to start a polyamory group or help facilitate polyamory meetings because “it helps to build community” (Lucy). Natalie did not initially see organizing a social group as political but had recently started to see it as volunteer work and activism, “creating safe space for people and that I think is a form of activism... and the simple act of connecting likeminded humans.” For Emma, creating community was part of her activism by “being a net for people in different ways.” And

Howard felt strongly that the local group he helped facilitate was a social group that “gives people the means to make community” and to celebrate being polyamorous and having fun together.

### **3.3. Reasons to Build Community**

Polyamorous community leaders and members at large had many reasons for intentionally building community. The most common reasons were that it was a good way to meet friends, dates, and likeminded people that created a sense of belonging; it was particularly helpful when new to polyamory; and it was supportive and offered networks of care. Participants did not always connect to larger polyamory communities but belonged to subgroups connected to their polyamory identity. D’Emilio asks us to imagine the year 1968, prior to the Internet, when there was no easily accessible information about being gay or lesbian, never mind bisexual. He asks, “how do young people discover their identity?” (D’Emilio, 2014, p. 54). To be deprived of information about different sexualities or genders results in confusion, loneliness, and isolation for individuals who feel that they are different. Like gays and lesbians formed community to resist erasure and find information and support, polyamorous folks are also forming community, both online and in person, to explore their polyamorous identities, gain information about polyamory, and connect to other similar folks – to develop a sense of belonging and collective identity.

#### **3.3.1. Good Way to Meet Friends, Dates, and Likeminded People**

One of the most common reasons for building community was for meeting friends, dates, and other likeminded polyamorous folks that provided for a sense of belonging. Polyamorous folks found friendships and dates within polyamory community, either individually or as a couple and used polyam social gatherings to network and “make out kind of thing” (Parker). Sherrie was amused at the amount of inter-dating within her polyamory community, confiding that there was quite “a lot of interweaving...in this city,” and that the dating scene was somewhat “incestuous” with much cross-over between people who were dating. She describes a time when she went on a polyamory camping trip:

and it was really quite a funny time with all the different partners all sharing one cabin. And there were only two of us that weren't actually directly partnered out of the whole group. It was just an interesting web. I often thought, you know, the L word web, I thought it would be really funny to do that in this city, really funny.<sup>25</sup>

The polyamory community was key for providing a sense of belonging, where polyamorous folks did not need to feel like a complete outcast. Peter joined a polyamory group since it was important to him “to be able to socialize with likeminded people because I had grown up my entire life feeling very alienated from everybody around me because I was the only one I knew who didn't really, you know, think that monogamy was important.” Community was important to him for a sense of belonging; he felt “amazing to know there were other people out there like me.” Polyamory community was also important for people coming into the scene on their own, creating a welcoming and supportive atmosphere for single people where they felt less isolated and alone. Others created polyamory community out of a sense of isolation. Pam reflected on why she got involved in her polyamory community as an organizer, “I think it's because I wanted to... I knew that there had to be other people out there that felt the same way and I just wanted to meet them...and so that people would have someone to talk to as well. So, I wanted to be able to support that but mostly it was just about meeting other people that were of like mind. That is why I keep it going.”

### **3.3.2. Helpful When New**

Many polyamorous people find various online and in-person polyamorous communities particularly helpful when new to the practice. Others who are established in polyamory community and practicing polyamory find pleasure and incentive to help others when new. As their practices and relationships become established, however, the importance of these communities diminishes for some, while for others, community retains its centrality to their identities and social lives.

Polyamory community is a place where those new to polyamory can access information and learn from others who have been practicing polyamory for longer. Although polyamory has become more well known, it is still a marginal relationship style

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<sup>25</sup> The L Word was a 2004-2009 television drama about lesbians in LA. Sherrie was referring to “The Chart” that mapped out The L Word's main characters romantic and sexual connections to highlight the insular nature of the lesbian community in LA.

and so connecting to community is a way to access information that might not otherwise be readily available. In many ways, organizations and discussion groups were “designed for people that are new” so they could “ask the questions about jealousy and go right back to the basics” (Kay). Information was also important when new to polyamory and challenging ingrained, normative beliefs connected to monogamy. Alicia thought that the polyamory community and discussion groups were “useful when people are transitioning from monogamy to polyamory especially when [challenging] their deep-seated beliefs about relationships.” The struggle for polyamorous folks to overcome deeply ingrained beliefs and patterns of relating when transitioning to non-monogamy is referred to as the “monogamy hangover” (Melina, 2016).

It was important for those who had been in polyamory community for a long time to pass on their knowledge and experience. Three people that I spoke to in Victoria (Kay, Lucy, and Sherrie) created a weekend long workshop devised for people who were just starting out in exploring polyamory that was meant to help them in their “first steps” navigating plural relationships. Kay described how she felt a responsibility to share her knowledge with the community. She explained,

those of us who have been poly for the last ten or fifteen years, we are like the first wave of poly and we made all these mistakes and there's another wave of people who are learning about it now from the media. Lots, lots more people. And those of us who have been doing it for a while and have figured some things out, it is almost incumbent on us to kind of share some of those stories and those mistakes with people. And so that is sort of what [this workshop] is about. It is about helping people. Between the three of us who have formed the group we have over forty years of poly experience and as well as experience with communities and groups and therapy and things like that. Not just doing it. So, it's important to share that with your community because it's a huge source of support.

Some participants mentioned that although their polyamory community and going to discussion groups was helpful when new, they felt like discussions about things like jealousy have been “done already” and no longer held interest. However, they still felt like they could be there for support if someone wanted to ask them for advice or talk to them about how they navigate feelings such as jealousy (Hart). As someone who attended on a regular basis and then facilitated polyamory meetings and discussions in Victoria, Kay slowly found that she did not need her polyamory community as much as she did when she was new. She said, “I think it's really important to have the poly community, but I'm no [longer] getting a huge amount out of it personally”; although, she

is still connected to polyamory community in her professional life as a counsellor wherein she provides support those who are newly navigating the relationship style.

### **3.3.3. Support and Care**

Even though some longer-term polyamorous people did not feel that polyamory communities were as relevant for them, many still appreciated that a significant reason that community building is important politically is to provide support to the community's polyamorous members, both new and established. As a long-time member of the polyamory community in Victoria, Lucy still appreciated "just having the community around" for peer support. When I asked Jay what was important for polyamorous people to do for future advocacy, he urged that what was really important was the development of a social network of support and regular meetings and therapists qualified to support polyamorous people. He insisted this will have "a greater impact on the lived lives of poly people rather than the formal legal structures." Luke took a slightly different yet comparable approach to community building by considering community support as essential to a sexual minority political movement:

Part of what I think is really useful about that kind of more conventional poly space is it serves as a support network for folks who otherwise wouldn't have it. And those support networks are absolutely invaluable for any minority movement or any kind of subculture. This is very much what feminists in 50s and 60s and consciousness-raising groups and LGBTQ groups have done in various ways over the last several decades, is how people support each other and survive.

As part of a sexual minority group, polyamorous people can experience marginalization or stigmatization of their identity or practice, so it helps to have others around who are similar and provide a mirror to reflect themselves back, where there might otherwise be a void.

Participants also talked about how being polyamorous facilitated community, connections, and support in a way that monogamy did not. Alicia called her community connections a "constellation of people" who "are connected to each other and care for each other" that formed her polyamory community; she explained that polyamory facilitated community in a way that monogamy did not or could not and that this was "something unique to people with multiple relationships." This perspective was echoed by Kay in our conversation when she thought that it was "very interesting as I think you



connect with a lot of people you might not have if you were serially monogamous because not every person has to be ‘the one.’”

Alicia’s values around polyamory community and care stemmed from her identity of being a queer woman of colour where community was very important to her. She explained that a heterosexual monogamous structure promotes the idea that care is scarce, that it is limited to between two people, and you need to be part of a dyad to receive it. Moreover, that as a member of a marginalized population there is “not a lot of structured support legally, socially, [so] you cannot afford to also feel that you are in competition with other people.” Alicia believed that

[polyamory] expands that community of support and care and people around you who know you well who connect with other people, and I think that is a very important part of caring for others especially in marginalized populations, especially those people who are in my life. So, like being queer growing up, being part of a queer community that is not defined by romantic connections to each other or is not based on couplehood where there is a lot of value in adopted families, and you can design your relationships in a way that makes most sense to you and that makes the most sense to others.

Kay and Alicia are referring to the idea that monogamy is perceived as being very insular and individualistic, where the couple is required to take care of each other to the exclusion of others beyond their immediate dyad or nuclear family. In addition, they do not expect help from outside the dyad or nuclear family. Alicia referred to this as the “paradigm of monogamy” where romantic partners are privileged “over other partners or other friends or other relationships that you do not call partners.” She argued that this leads to a feeling of “scarcity of care” where folks are not connecting to friends in the same way as you would invest in a partner and suggested that there is a missed opportunity for the expansion of care due to this paradigm of monogamy.

In contrast to this “scarcity of care” that stems from the paradigm of monogamy, Alicia spoke at length about a friend in her “poly constellation” who experienced an extreme period of mental illness that required her to have “round the clock care for six months.” People in her polyamory constellation came together to provide intensive care for this person. Alicia hypothesized that not having just one designated care person, as you would in a normative couple dynamic, might allow for the asking of help and the feeling of being deserving of care. She suggested that it is easier for a community of

people to provide support than it is for just one person. While normally monogamy is seen as a form of couple privilege, where monogamous relationships are the assumed and default way to form relationships, and the advantage is that we can count on our “significant other” to take care of us, in this example, it is seen as a disadvantage by Alicia.

Hart, who was part of Alicia’s constellation of people, also felt that being polyamorous facilitated support for an extended community in a way that monogamy did not. He spoke about a “safety net” and taking care of each other

and that is connected to the poly stuff in the sense that I think that... I like to think that I take care of the partners of my partners or the partners of my partners and my partners. But if you look at it that way then everybody’s connected in some way, you know. Like it’s just a matter of degrees and how many resources you have to share and what you can... We should rally around whenever there is something bad happening to people. I think it’s great if everybody can rally around that and use that point to create awareness, because those are often also in the places where it’s most needed.

Luke connected his communal way of living to polyamory community and a sense of family beyond what monogamy could provide. He described his approach to cohousing as “beautiful from a kind of a poly feminist perspective” with the aim of forming “a dense community based on broad poly families” that was more ecological and happier. Luke was closely surrounded by friends that he spent considerable time with and relied on. He explained that forming these kinds of close bonds with multiple people that resembled the bonds of monogamous couples was a way of breaking down barriers to extended support and care. Community building was a part of participants polyamory politics and connected to their relationship values that pushed back against the idea of couple privilege when it came to support and care.

### **3.3.4. Not Always Connected to Larger Polyamory Community**

While there was plenty of opportunity to connect with polyamory communities and access the sense of collectiveness, connection, and support, not everyone always took advantage of the comforts of polyamory communities nor prioritized polyamory community over their connections to other sexual minority communities. Some of the polyamorous people who were not in leadership positions within their broader

polyamorous community had formed a satellite community of their own and stayed connected to the larger community through social media or attending the occasional event. Some people I talked to in Toronto did feel there was an organized polyamory community and were more loosely associated with it. They stated that the larger polyamory community was less relevant for them and so focused more on other, sometimes smaller, community connections such as the kink community or, as noted above, what Alicia called a “constellation of people” who “are connected to each other and care for each other” that formed her polyamory community. That group of people was both polyamorous and kinky and their community centered more on kink as their dominant identity. This connects to intersections of polyamory with other sexual minority identities and how one identity might be more dominant than others. In their research, Sheff and Hammers (2011) found that when a person is both polyamorous and kinky, being kinky is their more dominant sexual identity. So, it makes sense that Alicia’s connection to polyamory community would not take precedence over her connection to her kink community.

Ironically, some of the people in leadership positions similarly did not feel fully connected to the polyamory community. Kristy, who was a polyamory conference organizer, thought that it was strange to be called a community leader for the polyamory community in Toronto because she did not “hang out” much in that community nor go to other people’s events; however, she did stay connected through online platforms. Kendra did not feel connected to polyamory community, particularly, if what was meant by that community was “a grouping and people who primarily identify as poly and just gather with one another based on that identification” (Kendra). Kendra, who identified as queer, explained that polyamory community was a world she did not spend a lot of time in “because it’s more straight or at the very least, you know, a bisexuality that privileges bisexuality in women and discourages it in men. Politically we’re sort of on the same page, but it’s not entirely my people.” As mentioned, Kendra spent most of her time and identified primarily in spaces and communities that were “leather dyke and leather women and leather queer communities, which are 95% non-monogamous.” She explained that she therefore ends up “being in non-monogamous space a lot, and community, but that is just not what it calls itself.” That said, her writing has a broad reach into the first type of polyamory community and as a result she still had a kind of leadership role there, where she provided workshops; she was “connected in that

sense.” This sense of not being connected to the “larger polyamory community” can be connected to the changing and growing community and the proliferation of polyamorous identities.

### **3.4. Changing and Growing Community**

As polyamory first emerged, polyamory community rallied behind the new identity of being “poly,” but as noted by Kendra, not everyone was on the same page entirely; they had different feelings of connection to polyamory community, different intersections of identity, and different ways of being polyamorous. Diversity and difference increasingly became important factors in polyamory community and the movement. In discussing the gay liberation movement, Weeks notes that first there was an emergence of a new “collective consciousness, focused on a radical new subjectivity and sense of identity” around being gay (Weeks, 2015, p. 47). The gay movement built community around a “new self-confidence in asserting the importance of personal and collective identities, built around newly affirmed sexualities” (ibid). Eventually, this collective unity, previously under the umbrella term “gay,” gave way to diversity and difference. Weeks emphasizes that this divergence of the collective should not be a reason to forget the “sense of a mass emergence, and the significance of finding new, or newly validated, self-descriptions” (Weeks, 2015, p. 47). Like the gay and lesbian movement before it, there was originally a sense of a “mass emergence” around a polyamory identity that gave way to diversity and difference.

There was “an explosion of community expressions” (similar to the gay and lesbian movement) (Weeks, 2015, p. 50) coming from polyamory community that reflected the increasing diversity of the movement, at least to some degree. Rather than fragmenting the community and movement, this explosion could be seen as “a dense network of sometime warring, but closely interlinked, loosely organized but emotionally and sexually intertwined civil society groupings, engaged in a continuous conversation about the meanings and possibilities, hopes and desires, of an ever-growing counter-public” (Weeks, 2015, p. 50).

The explosion of polyamory community expressions, divisions, and offshoots is an indication of the way that polyamory community is growing and changing over time, entering into a new generation and new leadership, creating sub-groups of the wider

community (to account for intersectional identities), and becoming more diverse and intersectional. So, factions, diversity, and intersections have come to the fore. Factions have been created to account for minority and intersectional identities within the broader polyamorous identity. Intersectional events have been created to account for polyamorous folks' multiple intersections. And new leadership has emerged as ideas about polyamory shift and change. My sense of polyamory community is that it is not yet finished exploding as Indigenous and people of colour are beginning to contribute to the wider movement and their identities are accounted for.

### **3.4.1. Multiple Generations and Leadership Change**

Growth and change have resulted in some ruptures in polyamory community which was not necessarily experienced as a bad thing. The polyamory communities in all three cities that I focused on had two significant generational factions: the “old guard” (Van Poly, Van Isle Poly, and Poly Toronto) and the “new guard” (Vancouver Poly 101, Victoria Poly 101, and Nerdy Toronto Poly Posey (NTPP)). The old guard were the folks who started discussion groups back when there was barely internet, meeting people through chat groups, and meeting in small groups of like-minded people. The new guard were generally referred to or described as a younger crowd; people who were less invested in what polyamory means (in defining polyamory) but were still invested in what it means to be polyamorous and how to do polyamory “right.” As a result of these generational differences, the political approaches of each of these groups was also different. The old guard were the group that started the CPAA, had a more “conservative” identity politics, and were more likely to be involved in politics that engaged the state. The new guard were the group more likely to be critical of the status quo (or polynormativity), have a more intersectional approach, and were more inclined to reject state involvement in relationships and polyamory, which I will discuss further in Chapter 5.

As an established and growing community, some polyamorous people I talked to felt like polyamory community was maturing and that they were moving on to the second generation of polyamory community activists and advocates where intergenerational knowledge was gladly shared. Although only in her mid-thirties, Kristy felt like she was one of the “old guard” in her polyamory community because of the length of time she had been doing polyamory and that she was able to share her knowledge with a new

cohort of polyamorous folks in their early to mid-twenties. Hart expressed that it was “good” to experience multiple generations within polyamory community because “there was an opportunity to learn from people who had been in open relationships for decades, right, and that was so beneficial and I’m so grateful that I was able to learn from that.” As he matured, Hart felt like he could then give back in the same way, being a mentor to people newly venturing into polyamory, as a person who had been around polyamory for a while and might be considered an “elder” in his community (although not very old). Being part of the old or new guard did not necessarily correspond with age but with time spent being polyamorous and in polyamory community. The intergenerational sharing of knowledge and experience in polyamory community was important to participants.

Some polyamory community members were stepping down from leadership positions. In contrast to Hart stepping up, Lucy was stepping down as a long-time leader of a polyamory group in Victoria. Although she was a bit sad about it, she expressed that it “felt good because communities grow and change just like people do and it starts to morph into something different, there's a different demographic now, people want different things and it has moved to a point where other people are a better fit for it, to facilitate it than I am.” Similarly, Howard felt like he was getting too old to continue leadership of the polyamory community in Toronto and that he would soon “retire” to make room for a younger generation to take leadership and be more representative of polyamory community. In a way, he felt like his job was done and that he had “planted seeds” for the next generations.

While some participants felt the intergenerational shift and growth of polyamory community was welcome, others felt that it was threatening to the cohesion of polyamory community. Peter feared that polyamory community was at a crossroads and that because it had gotten so big it would splinter, weaken, disappear, and/or lose political focus. Peter was one of the “old guard” and reflected on how back in the 90s the polyamory community was “small and incestuous” and not many people knew about it, but media exposure had blown up the community and polyamory had become more popular. Because of this growth he said, “it is time to stop pushing and start steering, if that makes sense. What I would like to see is the poly community build a sense of community and a sense of shared values and ethics that actually allows it to survive. I’d really like to see it not get ran into a ditch.” Here he is expressing his fear of the

polyamory community fractioning off and losing its political focus, particularly if handed off to the new generation. I wonder if he is afraid to lose his White, cis-male, heterosexual privilege of shaping and controlling the narrative about polyamory since polyamory has traditionally been a space dominated by White, cisgender, heterosexual, well-educated, middle-class folks. It is also an expression of his trying to control the message about polyamory so it is seen in a positive light, which I will discuss further in Section 3.9.

### **3.4.2. Diversity – Intersections and Inclusions**

As a result of polyamory community being dominated by White, cisgender, heterosexual, couple centric, well-educated, middle-class folks, a general polyamory community did not meet all folks' needs. A lack of diversity and intersectionality prompted some individuals in the polyamory community to start their own groups that were specifically about polyamory as intersecting with other identities. As well, they created events that were deliberately intersectional and not just about polyamory.

Sometimes change and growth came about because a community member recognized an area for growth and sought inclusion of their own identities. As discussed in Chapter 1, being queer and kinky were important identities for the polyamorous folks I spoke with. As a young, queer, bisexual, liberal, cis woman, Emma found that she did not really find many "likeminded" people in the Vancouver polyamory community at first. She explained that when she first started going to polyamory meets it was mostly older people, lots of men, and seemed more on the conservative side, so she did not really feel like she fit in. She did see one lesbian couple there, one of whom was a tattooed butch person, and she gravitated towards that couple as similar to herself. As a result of not seeing people like her or having a great sense of belonging, Emma started up a women's polyamory meet (and her partner Dave started up a men's polyamory meet).

As I noted in the introduction, Emma and Dave also created the group "We Love It All" to fill a void created by the prevalence of silos of groups and bring multiple interests and identities together – kinky, swinger, different types of polyamorous people, burners, etc. This was partly in response to feeling that the separate groups were dogmatic in their focus on one aspect of identity and that the particular focus on those identities did not match their "intersectional values" around inclusion and diversity of

different types of consensual nonmonogamy and other sexual minority identities. Emma explained, “going to kinky events and trying to meet swingers that they related to was kind of hard because we are too alternative” and going to polyamory events also bothered her because polyamorous folks were “shying away from it being sexual.” She also noticed that in the kink community, folks did not like the commitment side of polyamory’s non-monogamy; “in the kinky community they were not necessarily open to people who were emotionally polyamorous and same with the swingers.” She expressed wanting “an answer to that and want[ing] to be able to be all the parts of me at an event.”

Kristy looked to polyamory community to find a place for herself but was unsatisfied with what she found; she did not think or feel that it addressed how her multiple identities intersected. Her polyamorous identity was intimately interconnected to her being queer and kinky. So, she created an annual weekend conference to bring together different communities. She reported finding, “that the different communities are so siloed. You know, the kink community has a lot of their own events. Poly community has a lot of their own events. Everyone has a lot of their own events. But what about the people like myself, who dabble in different things? ... It’s a place where we talk about as many different things as possible. Which makes it really challenging. Because it means we can’t be too niche.” Kristy has worked to expand the diversity of the content of the conference to include multiple intersections, including “to talk a lot more about disability and sexuality... we try to have a focus on sex work. We try to have a focus on trans issues. We try to focus on disability. We try to focus on difference as much as possible.”

Being polyamorous was closely interlinked with having a kink identity and so groups formed specifically around this intersection. In Toronto, there was a group I spoke to that splintered off from the mainstream polyamory group to form their own polyamory-kinky “bubble,” yet they were still connected to the larger polyamory community through digital networks and occasional events. Vancouver Poly 101 had two different discussion nights, one for non-kinky polyamorous folks and one for kinky polyamorous folks to accommodate the large number of kinky individuals who are polyamorous. They were advertised on two different platforms, FetLife for the Kinky Poly 101 and Facebook for the non-kinky Poly 101.

In addition to the above groups and events mentioned, other sub-groups that participants belonged to included LGBTQ+ Poly Meet Group and Solo Polyamory. Other



groups that have since formed include polyamory groups for parents, “Poly over 50,” and “Black & Poly.” I could not find any groups specific to Indigenous folks in Canada, although several groups have started to include Indigenous speakers and address Indigenous issues on their websites, blogs, and conferences. As a highlight during their 2020 “Polyamory Week,” the CPAA highlighted a discussion on the relationship between colonialism and monogamy which focused on the writing of Indigenous author and scholar, Dr. Kim TallBear. TallBear has also been an invited keynote speaker at Solo Poly un-conferences in 2018 and 2017. At the time of this writing, I do not know of any particular groups that address the needs of those who are disabled or belong to any particular social class. The absence of a focus on these intersections in polyamory might be a worthwhile topic for future research.

### **3.4.3. National and International Growth – Webs of Community Building**

Another way that the polyamory community has changed and grown was in the expansion of connections among localized polyamory communities; local polyamory communities had started to connect with each other across cities, provinces, and state borders. Vancouver and Victoria were closely connected and shared some community members and knowledge with each other. For example, people from Victoria came to Vancouver to facilitate a discussion group and set Vancouver up with the knowledge and skills to continue facilitating the group. Vancouver and Victoria also came together first to form the national organization (CPAA) before including other cities from other provinces, including Toronto. Lucy confided,

So, if you are getting the impression that the poly organization is very heavily involved on the west coast [in Vancouver and Victoria], in particularly Vancouver Island [Victoria] you would be correct. For some reason we seem to be the people right now who are really interested in getting the word out. I'm not sure what the case is in Toronto, there are a lot of poly people in Toronto, and they have regular conferences... But for some reason specifically, poly groups out here seem to be more vocal.

Gabby recounted how she expanded the Vancouver polyamory community nationally and internationally. Politically motivated to form a national organization because of the 2011 *Reference* case on the constitutionality of the polygamy law, she started to link up with other polyamory groups across Canada as a first step in forming a national organization (I will discuss the formation of the Canadian Polyamory Advocacy

Association further in Chapter 4). This also led to connections across the border in the U.S. She explains, “that [the *Reference* case] spurred a lot of connection, a lot of dialogue. We connected up with the American polys. Serendipitously they were having a conference in Seattle that fell just as we were gearing up. We went down to talk about what was happening.” There was a strong polyamory network in Vancouver, Victoria, and Washington area, creating a cross-border network on the west coast.

Howard was enthusiastic to be a part of “a big national organization [CPAA] that shows leadership” because then “the local groups have somewhere to turn to connect and be a part of the big community... because some of the issues are national.” Howard also explained how the CPAA liaised across the border with the US polyamory group *Loving More*, receiving their help and support. They also joined the *Poly Leaders Network* and the *Poly Media Association* for media training to deal with interviews. Their shared knowledge was “extremely helpful” according to Howard.

#### **3.4.4. Language**

The diversification of polyamory communities was evident through the use of the language used to define themselves. People who originally identified with being polyamorous were now using terms such as solo-poly, relationship anarchy,<sup>26</sup> open relationship,<sup>27</sup> and consensual non-monogamy (CNM).<sup>28</sup> Also, the meaning and definitions of polyamory expanded to include a wide variety of forms of being polyamorous or consensually non-monogamous. According to Melucci (1980) new social movements are more concerned with individual needs and collective identities. As they come together, new experiences proliferate, old ones are tested, and realities are recreated. This is what preoccupies a new movement at the start; rather than focusing on political aspects, they are focused on redefining and creating their own discourses.

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<sup>26</sup> Relationship anarchy is a relationship philosophy that derives from anarchy and values autonomy and self-determination of individuals within relationships, anti-hierarchical practices, anti-state involvement, anti-heteronormativity, and community interdependence.

<sup>27</sup> An open relationship is when people who are partnered agree to open up the previously exclusive relationship to allow for intimate, sexual, and/or romantic relationships with more than one person.

<sup>28</sup> Consensual non-monogamy is an umbrella term used to describe relationships where there are knowing and transparent intimate, sexual, and/or romantic relationships between more than two people at the same time. It could include swinging, polyamory, relationship anarchy, open relationships, etc.

Weeks (2015) states that it was “the identification with the movement that created new subjectivities” for gays and lesbians (p. 50). I would also suggest that this identification with polyamory community created new non-monogamous subjectivities, expressed partially through the proliferation of words to define and describe being polyamorous. I will further discuss the creation of a proper polyamory discourse in Chapter 4 Strategy – Defining Polyamory.

As polyamory community changes and grows, the practice of polyamory is also becoming more well known as a way of forming relationships. In the next sections, I will discuss the increased awareness of polyamory along with the perceived unacceptance of polyamory and desire for acceptance.

### **3.5. (Un)Awareness and Non-Acceptance of Polyamory**

*“There is still a lot of judgment out there about it [polyamory]. Like not everybody’s cool you know.” – Kendra*

Part of community building is enabling polyamorous people in meeting likeminded people and providing support to other polyamorous people, especially when new to polyamory. Community building is also about increasing awareness and moreover, acceptance, through education and increasing visibility about polyamory. Although polyamory community has grown and diversified, and there is a growing sense of awareness of polyamory in Canadian society, there is also a felt sense of unacceptance among the polyamorous folks I interviewed. They felt like the general public are uninformed about polyamory or at the least, misinformed. The perception of a lack of or inaccurate awareness of polyamory and a lack of recognition is a major driver of political action for polyamorous people, particularly in educating the public about polyamory and coming out as polyamorous.

The perceived level of public awareness of polyamory varied among participants but mostly they agreed that there was little acceptance of polyamory, even if the public was aware, except when it came to the media where participants thought that acceptance was increasing. For participants, feeling like people did not know about polyamory was connected to feelings of acceptance, or rather, non-acceptance. Participants who had been in polyamory community for longer talked about how previously polyamory was not that common and folks had many questions about it, but

now people do not need to ask what it means as often, partly due to the Internet and easier access to information. Similar reasons that were given for the general public being unaware of polyamory were given for polyamory not being accepted in the public sphere.

Firstly, whether or not people were aware and accepting of polyamory depended on other intersections, particularly other “alternative” identities, the workplace, geography, and age. Participants also highlighted how default heteronormative assumptions of relationships, particularly monogamy, make certain sexual minority identities invisible and/or unknowable, such as polyamory. When monogamy is considered the default way to organize relationships, it forecloses polyamory as a possibility. Non-monogamous relationships based in heteronormativity that privilege the couple are more understood than polyamory, such as cheating, swinging, or an open relationship.

### **3.5.1. Depends on Other Intersections**

Whether or not the polyamorous folks I talked to felt that the general public knew about polyamory and felt included, accepted, or marginalized sometimes depended on other intersections, whether that was to do with “alternative” sexual identities, where they worked, where they lived, or their age.

While knowledge of polyamory was spreading slowly beyond alternative enclaves of people and was no longer as hidden or limited to specific fringe groups, participants suggested it was more likely that folks would know about and be accepting of polyamory if they were connected to other “alternative lifestyles” and that the more radical their intersections – “super progressive, left wing, socialist, poly, kinky, sex positive” (Natalie) – the more likely a person would know about polyamory. Having different experiences beyond “the straight and narrow” (Erika) was important for knowing about and accepting polyamory. People became interested in “alternative lifestyles” like polyamory because of connections to people they know, or because of affiliations with another alternative lifestyle that has some affiliation to polyamory, such as being queer or kinky. The “proof” of polyamory awareness and acceptance being connected to alternative lifestyles might just be evident in the intersections that many, if not most, participants had with being kinky, queer, and/or generally sex positive. As mentioned previously, the high likelihood

of having multiple perverse intersections is supported by research done by Bauer (2010) who refers to this as the “domino effect of perversion” (p. 151) and Rubin’s (1984) “domino theory of sexual peril” (p. 150).

As a normative space, work was a place that several participants did not feel there was awareness of or acceptance of polyamory. Polyamorous participants chose to not share personal information about themselves at work out of fear of being othered and rejected because polyamory is not accepted (Matt, Hart). There was concern about being polyamorous impacting their work relations negatively and ruining their reputation and thus threatening their livelihood. They assumed others were “normal” (Parker) (i.e. monogamous) and so let others assume that they were also monogamous. I will discuss being closeted and coming out as polyamorous further in Section 3.9 Coming Out and Visibility. I should note that other participants’ work revolved around their identity of being polyamorous and so being polyamorous was an asset to their work and not threatening to their livelihoods.

Geography played a role in the awareness and acceptance of polyamory, where participants felt that urban areas, such as Victoria, Vancouver, and Toronto, were more familiar with polyamory than in rural regions in Canada. The assumption is that rural small towns are generally more conservative and so it is harder for polyamorous folks to be accepted, whereas large cities are generally more liberal making it easier for people to be accepted as polyamorous. Kristy noted that the difference in acceptance of polyamory between rural and urban areas was “miles apart. Literally.” Some participants noted that geographical location based on what country you lived in also impacted acceptance, with there being greater acceptance of polyamory in Canada than the U.S. due to Canada having more freedoms and there being “less of a religious right presence” (Kendra).

Age was another factor that participants thought impacted awareness and acceptance. Participants perceived younger folks were more likely than older people to be aware of and therefore more accepting of polyamory. It was suggested that parents or older individuals may have a different generational and/or cultural take on relationships that was more conventional. In addition, Kristy explained that due to the older generation of polyamorous folks being out and talking about polyamory, the younger generation now knows about it; “they’ve grown up with a different view of the

world,” one that includes polyamory. Polyamory can be accepted as just another choice among others and “there is not an assumption of monogamy anymore” (Peter).

### **3.5.2. Polyamory Deviates from Monogamy and is Threatening**

Not all participants believed that the “general public” was becoming increasingly aware of polyamory or that it was becoming mainstream and accepted. While some participants thought youth may potentially have more awareness and therefore acceptable options to express their sexuality and relationships, they are still up against a normative framework of heteronormativity and mononormativity. The framework of heteronormativity renders polyamory invisible; it also creates an atmosphere of non-acceptance as it was seen to threaten the norm of monogamy and thus rejected.

One of the main reasons for a lack of awareness was that the general public assumes people are monogamous and so the assumption of monogamy forecloses even the idea of polyamory as a viable way of forming relationships. Erika explained that she thought most people “start off as monogamous” as the default way to form relationships and so did not know what polyamory was. She connected that inexperience to her own struggles with becoming aware of and understanding polyamory. She stated, “I think that before I knew what polyamory was, I probably couldn’t have understood either the idea of having an open marriage or something that works...it took a long journey for me, to have any inkling of the idea of how you could even have feelings for two people that aren’t like destructive and hurtful. So, for people who have only been in monogamous relationships... Yeah. I think they just they can’t imagine it at all.” She thought that people needed to be “really curious” and actively seek out different ways of being, otherwise “that’s how the mainstream stays so mainstream.” It was also noted that other forms of non-monogamy such as cheating, serial monogamy, swinging, and open relationships were recognized more “in the public eye” (Matt).

Heteronormativity and the assumption of monogamy was also the reason that polyamory was not accepted. Some participants pointed out that going against heteronormative expectations of monogamy and gender norms was a challenge to the norm so was therefore threatening to the intimate order of things. As a result, people thought that they had to point out how polyamory was not viable for reasons such as

jealousy, traditional gender roles, and abuse or coercion. Luke felt that polyamory was generally not accepted

because it subverts monogamy, which I think is just still the norm of mainstream society. I still think it's seen as deviant and wrong, problematic and unfulfilling, and those kind of critiques are attached very much to the traditional gender norms that women, particularly, will find poly unsatisfying because women really are just looking to settle down and have kids.

Heteronormativity and the assumption of monogamy was embedded in the everyday lived experiences of polyamorous folks, sending the message that the way they formed relationships was not acceptable and there must be “something wrong with you... or there is something wrong with your relationship” (Luke). Neil mentioned the regular, everyday microaggressions that he encountered as barriers to acceptance. He explained, “there are little barriers that you run into here and there that remind you that your relationships are not normative and that most people around you would not approve of them.” He gave an example of the subtle normative comments he heard, such as people referring to his “real girlfriend” and thus delegitimizing his multiple relationships, placing value on the one that seems most normative and couple-like. Luke also talked about the subtle heteronormative messages he received. While he acknowledged that the “mainstream is not calling for blood or that we should be punished or harassed or whatever for deviating from norms,” he argued that it was “the more subtle cultural stuff,” where although people say that everyone should be free to make their own relationship choices, what they really mean is that polyamory is “not a desirable choice because what you really want to be happy is monogamy.” Participants’ polyamorous relationships were devalued and not considered real or genuine.

Micro aggressions based on heteronormative assumptions were common. Emma recalled a time where she was telling a friend who was not familiar with polyamory about her upcoming marriage. When her friend heard about the wedding, they responded, “oh, you’re finally growing up and settling down.” Based on normative ideas of what it means to get married, Emma’s polyamorous identity was erased by her making a commitment to her partner. This statement also implies that polyamory is an immature phase that one grows out of by reaching the adult goal of marriage.

Natalie recalled how she was met with “a certain amount of skepticism” from people she did not know well when they found out she was polyamorous. She explained

that it is not just about acceptance but more like “disbelief about it being functional or working – if people have never heard of it and never considered it, then they don’t think it will work.” Natalie described an interaction with a client where he expressed doubt that her relationship and upcoming marriage with her partner would work because they were not monogamous. That same person also doubted or seemed skeptical that she did not want children. The client could not figure out or reconcile why she would want to get married if she did not want to be monogamous or have children. For the client, all these things went together in a heteronormative package that could not be separated – marriage was meant to be monogamous and for reproduction and they could not imagine any alternatives, perpetuating a normative, “traditional” idea of marriage and family. Natalie experienced this as “poly erasure,” where monogamy is considered the norm “so anything else is invisible.”

When polyamory is seen as challenging monogamy and heteronormativity, it is not accepted because it is seen as threatening to the status quo. Participants reflected on people’s protective and defensive reactions to the “threat” of them being polyamorous. A common reaction of folks was to defend their monogamy by declaring that they could not be non-monogamous or that it would not work for them. Reactions from monogamous folks also included the fear that “all polyamorous people just want to fuck everybody” and the idea that polyamory will somehow poison the mind of their partner and they will no longer want to be monogamous, so monogamous relationships would be threatened (Matt). Lauren suggested that the need to defend monogamy might lend polyamory a kind of legitimacy, or visibility, because if there is a need to justify monogamy there must be other possibilities, such as polyamory, that threaten the status quo.

The defense of monogamy did not just occur in interactions between individuals but at the institutional level as well. In defense of monogamy, the Catholic church excommunicated Sherrie. After dealing with the incredible loss of her community, friends, family, and reputation and doing some processing, Sherrie came to understand why the church leaders kicked her out of the church. She explained, “They saw me as an incredible threat. If they let me remain and have a voice, their fears would have been, understandably, that I was going to turn everybody poly and that they would have absolutely mayhem and they would lose control. Our culture didn’t like that idea.” In the next chapter, I will discuss how the law also defends monogamy from the threat of non-



monogamy when in the *Reference* case, Chief Justice Bauman ruled that the anti-polygamy law was constitutional and did not violate religious freedom because the law was originally put in place because polygamy was seen as inherently harmful “to women, to children, to society and importantly, to the institution of monogamous marriage” (para 881).

A way that polyamory is dismissed, and monogamy validated, is when people blame the relationship structure of polyamory when non-monogamous relationships fail, but blame individuals when monogamous relationships fail. Kay and I talked about how she thought it was interesting that “so many people out there that try polyamory at some point in their life, have a really bad experience, and decide it’s not for them.” Whereas when people have a bad experience trying out monogamy, “they just keep going because it must be the individual or the relationship, not the structure” (Kay) but with polyamory, it’s the structure, not the people or the circumstance. Alicia shared this perspective as well. She observed that “when monogamous people fail in a monogamous relationship, I don’t think that they would think that they failed as a monogamous person. It’s just that this instant of monogamy didn’t have all the pieces of the puzzle of what ideal relationships should look like... but I think it requires that or the structure will just fall apart, like I think there’s a huge social investment in that, in the norm.”

Another way that polyamory challenged heteronormativity and was therefore felt to be not accepted is connected to ideas about polyamory being sex focused (which will be discussed further in section 3.9). Within a heteronormative model of relationships, monogamous, reproductive, “vanilla” sex is the acceptable mode for sexual/intimate relationships. In the hierarchy of sexuality, “good,” straight, monogamous, relationships where the sex is for reproduction (or invisible) is privileged above other relationships, especially those appearing to be based on sexual pleasure. How individuals experienced this hierarchy of sexuality depended on their different intersections with other important identities, such as gender.

Several participants noted the sex negativity towards polyamorous people, especially women. Pam complained about the comments from a news story she was in. Derogatory comments were made about her being fat and being a “slut” because she was polyamorous. She felt that if she were a man that the same comments would not

have been made “because it’s okay for guys to play around and have a good time but women, oh heavens no, we’re terrible sluts if we do, especially if we say we enjoy sex. [sarcastically] Oh, my goodness. What a terrible thing.” As a fat White woman, Pam connected her feelings of being disallowed sexual pleasure directly to heteronormative expectations of gender norms and sexuality

Polyamory and its principle of gender equality was seen to threaten gender norms within a heteronormative monogamous framework. Women’s sexuality is regulated through monogamy and the limiting of her sexuality to one man within a sanctified relationship, along with the shame and stigma attached to being a “slut” if you are having sex with more than one person. Polyamory is threatening to the regulation of women’s sexuality because it is acceptable to have more than one partner. It is generally permissible for men to experience multiple sexual partners, but if a woman has multiple partners, she is considered a “slut.” While it is stereotypically considered acceptable for men to prove their masculinity through sexual prowess, White women’s femininity is premised on their being faithful and engaging only in monogamous sex. Women who own their sexuality are threatening. Blake used a very heterosexual example to explain that guys will think it is great if a man goes on a date with another person because that shows his male prowess, but if his female partner is also going on a date, other guys would be like “Oh no, I could never *let* my girlfriend do that” (emphasis added). The idea of “letting” a woman date other men also speaks to the patriarchal idea of women being the property of men within heteronormative monogamy.

This devaluation of relationships based on sex negative attitudes is similar to what gays and lesbians have experienced previously. Epstein (2005) outlines how gays and lesbians spent much of their energy fighting against “myths” about their sexuality such as assumptions they are immoral, perverted, sexually maladjusted, and more likely to sexually harm children (p. 9). Comparing polyamory to the experience of gays and lesbians, Matt hypothesized that people would be “less okay” with the idea of polyamory “than they would be with a monogamous, homosexual couple. I think that has come a long, long way in a way that poly has not.” He equated the lack of acceptance to “misinformation and misunderstanding” about polyamory but also guessed that gays and lesbians would have experienced the same lack of understanding before being accepted. This can be read as an example of how homonormative relationships have been included into the realm of the acceptable based on being monogamous, while

excluding those who do not conform to monogamous norms. How polyamorous people navigate the desire to be seen as normal will be explored further in section 3.6.

The shaming of women's sexuality within heteropatriarchy has been addressed by feminist critiques of heterosexuality as a patriarchal institution. Just like feminists have been critical of compulsory heterosexuality (Rich, 2003) as a patriarchal institution, there is also a feminist critique here of compulsory monogamy as a patriarchal institution (Emens, 2009; Stevens, 2013). According to Stevens (2013), "a function of compulsory monogamy is that polyamorous relationships are widely condemned." The prohibition of polyamory is meant to benefit cisgender men within a patriarchal system, keeping them in positions of power within relationships and otherwise. Participants are questioning the enforcement of monogamy as a way of continuing to control and police women's bodies, her reproductive and other labour, and sexuality. Polyamory, as a gender egalitarian form of non-monogamy, rejects male ownership of women as well as the restriction of their sexuality, generally challenges "traditionally gendered expectations for monogamy," and serves "as a model for less patriarchal, less hierarchical ways of intimately relating to one another" (Stevens, 2013).

### **3.5.3. Media – Increasing Awareness and Acceptance**

The media was an important way that polyamorous participants thought that the general public was gaining increasing awareness about polyamory and nonmonogamy, even though they did not always think the representations were accurate. Participants felt like media representations had increased in recent years through various media formats including articles online and in magazines, newspapers, radio, and entertainment TV shows, thus increasing awareness. It was, however, noted that there were many missed opportunities in television and film where potential non-monogamous moments defaulted to monogamy. The perception of inaccurate awareness of polyamory in the media was a major driver of political action for polyamorous people, particularly in educating the public about polyamory. Many participants were the ones creating or participating in media about polyamory while trying to create a positive image of polyamory.

It was generally seen as positive that polyamory and non-monogamy was appearing more in the media, even if not always the best representation. Participants

celebrated that polyamory was showing up in the media more, particularly in mainstream newspapers and radio. Luke's evidence that "poly is very slowly making headway" was the publication of articles about polyamory as "an acceptable lifestyle choice" in the culture section of *The Guardian*. Although he did not completely like or agree with the representation of polyamory in *The Guardian*, he did feel they were getting the word out in a mostly positive way. Parker acknowledged that news surrounding Bountiful and the *Reference* case had contributed to many people hearing about polyamory as another form of plural relationship formation. Kristy reflected "I was on the radio the other day, talking about non-monogamy. It was one of those interesting reminders" of how polyamory is increasingly being discussed in the media. Brian was feeling proud that polyamory was being joked about on the radio; "we've come a long way baby,"<sup>29</sup> he bragged, because that "assumes that everyone knows what the word means without having to define it."

Participants also noted the increase in television entertainment shows about nonmonogamy in the media. Shows about polygamy such as the American television drama series *Big Love*, a story about a polygamous family in contemporary Utah, and the American reality television series about a polygamous family, *Sister Wives*, although problematic and not what polyamory is really about, were mentioned as at least acknowledging there was a way to form relationships other than monogamy and getting people talking about non-monogamy, therefore increasing awareness. There were other shows that were thought to represent polyamory more closely. Kris, who also makes film media, described how in the show *Defiance*, an American science fiction western drama television series, there was a character who had two husbands. They considered this as evidence of increasing representation of "non heterosexual relationships like poly" on TV; however, they thought that there could be more representations of polyamory in the media.<sup>30</sup>

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<sup>29</sup> This saying is based on a Virginia Slims cigarette ad from the 1970s that targeted women and girls.

<sup>30</sup> Not mentioned here was *Polyamory: Married & Dating*, a reality series on Showtime in 2012-13. More recent shows about polyamory include: *Trigonometry* (2020), a British comedy-drama television series based on a love story about three people who are made for each other; *She's Gotta Have It* (2017-19), an American comedy-drama television series created by Spike Lee about a queer solo polyam Black woman; *Wanderlust* (2018), a British television drama miniseries about a couple opening up their relationship; *You Me Her* (2016-2020), an American-Canadian comedy-

Other participants also felt there could be more representation of polyamory in the media and were critical of the default to monogamous representations of relationships, especially when it seemed like there was an opportunity to shift the discourse beyond compulsory monogamy. Kay noted that the usual and repetitive way that non-monogamy was represented in popular media, particularly romantic comedies, was the trope of the protagonist having to choose between two people that they are in love with rather than being able to be with both. She argued that these plot lines are “all structured around fidelity and attraction and choice” based in unquestioned monogamy. She lamented that even when a show seemed to represent a healthy non-monogamous relationship, one of the characters eventually had a change of heart or “came to their senses.” These media messages about monogamy being the preferred relationship structure reinforce the message that “monogamy is the only way” (Kay). Parker confirmed how monogamy is always the default relationship configuration in media representations. As an example of this default viewpoint, he referenced the famous line from the film *Jerry Maguire*, a 1996 American romantic comedy-drama, “You know, ‘You’re the only person who completes me.’”<sup>31</sup> He contends that monogamy is taken for granted, which results in polyamory being understood as deviant.

While participants desired more positive, accurate, and increased representation of polyamory in the media, particularly in television and film, the fact that it was increasing was accompanied by a feeling of increasing acceptance for some participants. Lucy acknowledged that the increase of polyamory in popular media was accompanied by an increasingly positive view of polyamory on talk shows, in articles online, and in magazines. She suggested that “as media professionals become more aware and more accepting [of polyamory], the image becomes more positive, and more education gets infused into that exposure.” As an example, she referred to an interview that she did with Pam for a popular national magazine. She thought that it was a positive article because it was not just about sex and cheating and the reporter who interviewed her was “genuinely interested and presented a balanced view of it [polyamory].” This

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drama television series that revolves around a suburban married couple who are entering a three-way romantic relationship; *L Word: Generation Q* (2019-2020), an American drama television series produced by Showtime about queer women that has a polyamorous sub-plot; and *The Politician* (2019-2020), an American comedy-drama television series about a wealthy high school student Payton Hobart and his quest to be the president of the United States that has a polyamorous sub-plot in the first season.

<sup>31</sup> The quote is actually “You complete me.”

made her happy and gave her hope because in her experience, this positive interpretation of polyamory had not always been the case.

Pam also noticed how the media's approach to polyamory had shifted over time to become more positive, citing how the media coverage of the polyamory conference she organized went from being hostile to friendly and more informed about polyamory within two years. She attributed the change in media attitude to the overall increase of polyamory in the media and to TV shows that were less sensational and scandalous so that "people were seeing that it's not always about these crazy, Bountiful, creepy things. It's just really people next door to you who are quite happy. It's not that big of a deal." Pam's strategy here is normalization, where she is highlighting how polyamorous people are "just like you" – just like the folks next door, no big deal.

### ***Managing the Media – Creating a Positive and Accurate Poly Image***

Participants attempted to steer or control the media message about polyamory, through either making media such as films (Kris) or engaging with the media through interviews to inform the public about polyamory (Lucy, Pam). Another strategy around controlling the message about polyamory through the media was through monitoring the media. The blog, *Poly in The Media*, curates and keeps track of polyamory in the media worldwide.<sup>32</sup> On this blog you can see how polyamory in the media has increased. Kay noted that "even in the last five years, the amount of articles that are out there has just shot up." As polyamory has become more visible in the media, polyamorous people have stepped in to deliberately control and manage the image of polyamory and those who are polyamorous as a political action.

Polyamorous people who were connected to the national organization, CPAA, were also concerned with media representations – not just raising awareness of polyamory but moderating the media to ensure there is an "accurate" and "positive" portrayal of polyamory in the media. Brian discussed how this was part of a very specific strategy to "brand" polyamory as *different* from polygamy and grounded in modern, libertarian values (i.e., good modern non-monogamy versus bad backwards non-

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<sup>32</sup> Now called Polyamory in the News! by Alan M. <https://polyinthemedia.blogspot.com/>

monogamy). The CPAA's strategies and goals regarding branding polyamory will be discussed further in Chapter 4.

According to Garner (1996), movements want to “influence the media framing of information about itself or events related to the movement” because the media is a crucial medium through which potential supporters learn of a movement (pp. 58-59). The media often focuses on the sensational elements of a movement, as noted by some participants, which may portray polyamory in a “bad light” or at least not in the best light desired by participants. The media is a powerful medium and it can be difficult to change the way that the media frames a movement (Garner, 1996); however, as we see here and will see in Chapter 4, polyamorous folks have made headway in influencing how the media frames polyamory.

### **3.6. Desire for Acceptance and Normalization**

*“Normalization I think is a pretty critical key...” - Dave*

While many of the polyamorous people I talked to felt polyamory was not entirely accepted, although also not entirely condemned, they nonetheless desired acceptance. The way that polyamorous people thought that they should counter unawareness and a lack of acceptance was through a deliberate effort to “normalize” polyamory, so that people would know what it is, understand it correctly, and not feel threatened by it. They also thought that it would help to take away some of the shame and social stigma around polyamory. This push towards normalization relies on discourses of polyamory as *respectable*. Rebecca called it the “respectability politics game,” particularly referring to those who are media and community spokespeople for polyamory who appear “normative.” The term “respectability politics” is credited to Evelyn Higginbotham, a Black woman, from her 1993 book *Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880–1920* (Higginbotham, 1993). The term describes how marginalized groups adopt the behaviour, values, and attitudes of the dominant group that are deemed respectable to assimilate and to counter the negative stereotypes used against them. Behaviours that are seen as respectable idealize upper-middle class, White, cisgender, straight, monogamous people. They do little to challenge structural issues of oppression. Respectability politics was first critiqued by women of colour and has subsequently spread to other racial minority groups and queer/LGBTQIA+ groups

(Pitcan, Marwick, & boyd, 2018). The respectable representation of polyamory has been termed by Zanin (2013) as “polynormativity.” For most of my participants, constructing polyamory as “normal” was very strategic.

There was some tension in the desire of polyamorous participants to be understood and accepted; they were not always interested in conforming, but they still wanted people to know that polyamory was “normal and fine” (Colin). Changing the stigma, shame, and social devaluation, and gaining social acceptance were important political aims to pursue. According to Neil, gaining social acceptance was the most important political concern. He explained that it was

not a legal thing but just a matter of social acceptance. The thing that I think, in reality, is most harmful is ignorance, lack of acceptance, and social stigma. And um, the most important thing to most non-monogamous people would be being able to take both of your partners to an event without being questioned or criticized or stigmatized for it. Being able to act non-monogamously in public without, again, danger of being questioned or stigmatized for it. Being protected against retribution in your job or career for acting non-monogamously. Being free of the assumption that being non-monogamous makes you a bad parent or a bad spouse or girlfriend or boyfriend. I think honesty, if there is any complaint, if there is anything that non-monogamous people would want changed, that's it. And it's much harder one than the other ones because it involves a whole change in social understanding. But I think it's pretty important.

While some folks recognized the trouble in advocating for normalization of polyamory, for others like Kristy, normalization for the mainstream was her explicit goal. She stated simply, “Normalising. I like to normalise things” and she called herself “an activist for the mainstream.” In fact, she strived for “polynormativity” and wanted to represent the idea that “you can just be a regular old couple. You can be that polynormative couple.” It is evident in her statement that the normalization of polyamory is couple based. After reading Zanin’s (2013) article on polynormativity, she acknowledged her hesitation with advocating for polynormativity but still preserved her approach, “like, the White, hetero couple. Who, of course, they're poly. But I think there is still a lot of room for that. I think it's important to normalise these things.” She explained that her target audience for her book on polyamory was for straight, cisnormative, White couples to provide a resource that was not “scary because a lot of the books are really kind of scary. Or very, like, fringe.” She recognized that she was appealing to the “mainstream” of polyamorous people and just doing it anyways while



being a good example of mainstream polyamory herself, a heteronormative, White, coupled, not scary, friendly, good example of polyamory.

There is a tension between being okay with being outside of the norm, rejecting normative ways of forming relationships, and wanting to be accepted and belong. Polyamorous folks I spoke with want to be seen as “normal” and yet they also see polyamory as disruptive to the norm of monogamy. Rejecting normative ways of forming relationships, participants describe polyamory as contrary to and superior to monogamy. There was also a desire to open up ways of relating and forming relationships that expanded beyond the norm of the heterosexual, monogamous, reproductive couple. And yet, in an attempt to be accepted and belong, participants contrast polyamory with other less desirable nonmonogamies so that they may be included as “normal.”

Most participants were concerned about defining and representing polyamory and being “out” and visible in a “respectable” way which is connected to the idea of being a good sexual citizen based on a heteronormative model. The idea of visibility could be considered a kind of advocacy for the right to be different; however, it is often still couched in the ideal of being a normal good sexual citizen. It ends up privileging a select group of elites while excluding polyamorous folks who are “alternative” or “slutty” as well as other forms of nonmonogamy such as swinging and polygamy. I question the goal of normalization as potentially exclusionary as it does not reach people in the margins, people who are not wealthy, White, heteronormative, couple centric, etc. Many of the polyamorous people I talked to experienced various intersections of privilege which some folks acknowledged while others did not, but this did not detract much from their goal of normalization.

Overall, it seems like participants have inadvertently overlooked the dangers or problems associated with constructing polyamory as a normal, good sexuality or relationship form. So, while polyamorous folks question compulsory monogamy by wanting to make visible different ways of forming relationships and expand relationship choices, they still desire acceptance and normalization.

The normalization of polyamory was still an important main goal of most of the polyamorous people I spoke to. Desire for acceptance and legitimacy was sought through the goal of normalization via two main strategies. First, through education and

advocacy, including via the media, in tackling ignorance and misconceptions about polyamory. And second, through visibility and being out. Both are aimed at creating a cultural shift in discourses around nonmonogamy and normalizing polyamory. These two main strategies were often intertwined and connected, but I will try to discuss them separately to tease out the different approaches.

### **3.7. Advocacy and Education**

As part of increasing acceptance and “normalizing” polyamory, advocacy and education as a way of tackling ignorance and misconceptions was a specific strategy attempted by the polyamorous folks I talked to in Vancouver, Victoria, and Toronto. They advocated for polyamory by contrasting and differentiating polyamory from monogamy, cheating, sexual deviance, swinging, and polygamy, including gender inequality. First, I examine how participants contrasted polyamory from monogamy, either suggesting that it was really no different from monogamy, or more often, suggesting that polyamory was different and in fact superior to monogamy. Second, I consider how participants contrasted polyamory to cheating, sexual deviance and swinging, and polygamy, correcting misconceptions so that polyamory was also seen as superior to these “less desirable” ways of practicing nonmonogamy.

Additionally, it was important for participants to increase awareness about polyamory while also defining polyamory. In essence, they were patrolling the borders of polyamory. They did this using specific strategies or activities such as: university courses and talks; conducting workshops and training; organizing conferences about polyamory or including polyamory; and through writing journalism, blogs, and books.

Some advocated and educated on an individual basis, and some did this as part of an organization or group, specifically the CPAA which will be discussed in Chapter 4. According to Sheff (2016), what polyamorous people are doing is similar to the gay liberation movement before it:

Following in the footsteps of the Gay Liberation, Feminist, and Civil Rights Movements, polyamorists are in the midst of an advocacy program attempting to educate members of the general public about polyamory and foster social acceptance for polyamorous relationships. They are doing this as activists and organizations dedicated to education and advocacy. (Sheff E., 2016)

### 3.7.1. Validating Polyamory as a Viable and Superior Relationship Option

One of the ways that polyamory was normalized by participants through education and advocacy was by comparing polyamory to monogamy and advocating for polyamory as a viable option for forming relationships beyond monogamy. In some cases, they argued that polyamory was comparable to monogamy and they also argued that polyamory was different from monogamy, and in some cases as superior to monogamy. They defended and corrected misconceptions about polyamory by contrasting polyamory to monogamy and arguing that polyamory was a viable option.

When arguing that polyamory was comparable to monogamy, it was suggested that polyamory was not so different from monogamy in the sense that people are constantly learning how to be in relationship with others, deal with triggers, fears, and insecurities, regardless of whether it is in a couple or a “thruple” (Kay). Polyamory is said to be a viable option because it really is no different from monogamy in how difficult it is to navigate. However, the difference is that polyamorous people put more conscious effort into their relationships, reading relationship self-help books like *More Than Two*, practicing clear communication, and addressing jealousy and compersion, so it is perceived as more complex to navigate. In fact, it was argued that monogamous people could also benefit from creating more “conscious relationships” and explicitly negotiating their relationships like polyamorous people do, instead of defaulting to monogamy and the implicit norms associated with it.<sup>33</sup> There is the implication that monogamous people can learn from the superior practices of polyamory. In this case, there is a normalizing of polyamory, by not merely suggesting “we are just like you” but that monogamy should be like polyamory. This is similar to how lessons from BDSM, such as explicit negotiation and ongoing consent, contribute to ethical sexual practices beyond BDSM.

Another way that participants defended polyamory as a viable and even superior relationship formation was by contrasting jealousy in monogamy to compersion in polyamory, flipping the traditional script by devaluing jealousy and valuing compersion. Luke stated that in monogamy “jealousy is a pernicious and life-denying emotion” and in polyamory, “conversely love and compersion feels like an expanding, expansive, life-

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<sup>33</sup> The default of monogamy also highlights how mononormativity erases non-monogamous ways of forming relationships (as well as other ways to be, for example, single).

affirming kind of thing” (Luke). In compulsory monogamy, jealousy is seen as a requirement of monogamy and as acceptable, perhaps even a virtue and representative or evidence of true love; sharing is valued among friends, but not between lovers (Emens, 2009, p. 261). According to Emens, “[t]he operation of jealousy between partners may be understood as a related tenet of monogamy’s law: that one partner’s jealousy trumps the other partner’s desire for extracouple sexual experience” (p. 262). As a challenge to compulsory monogamy, polyamorists value sharing and compersion and eschew jealousy. Although a misconception, the idea that polyamorous folks do not experience jealousy is meant to situate polyamory as superior to monogamy.

Many participants critiqued monogamy’s focus on “the one” who should meet all your needs and suggested that polyamory was superior because it was more realistic than a Hollywood notion of love. Emens (2009) calls this strict model of monogamy where only one “right” partner exists for each person “the fantasy of supermonogamy” (p. 262). The search for a soulmate and the focus on “the one” as fulfilling all our needs is monogamy’s “most potent fantasy” (ibid) and forecloses other options, like polyamory. Alicia was very critical of monogamy’s focus on “the one.” She argued, “the whole set values around monogamy doesn’t make sense.” She elaborated,

It doesn’t make sense on all levels, because of the false premise of “the one” ... and there is a lot of pressure on this particular partner... Where this person has to be a romantic partner who satisfies you sexually, who understands you, your character and your personality emotionally, and will support you in that sense to be your best friend and a lot of time to be your housemate and that road leads to marriage and marriage leads a partnership and couple identity that happens, “the we.”

She conceded that there are certainly “very successful monogamous arrangements,” but she thought that it was rare and much harder and less realistic than people thought. As noted earlier, she observed that these high hopes resulted in blaming the individual rather than the relationship structure. She elaborated, “perceived inefficiencies in people or that they’re not that good of a boyfriend or girlfriend or partner or whatever” and that somehow their ability to meet all these requirements was a reflection of how much a person loved someone so if they fail, then the love must not be adequate. She maintained, “there is just so much pressure on people themselves and on other people.”

Another way that Alicia saw the idea of “the one” having a negative impact on individuals was through the promotion of the idea of scarcity and having to protect and guard “the one.” According to Alicia,

an understanding of monogamy, of couplehood is a lot about competition, exclusivity and competition, and so the scarcity is celebrated because there is only one so you have to protect that one and other people cannot have your share of the cake. You also promote this idea that you have to hang on because of the scarcity and that is not a good way of having relationships.

She contrasted the idea of scarcity in monogamy with freedom and abundance in polyamory: “I think that my partner encouraging me to have other partners and vice versa makes me a better person.”

Alicia spoke profusely about being critical of monogamy and was critical of how monogamy imposed sexual exclusivity. She supposed that sexual exclusivity was meant to be a reflection of her love for someone, but attested that “I think all my partners feel loved. I think my love and devotion to them is a reflection of my love and devotion to them rather than associated sexual exclusivity.” Monogamy and sexual exclusivity are seen as a “symbol” of love and so if you have or want sexual relationships with someone else outside the couple then you must not truly love the person. Polyamorous folks were critical of monogamy, the way that it was expected, and all its attendant assumptions, including the idea of “the one.” They were challenging assumptions about mononormativity and they suggested that polyamory was a viable and even superior relationship option.

### **3.7.2. Correcting Misconceptions**

In addition to contrasting polyamory with monogamy, participants also contrasted polyamory with other forms of nonmonogamy. What is happening, according to many polyamorous folks I talked to, is that part of being unaware of polyamory is that polyamory is being confused with other forms of nonmonogamy or being accused of being simply sex focused. The general public might not simply be unaware, but moreover, may be misinformed about what polyamory is or how it works. According to Lucy, there is a lot of “mythology about what poly is, meaning is it cheating, is it immoral, should it be illegal, is it the same as polygamy, those kinds of questions.” Other

participants agreed with Lucy and discussed these “myths” in more detail as well as attempting to correct or defend these misconceptions. Interview participants thought it was important to correct what they perceived as negative misconceptions of polyamory as non-ethical, cheating, focused on sex, and as polygamy. They created counter discourses about polyamory so it would be seen in a positive light as “ethical,” honest, loving, committed, consensual, and based on gender equality.

### ***Honest, Not Cheating***

According to participants, one of the first misconceptions that comes to people’s mind when they think about polyamory is that it is cheating. People assume that if someone is in a relationship and has another partner, there must be something wrong with you or your relationship, and they must be cheating. They think this because it is a way that they can understand nonmonogamy within a heteronormative and mononormative framework; the idea of cheating is one of the first discourses available to them. Participants pointed out how common cheating was in monogamy and were critical of how cheating was seen as somehow more acceptable than being polyamorous because of compulsory monogamy and the imperative to be monogamous. Participants contrasted polyamory with cheating, positing polyamory as a better option than cheating because it was more honest, healthy, and moral where folks in polyamorous relationships could have open and honest discussions and clear communication about their multiple relationships. Many participants sought to address the misconception that polyamory was cheating or to offer polyamory as an alternative to cheating.

Kristy explained that because she is married people often assume that she is cheating and wonder why she even got married in the first place; her relationship(s) are seen as invalid. Firstly, they are seen as not valid because marriage should be monogamous, and secondly, the other relationships can not be valid because she is married and that relationship takes primacy (even if she does not practice hierarchical polyamory). She proposed that this misconception of polyamory as cheating was part of a larger problem in that “cheating is the only form of non-monogamy that is accepted in society. But then if you actually ask individuals, it’s not accepted.”

Cheating is a form of non-monogamy that is understandable so acceptable in Western society and yet it is also considered dishonest and non-consensual so not acceptable. Kristy explained, “there is a lot more people who really should be non-

monogamous in an open way. But really cannot, because either their relationship isn't set up for it, their work isn't, their society isn't, their family isn't. Whatever. Their culture. They just can't. But they really should be." She argued "that polyamory and non-monogamy is not really going to be able to progress in a way unless we start having conversations about cheating." What she was getting at was that people *should* have an open relationship, if they might openly choose it, but culturally, non-monogamy is unacceptable, so they work within the paradigm of monogamy and cheating, which is the "acceptable" form of non-monogamy. Again, it seems like cheating is more acceptable within compulsory monogamy than polyamory. There was a positioning of polyamory as more ethical and honest than monogamy (overlooking the fact that being polyamorous does not foreclose cheating or being cheated on).

Rambukkana (2015) suggests that cheating is certainly public and known, appearing in magazines, books, and biographies of famous people and even wonders if it has become "trendy" (p. 48). Although not necessarily acceptable, it is well known because it maintains heteronormativity and mononormativity; it still fits within the known model of compulsory monogamy that people can understand of the default, the norm, the taken for granted ideal.

### ***Committed and Loving, Not Swinging or (Just) About the Sex***

Another misconception that many participants described and sought to correct was how polyamory is often seen as sexually deviant and wrong or "all about the sex." The idea that polyamory is just about the sex felt like a narrow and superficial understanding of polyamory. Parker suggested that people think polyamorous people are "sex fanatics" that cannot get enough sex; "as if it's all about the sex anyway or ... you must not really love the partner you're with." Alicia surmised that people see polyamorous folks as "slutty" people who just sleep around rather than in terms of people who are forming deep personal connections; "I think they think it's about sex." She argued that the focus on sex resulted in a lack of understanding of polyamory and the community and support network that it created for people. What people thought about polyamory was partly blamed on the media and representations of polyamory in shows. Brian thought that reality shows about polyamory were being used just for entertainment, focusing on sex, and showing the "spectacle of poly" rather than focusing on what he considers the "reality" of polyamory, dealing with relationship problems, etc.

He complained, “My pet peeve is how they play up the sex part but don’t talk about safe sex.”

Polyamorous participants also felt the stereotype of the focus on sex and shaming of polyamory from Fundamentalist Latter-Day Saints (FLDS).<sup>34</sup> Peter noted that the FLDS were “extremely hostile to polyamory because they thought they were promiscuous and slutty.” Gabby also noted that Mormon fundamentalist polygamous people, who were also non-monogamous, saw polyamorists as more sex focused, “slutty, immoral, and whatever kinds of things.”

There is a lot of fear about uncontrollable sex. Monogamy and marriage regulate sexuality (Carter, 2008); therefore, if people are not being monogamous then sex must be unregulated, wild, and out of control; not within the culturally acceptable committed dyad and also not for reproduction. The wild idea of polyamorous sex was displayed in the idea that being polyamorous is “all about the orgies” – from one extreme of monogamy and tame sex to another extreme of wild, outrageous orgies. Sherrie spoke about the fear of unregulated sexuality in polyamory:

the fear that it’s going to get out of control, the fear that there’s going to be a sexual rampage... There are multiple people out there that honestly believe that’s all we’re doing. That we are sexual perverts. That we’re nymphomaniacs, that we can’t get enough sex. That is a fear that people have. People culturally have always feared free sexuality. So, what are we representing? Free sexuality. So, are we frightful? Yes. Do we need to debunk that? Absolutely, if we want to get forward with this, if we want to move forward and advance this as a legitimate lifestyle.

Sherrie very clearly stated that if polyamory is to be seen as a legitimate lifestyle, then the sexual aspect of polyamory needs to be repressed.

To counter the misconception that polyamorous people were only focused on sex, participants highlighted the loving, committed relationship aspect of polyamory – the same ideal values of monogamy – in an attempt to normalize polyamory and increase acceptance. Lauren stated that “poly people like casual *relationships* as opposed to casual sex which is the stereotype.” Sherrie noted that her definition of polyamory “is

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<sup>34</sup> Fundamentalist Latter-Day Saints (FLDS) are a sect of Mormonism that still practices plural marriage in the form of polygyny, the most common form of polygamy where a man marries more than one wife.



about many relationships that may be sexual.” Howard was critical of a woman in the Toronto polyamory community because her idea of polyamory, “wasn’t to do with relationships. It wasn’t to do with ethics. It was to do with [sex].” Howard equated wanting to have sex as separate from ethics and relationships and stressed that this was not what polyamory was about. Tara emphasized that for her, “good” polyamory was “stable and ongoing” and not about casual sex. It was important to participants that polyamory be seen as a legitimate relationship style based on commitment, love, and romance, not a sexual issue.

The emphasis on love, honesty, and commitment is tied to the idea that committed loving relationships are superior to sex based relationships and therefore more acceptable. These espoused values were also equated with monogamous values and so viewed as more respectable. Using this kind of discourse is an attempt to make polyamory more appealing and digestible by normalizing it, versus sex-based relationships being considered deviant and outside the norm of “good,” healthy, loving relationships. As we will see later in this section, this emphasis on loving relationships and the purifying of polyamory was often criticized, sometimes even by the same people who deployed this rhetoric.

The emphasis of polyamory being based on loving, committed, consensual relationships and not sex based often came up in reference to swinging, where polyamorous participants declared a distinction between polyamory being emotional, loving, and committed, and swinging being sex based and unethical. Sherrie explained how it was important to differentiate polyamory from swinging when it came to advocacy because she did not think it was advantageous for polyamory to be seen as abusive or taking advantage of people, which is how she thought that swinging was viewed. She argued that polyamory “is about consent, mutual happiness, and fulfilment. It is not about one person getting their kicks and another person suffering silently... That is often what swinging is about. It’s disposable sex partners for a lot of people.” Brian also thought it was important to differentiate between polyamory and polygamy and swinging. He was clear that confusing polyamory with something like swinging and its focus on sex would be a “worst case” scenario that would prevent polyamory from becoming normalized and accepted.

Other participants were critical of swinging because of the lack of consent in swinging culture compared to an emphasis on consent in polyamory. Matt underscored the consent differences between polyamory, BDSM, and swinging. For him, in the polyamory-BDSM world, consent works on a “yes means yes” model, along with negotiation and lots of communication. His view of the swinging community that he has been exposed to contrasts with this view, in that “there is a culture of not discussing sex.” He explained, “they would start touching and that would go right up to and include sex. And there would never actually be any discussion of the sex. It would just be if there was a stop, or no, their hand was moved away. That was the end of that. Which, to me, is a bit rapey. So, I don’t like that.” Although Matt is discussing sex in both encounters, his version of consent-based sex is seen as more ethical in contrast to sex that is “a bit rapey.” Erika also described her only encounter with swingers as being non-consensual, “uncomfortable,” and somewhat coercive.

Amelia summed up the difference between swingers with a clear list: swinging is a hobby, not an orientation; swingers are threatened by the emotional connection of polyamory; swinging is very couple centric, done together, and focused on the protection of the couple, whereas polyamory is more individual focused; and polyamorous people are resentful of being confused with swingers.

### **Critical Of Pretending Polyam Folks Don’t Have Sex/ It’s Not About the Sex**

In contrast to the devaluing of swinging and denial of sex-based relationships, some polyamorous folks I spoke to were critical of polyamorous people pretending their relationships had little to do with sex. They recognized that it was an attempt to make polyamory more acceptable. Emma reflected that she “noticed some people’s desire to kind of downplay the sexual part of polyamory, in order to – I think it is in order to – achieve validity with like the normal, default world.” She thought that it was okay if some relationships were only about the sex and while she acknowledged that for the most part, the polyamory community was sex positive, it still bothered her that “poly folks were shying away from it being sexual” and playing the “respectability politics” game.

Other polyamorous folks I talked to were straight up about sex being a key component of their polyamorous practice. Hart noted how “a lot of the poly people my age are parents and...poly-fidelitous... So, they have like it’s a triad or a quad and they don’t see anyone outside. And I’m like ‘what’s that?!’ but that sounds also terribly

judgmental, but that's not for me."<sup>35</sup> He recognized the judgement from both sides of the sex fence:

Like maybe we're all a little judgmental about each other, because like if you go to these poly gatherings they talk about people and they're kind of sometimes fairly sex negative, you know, kind of like 'oh yes you guys are just sleeping around' and it's like...you know, 'because we have real relationships. Like for us it's love. For you guys it's just fucking.' It's like Rebecca used to say 'that's just, you know, fifty percent more monogamy,' who wants that?

Some participants drew a parallel between what polyamorous folks were doing and how the gay and lesbian movement devalued sex to appear more respectable. Alicia found it problematic when marginalized communities distanced themselves from the devalued part of their identities, by desexualizing themselves to make themselves more pleasant or "palatable" and appealing to the mainstream. The result was to further marginalize those within the community who do not fit and erase the diversity of the community. She argued, "[t]he cost of it is that you are still not recognizing a lot of people in your community, you are just privileging a particular portion of it who are probably very privileged to begin anyway... It reinforces those [sexual] hierarchies... because you are policing it." Kay was also concerned that the emphasis on love and honesty would devalue and disappear sex in polyamorous relationships. She mused,

It's similar to the gay rights movement in the sense that the poly community as well has been faced with this option to either be honest about the sex part that is a part of our culture. I think it's a part of poly culture. I think it's part of gay culture too in a different way than heterosexual culture. But to gain rights gay people had to do a lot of, 'don't worry, we have a dog and a white picket fence, and we're just like you.' Now poly people are like, 'we may be three people, but don't worry we have a kid. We're poly fidelists. We see no one else. Don't worry'.... I don't think it's super productive.

Warner (1999) pointed out that when the gay and lesbian movement repudiates sex, they build a politics that is based "on embarrassment" (p. 49) and a "hierarchy of respectability" is created which reproduces the hierarchy of shame (ibid.). Those who would most like respect wish that others would not embarrass them and would be "a little less queer, a little more decent" (p. 50).

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<sup>35</sup> A triad is a union or group of three and a quad is a group or union of four. Poly fidelity means that these groups of three or four would be committed to each other sexually and romantically within the group and not enter into sexual or romantic relationships outside of the group.

## Challenging sex-based relationships

There was also another way that polyamorous people saw sex playing out in relationships. In addition to being critical of polyamory's denial of sex focused relationships, some polyamorous folks I talked to were also critical of the fact that loving, caring, committed relationships *needed* a sexual component to be valid. They highlighted the fact that some polyamorous configurations included asexual people or were simply not sex based at all, and that sex did not need to be a component of a valid relationship. This goes against compulsory monogamy's values and norms and was not an attempt to gain approval but to correct the misconception that a relationship needed a sexual component.

Participants questioned the idea that a relationship automatically becomes invalid if there is not sex. Howard noted, there can still be a lot of love in a relationship "that does not include sexual intercourse." He also pointed out that there are people who are asexual and gave the example of a long-distance girlfriend he had who he rarely had sex with "but it's a relationship and a strong bond [for] all different reasons... that make a relationship, it's not just fucking. So that's the issue of what is polyamory [and] well what do you mean by relationship?" Kendra also pointed out the sometimes non-sexual or asexual basis of relationships that are still intimate. She discussed how she had "platonic partners" that she was not in a sexual relationship with "that was totally a poly scene but wasn't poly because any of us was romantic it was poly because we shared a kind of view about how to form family and how to do life." This resonates with the idea of queer chosen family. She acknowledged that "it is fraught, right, people who are poly or like it's not just about the sex and people who are not are like it must be about the sex, otherwise why would you be together, and the answer most of the time it is at least in part about the sex, but every once in a while it is not."

The idea that loving, caring, committed relationships necessitate a sexual component to be valid to was connected to norms stemming from monogamy. Natalie pointed out how sex was considered the "cornerstone of monogamy and that it relies on sexual fidelity. We can have really close friends but not sexual partners. Even though many long-term monogamous partners no longer have sex." Sherrie emphasized how polyamory can be an antidote to the "traditional monogamous mindset" that suggests that a sexless relationship is not valid by providing a way for someone, like her, who is

“highly sexed” to be in a relationship with someone asexual or who you are not having sex with while being able to have sex with someone else in another relationship; “That’s beautiful because that takes care of their needs and mine, and nobody is losing out.”

### ***Consensual and Equal, Not Like Polygamy***

While considerable energy went towards correcting the misconception that polyamory was all about the sex, the misunderstanding that polyamory was the same as polygamy was felt foremost by participants. Participants felt strongly about this misconception and correcting it because it was based on a misunderstanding of polyamory as unethical, non-consensual, and based in the patriarchal hierarchy between men and women. Part of the reason for the confusion of polyamory as polygamy is that polygamy has been around longer and is therefore more well known and familiar to people. Matt argued, “the only long-term, committed, multiple relationship situation that people know of is the situation in Fundamentalist Church of Latter-Day Saints, where it is an oppressive situation.” Matt surmised that if this “cult like” version of non-monogamy was the only thing that people knew, people would think that “all multiple marriage situations, or all multiple long-term partnership situations, must be wrong.” He thought this confusion was a misrepresentation of polyamory because it was not based on the idea of a consensual, informed relationship. According to him, what was in the public eye did not correctly represent polyamory, as “very few [people] would know about polyamory and the idea of a non-coercive, ethical non-monogamy, where there are things like communication in place.” Consent was a point of difference that many participants identified.

In addition to a lack of consent, many participants also perceived polygamy as being patriarchal and not based on gender equality and so therefore different from polyamory. Women in polygamous relationships were depicted as passive victims who were abused and trapped in polygamous relationships either because they were ignorant or coerced. There was a perceived lack of freedom to choose based on their not having enough education or opportunity to make informed choices to maintain consent or based on the assumption that they were constrained financially or threatened by ostracization from their community or relationship and so could not freely consent. Peter saw the structure of polygyny as “inherently disempowering to women because they are not given the same opportunities as men are.” When he discussed the

imbalance of gender, he referred to polygamy as a “damaging structure” that created “horrifying abuses” where excess men were disposed of, and women were considered property or status symbols.

The idea of gender inequality in polygamy was contrasted to a feminist understanding of gender equality in polyamory where women were empowered in their decisions to be non-monogamous. Women in non-monogamous relationships are often seen as “passive,” according to Natalie, so she really wanted people to know, “I am driving this car, as opposed to my partner. That is another sweeping judgement – that this is a thing that is *happening* to me by my partner who has not really dated anyone since we have been together.” This is connected to assumptions of gender dynamics and that the male is initiating non-monogamy or polyamory, exploiting the woman because men want to “fuck everything” or “have their cake and eat it too.” She identified the general discourse directed at women that “you deserve to be with someone who just wants to be with you.” To address the misconception that polyamory was abusive because they equated it with polygamy, Pam created a group specifically for women who were practicing or interested in polyamory to show how it was “not abusive; it’s actually quite empowering.”

Luke was from a very sex positive family and was taught that women should be “able to control their sexuality and be able to have and enjoy lots of sex.” He concluded by stating that women were just as active and empowered as men in polyamorous relationships. He further discussed how mistaking polyamory for polygamy is a misconception because of the different values regarding gender equality associated with each. He interpreted polygamy as “deeply patriarchal, where men are doing it and women are not” and contrasts that with polyamory as based on a “feminist ethic that is deeply egalitarian and it’s based on mutuality and consent, consent, consent”; consequently, if people do not recognize this “fundamental difference” then they must not have any understanding of what polyamory is about “because they have no understanding of that deeper feminist ethic to it, you know?” He commented, “my sense of polygamy is that there’s nothing egalitarian about it. It’s totally patriarchal. The guy does what he wants, and the woman is forced to be subservient and forced to deal. It feels totally foreign to the ethics of poly.” Luke posited that the only “superficial” similarity between polyamory and polygamy is that they are both non-monogamous. Luke noted that polyamory had more in common with monogamy based on gender equality, or “at

least monogamy is supposed to be egalitarian in a certain sense.” Conversely, Emma saw “traditional marriage” as isolating and oppressive for women and felt this would be less likely in a polyamorous relationship.

Although Luke was a bit skeptical about gender equality in monogamy, Jay firmly believed that women in monogamous marriages did not experience gender inequality and thought that marriage is no longer patriarchal. He argued, “Men don’t have structural protections that women don’t.” He is privileged as a White, cis-gender, heterosexual man in that he does not see a problem because he does not experience it personally; he cannot see gender based structural inequality. Conversely, he believed that there is gender inequality in polygamous marriages (because men can marry more than one person and women cannot) and that families teach structural inequality based on gender to their children, passing on the values of gender inequality, and normalizing it. He explained, “this comes into very much multicultural argument, to what degree can we allow families to condition their children to have values that are totally contradictory to the constitution, which is the inequality of women. And so, you know, the burka, the complete face covering except for the little eyes, socially should that be allowed? It’s teaching the family [gender inequality].” Not only is Jay androcentric but also ethnocentric (and racist) in suggesting that a White version of non-monogamy, such as polyamory, is superior to a purportedly racialized version of non-monogamy, such as polygamy due to perceived gender inequality. What Jay and others are overlooking in their analysis of polyamory being based on gender equality is the fact that gender inequality exists at a structural level and so true gender equality in polyamorous relationships is not a given.

Historically in Canada, the state shaped the gender order through the imposition of monogamous, heterosexual marriage that was based on hetero-cis-patriarchy (Carter, 2008). Women were expected to be submissive and dependent wives. Legal, Christian monogamous marriage forged a national identity and the gender order of “the obedient and submissive wife, and provider, head-of-family husband” (p. 283). However, it was seen in an idealized light and when compared to “other” less civilized races and practices such as polygamy, monogamous marriage *elevated women* (p. 27). We can see this playing out in the discourses of Jay and Luke where they have elevated monogamous marriage in comparison to polygamy. This then connects to the historical discourse of Indigenous and racialized women needing saving from polygamous

marriages which justified colonial intervention in their domestic affairs so that they could be respectable, just like White women (p. 11). Jay, Peter, and Luke suggest that polyamory, as an overwhelming White practice based on gender equality, lends respectability to non-monogamy and therefore “saves” women from the exploitation of polygamy. This is a White savior complex where women and children need to be saved from “barbaric cultural practices.”

In Chapter 4, I will further discuss the education and advocacy the CPAA did in defining polyamory as different from polygamy in connection to the B.C. Supreme Court *Reference* case on the anti-polygamy law.

### **3.7.3. Educating**

Participants identified several misconceptions about polyamory and expressed their desires to correct those misconceptions by educating the public about polyamory through concrete actions they could take or actions other polyamorous people should take. They talked about a need for increasing awareness through education and defining polyamory correctly, to counter the misconceptions. They also undertook specific activities and strategies to educate people about polyamory to bring about awareness and amend misconceptions.

#### ***Education, Defining Polyamory, and Increasing Awareness***

Educating the general public about polyamory in order to increase awareness and acceptance was a very specific and important strategy of most of the polyamorous folks I spoke to, whether or not they simply thought it should be done or whether it was something that they did, intentionally and actively as a political strategy. The intention of participants was to get the message out about polyamory as a different way of forming relationships in an accurate and amenable way, increasing “social awareness” (Dave), so that it would be known, not feared, and moreover, accepted. While there was a desire to define polyamory, there was also resistance to boxing it in. Participants expressed a need to define it “correctly” as being associated with certain values of being honest, loving, ethnical, egalitarian, and consensual and allowing for flexibility in what it means to be polyamorous.



It was important for participants to challenge, correct, and educate people about the meaning of polyamory “to clear up any misconceptions, making sure they have an informed idea of what it means to be poly” (Emma). The informed idea of what polyamory is included not only defining what it was, but again, also defining it by what it was not. They wanted people to know it was respectful, full of communication and transparency, consensual, and sex positive. It is not about polygamy and “some guy having eight subservient wives [laughs]” (Emma) and it is not about “being a slut, or having to sleep or date around, or lying/cheating and calling it poly” (Dave). There is an imperative to make sure it is known that polyamory is not these things and emphasizing the importance of making sure it is known as a good, consensual way of practicing nonmonogamy, versus the bad, sexually deviant, dishonest way.

There was a focus on defining polyamory and wanting to educate people about what polyamory is while also not wanting to define polyamory too narrowly. Blake’s main concern was “exposure to what poly *is*.” He believed “poly is the ability to have loving, multiple relationships with the consent and knowledge of everyone involved.” He put a real emphasis on what polyamory “is,” as though it had some kind of inherent quality that is “good” and/or genuine, versus what it is *not*. He just wanted “*understanding* of what it is.” Paradoxically, at the same time, he believed that people should practice polyamory the way that they want. My interpretation of this is that his understanding was based on his basic premises of what polyamory *should* be and what values it was connected with (honest, loving, and consensual) and then people could practice it any way they wanted as long as it remained true to the core values. According to research by Sheff and Hammers (2011), polyamorists “emphasise negotiation, honesty, consent and personal growth as important components of successful relationships” (p. 202).<sup>36</sup>

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<sup>36</sup> Emens (2009) has come up with five principles of polyamory — self-knowledge, radical honesty, consent, self-possession, and privileging love and sex:

Self-knowledge: “Understanding oneself and listening to one’s own feelings are vital to working through the ‘baggage’ of living in a monogamous world and to all the ‘processing’ that many polys embrace” (p. 274).

Radical Honesty: “For many polys, honesty is so central to polyamory that they would object to the use of the term polyamory independent of honesty, protesting that honesty is a definitional element of polyamory” (p. 274).

Consent: “The ideal of consent—that partners in a relationship or a sexual encounter make an informed decision to participate in the relationship or the encounter, including knowing its

Other participants also struggled with wanting to educate people about what polyamory is and not wanting to define polyamory too narrowly or too loftily. According to Kristy, defining polyamory too narrowly does not allow folks to experience polyamory in different or imperfect ways, such as experiencing jealousy. For Kristy, it was “important to let people know that poly isn’t just one thing... and that there is so much variety out there.” Natalie was particularly critical of Vanpoly narrowly defining polyamory “as a certain way and only that way.” She thought that it was very prescriptive, whereas Poly 101 offered many views about polyamorous relationships and a variety of topics for discussion: for example, jealousy, family dynamics, hierarchy, etc.

Some participants, particularly those from the “old guard,” felt strongly that it was their responsibility to educate people correctly about polyamory to control the narrative about it. Brian saw that polyamory’s popularity was growing and so he thought that it was important to define polyamory right from the beginning so “we can have some control over it. We will be able to define it *properly* and we will be able to control the information a little bit more rather than being reactive – I would rather be proactive than reactive” (emphasis added). He desired control over information so that he could control the image of polyamory as connected to similar core values and norms of being honest, loving, and consensual – and of being a good sexual citizen. Brian really felt that they needed to “get it *right*” and include an “ethical part to the definition.” As we will see in the next chapter, as a member of the CPAA, Brian was super proud of getting his preferred definition of polyamory in the courts and the “correct” use of the word polyamory in the media.

Blake and Brian are representative of the privileged intersections that are found in mainstream polyamory communities, being White, straight, middle class cis-men. Having power as leaders in polyamory communities, they get to define the norms and values that represent polyamory in a respectable (to them) manner. By “getting it right,” they are defining polyamory in a normative way so that it “fits” into dominant culture and

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polyamorous context... Though individual poly relationships may succeed or fail at achieving true consent, this ideal is a vital part of the relationship models to which polys aspire” (p. 275).

Self-possession: “This aspect of polyamory builds in part on a feminist understanding of monogamy as a historical mechanism for the control of women’s reproductive and other labor” (p. 275).

Privileging love and sex: “The idea that when it comes to sex and love, more expression and experience may truly be better than less” (p. 275).

receives social approval so that they are comfortable and not penalized for their relationship structures.

A belief of participants was that the more terms like polyamory are (accurately) used, the more familiar they become, and the less scary or threatening they will be. This tactic was compared to how gender and sexual minorities that were previously marginalized, such as queer and trans issues and identities, have become known through incremental exposure. Erika pointed out that just a “a few years ago people didn't even know how to talk about being transgender” and now they do because the term has become familiar to people. She reasoned that it would also be helpful for people to be more familiar with terms associated with polyamory to lessen the fear. When people are unfamiliar, they may make up stories that demonize polyamory and it may seem more threatening than it is.

It was also important for participants to have polyamory be known as a challenge to the traditional monogamous worldview. Dave believed “that providing an alternative venue and option for relationship building is political,” and that this could be done through “educating people. Making them aware that this [polyamory] is an option... I genuinely believe it [education] does impact the types of relationships you can enjoy.” Matt felt that “there would have to be a massive education for people to even understand and acknowledge [polyamory]. And a change of philosophy, in terms of what relationships should be that is so ingrained in our culture.” First comes education so people learn about polyamory and then that knowledge contributes to a subsequent dismantling of structures such as compulsory monogamy that erase different relationship formations.

### ***Educational Activities***

There was much agreement among participants that they thought it was important to educate people about polyamory, what it means, and how to do it, to increase acceptance and understanding. There was also much participation in intentionally educating people about polyamory as a political strategy. In addition to the information about polyamory that polyamorous organizations and discussion groups provide, polyamorous people were educating and advocating for polyamory through various means.

The necessity for a variety of means is reflected by Luke. When it came to how to get the word out, he did not think there was just one answer to how to do that. He argued,

it's all the old answers; you write letters to the editor, you teach classes, you have consciousness raising groups, you have support circles, you have demos, you have teachings, you organise panels, you organise book fairs. You do all this kind of stuff, and you celebrate people who are doing it and you emulate, and you learn from them and you teach and you fight back against various forms of misogyny and prejudice.

The polyamory folks that I interviewed were involved in “getting the word out” through university courses and talks, workshops and training, conference organizing, and writing.

### **University Courses and Talks**

Some participants approached or experienced educating people about polyamory from the more conventional method of teaching via the university. For example, Luke, a university professor, teaches a course on Living a Just Life in an Unjust World. In the syllabus, he included issues on monogamy and polyamory as connected to issues of justice. Luke taught about polyamory within the context of social justice within intimate relationships. This is something that I also do in my teaching. For example, in a course I taught on the politics of family, I included readings that examined compulsory monogamy, polygamy, polyamory, and other possible family futures beyond mono and heteronormative models of relationships. Joyce gave a talk on polyamory as a guest speaker at a university course on sexuality called “Advanced Topics in Human Sexuality.” I personally recall two similar experiences: one, being an undergrad and having Jillian Deri (2011) speak about her doctoral research on polyamory and jealousy, and two, being a doctoral student myself and giving a talk on my own research on polyamory.

Others also made references to events on university campuses. Sherrie reflected on her experience of being part of a six-person panel of polyamorous folks who spoke at the University of Victoria (UVic). The panel also included Pam and Lucy and was moderated by Kay. Sherrie recalled it being a great and interesting experience for her “because the purpose of that was political and informative.” Parker recalled another event at UVic in the form of a debate about “is monogamy natural?”. He acknowledges

that “the question wasn't really set up to be about poly education, but it definitely did a lot for poly education.” He was shocked that students were open to hearing ideas that questioned monogamy as the only way to form relationships and concluded “so, things like that, educational kind of events like that, I think are good.” I remember attending these two events that Sherrie and Parker referenced. I specifically went to them as a person who was practicing polyamory to learn more about polyamory.

### **Workshops and Training**

Workshops and training were a popular way to educate folks about polyamory. Lucy gave regular workshops about polyamory “because I gained so much information about poly that I thought it was important to focus topics and talk to smaller groups of people. So that has been very rewarding.” She voiced that she really wanted to do more around education “and it is simply a matter of time and finding volunteers and getting a voice out. My goal has always been education and marketing and getting the message out. The idea that this is what polyamory is.” Lucy’s educational work focuses on getting the word out and getting people interested and curious about polyamory.

As counselors, Kay and Sherrie’s work involved education about polyamory, either on a one-on-one basis with clients or through workshops. Sherrie’s starting point in educating about polyamory was with her clients but was adamant that she had “no investment in convincing people to be poly, absolutely none, because that’s just as wrong as the opposite.” Kay was also “into training counsellors to be poly friendly and learn more about it.”

Lucy, Kay, and Sherrie created a weekend intensive workshop together to teach folks about polyamory. The intensive was for people who were interested in trying polyamory, just starting out, and wondering where to take the first step (Lucy and Kay). An important element of the education was how to navigate being integrous in a polyamorous relationship (Sherrie). The first intensive weekend was for couples, but they hoped to also create one for single people or solo poly folks, as well as for “polycules exploring things together” (Sherrie and Kay).<sup>37</sup> They voiced that they were limited in time so prioritized the most common, normative way of doing polyamory, which

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<sup>37</sup> A polycule, in polyamory communities, is a romantic network of people who are closely related in a network of non-monogamous relationships.

is from a couple centric starting point of opening up an existing monogamous relationship. The intensive held a maximum of six couples with six hours of workshop facilitation, a workbook at the end of it with exercises, 90 minutes private couples counselling with one of the counsellors, a moderated Facebook group for the cohort for answering questions that come up, “a social dinner, and lots of kind of group therapy and community building so that you know you have that support” (Kay). As summarized by Kay, “It’s like the poly version of a relationship retreat.”

Kay explained that the intensive idea formed because she and Lucy would often get asked out for coffee from folks who were new to the Poly 101 group who wanted personal attention and more information about polyamory. It was hard for them to provide quality peer support, so they decided to professionalize the help in the form of a weekend intensive. As part of a cohort of individuals who have been practicing polyamory for 10-15 years, Lucy felt it was incumbent on them to pass on the information that they have learned through their mistakes and the fact that they had “figured some things out” over their many years of experience. Kay emphasized that they were “all in this because we care about the advocacy side of things. We want to provide people the most comfortable, educational environment possible.”

Targeted towards couples, it was intended to create a solid foundation for opening up a relationship to avoid future problems. What was foremost for Sherrie was what she identified as “a real issue in the poly communities, this idea of disposable partners. We really want to speak to that. A person is not an experiment for you.” Sherrie is concerned for individuals outside of the couple who is doing the opening up of their relationship and how those individuals are often disregarded and not considered in decisions about the relationship. They used the book *More Than Two* as their guidebook, which introduced the Secondary Bill of Rights (refined into the Relationship Bill of Rights) “aimed at secondary partners in relationships with enforced primary/secondary relationships” which attempted to provide “a list of things that people in a secondary position could reasonably expect to have in their relationships” (Rickert & Veaux, 2020). This was a critique of polyamory as couple centric and treating those outside of the dyad as secondary, or as less than human. A couple opening up their relationship often has the same normative structures and beliefs as monogamy. Despite folks’ intentions to do something out of the ordinary, they maintain the sanctity and privilege of the couple while treating those outside of the couple as disposable.

What these three folks had done was to take their collective experiences, trials and errors, and prescribe how to do polyamory “right.” This was not intended to limit the types of relationships people can have within polyamorous relationships, but rather about certain values, about integrity – the idea that there is an integrous and non-integrous way to do polyamory. They were trying to correct past wrongs, or mistakes, as Lucy put it, of polyamorous communities. Lucy was not talking about personal errors, but mistakes made by many in the community, in books, blogs, etc. As was referenced earlier, polyamory has been changing and morphing and has been fluid in its development. In the past, the template for polyamory was a couple opening up their relationship in a hierarchical manner, giving primacy to the couple structure while possibly, but not always, treating people they dated as disposable, or “secondary” to the couple; whereas, now this hierarchy is questioned as to its integrity and whether it is ethical and consensual. Lucy, Kay, and Sherrie wanted to teach people how to do polyamory “right.” These women had the power to define polyamory, given their status in the community and their privileged intersection with Whiteness.

### **Conferences: PolyCon in Vancouver and Not Your Mother’s Playground in Toronto**

Conferences that focus on polyamory were another way to educate people about polyamory. Some participants were involved in organizing PolyCon, a project of the CPAA that was first held in Vancouver in 2013 to celebrate the outcome of the *Reference* case. It consisted of a weekend of workshops, talks, panels, and entertainment. In 2016, there was a virtual conference based in Victoria where workshops were live-streamed to YouTube and recorded to make the conference more accessible. In 2020, Edmonton hosted the conference, which was again virtual, but this time due to COVID-19 restrictions. The 2021 PolyCon was held online, again due to COVID, as an unconference event.

Across the country in Toronto, participants were involved in a large sex positive conference, *Not Your Mother’s Playground*, which included a special “two-day stream of poly content.” This annual conference was organized to bring together different sex focused communities to one event to try and meet the needs of folks who had multiple intersections. Organizers attempted to include content on disability and sexuality, sex work, trans issues, and other differences. The polyamory stream was organized by *Poly Toronto* and there was discussion about doing a future standalone polyamory

conference, but still connected to the *Playground* conference. Howard expressed some concern about polyamory being associated with a sex positive conference, “we were really debating about how to do this and some of us were worried about sexualization of the poly community by being associated with [BDSM] play” but he figured the pros of getting the word out about polyamory outweighed any cons. One of the pros he noted was that “a sex-positive conference which has a lot of stuff like trans, gay, kink is going to be much more inclusive” and that by doing the polyamory stream at *Playground*, “I think it got us known to the community and the kink community is big. So, it got us known to their leaders... [and] it gives us a credibility. It also gives a crossover [intersection].”

## Writing

As mentioned in the introduction about participants, many of the polyamorous people I talked to were writers and they specifically wrote to educate people about polyamory. As a journalist, Neil wrote to educate people about polyamory. He reviewed books on polyamory “so that people can hear about them and engage in the ideas.” He felt that one of the most important jobs he could do was “to get ideas into the public sphere” and his activism was spotlighting polyamory as an issue worthy of discussion.

Several participants wrote blogs and books. Amelia wrote a blog about polyamory to share her experiences and inform others about polyamory. Peter and Kristy both started off blogging about polyamory and both eventually wrote a book. In his book, Peter wanted to educate people on how to do polyamory ethically as he saw problems with how polyamory was being practiced that included abusive relationship structures. He argued that it was important to “delve into what ethical means as it is more than just being honest.” He was compelled to write the book based on his own personal experience of having a primary relationship where he and his wife disempowered and hurt other people he was in relationship with; he wanted to help others avoid his mistakes.<sup>38</sup> Kristy started writing her blog (which she turned into a book) as she discovered polyamory. She wanted to write a guide to polyamory to bring awareness to a multitude of issues and used herself as an example. Jay wrote a book

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<sup>38</sup> I will discuss in *Coming Out and Visibility* below how Peter saw the writing of his book as not simply educational but a political act by “being completely open about being poly,” therefore working to normalize polyamory.



on sexuality and erotophobia with a chapter on “mandatory monogamy.” Pam wrote a book about practicing polyamory in Canada, with a “what is it and how do you do it” component connected to a component on the law and the B.C. Supreme Court *Reference* case on polygamy.

Kendra also wrote a blog that discussed thoughts on “sex and life” but most of it focused on “either kink leather BDSM or non-monogamy” as well as some media analysis and political writing. She does critical analysis of polyamory and kink, and questions how it can be done well: “You know, how do we do it in ways that are you know, not harmful and oppressive and how do we take a look at ourselves in this and not get too self-congratulatory while also resisting people who say that we are wrong for existing.” When I asked Kendra how she came to be considered an educator and an expert on kink and polyamory, she responded, “accidentally in a sense. You can't really make a career plan for that. It's not like I intended to be seen this way or do this work exactly. It's more like I started a blog because I had a lot of thoughts about things, and I had things I wanted to say.” Her blog became more popular over time, gaining a large readership. She also started teaching at conferences that she was invited to, eventually becoming in high demand and making a paid career out of educating about kink and polyamory. She concludes, “I started to only accept paid gigs and people kept paying me, so here I am. It wasn't like I had a plan. I got a calling but I didn't I didn't know what that meant. I didn't know where it was going to lead me... it's not like I have any official qualification for being a fucking expert. I just I just write what I think, and I realize and I try to bring that together, you know, I'm bring some analysis into it, but it's not like I have a degree in non-monogamy.”

Participants who wrote, wrote from their personal experiences, reflecting on their trials and mistakes, to try and teach others about polyamory and how to do it, as well as how to do it better, more ethically, less oppressively, and with awareness. Their knowledge came from lived experiences and not from a university degree, per se.

### **3.8. Coming Out and Visibility**

*“Being Out is a Very Political Thing” – Hart*

Building community, collective identity, and coming out are important first political steps in sexual minority communities, as was seen in the gay and lesbian movement in the 1970s and 1980s. In addition to the formation of polyamory communities, building collective identity, and increasing awareness and social acceptance of polyamory through advocacy and education to normalize polyamory, polyamorous folks also thought it was important to normalize polyamory through increasing visibility and coming out. In addition to defining “who we are,” polyamorous people are saying “here we are.”

Most of the polyamorous people that I talked to desired the goal of “normalization” and acceptance of polyamory. Identifying and correcting misconceptions as a strategy of defining polyamory correctly helped to make polyamory more acceptable and safer to come out. When there are stereotypes, prejudice and misunderstanding that leads to non-acceptance, it makes it harder for polyamorous folks to “come out.” They are fighting against stigma and the need to make sure that polyamory is understood “correctly” and in a positive light. Correcting misconceptions and advocating for acceptance through education and advocacy are strategies to overcome these issues. Again, this connects to their strategy of visibility, making it easier to come out if people have the “proper” idea of what polyamory is. It was thought that normalization could be further attained through the second strategy of visibility, being out, and projecting a positive image of polyamory to society so that it will be accepted.

Participants felt they had a responsibility to be out if they could, and many were in privileged positions of power that enabled them to be out. They felt they should be out to show to society that polyamory was a valid and respectable choice of relationship and family formation and to expand the choices available beyond the heteronormative norm of monogamy. They also saw it as a personal imperative in wanting to be in alignment with their “true self.” In this section, I examine how individual polyamorous people I interviewed are creating visibility and coming out.

In the past, polyamorous people were less visible and less likely to be out. Brian reflected on how previously, polyamorous folks were afraid to be out or to be outed and that he wanted to change that by being more visible to normalize polyamory. He attested,

by far most people were very worried about being outed as poly. Back then there was a real fear of not just losing your job but of being prosecuted, so

it was considered to be this kind of clandestine group and we kind of found each other. We were kind of safe in our safe little zone but you had to be kind of careful. So here I was, the political activist and I want to change that so I started saying 'I think we should try to maybe change society and be a little bit more outward' cause when you go out on the street and you say poly, no one knows what that means, no one knows what we are doing.

There was a shift in tactics from just wanting to be left alone to wanting to create visibility by coming out.

While many participants felt it was a political responsibility to come out, it was also acknowledged that being out was a controversial strategy and that not everyone would want or be able to participate in coming out. Lucy expressed that she would like to see being out as a "good strategy" and that people like herself who could, and wanted to be out, might be interviewed in the media and demonstrate the "normalcy" of polyamory; however, she thought that people should be encouraged rather than coerced to come out.

### ***Coming Out as a Respectable Responsibility***

Polyamorous folks I talked to saw coming out as a decidedly political act aimed at normalizing polyamory. As someone who was "for it," Peter was very adamant about the action of being out as a political act. When I asked him if he thought that writing his book was a political act, he responded immediately, so fast that I could barely finish my sentence, "definitely. For one thing, it normalizes polyamory, right. Just being out, just being completely open about being poly is a political act." He expanded that the book had become very popular, "which helps to normalize poly because as these ideas about non-traditional relationships and plural relationships get out there, for one they are an antidote to all of the stereotypes, and for another they help normalize it and they help bring it into the surface and away from the dark shadows and these weird little subcultures." According to Peter, polyamory is a valid choice beyond monogamy and there is not just one right way to love people or have relationships. Normalizing makes people aware that it is just one alternative that people have. Peter can be out and highly visible because he has fewer risks. He has no children, is self-employed, and as a White, cis-gender, straight man is not under surveillance as much as someone else with more marginalized intersections. He stated, "there is no way for somebody to hurt me with poly so for me being completely open about polyamory is kind of my responsibility for the other people who can't be as open. And by being open I can normalize it, I can

take the stigma away from it and I can sort of, you know, disempower people who want to use it as a weapon.” Being out and visible for Peter is entangled with the normalization of polyamory and the debunking of stereotypes and stigma. Normalizing it as an alternative to monogamy is also connected to making sure polyamory is seen in a positive light and not as a “weird little subculture.” Again, he can represent polyamory as “normal” or “good” because he represents the dominant culture in all aspects other than being polyamorous, so is seen to be more respectable.

Many other participants felt it was a responsibility to be out if one has the opportunity and/or privilege to do so. Dave noted his privilege in being able to be out about being polyamorous and even though he did not think he was an “activist,” he did think that being out was a political gesture that he should make. He explained, “I very much want there to be political and legal change to support really any lifestyle, any configuration of one’s lives, and I guess for me, trying to live in a way that is providing a *good example* for people to see that this is the reality, that these are the people who identify as non-monogamous as an umbrella term, as polyamorous” (emphasis added). The reference to his being a “good example” of people who identify as polyamorous is connected to him having normatively desirable attributes of being a married, heterosexual, White, middle-class, cis man, so even though he is doing this “deviant” act of being polyamorous, he can still be seen as respectable and somewhat maintain his position in the charmed circle.

When it came to being out and “respectable,” Blake was even more explicit in his assertion that being out was a key political strategy and that he could or should be a role model for being polyamorous. As discussed above, Blake’s main concern was “visibility and exposure to what poly *is*” and he thought he could create that visibility and exposure by being open and out about being polyamorous to normalize it. Part of the reason he thought this was important was to help reduce the fear of polyamory. He explained that anything that is different or unknown can be “threatening and scary until you get over the fear of it and realize that it is not that threatening. With more visibility and exposure, things become less scary and threatening.” This connects to the strategy of increasing knowledge about polyamory and creating visibility through coming out.

Like Dave, Blake did not feel he was an activist, at least not enough to “lead the revolt,” although he was very happy to be a part of helping people’s knowledge grow and

“being on the front lines of things.” As part of his service to the “front lines” he claimed that he was a good role model for polyamory, “this sounds bad but, I’m normal enough in the everyday world, um, that people take notice.” He compared his “normalness” – him being a coupled, heterosexual, White, cis-male who was wealthy, owned his own home and had a job in finance – to others who are “alternative” and not part of the dominant culture. He felt that people could relate more to him and that he appealed more to a white-collar or blue-collar family person because people judge others on alternative appearances. He could be the “good” example of what it means to be polyamorous and appeal to “regular” folks. What he is implicitly referring to as “bad” examples are polyamorous folks who are queer, kinky, dye their hair, dress alternatively, practice leftist politics, and generally do not conform.

He seemed to be reflective and acknowledge his privileged positionality and yet also denied his privilege at the same time:

I mean, I don’t stand on my soap box but I’ve been told on numerous occasions that I have presence about me. You know. I’m a tall White male and I personally don’t believe in the whole concept of privilege for the most part but I understand that there is privilege because I think, uh, - [kind of mutters] I don’t really want to get into the topic of privilege – but um, I uh, I understand that people would see it, see who I am as being in a privileged place and as a privileged person, but, I don’t, I don’t see it that way. Which is why I don’t necessarily adhere incredibly to the concept of privilege for myself. Um, but I do see that from that place that I have presence, that I’m a tall, White male, I have a deep voice, I have the ability to make people in a room of 30 that are all talking shut up so I can start a discussion. Um, that in itself is a little bit of a soap box... I don’t do it on purpose but it’s just goes ipso facto into the type of person that I am, my personality.

In the last sentence, it is evident that he is not even aware of how much power his privilege gives him. Even though he recognizes that his ability to command attention is not something he does on purpose, he attributes it to his personality rather than his invisible privilege.

Blake was very specific about being “out” as a “model” for polyamory, aligning himself with being a “good,” respectable, upstanding sexual citizen – typically attractive, fit, able, White, heterosexual, male, with a good job, nice home, etc. Many polyamorous folks I spoke to were concerned about being “out” and visible in a “respectable” way. The idea of a “good sexual citizen” was connected to “normalization” and being “out” and attaining social acceptance. The insistence of polyamory as “normal” – polynormativity –

aims to render polyamory less threatening to the status quo of monogamy and mononormativity.

It was not only men that discussed how it was a responsibility to be out if they had the opportunity and/or privilege to do so. Joyce recognized that some people cannot be out, but that being visible was part of advocacy for her and that “being visible can help with poly acceptance.” She also felt like she was a good role model for polyamory. She viewed herself as a “positive image” for polyamory – a stable, well-adjusted person who was a good example of “doing poly well.” She said she liked “messing with peoples’ expectations” by which she meant that since she is very wholesome looking and leads a modest life otherwise, people do not expect her to be polyamorous.

According to Kristy, she just decided a long time ago to be out and visible and she did so in a big way. She was proud about how she thought, “I am going to forge ahead. And I am going to go on TV, and I am going to talk about these things. And I am going to be in *the National Post* and show my face and I am just going to do it.” She felt like because it was such a “huge part” of who she was that she should talk about it and be open. She received feedback from polyamorous folks saying that just the fact that she was talking about polyamory and putting herself out there made others feel more comfortable identifying as polyamorous.

As most representations of polyamory in the media, Joyce and Kristy were straight, White, married, cis-gender women who have the privilege that enables them to feel safe to be out. Kristy recognized her privilege and relative safety in being able to be out, noting that she did not have to worry about her job or family. It was a recognized privilege to just not care and not have to hide aberrant parts of yourself. Joyce and Kristy are out because they can be out. They recognize their privilege and use it to open up space for other polyamorous people who might not be able to come out. It might be pertinent to ask for whom are these polyamorous folks opening up space to come out? Is it really opening up space for those who are not in the dominate group of White, middle-class polyamorous folks? Does it continue to marginalize those who do not fall into respectable kinds of nonmonogamy, such as those who practice polygamy, particularly those who are Muslim?

Parker felt like he would be a person who would benefit from others coming out and normalizing polyamory. He thought the idea of being out was a good idea politically and that it would be simpler than trying to change the law – but he struggled with his own outness, especially at work where he was closeted. He thought that if more people were out then he could also be out. He confided that he really thought that polyamorous people should be more visible and come out because “that would help *me*.” He referred to this conundrum of needing more people to come out to make it safer for people like him to come out as a “vicious cycle” that he hoped could be undone by organizations like the CPAA or Poly 101 advocating and making it easier to come out. Parker believed that the more people who were out, the more normalized polyamory would become. He emphasized,

I think the thing we can do the most is it's about the normalizing. So, normalize it as much as possible. Well, how do you normalize it as much as possible? Well, you make people realize everyone knows someone who's poly and it's not half as weird as you think it is, and so it's just not as big of a deal. And how do you normalize it? It's helping people have positive experiences around coming out...and like once you start, the more people come out, the easier it is for more people, then the more normal it is and the more normal it is, the more normal it is.

Parker mostly appears as “normal,” as a cis-gender mostly straight White man living a modest life in the home he owns with his wife and children. The thing not “normal” about him is polyamory, which he then desires to normalize. Parker would benefit from others – like him – coming out and representing polyamory as respectable and normal.

### ***Being Out and In Alignment with Self***

Parker struggled with not being out in his world and desired this congruency in his life. Others also noted being out was important for personal reasons and well being. Gabby affirmed that “hiding is hard. It really splits your integrity I think, to not be fully out and be who you are.” Amelia expressed that she wanted to “be my authentic self.” Being out and visible and an educator was important to her. She felt like there could be a “ripple effect” of awareness and acceptance through being out and education. According to Kay, “being out is vitally important” to her for self-actualization and happiness. She strove for alignment of her values with how she lived in the world; “that's what I strive towards; if I'm not hiding myself then I have an easier time being in the world the way that I feel inside, so that it's not incongruent.” While most of the polyamorous folks I

talked to said being “out” was important, many, like Parker, were not always out themselves, sometimes to protect their partner or kids or future job/career possibilities. Being “out” about many identities is complex and often depends on context. Again, it is a real privilege to not have to hide parts of yourself that may not align with heteronormative ways of being and practicing relationships.

Kay also discussed her politics and the idea of being out as not only a legitimizing force for polyamory but also in alignment with herself because her work as a counsellor brings both credibility to being polyamorous and allows her to be open about being polyamorous. She explained,

I've even chosen my careers and designed my entire life, and my goals all work towards the possibility of never having to hide that [I'm polyamorous], because I know I hate it...I try and live unapologetically. I think that's what I mean when I was talking about really needing to be out as my political action too, is I *can* be out. I think anyone who can be out needs to be out for us to make progress.

She recognized the privilege that simply having an official job made her more respectable and believable – indeed, an expert – as a polyamorous person and legitimized polyamory as a valid choice while giving her the freedom to express herself.

Sherrie also discussed how it was important to her to be out as polyamorous and that her work as a counselor afforded her respect and freedom to be herself as a polyamorous person. She felt it was an imperative to be out at work so that she could help through example; for her, the personal was political. She explained, “[t]here is no dividing line. This is who I am, not what I do. It’s the same with my practice. I am very real and genuine with my clients... because I think that helps my clients more than anything.”

### ***Cultural Shift – Open Up the Realm of Possibility***

Participants also believed that being out and having polyamory being known would lead to a cultural shift which would in turn lead to other possibilities in activism, such as making it easier for polyamorous folks to ask for more rights once they are recognized – particularly recognized as respectable citizens. First of all, having polyamory being known would lead to a cultural shift that would open up the realm of relationship possibilities for people so that they would know polyamory is an actual



choice for them beyond monogamy. Kay stated, “And I mean, because we're all examples, I guess, really. We're showing the people that we encounter that there's another way of living, and that in itself makes a statement.” She wished that there was an example of polyamory sooner in her life and it “really bothered” her that she had “never thought about it before” and that someone had to tell her about it instead of it just being another way to consider forming relationships. She concluded, “I would like to think you could get to a place where you'd think of that as an option.”

Luke referred to the goal of normalization of polyamory through coming out and visibility as a “cultural shift,” meaning that there needed to be cultural change first, prior to institutional changes. For him, a cultural shift around polyamory meant that “you do it by practice and by talking about it and by reading and sharing stories and meeting other likeminded folk.” He argued, “I think the big thing is just the cultural shifts, that it just needs to start happening more, and the more it happens, the more there are examples [of polyamory]. And the more there are concrete examples, the more it's easier for people to follow... and it becomes more normal.” Luke thought that visibility and a cultural shift would expand relationship choices beyond the norm of monogamy. He explained, “an important catalyst of cultural changes, that people are out more visibly and provide role models and examples [will] *start to slowly chip away at the sense that there's one cultural norm here.*”

This cultural shift, making polyamory “normal” and a viable option by being out and open and visible, was seen as a “first step” in advocacy and a precursor to achieving other political goals by several participants. Part of Luke's thinking around this cultural shift was that the increased visibility and normalization of polyamorous folks would eventually lead to other changes, “making it easier for [multiple polyamorous] people to get mortgages and architects building some cooler houses that allow alternative kind of family structures to flourish, I think that stuff would be very helpful too.” Parker also thought that facilitating coming out and breaking down cultural “barriers” to coming out should be a first political step and then other political rights would follow; “everything else will follow. I think everything else is just a matter of time.” Gabby asserted, “I think normalizing it, making it something that people just do...that's probably the main thing that will help bring out the dialogues on all the other things as well, like child custody, etc.” And finally, Blake advised, “I feel like it [advocacy for rights] has to be done but I feel like the best way to provide advocacy for things like that is just

have people be open if they can because the more people that are open about who they are the more it seems normal, and the more it seems normal, the more it allows people to ask for things and effect change.”

### **3.9. Conclusion – A Viable Option**

In this chapter I discussed the creation and importance of polyamory communities as a starting point in polyamory politics. Community building serves to bring polyamorous folks together to meet like-minded people, to introduce new folks to polyamory, and to provide support for other polyamorous folks. Through creating connections, the idea of community helped to contribute to a sense of collective identity and a shared sense of belonging to a polyamory community. Despite a growing and changing community of polyamorous folks and an increasing awareness about polyamory in Canadian society, the polyamorous people I spoke to felt like the general public are unaware or uninformed about polyamory, or at the least, misinformed, so that polyamorous folks felt that they were largely misunderstood and unaccepted. They had a desire for acceptance and inclusion and so sought to increase awareness about polyamory through advocacy, education, and increasing visibility about polyamory by coming out.

The perception of a lack of or inaccurate awareness and non-acceptance of polyamory was a major driver of political action for the polyamorous people I spoke with. To create awareness and acceptance, they strove towards a goal of “normalization” of polyamory. I looked at two strategies for achieving normalization. First, I examined the strategy of education and advocacy in tackling ignorance about polyamory as important in the “normalization” of polyamory. Second, I explored the strategy of “visibility,” being out, and projecting a “positive image” of polyamory to society so that it will be accepted and normalized.

I analyze these findings using critical sexual citizenship discourse, including Rubin’s (1984) framework regarding how sexuality is divided into practices that are considered good, normal, and acceptable (the charmed circle) and those considered bad, abnormal, and unacceptable (the outer limits). I focus on the intersectionality of intimate privilege (Rambukkana) and on critically analyzing the “respectability politics

game” (Rebecca) or what is also called “polynormativity” (Zanin) that participants identified.

The discourses created by polyamorous folks that attempt to legitimize polyamory as respectable are a first step in gaining recognition before moving on to the goals of challenging sex laws and seeking citizen rights such as plural marriage, etc. – or to challenging institutional norms and practices and deinstitutionalizing institutions that create inequalities, such as marriage and the rights that accompany it. What will polyamory people do beyond this first stage of political mobilization?

### **3.9.1. Building Collective Identity in the Face of Unawareness and Unacceptance**

The creation of polyamory communities helped to create a collective identity and foster a sense of belonging, and inversely and simultaneously, polyamorous folks I spoke to formed community around their collective identity as polyamorous. Polyamorous folks are not found in any particular isolated area but rather are found scattered across the country, integrated into society with no seemingly identifiable characteristics. Without distinct, visible communities of identity, polyamorous folks have had to create communities facilitated by in person and online networks where polyamorous people could meet likeminded people, gain information about polyamory, and find support in practicing their nonmonogamous forms of relationships.

Postmodern types of movements, such as movements based on sexuality, have shifted towards identity politics where their politics become focused on issues to do with their identity. As such, they “devote more time to identity formation” and it takes more effort to create an appropriate and acceptable identity (Garner, 1996). Polyamorous folks made a concerted effort to create discourses about polyamory identity as acceptable as a form of mobilization in a nascent movement. They put considerable effort into defining polyamory, outlining the values associated with polyamory, and defending polyamory as a viable way of forming relationships. A movement requires that the people gathered engage in actions and practices, that the “identity become public and connected to practices, to actions as well as ideas” (Garner, 1996, p. 374). In this way, polyamorous community and identity becomes valuable as polyamorous people take action to educate others about polyamory, make themselves visible, and come out of the closet.

In his article comparing the marriage equality struggle of the mainstream gay and lesbian movement to polyamorous activists in the U.S., Hadar Aviram (2008) found that “[p]olyamorous activists lean toward a framework that rejects identity politics and strives to go beyond it” (p. 271). While some participants questioned polyamory identity as a basis for mobilization, most of them invested quite a bit of energy into defending and defining polyamory and its values, which I interpreted as a politics based on their identity as polyamorous. At the same time, some participants rejected a polyamorous identity and a narrow political focus based solely on polyamory. For this section on building community and collective identity to create awareness and acceptance through advocacy, education, and coming out, I would suggest that there is definitely a formation of a polyamory identity and an imperative to make that identity known, known in a specific way, and normalized. When it came to plural marriage equality and civil rights mobilizations, there was less consensus and clarity about the goals of the movement, less investment in the identity of being polyamorous, and a greater focus on bigger issues of racial and economic inequality rather than as only targeted towards polyamorous people. I think they do embrace identity politics and they also do not. They have built a political identity and also support issues beyond that identity.

### **3.9.2. The Trouble with Polynormativity<sup>39</sup>**

Having formed communities and collective identity, polyamory folks noted the effort it took to create an appropriate and acceptable identity given the challenges of a lack of, or inaccurate, awareness and non-acceptance of polyamory. This became a major driver of political action for the polyamorous people I spoke with. It was also important for them to have polyamory be known as a possible way to form relationships so that people could have autonomy and choice. To create awareness and acceptance, they strove towards a goal of respectability and “normalization” of polyamory – *polynormativity*. This goal might enable polyamory to be known as a worthwhile option that opens up possibilities; however, in an attempt to seek inclusion, it might also create further exclusions, marginalize other less acceptable nonmonogamous identities, and prevent polyamorous folks from addressing intersectional and structural issues of inequality.

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<sup>39</sup> This is in reference to Warner’s (1999) book, *The Trouble with Normal*

### ***Polynormativity and the Charmed Circle: What does polynormativity enable?***

The goal of polyamory respectability or polynormativity enables incorporation or assimilation into the norms of heteronormativity and mononormativity. It becomes apparent that the objective is to expand the range of those with privilege by pushing the borders of the dominant category, to expand the range of “exalted subjects” (Thobani, 2007) or the “charmed circle” (Rubin, 1984). The hope of participants is that framing polyamory as respectable renders polyamory acceptable so that it is included into the charmed circle of sexuality, bringing it in from the outer limits of non-acceptable sexualities. Even though monogamy is typically within the charmed circle and promiscuous or nonmonogamous sex is typically outside of the circle, we know that sexuality changes due to struggles over where to draw the line, and depending on intersections with other sexual experiences, nonmonogamy may cross that line. Most nonmonogamies are still on the bad side of the line; however, nonmonogamy such as polyamory, coupled with elements within the charmed circle, enable polyamory to potentially cross the border from unacceptable to respectable and acceptable. This is what many of those I spoke to who were advocating for polyamory respectability and normalization were hoping for.

To be included into the charmed circle, polyamory must consist of a committed relationship, preferably having a solid couple foundation where the relationship is opened up, or if not starting from a couple, then based in fidelity of the partners involved, and not casual or uncommitted. As part of this commitment, relationships outside of the couple (or thuple or quad) must be based on love and not focused on sex lest it be seen as sexually depraved. It can include sex, but it must be about love and forming relationships and not about being promiscuous and having the ability to sleep around. The sex must be private and not take place at sex or swinging parties. It should preferably not be group sex, meaning that people should be having sex in pairs. If they are a group that is all having sex, such as a thuple or a quad as opposed to a couple opening up and having dyadic sex with individuals outside of the couple, then they must be fidelitous and committed. When it comes to a couple opening up their relationship, relationships outside of the dyad must be based in honesty and not about cheating. Polyamorous people are very careful to point out the transparency in their relationships to make the fact that they are having sex outside of their relationships (which is

potentially promiscuous) acceptable. Sex does not need to be for procreation and in fact that might render it as outside of the charmed circle given that polyamorous people have brought into the center something new that was not originally part of Rubin's charmed circle, which is that the relationships must also be based on gender equality and be consensual. As part of gender equality and non coercion, women should have power over choosing their relationships and as well, over their own bodies, which would mean power over their reproductive capacities.

### ***Hierarchies and Exclusion: What does polynormativity prevent and what damage does it do?***

While the goal of polyamory respectability or polynormativity enables integration or assimilation into the norms of heteronormativity via the charmed circle (instead of simply opening up multiple possibilities), it simultaneously creates hierarchies and exclusions of "other" less desirable sexualities. Polyamorous folks are trying to lessen the threat of polyamory by saying that there are worse forms of nonmonogamy being practiced, so comparatively, polyamory really is not so threatening; we are "just like you." In relation to "good" nonmonogamy such as polyamory, participants have constructed themselves in contrast to other "bad" nonmonogamies such as cheating, promiscuous sex focused swinging, and polygamy. These "bad" types of nonmonogamy remain outside of the charmed circle in many ways. They are also trying to lessen the threat by comparing polyamory to monogamy and suggesting that polyamory, if not similar, may be in fact a superior way to form relationships due to it being more honest, consensual, non-jealous, and conscious.

Cheating is a form of nonmonogamy that is seen as promiscuous and outside of monogamy and the charmed circle. Cheating might be seen to fit within a heteronormative framework, which some participants recognized when discussing cheating as knowable and perhaps even acceptable within heteronormative relationships as it shores up monogamy by defining monogamy as the way things should be (Rambukkana, 2015). Cheating is contained within a heteronormative understanding of intimacy (ibid) as long as the exclusive couple and monogamy stay intact. However, while cheating upholds monogamy, it does not get to cross over into the charmed circle – it is simply doing the work of defining what is good and bad sex. So, polyamory can use the discourse of cheating as dishonest and bad to shore up polyamory as good due to its honesty and transparency.

Swinging is another “bad” form of nonmonogamy that is considered outside of the charmed circle in that it is promiscuous, usually casual, and sometimes in public and in groups. It might be considered good due to its being couple based and predominately heterosexual – and it is also honest and transparent, so unlike cheating. But it is far too focused on sex and desire and not on love and commitment, and so polyamory can use sex negative ideology to create discourses about polyamory being about loving, committed relationships and not just about the sex. By denying the sexual components of their identity to render them less threatening, polyamorous folks attempt to include themselves within the charmed circle while excluding those, like swingers, who embrace their sexuality. The denial of sexuality and perversion is something that the gay and lesbian movement also did to render themselves more acceptable and to be included in the institution of marriage.

Lastly, polygamy is framed by polyamorists as being outside of good sexuality as well as outside of good nonmonogamy due to its hetero-cis-patriarchal practices comprising gender inequality and coercion. Polyamorous participants employed discourses of polygamous practices as being based on the exploitation and coercion of women and thus created discourses of polyamory as “saving” women because it is consensual and egalitarian. I argue that these discourses can be understood through historical racist ideologies, although not always explicit or intended by participants. Looking back to the period of Canadian nation building, racist colonial rescue narratives of that time maintained that women of colour needed saving from men of colour by White colonial settlers (Mohanty, 2011). These narratives are re-enacted by polyamorous participants whereby polyamory can “save” (polygamous) women because it provides them autonomy and choice, which polygamy does not. Polyamorous participants labelled polygamous women as misled, powerless victims that needed saving from polygamous marriages so that they could be respectable citizens, just like White polyamorists. Polyamorous participants are comparing the sexual and kinship practices of “other” less civilized groups, such as Fundamentalist Mormons or Muslims, and therefore elevating polyamory as a more civilized version of nonmonogamy, one worthy of citizenship, perhaps, as will be explored further in the next chapter. What they are suggesting is that polyamory, as a White version of non-monogamy, is superior to a racialized form of non-monogamy, such as polygamy, thus further marginalizing polygamy.

### ***Narrow Normative Representations: How do the limits on who can be “out” do harm?***

By constructing polyamory as a form of “good” nonmonogamy in relation to other “bad” nonmonogamies such as cheating, swinging, and polygamy, polyamorous folks I interviewed have created hierarchies and exclusions of “other” less desirable sexualities. Visibility and coming out also create hierarchies and exclusion. The “out” representations of what it means to be a “normal,” respectable polyamorous individual are problematic in that they also construct “good” ways of being polyamorous, therefore creating bad, “scary” polyamory or non-monogamy that is threatening.

Despite creating further sexual hierarchies when coming out, participants stated that they were aiming to expand the realm of what is known to provide people with more choices available for relationship formation and show society that polyamory was a valid choice. They especially wanted to create a cultural shift in attitudes towards polyamory as an important first step in advocacy. Participants acknowledged that being out was a controversial strategy and that not everyone would want – or be able – to participate in coming out. They often felt that they had a responsibility to come out if they could, and some of them recognized their privilege in coming out and being role models for polyamory. However, there are limits on who can be “out” and there are limits on who gets to represent polyamory in society and in the media.

Representations of polyamorous people in the media and at discussion groups and events are narrow and consist predominantly of middle class, White, able, middle aged, straight, cisgender couples. If polyamory is aiming to represent an “alternative” or different way of forming relationships so that people will know it is a viable option, yet all they see is White privileged folks, then how can this be inclusive to those who are not middle class, White, able, middle aged, straight, cisgender, and coupled? When we start to see the community explode into new groupings that include intersections with being solo or queer, that is a start to diverse representations, but there is still a lack of diverse representation in the media and the focus remains on representing polyamory in a respectable way, which ends up being predominantly White and straight.

Participants variously described representing polyamory as proper, positive, not weird or alternative or scary, successful, and “the reality” of polyamory. Kristy was straight forward and aware about who she is representing when she stated she was “an



activist for the mainstream.” Those participants who advocated for coming out were mostly middle class, White, able, middle aged, straight, cisgender, and coupled, therefore normalizing a version of polyamory that was reflective of their normative intersections and considered respectable – in other words, not scary or threatening to the status quo and heteronormativity. Alicia, who was not White, highlighted how when people thought about polyamory,

they definitely think about White people; poly people are White people. They would think about it in terms of people... who are White, middle-aged, and otherwise monogamous... And if they were to watch a documentary about polyamory, they would be White too. They're all White [laughs]; oh, and they're all solidly middle class. Probably younger, I would think. This is odd. I am the worst person [laughs].

I appreciate how Alicia locates the couple centric, middle-age, middle-class Whiteness of how polyamory is popularly depicted in the media, which leads to what she sees as not actual awareness of what polyamory is or its growing diversity. While I did speak to folks who did not feel mainstream, who were queer, politically alternative, etc., many of the folks I spoke to represented this normative version of polyamory.

This narrow representation does not really open up space for those who are not in the dominate group of White, middle-class polyamorous folks. Instead, this tactic continues to marginalize those who do not fall into respectable kinds of nonmonogamy such as those who practice polygamy, particularly those who are Muslim. It also continues to marginalize polyamorous or nonmonogamous folks who are queer, poor, young/old, Muslim, Black, Indigenous, people of colour (BIPOC), and/or disabled. Polyamorous folks I talked to are privileged and able to come out in that they are not vulnerable to state surveillance the way that people with marginalized identities are. As coupled, childless or with adult children, securely employed folks, many of the polyamorous people I spoke to referenced how they did not have to worry about their children being taken away, losing their jobs, or being without a safety net when coming out.

### ***Reflecting on Privilege: Not Accepted but Not Really Stigmatized or Discriminated Against***

Many polyamorous participants recognized that polyamory was somewhat safeguarded from being stigmatized, targeted, and overtly discriminated against or

oppressed. They recognized that polyamory went mostly under the radar without provoking much outrage or backlash. Participants had a general sense of safety and did not fear for their physical well-being as compared to the potential for threats made to other gender and sexual minority groups. Luke expressed that “I don’t think people are being incredibly harmed, that are being beat up, hurt, and intimidated in nearly the same way that particularly trans folks are, but also LGBTQ folks more broadly are.”

Some of the cismen reflected on their privilege as White, straight men as contributing to their lack of discrimination in relation to their being polyamorous. Their White, straight male privilege made them invisible to surveillance for being polyamorous and shielded them from close examination. As “a very normative looking, middle class, straight, White [cis] male” Neil explained how he could get away with being affectionate with two women in public and that no one is going to yell at him, arrest him, or take his children away from him. However, if he was “someone who was more suspect in the public eye, and you added non-monogamy onto that... Well, there would almost certainly be prejudice that would start to creep in.” If he was visible as a minority in other ways, such as being BIPOC, gender non-conforming, or queer, then he would be more likely to be a target of surveillance for his being polyamorous.

Kris and Kendra, who both identify as queer, pushed the critical analysis of the privilege associated with polyamory further. Kris was critical of polyamorous people who are privileged feeling like they are discriminated against. Kris reflected,

I think that people in BDSM communities and probably in poly communities as well like to think of what they’re doing as extremely radical and non-normative and deviant, as something that is not welcomed by the larger society... I think that a lot of people use the idea of stigmatization to help make themselves feel more radical and tolerant than they really are, when really what they’re doing is utterly entirely upholding systems of White supremacy, capitalism and all of that. But they get to feel a little bit different or deviant on the weekends when they go about their poly kinky lives while basically being mostly White and extremely racist and supporting all sorts of forms of oppression and benefitting from them themselves... I find it really gross actually, and appropriative, for people who want to experience the benefits of feeling like they’re a minority when they’re really not.

Kendra was critical as well, but was perhaps a bit more sympathetic to the concerns of polyamorous people generally. She reasoned that, “Canadian poly people, broadly speaking, are pretty privileged and aren’t really feeling very oppressed other

than like ‘my family didn't invite my extra partner to the wedding’ or that kind of thing.” She argued that their concerns were more “small ‘p’ political” and based on interpersonal relationship issues rather than systemic discrimination. She thought that the straighter folks were, the more likely they were to focus on these smaller interpersonal issues because they were less likely to have been subjected to larger systemic issues of oppression. She argued that queer folks “know how it goes,” as they were more often oppressed and surveilled than straight folks.

Rambukkana (2015) stresses the point that privilege always occurs at intersections. It is important to recognize that “some forms of non-monogamy and some practitioners of non-monogamous lifestyles hold a great deal of socio-cultural privilege due to the intersectional contexts of privilege and oppression, whereas others do not” (Rambukkana, 2015, p. 23). Polyamory as a discourse is not easily accessible for everyone as it sometimes fails to address classism, sexism, and racism and so reproduces those oppressions within polyamorous communities. Polyamory is basically a middle-class, White, Western discourse (p. 24). Although polyamorous folks might experience hardship (oppression?) they do not experience it the same due to their unique intersections – they are not a collective oppressed class (ibid). Rambukkana does not position non-monogamy against a “hegemonic monogamy”; rather, he argues that there is a “non/monogamy system in a state of profound flux, where non-monogamous discourses, and the subjectivities supported by them, hold different amounts of intimate privilege depending on the singular ways that they are enmeshed with multiple other systems of power and privilege, coming together in complicated and ever-emergent ways” (p. 24).

So, for some, even though they felt as though they were not accepted, they did not think that polyamory was incredibly stigmatized or that polyamorous people were specifically targeted and overtly discriminated against or oppressed because of their various privileges. Despite not feeling overtly oppressed, there was still a feeling of being unaccepted and a desire to feel accepted and “normal.”

### ***Polyamory Missing Its Critical Edge?***

Although they desired a cultural shift and considered their privilege in being able to come out and recognized their positionality as “good” respectable citizens, they still desired and believed that this could be a first step in normalizing polyamory. In coming

out, they are asserting their normality to justify social integration. I am not sure that they fully considered the negative consequences of their attempt at normalization. They recognized their privilege, but they did not have a very “critical edge” (Rambukkana, 2015, p. 115) when it came to critiquing the normative structures that they desired to be a part of. When discussing polyamory and privilege, Rambukkana acknowledges the “potential in a discourse and subculture that call into question compulsory monogamy;” however, he argues, and I agree, that “unless poly discourse develops a critical edge, it will continue – and often highly unwillingly – to replicate problematic structures, including dominant-culture norms and systems of privilege” (Rambukkana, 2015, p. 115).

What my participants are doing is complex and complicated. Like Warner, I believe that “[t]his betrayal of the abject and the queer in favor of a banalized respectability does not result...from malice” (p.66). I believe they have a reflexive consideration and awareness of normativity and privilege and are consciously struggling. They recognize the need for polyamory to be seen as a possible and viable way of forming relationships, otherwise how will people know that there are other options for them beyond monogamy and the couple? Yet, at the same time, they are attempting to normalize polyamory by contrasting it with less desirable or acceptable nonmonogamous sexualities and desires or sexual practices and behaviors. While working to open up possibilities as multiple, they inadvertently end up foreclosing other possibilities and recreating inequalities by creating a hierarchy of sexualities.

A strategy of creating awareness and acceptance of polyamory through education and advocacy is important in creating polyamory as a viable option. It is important for people to have sexual choice and autonomy in making choices regarding their sexuality and the way that they would like to form relationships. Of course, the problem is that people do not always have autonomy over their sexual lives and relationships.

Warner (1999), in *The Trouble with Normal*, was greatly influenced by Rubin’s *Thinking Sex* (1984) and the concept of hierarchies of sex, and he theorized the ethics and politics of sexual shame. He said that there are many ways that people govern the sex of others either “directly, through prohibition and regulation, and indirectly, by embracing one identity or one set of tastes as though they were universally shared, or should be” (p. 1). When it comes to nonmonogamy, this is what we have been calling

“polynormativity” – the imposition of a respectable and thus normative way of doing non-monogamy. Warner also suggested that what we do with our shame is “pin it on someone else” (p. 3) – like cheaters, swingers, and polygamists. He claimed that sexual shame was not just a personal issue but also political because although everyone can be embarrassed about sex, “some people stand at greater risk than others” – they could be “beaten, murdered, jailed, or merely humiliated” (p. 3). Warner argued that the politics of shame

includes vastly more than the overt and deliberate shaming produced by moralists. It also involves silent inequalities, unintended effects of isolation, and the lack of public access. So sexual autonomy requires more than freedom of choice, tolerance, and the liberalization of sex laws. It requires access to pleasures and possibilities, since people commonly do not know their desires until they find them (p. 7).

People need access to knowledge about sex and relationships so they may have autonomy over their sexual lives and relationships. Sex and relationship forms are not natural, inherent, ancient practices that have stayed static over time, although it seems as though that is how people in the West perceive it. Warner (1999) states that “sex changes” (p. 11); “new fields of sexual autonomy come about through new technologies” as well as through new or newly learned knowledge (pp. 10-11). Similar to Foucault’s polymorphous perversity, Warner argued that “civilization doesn’t just repress our original sexuality; it makes new kinds of sexuality. And new sexualities, including learned ones, might have as much validity as ancient ones, if not more” (p. 11). Sexual autonomy is about making room for “new freedoms, new experiences, new pleasures, new identities, new bodies” (p. 12) and new forms of relationships. This variation is imperative to sexual autonomy – it is a precondition and an outcome of autonomy (p. 12).

The fact that polyamorous people are advocating to increase awareness and acceptance of polyamory as a viable option for forming relationships and engaging in sex is a useful and worthwhile strategy in fighting against the oppression of non-normative and/or unknown sexualities and relationships, such as polyamory. However, there is a tension in the acting out of this strategy. Some participants sought to define and explain polyamory by explaining what it is not, and not just in a benign way, but by contrasting polyamory to other seemingly less desirable ways of practicing nonmonogamy, or even monogamy. However, other participants were sometimes critical

of this approach, particularly when it came to denying the sexual component of polyamorous practices.

I could sense the tension within this approach to creating awareness and acceptance among participants, and sometimes the tension existed internally within a single participant who would contradict themselves, advocating for polyamory as a superior way to practice nonmonogamy while also being critical or careful not to posit polyamory as “better than.” Warner (1999) stated, “[i]nequalities of shame act as a drag on this process [of sexual autonomy]. They inhibit variation and restrict knowledge about the variations that do exist” (p. 12).

Warner (1999) also highlighted the problem with politics based on collective identity. He argued that distinguishing between sexual identity (sexual orientation) and sexual acts/behaviour enabled “homosexuals” to challenge the stigma of their identity without challenging the shame of sexual acts (p. 29). This challenging of stigma of identity leaves “shame” intact – and so if polyamorous folks only challenge the stigma of their identity (while stigmatizing other nonmonogamous identities to make polyamory more acceptable), it will not become a broader movement and it will do nothing to challenge the institutionalization of monogamy and the marginalization of “perverse” sexual acts. Warner concluded, “[t]he embrace of normal is also a prime example of antipolitical politics. The point of being normal is to blend, to have no visible difference and no conflict” (p. 60). We can see this in who can come out and who cannot – those who blend, who are not actually visible, can come out, while those who do stand out – the poor, queer, BIPOC, disabled – cannot come out so easily.

It is important to consider privilege and the goal of normalization critically. In his chapter, “The Fraught Promise of Polyamory,” Rambukkana (2015) observes that polyamory discourse overlooks power relations and structural issues and instead participates in a discourse of othering to shore up its own privileged position in the public sphere. He argues that it could create a space of difference, counter-practice and community, but is impeded by its devotion to polynormativity. Polyamorous folks might do better to reject a politics based on incorporation, assimilation, and normalization and focus on transgression, pluralism, and a right to be different. They could advocate for a politics that challenges the damaging hierarchies of respectability so that sexual

minorities would not be pitted against each other and then we could more clearly recognize the diversity of sexuality and variety of “nonnormative” sexualities that exist.

## Chapter 4. “*Leave Us Alone*”: Civil Rights Mobilizations and Challenging the Anti-Polygamy Law

### 4.1. Introduction

The previous chapter focused on the social and cultural aspects of sexual politics, versus the legal aspects of sexual politics. This chapter looks at freedom from discrimination in the political sphere and the *Reference* case, and the next chapter will shift to a focus on fighting for rights and protection from discrimination.

While much of the polyamory movement in Canada initially focused on building community and collective identity and fostering advocacy, education, visibility, and normalization, there was another development in polyamory activism regarding the legality of multi-partner relationships. This chapter will focus on the Canadian Polyamory Advocacy Association (CPAA) and their involvement in the 2011 B.C. Supreme Court *Reference* case on the constitutionality of the anti-polygamy law Section 293. A *Reference* question is a submission by the federal or a provincial government to the courts asking for an advisory opinion on a major legal issue. The CPAA had strategies and goals that aligned with gay and lesbian politics that focused on civil rights mobilizations with a focus on decriminalization and a demand to the end of being discriminated against through attempts to counter sex laws, specifically countering the anti-polygamy law. This is evident in their involvement as an intervener in the *Reference* question on Section 293 of the Criminal Code of Canada concerning the constitutionality of the legislation on polygamy, where polyamorous people gave evidence at the hearing.<sup>40</sup>

The anti-polygamy law, Section 293 of the Criminal Code of Canada, reads as outlined below:

293. (1) Every one who

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<sup>40</sup> In law, an intervener is a party in a litigation that does not have a direct interest in the lawsuit yet has a clear interest in the outcome of the action because the judgement will impact the rights of the nonparties/interveners. An intervener is granted standing by right or by permission of the court to participate in all or part of the litigation (Thompson Reuters Canada Limited, n.d.).



(a) practises or enters into or in any manner agrees or consents to practise or enter into

- i. any form of polygamy, or
- ii. any kind of conjugal union with more than one person at the same time,

whether or not it is by law recognized as a binding form of marriage; or

(b) celebrates, assists or is a party to a rite, ceremony, contract or consent that purports to sanction a relationship mentioned in subparagraph (a)(i) or (ii),

is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

(2) Where an accused is charged with an offence under this section, no averment or proof of the method by which the alleged relationship was entered into, agreed to or consented to is necessary in the indictment or upon the trial of the accused, nor is it necessary on the trial to prove that the persons who are alleged to have entered into the relationship had or intended to have sexual intercourse.

The *Reference* case asked two questions in connection to the constitutionality of the law:

- a) Is section 293 of the Criminal Code of Canada consistent with the Canadian Charter of Rights and Freedoms? If not, in what particular or particulars and to what extent?
- b) What are the necessary elements of the offence in section 293 of the Criminal Code of Canada? Without limiting this question, does section 293 require that the polygamy or conjugal union in question involved a minor, or occurred in a context of dependence, exploitation, abuse of authority, a gross imbalance of power, or undue influence? (para 16)

These questions are important to note as they directly influence the CPAA's strategies and goals when engaging with the *Reference* case.

Section 293 appears broad reaching in its wording, effectively criminalizing not just "any form of polygamy" but also "any kind of conjugal union with more than one person at the same time." It also criminalizes anyone who witnesses or participates in "a rite, ceremony, contract or consent" that would "sanction" a plural relationship mentioned above. As a result of the broad reaching appearance of the law under question, individual members in the polyamory community in Vancouver and Victoria (and subsequently Toronto) became concerned about the impact on polyamorous people,

contacted each other, and subsequently decided to form a national organization they named the Canadian Polyamory Advocacy Association (CPAA).

The CPAA involvement in the case was an attempt to counter legislation on the probable illegality of polyamory – so not yet an advance to seek inclusion and laws that uphold polyamory (and the legality of plural relationships), but a deregulation of the illegality of polyamory specifically by excluding it from the law. They did not seek to strike down the polygamy law. This is important to note. While the amicus<sup>41</sup> was appointed with arguing in favour of striking down the law, the particular tactics of the CPAA as an intervener were to differentiate themselves from polygamy as a harmful practice. Part of the amicus' argument was that the law was drastically overbroad if its objective was protection from harm; focusing on this, the CPAA highlighted their difference as egalitarian and consensual and therefore not harmful, with the aim of being excluded from the law.

In the case decision in 2011, the law was upheld, and polygamy remains a crime in Canada. However, under the ruling, polyamory was confirmed legal in Canada if there is no attempt at a formalization of the relationships. Living as common law in a plural relationship is not criminal (which the broadness of the law would seemingly include); however, the decision would still criminalize people in the polyamorous community if they had a marriage-like ceremony. As of 2022, there is still no polyamorous institution of marriage, and the laws continue to grant privileges to people who are legally married and in monogamous relationships and marginalize polygamy and polyamory. There were many polyamorous people who thought that this outcome was a “win” for polyamorous people, and others who did not.

Similar to Chapter 3, I will again analyze these findings using critical race, feminist, queer, and Indigenous theories in connection to sexual citizenship discourse and Rubin's (1984) framework regarding how sexuality is divided into practices that are considered good, normal, and acceptable (the charmed circle) and those considered bad, abnormal, and unacceptable (the outer limits). I will focus on the intersectionality of

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<sup>41</sup> Amicus is “Latin for ‘friend of the court.’ A non-party with an interest in the outcome of a pending lawsuit who argues or presents information in support of or against one of the parties to the lawsuit. In many instances, the amicus curiae attempts to draw the court's attention to arguments or information that the parties may not have presented, such as the effects of a particular court ruling on the interests of certain third parties.” (Thompson Reuters Canada Limited, n.d.)

intimate privilege and on critically analyzing the ways that intimate privilege plays out in the actions and discourses of the leaders of the CPAA who I talked to.

What I found was that the polyamorous folks involved in the CPAA employed a similar tactic of the movement in general of attempting to normalize polyamory so that it would be excluded from the scope of the anti-polygamy law. They spent considerable time and energy defining polyamory as “good” and differentiating polyamory from “bad” polygamy. They positioned themselves as more modern, secular, consensual, and equality based in comparison to polygamy as backwards, fundamentally religious, non-consensual, and unequal based in patriarchy to confirm their difference and justify their exclusion from the law. By constructing themselves as more civilized, they positioned themselves as more deserving of citizenship.

## **4.2. The Canadian Polyamory Advocacy Association (CPAA)**

The development of the first, only, and ongoing national organization and a new level of political mobilization was triggered by the impending B.C. Supreme Court *Reference* case on the constitutionality of Section 293 of the Criminal Code of Canada. Up until 2009, all the polyamory groups and organizations that had formed were locally situated and focused mainly on facilitating discussions, education, and socialization. In 2009, the Canadian Polyamory Advocacy Association (CPAA) was formed.

The CPAA is a nation-wide non-profit society, incorporated in the province of British Columbia, Canada. The society includes leaders and volunteers from across Canada, but its strength resides in Vancouver and Victoria. The CPAA is a member-supported organization that relies on volunteers and supporters to work toward its goals. According to the website, the society is structured as follows: “the organization elects directors [from the membership] who, along with other volunteers, lead the organization and takes [sic] care of the day-to-day business” (Canadian Polyamory Advocacy Association, 2018). As of November 2021, there were nine elected directors. Long time Coordinator and Spokesperson/Media contact, Zoe Duff, Victoria, was replaced with Coordinator, Bram S., Manitoba. Co-coordinator, Mel C., B.C.; Treasurer, Ashley D, B.C.; and Secretary, Amie A., B.C., all remained the same from the 2020 elections. All Directors-at-Large also remained the same with the addition of Zoe D.: Aly S, Alberta;

Reg R, Ontario; Zoe D., B.C.; Tianna F., Quebec; and Sabel G., B.C. All directors must be “out” as polyamorous, but founding members are not necessarily directors because not all of them could be out (Brian).

The stated purposes of the CPAA are that it

advocates on behalf of Canadians who practice polyamory. It promotes legal, social, government, and institutional acceptance and support of polyamory, and advances the interests of the Canadian polyamorous community generally.

We’re here because we have a right to live with the people we love, and Canadian law doesn’t seem to recognize that. Section 293 of the Criminal Code of Canada purports to outlaw polyamorous people living together as families. It penalizes us as soon as we make a serious commitment to one another. (Canadian Polyamory Advocacy Association, 2018)

Part of its constitution is “[t]o advocate on behalf of those who practice polyamory in the 2009 *Reference* to the British Columbia Supreme Court respecting the constitutionality of section 293 of the Criminal Code of Canada” (ibid). Since the resolution of the *Reference* case, the CPAA continues to monitor family court cases as well as incidences and representations of polyamory in the media, government, and society generally to promote the acceptance of polyamory.

The following definition of polyamory could be found on the CPAA (2013) website:

Polyamory is very different in philosophy from the patriarchal polygamy practiced in religious communities such as at Bountiful, B.C. Polyamorous relationships may take a great variety of forms and are based on individual choice. In polyamory, women are free to choose more than one male partner and vice versa. And women are among the most active facilitators in polyamorous communities. Polyamory, which tends to be secular, is grounded in gender equality, self-determination, and free choice for everyone involved. (Canadian Polyamory Advocacy Association, 2013)

This definition of polyamory as “different in philosophy” from polygamy is a direct reflection of what the folks from the CPAA said to me, which I will focus on in this chapter. It highlights secular modernity and gender equality through ahistorical (neo)liberal colonial discourses.

In 2018, as per their constitution, the CPAA redefined polyamory, less in contrast to polygamy, as

the practice, desire, or acceptance of having more than one intimate relationship at a time with the knowledge and consent of everyone involved. Among the concepts critical to the understanding of consent and of ethical behaviour within polyamory are gender equality, self-determination, free choice for all involved, mutual trust, and equal respect among partners. (Canadian Polyamory Advocacy Association, 2018)

This definition is contingent on continually defining polyamory in a respectable manner, highlighting polyamory as consensual, ethical, honest, and based on gender equality.

#### **4.2.1. How and why did the CPAA form – Vancouver**

The CPAA was formed in 2009 in response to the *Reference* case. It started in Vancouver, according to their website history,

The CPAA started in 2009 with ideas circulated by members and moderators of the Vanpoly group. Those Vanpoly members circulated a “call for interveners” in response to the province of British Columbia’s test (formally in law called a reference) of Section 293 of the Canada’s Criminal Code.

Those Vanpoly members were quickly joined by members and facilitators of the VanIsle-Poly group, and then by others. We now have active members and volunteers from across Canada.<sup>42</sup>

I interviewed eight founding members of the CPAA who had varying levels of involvement and roles in the initiation of the society, ranging from being public faces of the organization to doing behind the scenes work to help build the organization. These leaders of the CPAA told me their stories of how the CPAA came into being.

Two founding members I talked to from Vancouver claim to have initiated the CPAA; they have similar stories of hearing about the *Reference* case and calling together a group of community leaders from Vancouver and then Victoria and finally Toronto to talk about what they and the polyamory community should do. Brian recalled hearing about the B.C. Supreme Court *Reference* case on polygamy and contacting Gabby and Jay from the Vancouver polyamory community and Pam from Victoria – “we went to [Jay’s] place and I said I think we should talk about this; is there any way we can intervene or some way get involved in this case... cause I think it’s bullshit.” Although Brian was a leader in incorporating the organization, accruing directors, and gaining

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<sup>42</sup> For information about Vanpoly and VanIsle Poly, refer to Chapter 1, section 1.3.3 Organizations

“representation and buy in from across Canada,” he was not a director himself as he was not prepared to be out as polyamorous, despite being a “founding member.”

Gabby also recalled becoming aware of the *Reference* case and looking at the polygamy law and thinking it was “pretty vague” and could possibly cover polyamorous people as criminals. As a result, she brought it up with Jay, Brian, and “another researcher” (I assume was Emma) from the Vanpoly group and they agreed that they should be concerned about the case. Being involved with initiating the CPAA and becoming an intervener was Gabby’s “first serious taste of activism” and she was excited about it; being bored at work, she thought the case was “juicy” so wanted to get involved. Gabby explained that from that first meeting they started to “hatch a plan.” According to Gabby, the first step was to see if anyone was willing to put affidavits talking about their family situation out.<sup>43</sup>

Emma, who was on the board of the CPAA, was part of the organization from the beginning. Her primary reason for getting involved with the CPAA was because she was concerned about the impact of the law on polyamorous people. She explained it was important to have “some way to recognize plural relationships in a way that protects the people involved.” She got connected with the CPAA because she had good friends in Vanpoly and because of her background in litigation research, which is why she was mostly involved in the beginning. She was also involved in the first steps of trying to organize people to give affidavits for the court case by screening people who were willing to be public and become interveners. Emma became uninvolved when the CPAA became more about creating a non-profit and accompanying policy and less about social activism; she did not want to put energy into becoming a non-profit because she was “not interested in the technical stuff.”

Jay got involved in the CPAA, not because he was an advocate of marriage, but because he had the background (being involved in the polyamory community), legal skills, desire, and resources necessary to help. He was also asked to help out. Jay believed that it was “clear that polyamorous people should be excluded from the law, that polyamorous relationships are different from polygamous ones,” as he considered them to be “non-patriarchal.” He felt that the CPAA was very important in the case.

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<sup>43</sup> An affidavit is a verified written statement that is submitted to the court as evidence.

The CPAA formed in direct response to the *Reference* case out of self interest, specifically to protect themselves as polyamorous individuals and to protect polyamorous people as a group from the anti-polygamy law. From the start, the tone was set to fight to exclude polyamory from the law on the basis that it was different from polygamy.

#### **4.2.2. Coalition building: Setting this coalition up as a national front – Victoria**

From the initial core group in Vancouver (Jay, Brian, Emma, and Gabby), the initiation of the CPAA spread to Victoria and then to Toronto. Pam, Parker, and Lucy from Victoria and Howard from Toronto subsequently joined in the efforts. Gabby explained that they started to link up with other polyamory groups across Canada as a first step in forming a national organization. Brian described how they wanted their approach to be national so it would be the most effective:

...[I]n order to have political clout we didn't want to just do it as the Vancouver group. We wanted to do it as a coalition of polyamory groups across Canada...We went to the groups [and leaders] and said we want to pursue this case, are you on board to help?

Pam, who was one of the first people from Victoria to be approached, explained to me how the organization of the CPAA started in Vancouver and spread to Victoria. She recalled that it was instigated by Vanpoly group because they “have a lot of people with political leanings and lawyers and whatever the hell else in their group, right?” They were concerned and thought that something needed to be done so they organized themselves and then asked if the VanIsle people were interested in being involved in the case. According to Pam, VanIsle said yes and commenced involvement through discussions and organizing interveners. Pam got involved because she was worried about the impact of the law on her friends and herself: “I had to look at this [law]. I thought ‘holy crap,’ this includes us...we may be in some serious problems here.” She was also concerned with the breadth of the law reaching to not just those who might engage in a ceremony, but also others involved in officiating or even attending a

handfasting or marriage-like event.<sup>44</sup> She concluded, “It’s bizarre that the language is so vague. So, I said this is not good.”

According to Pam, it was thought that it would have a more profound impact on the court if they intervened as a society rather than a bunch of random testimonies, so they “organized a society whose sole purpose was to deal with this court case or [that was] its initial purpose.” Lucy, one of the other people from Victoria that I talked to, was involved with the CPAA from the beginning and described herself as a “founding member.” At the time we spoke, she was still involved with the organization as a director at large. Lucy also explained how the CPAA became an official organization to facilitate participation in the *Reference* case as interveners:

There were several interested groups that wanted to be interveners and poly people were one of them. In order to be an intervener, a bunch of us [including lawyers] decided... it would be better if we formed a society. A non-profit to give us some legitimacy. So that's what we did.

As one of the founding members, Parker was also involved early in the development of the website for the CPAA; he created, ran, and hosted the website for the CPAA under the website address polyadvocacy.ca. He opined that he felt that his role in developing the website was important to the success of the CPAA in the *Reference* case as well as moving forward after the court case. He recounted,

So yeah, I host the website and because a website was important in the beginning, I was involved in the beginning when they were talking about what the organization needed and stuff, but I've really been at the peripherals. Like I was involved early because a website presence was needed... I cared about the thing, so I was fine with just helping them exist...Yeah, and it has members and still has a website...

Parker minimized his participation in the CPAA; he emphasized that it was really Pam, Lucy, and Jay that did most of the work and that the success of the CPAA and its involvement in the *Reference* case was due to their timely efforts. He felt that the swift action of the founding members was integral because otherwise it would have been “infinitely more work and harder to do and more expensive” to engage with the legal

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<sup>44</sup> A handfasting is a commitment ceremony where the individuals' hands are tied together. Its roots are Celtic, and it is often associated with Pagan or Wiccan ceremonies. It can be used as part of a traditional marriage but more often has been used to unify people that have been denied access to legal marriage.



system after the fact. He talked about the steps involved in “getting information into the hands of the justice” and becoming an intervener such as setting up the non-profit and creating a website. He described it as “a bit of a scramble but it was preventing ourselves from having more work in the long run ... and fixing or recovering from a bad decision would have been a lot more work than scrambling to get intervener status and all the work that was needed for that.”

### **4.2.3. Community Connections – Toronto**

From the initial core group in Vancouver (Jay, Brian, Emma, and Gabby), and then Victoria (Pam, Parker, and Lucy) the final push was to integrate Toronto into the CPAA. Howard from Toronto consequently joined in the organizational efforts. Lucy talked about how, “as the legal case started ramping up,” the CPAA wanted representation in Eastern Canada. Howard came on board the CPAA as a representative of Toronto. He wanted to connect with the CPAA because he felt that a national organization that showed leadership was needed, particularly so that the local groups had somewhere to turn to, connect, and be part of the larger community. Howard thought it was important to stand united about some of the issues connected to being non-monogamous since some of them were national issues. He suggested that even when the issue was a provincial issue, such as changes to the Family Law Act in B.C., it still had national impact as other provinces often copy each other’s policies. As mentioned in Chapter 3, the *Reference* case and the formation of the CPAA also spurred connection and dialogue between Canadian groups and polyamorous folks in the U.S. At the same time as the *Reference* case in B.C. there was a similar case in the U.S. where, in 2011, the Brown family from the show “Sister Wives” challenged the criminal polygamy law in the state of Utah.<sup>45</sup>

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<sup>45</sup> In 2013, the U.S. federal court ruled in the Brown’s favor that part of the antipolygamy law that prohibits cohabitation with multiple partners was unconstitutional, yet the ban on multiple marriage licenses remained intact. The State of Utah appealed the ruling in 2016 and the Brown’s civil case was dismissed on standing grounds, stating that because the law was only used to prosecute offenses that involved child bigamy, fraud, abuse, or violence that the Brown’s were not in danger of being prosecuted and so they had no reason to bring the case to court.

#### **4.2.4. Motivations for being involved**

The reason that the CPAA formed was so that they would be permitted to be interveners in the *Reference* case in an organized way, as one entity, with a single interest, but still giving several affidavits. What started as a simple coalition of community leaders shifted at this point to formally organise into a non-profit society. Parker highlighted the opportunity that the *Reference* case afforded polyamorous people to challenge the anti-polygamy law in a proactive and efficient way. The founders of the CPAA seized this opportunity to counter sex law against multiple conjugal unions as it was believed that there could be negative impacts on polyamorous folks.

The motivations for being involved in the *Reference* case were multifold, including the most evident being concerned with the impact of the law on polyamorous folks and the need to protect polyamorous people, which led to the goal of getting polyamory excluded from the law. They wanted to make a distinction between polygamy and polyamory for the courts and the public, which became an important strategy. Some members also thought that involvement was an important first step in claiming future rights for polyamorous folks and to get involved early to make it easier on polyamorous folks to advocate and make changes in the future. I will discuss advocacy for rights in the following findings Chapter 5. Having formed a national organization, the next step was determining the functions and goals of the CPAA and establishing the strategies for achieving them.

### **4.3. Functions, Goals, and Strategies – CPAA Involvement in the *Reference* Case**

Once the CPAA had representation and buy in from across Canada, the next step was to define goals and strategies. The overall strategy of the CPAA in the *Reference* case was to distinguish polyamory from polygamy as secular, egalitarian, and consensual with the goal of being excluded from the scope of the anti-polygamy law. This was expressed in the affidavits of the families who came forward on behalf of the CPAA and in the discussions that I had with participants involved in the CPAA. In this section, I will outline the intended functions of the CPAA in forming, identify their main goal, and discuss specific strategies of affidavits, access to information, creating a survey, and defining polyamory (as different from polygamy).

### 4.3.1. Two functions: Advocacy and Addressing the *Reference* case

Although the CPAA formed in direct response to the *Reference* case, it had two express functions: addressing the *Reference* case *and* advocacy. In the formation of the CPAA there were two thoughts that circulated among members: some thought of the CPAA “as strategic for addressing the court case specifically” (Brian) while others were more concerned with advocacy and education regarding polyamory (Lucy). According to Brian, they agreed to do both functions of addressing the *Reference* case and advocacy; however, once the court case was over some folks stepped aside and he had to find new people to do the advocacy work. As will be discussed later, these two functions were not always separate but often intertwined, particularly during the *Reference* case, where advocacy and the proper framing of polyamory was important.

Different members of the CPAA had varying opinions about which function was most important to focus on. Lucy, who is “all about the education,” described the intentions of many of the original members as well as her own emphasis:

there were those who were very specifically focused on the legal battle as they should be, I mean we had several lawyers, and then there were those of us who were forming a non-profit, it's the first non-profit poly group in North America as a national society. We wanted to make sure that we had some sustainability so looking ahead we thought, after the court case we want to be sure that we are still advocates and that we still educate people and provide a service for the poly community. That was sort of the longer vision. That is why I am on the board now.

Parker had a bit of a different perspective about how these two functions fit together and described the approach as more integrated. He saw the status of the CPAA as intervener as an opportunity to not only influence the outcome of the *Reference* case, but also as an opportunity to have polyamory become more well known in a positive way, by not only Canadian society but also the judge. He explained:

So it's both...those were two things wrapped together timing wise. One is this Bountiful case is going to be in the news, this is going to be a good educational opportunity, we're going to be able to get articles written about poly, so this is also more proactive, a good marketing opportunity kind of way and also an educational longer-term view.

This is also more of a defense kind of maneuver than proactive [because] if we don't act now, than things could get decided in this case that could screw us in the long run, right? Because if the judge doesn't know [about

polyamory and in] trying to stop Bountiful... they outlaw something that also catches polyamorists. So, it's more of a combination of a marketing opportunity that we don't want to miss and also avoiding any disastrous consequences that would be hard to undo [by being involved as an intervener].

He figured that it was much easier to organize and “get ahead of the curve by getting information into the hands of the justice” as an intervener who could provide the proper information about polyamory. Part of what Parker is referring to above is that a central element of the advocacy work and the strategy in the *Reference* case was in differentiating polyamory from polygamy and asserting its difference, particularly in this very public moment where non-monogamous relationships were being highlighted in the news media. This is connected to debunking the myth or misunderstanding of polyamory as being the same as polygamy (from Chapter 3). They were trying to control the discourses connected to polyamory. I will discuss this differentiating strategy further below.

#### **4.3.2. Goal: Exclusion from the law**

While the *Reference* was about the constitutionality of the law, when it came to the function of addressing the *Reference* case, the goal of the CPAA was not necessarily to have the anti-polygamy law struck down as unconstitutional, which would have benefited all groups and as was other interveners' goals, but rather to have polyamory excluded from the breadth of the law. This was a move towards the goal of “leave us alone” as they did not want the law to be seen as being relevant to polyamory. The goal of the CPAA as interveners in the *Reference* case stemmed from the CPAA members' motivations, particularly the concern about the impact of the law on polyamorous folks and that they could be charged if seen to be breaking the law. This goal was made under the assumption that they would indeed be included within the law under the reach of being in a conjugal union. They might have individually wished for the law to be struck down as unconstitutional, but this was not the goal of the organization as a whole. To prove themselves exempt of the law, they needed to prove themselves as different from polygamy for which the law was originally made. As a result, the differentiation of polyamory from polygamy became the main strategy that interwove all other strategies. This strategy seems to be directly connected to question two in the *Reference* with regards to the necessary elements of the offense as needing to include

some aspect of harm or exploitation of children or women, usually associated with polygamy. Consequently, the strategy was aimed at showing that polyamory was different from polygamy on the basis of not meeting these necessary elements.

Establishing intervener status was based on the belief that the vagueness of the anti-polygamy law was so broad that it would include polyamory in its scope, particularly polyamorous people living in “group-conjugal” situations. In drawing attention to the effects of the law, the amicus’ argument was that the law was overbroad:

i. Overbreadth

[1143] The challengers maintain that s. 293 is drastically overbroad if its objective is protection from harm:

- a) It criminalizes all polygamous conjugal unions whatever their form and regardless of whether there is harm to any individual. Along with prohibiting polygamous unions formed as a result of emotional or cultural coercion, s. 293 prohibits those entered into by empowered and consenting adults.
- b) It criminalizes all parties to a polygamous conjugal union, whether man or woman, consenting adult or exploited child, abuser or victim.
- c) It is overbroad in the nature of the message of denunciation it sends to those it criminalizes. (Reference re: Section 293 of the Criminal Code of Canada, 2011)

The CPAA argued that the law was unconstitutional when applied to polyamorous people. To prove this, the evidence that they proposed to submit included:

- a) the extent of polyamory, including group-conjugal polyamory in Canada
- b) examples of the various types of polyamory and group-conjugal polyamory
- c) the reasons why people engage in polyamory, and the importance of polyamorous relationships to polyamorists’ sense of dignity and worth
- d) the social stigma towards polyamory, and the causes of same
- e) the personal and social benefits of polyamory
- f) how polyamory is different from patriarchal polygamy in practice and effect. (Affidavit of Zoe Duff, 2010)

The evidence they proposed to submit was about defining polyamory, making it known, showing the value of it, bringing attention to the negative impact of stigma, and ensuring polyamory is known as different from polygamy. The following strategies align with their aims outlined here.

The goal of seeking of an exemption from the anti-polygamy law is a neoliberal move to disengage polyamorous relationships from the law and regulation by the state. However, it mobilizes racist discourses and leaves intact the criminalization of other less desirable, racialized non-monogamy such as polygamy. Polyamorous folks were emphasizing their individual freedom, choice, and right to be free of the excessive intervention of the state (Richardson, 2005; Spade, 2011); yet they did so at the expense of other marginalized groups when they positioned themselves as "good" sexual citizens versus bad, backwards, polygamy. Their emphasis on freedom and choice obscures systemic inequalities and their own privileges, and subsequently turns social movements, such as theirs, toward goals of inclusion and incorporation instead of demanding redistribution and structural change (Spade, 2011).

### **4.3.3. Strategies**

The strategies that the CPAA employed, including affidavits, access to information, creating a survey, and defining polyamory, aligned with the evidence they proposed to submit. The affidavits and access to information addressed the evidence of providing examples of the various types of polyamory and group-conjugal polyamory; explaining the reasons why people engage in polyamory, and the importance of polyamorous relationships to polyamorists' sense of dignity and worth; and the personal and social benefits of polyamory. The surveys furthered the evidence to show the extent of polyamory, demonstrate the social stigma towards polyamory and the impact of the anti-polygamy law on polyamorous folks, and to differentiate between polyamory and polygamy. The final strategy of defining polyamory was directly connected to demonstrating "how polyamory is different from patriarchal polygamy in practice and effect" (Affidavit of Zoe Duff, 2010).

#### ***Affidavits***

As discussed above, the first step of the CPAA for engaging with the *Reference* case (in conjunction with forming a national organization) was to establish intervener

status and find people from polyamory communities who were willing to give affidavits to submit to the court as evidence. They formed a legal team, including lawyer John Ince and legal researchers to help organize all the information required for the *Reference* case. Pam reflected, “It was amazing, the people that stepped forward and the amount of time they put in to organise the information.” The CPAA also put forward an affidavit outlining information for the judge regarding resources and materials that the CPAA would use in the *Reference* case and another affidavit regarding a survey of polyamorous conjugal households in Canada.

To initiate the affidavit process from polyamorous folks, the CPAA looked for families who had conjugal relationships with more than one partner. The families that came forward and gave affidavits needed to be “out” as they “would in effect be saying that they are breaking the law” (Brian). The founding members of the CPAA “looked across Canada and came up with five families that were willing to file an affidavit” (Brian). According to Pam, “we found families that would come forward and do affidavits and testify about the poly life and the healthy children and that healthy families were possible in that scenario.” The point of the affidavits from the families was to provide examples of the various types of polyamories and group-conjugal polyamory and let the court know what motivated people to engage in polyamory. They also noted the importance of those relationships to the dignity and worth of the people involved, along with the personal and social benefits of polyamory. However, the subtext in Pam’s explanation speaks more to the desire to show the court that polyamory was “different from patriarchal polygamy in practice and effect” and that polyamorous folks were “good,” upstanding citizens who practiced consensual, egalitarian plural relationships that were not harmful to women and children, and so should not be included under the law.

As a result of the organization of information, the CPAA was able to put forward an affidavit with a list of resources and information to be used in the *Reference* case, including journal articles, books, and magazine articles. This list included many well known polyamorous and non-monogamy researchers including Meg-John Barker, Elisabeth Sheff, Elizabeth Emens, and Maura Strassberg among others. The list contained three popular books which were: *Polyamory in the 21<sup>st</sup> Century: Love and Intimacy with Multiple Partners* by Deborah Anapol; *The Ethical Slut: A Practical Guide to Polyamory, Open Relationships, and Other Adventures* by Dossie Easton and Janey

Hardy; and *Opening Up: A Guide to Creating and Sustaining Open Relationships* by Tristan Taormino. *The Ethical Slut* is considered a foundational book of polyamory “how to,” originally published in 1997. The CPAA curated a list of specific resources with the intention to steer the conversation about polyamory in a particular way. By providing specific discourses about polyamory, they could attempt to frame polyamory in a positive light. These resources would help inform the court and the judge about polyamory from the perspective of the CPAA. This is connected to the next strategy about controlling access to information and making sure the right message about polyamory is being conveyed.

### ***Access to information***

In addition to the affidavits as a strategy to apprise the court about polyamory, the CPAA also assumed collection of, access to, and tracking of information via their website with the goal of getting the right message out about polyamory. They did this in direct response to the *Reference* case, but it was also meant to be a lasting depository and an ongoing project. Pam talked about how Parker created a depository of information on the CPAA website that was compiled by several researchers during the *Reference* case: “500 pages worth of stuff in their brief that they provided. I was not on their research team, but we were certainly impressed with what they came up with.” According to Pam, the depository of information so impressed the AGBC’s (British Columbia Attorney General) office that the AGBC told the judge how

wonderful we were and so everything was stored there from all of the parties... you could log on as a reporter or whatever and get whatever information you wanted; it was already there for the world. And it was us that set that up. So, we had some impact [for access to information]. (Pam)

Pam noted how she observed the impact of that information on the judge and how that then impacted the message to a wider audience. She suggested that Judge Bauman’s line of questioning and language used (e.g., differentiating between polyandry and polygyny) was impacted by the information the CPAA collected and provided and that the judge then influenced the newspapers who also started to get it “right because the judge had corrected them. And I thought, ah okay, we’re having an impact here and that’s a good thing.” It was important for the members of the CPAA to have those involved in the *Reference* case get polyamory “right” so that it would be understood in a



positive light, to highlight the personal and social benefits of polyamory, and as different than polygamy so it would not be confused with polygamy.

The impressive control of access to information was an enormous feat of the CPAA. Pam and Brian talked about the high level of organization that went into the effort to be interveners in the *Reference* case, convening and controlling information. Brian stated that they spent a year getting ready for the trial, organizing evidence, and forming strategy. The CPAA even foresaw the need to field interviews with the media and therefore learned how to do interviews, create “soundbites,” and be “ready to answer phone calls and stuff,” thus controlling the information about polyamory in the media (Pam). Brian talked about the branding of polyamory and how the CPAA had a strategic document on how to answer questions. They wanted to make sure that everyone across the country was saying the same thing, so the CPAA sent out “talking points” (Brian).

Through the affidavits and the organization and control of information about polyamory, the CPAA was able to control the messaging about polyamory, not just to the court but also to the public through the media, again, making sure that polyamory was understood in a positive light and different from polygamy.

### ***Creating a Survey***

Where information was thought to be lacking, the CPAA acted by creating a survey to determine the type (polygynous or polyandrous) and extent of polyamorous conjugal households, of three or more people, in Canada. They did this with the intent to show the extent of polyamory, demonstrate impact of the anti-polygamy law on polyam folks, and to differentiate between polyamory and polygamy. The survey was distributed via polyamory groups in Canada and was posted on several online discussion lists by group moderators as well as on Facebook groups. All the groups I spoke to in my research participated in distributing the survey. It was also posted on the CPAA website and Facebook page. There were one hundred and eighty-eight respondents.

The CPAA defined conjugal union to mean “a marriage, a common law marriage, intimate partnership, handfasting, or any other marriage-like relationship” (Affidavit of Carole Jean Cosco, 2010, p. 3). To participate in the survey, respondents needed to currently be in or have experienced a conjugal relationship of three or more in a single household. Respondents also needed to confirm that their relationships were based on

gender equality, including the freedom to enter and leave the relationships, as well as to define the terms of the relationships (p. 2). The survey required a positive response to this question before participants could continue to answer the remaining survey questions. The affidavit goes on to explain, “[t]he CPAA chose to seek confirmation of gender equality so as to ensure that it was clear that the CPAA was not seeking responses from people who were in patriarchally polygamous households” (p. 2). This requirement was done explicitly to distinguish polyamory from polygamy. We can see in the next section, on the strategy of differentiating polyamory from polygamy, how this differentiation became a focus of the CPAA during the *Reference* case.

The survey questionnaire also asked questions about the number of people in the conjugal union, the genders of the people, the gender combinations of people in the relationships, the type of conjugal relationship and the level of commitment or ceremony involved, and whether or not there were children in the household. The survey also asked about the impact of Canada’s anti-polygamy law on polyamorous conjugal unions and whether or not it restricted the level of formal commitment they were able to engage in as well as the ability to express or practice their religion. The CPAA believed that these types of households might be impacted by the anti-polygamy law and so wanted to provide information to the courts to increase understanding of the impact of the law on polyamorous people living in polyamorous conjugal households (Affidavit of Carole Jean Cosco, 2010).

According to Pam, the survey results indicated that there “were more polyandry than polygyny relationship formations being practiced in polyamory communities in Canada versus the opposite in the States.” She goes on to suggest that “it’s [because] the hockey culture guys are used to sharing the puck.” While gender configurations were asked in the survey, in the affidavit there was no mention in the summary results of the types of gender formations the relations took. I think that the reason Pam highlighted these findings to me was that it was important to her to emphasize that polyamory was not based on patriarchal ideas of a man having many wives but in fact put women in equal standing to also have plural relationships with many men.

### ***Defining Polyamory and Differentiating Polyamory from Polygamy***

The strategy of differentiating polyamory from polygamy and controlling the message about the meaning of polyamory was explicitly expressed by those involved in

the CPAA as a way of achieving the goal of having polyamory be excluded – because of its difference – from the anti-polygamy law. This strategy is seemingly connected to the second question in the *Reference* about the necessary elements of the offence and if there needed to be harm present to be convicted under the law. In response to the second question, the amicus held that s. 293 is drastically overbroad if its objective is protection from harm, as stated above.

The CPAA's goal was to prove themselves as exempt by arguing that polyamory is different from polygamy – that it is not harmful because it is based on consent and equality. The goal here was certainly a bid for law to “leave us alone” but they did not have the goal of striking down the law; they just did not want to see the law as being relevant to polyamory. There are two things taking place with this strategy: one, an attempt to create a counter discourse about plural relationships and non-monogamy as “good” and unthreatening, and two, at the same time, either wittingly or unwittingly, creating another hierarchy by positioning polyamory as more ethical, modern, secular, and equality based than polygamy. These discourses challenge “some forms of intimate privilege while potentially reifying others” (Rambukkana, 2015, p. 131).

This strategy to differentiate polyamory from polygamy was observed by other interveners in the *Reference* case. The outside lawyer I interviewed observed that the CPAA “did everything in their power to distinguish themselves from the multiply married in terms of the *Reference*... certainly, the impression that you got, in terms of the *Reference*, was ‘we [polyamorous] are completely different from that [polygamy], and here’s how come.’” She did not pretend to know why that was their strategy but guessed it could be due to their feelings about being criminally liable. My guess is that it was connected to the overbreadth of the law and their goal of having polyamory be excluded from the law rather than having the law struck down, perhaps anticipating that it would not be struck down and so wanting to be excluded by proving that polyamorous relationships were not harmful.

To create counter discourses of polyamory as a form of nonmonogamy that was not harmful, Brian explained that the CPAA decided that they “would look at polyamory as a brand” – really selling polyamory and making it consumable to the public. Part of the branding was centered around distancing polyamory from polygamy because they were worried about being viewed as in alliance with polygamy. As a result, he stated,

“we went overboard in differentiating ourselves and I think it paid off cause now the public does not see them as the same. They don’t.” Brian talked about how the media originally would confuse or conflate polygamy and polyamory, which made him “furious,” so his main goal became to establish a definition: “polyamory the word, and what it meant, and make sure the ethical part was part of the definition and I wanted it in court, in the legal [documents], so that researchers... [could find it].” From Brian’s tone of voice, I interpreted him to be proud of getting his preferred definition of polyamory in the courts and the correct use of the word polyamory in the media.

Brian argued that the desire to distance polyamory from polygamy was because

in Canada polygamy has a really bad connotation [he said this last part very drawn out and serious] and we did not want polyamory to have, to be connected to that connotation. So, we strategically decided to completely, publicly – we privately worked together a little bit – but publicly we were completely separate, and we ended up criticizing them at the end [brief pause] – just to distance ourselves from them.

He stated that it was a “strategic political reason to have it [polyamory and polygamy] not connected” to demonstrate that polyamory does not cause harm. He further explained that it was important to him to differentiate polyamory from polygamy because of the abuse and gender inequalities associated with Mormons and Muslims as “not being fair” to women. He referred to Mormons in the US as a “religion [that] operates like a mafia sometimes, so they’d be up against some roughness.” This strategy of throwing polygamy under the bus to save themselves was interesting given how passionate Brian was about the unfairness of the polygamy law when there are other laws in place to deal with the negative issues associated with polygamy in Canada, or Bountiful specifically (as will be discussed in the next section 4.4).

In equating polygamy with Mormons and Muslims, Brian draws on and perpetuates a historical and ongoing narrative that racializes and others those who practice polygamy and do not conform to the White colonial settler monogamous norm. By highlighting their “roughness” he emphasizes the idea that they are less civilized and so less worthy of citizenship. Comparing them to the “mafia” situates them as unlawful, unruly, and uncontrollable, thus further positioning them as needing surveillance and not deserving of citizenship, while claiming that polyamory is worthy of inclusion to citizenship by excluding them from the law. Referring to polygamy as the “mafia” also

speaks to a fear of the power of polygamy as primitive and echoes Craig Jones, lead counsel for the Attorney General of British Columbia, that “[p]olygamy is a powerful, primitive force; it is always there: it breathes, it waits. And when it is released, it grows and consumes” (Jones, 2012, p. 49). Positioning polygamy as a powerful force, primitive, and unruly situates it as a threat to civilization and the nation itself.

This “othering” narrative continues to play out in the discourses of additional members of the CPAA. As stated above in reasons why the CPAA formed, Jay felt that it was important that polyamory be excluded from the anti-polygamy law because it was different from polygamy. He further elaborated and outlined how this was a direct strategy of the CPAA and how they went about strategically (re)creating discourse via the *Reference* case and trying to prove that they were different so that they would be exempt from s. 293. Jay explained,

Whereas poly is like a much, there is no other way of putting it, a more advanced development... So, what we tried to argue to the court was like we are really different. These guys believe in a patriarchal inequality structure that comes out of hundreds and hundreds if not thousands of years ago. Whereas we’re transcending. We’re going no. We believe in a higher form of equality that is totally rationally based [with] the criteria that if it is causing harm then you prohibit [it]. So that is sort of how we distinguished ourselves as one [polygamy] is more primitive. And it’s hard to put it in hierarchical terms like that but it is literally what the evidence suggests is going on. And that the charter really comes out of the latter.

While being aware that he was creating a hierarchy of terms, he still relied on a lexicon that positioned polyamory as more “advanced” than polygamy and that surpassed polygamy in terms of equality and harmlessness. He was challenging the idea that plural relationships are all wrong but at the same time he was positioning polyamory as superior and “transcending” patriarchal inequality.

According to Jay, the settler colonial anti-polygamy law came out of a belief that polygamy was primitive and not much has really changed. This is linked to Euro-colonial measures of “civilization” as heteropatriarchal monogamy versus nonmonogamous, fluid, matriarchal Indigenous kinships systems and sexual politics as “primitive.” Jay was touching on the way that the anti-polygamy law in Canada came about due to racist beliefs about the superiority of “modern” Euro-Western monogamous marriage and attempts to build a White nation (Carter, 2008). Brian further touched on this idea of polygamy being “primitive” and unruly. He talked about how the judge decided the case

based on a study that said males were unrulier in counties where polygamy was legal because of the excess of males and that monogamous marriage helped to control the men. In our conversation, I responded that it sounded just like the sexist and racist reasons the law was implemented in the first place, which was to bring under control the non-White, non-monogamous population to create a White, heteronormative monogamous settler society (Carter, 2008) based on the belief that White women were the regulators of sexuality and reproducers of the White nation (Dua, 1999).

Brian went on to explain how the judge

could not demonstrate polyamory as causing harm. They were unable to make that connection...The argument of excess males is not applicable to polyamory because we are egalitarian, we stressed that we are egalitarian [in the court case] so it doesn't apply to us... if that is your main harm, that harm does not apply to us. And that was one of the arguments that [the CPAA lawyer] made and was successful with that argument.

Brian was again highlighting the idea that polyamory is more civilized, less harmful to society, particularly women and children, than polygamy because it is based on gender equality. While Brian thought that this strategy was successful, it is worthwhile to note here that the judge did not differentiate between polyamory and polygamy when it came to harms *against the institution of monogamous marriage* (Reference re: Section 293 of the Criminal Code of Canada, 2011, para 904).

In addition to Brian and Jay, other members of the CPAA also spoke to the idea that polygamy was harmful while polyamory was benign. Gabby described how the CPAA lawyer for the case was strategic in asking early on if polyamorous folks were at risk in B.C. and Canada and if the law was actually targeting polyamorous folks or would only apply to polygamy due to the harms involved. She went on to explain how polyamorous people were different from polygamous people because

we are not patriarchal... we are all about consensual relationships. The ethic and culture is different. We are not out there causing all these issues [and] concerns about boys and girls being raised in ways very different than is generally approved of in Canadian society, we are your neighbours, etc. And the wisdom of that application that it also got it out in the public eye that there is a group here that is not patriarchal, religious based, folks who are going to [have] a very non-feminist perspective. So, I think that is good.

Here again, polyamory is being pitted against polygamy, where polygamy is represented as a "[sub]culture" that is less acceptable than what is accepted by dominant culture. In

the phrase “we are your neighbours,” Gabby is attempting to show Canadian society that “we are just like you,” your average, every day, neighbourly Canadian, not “bad” like polygamists who do bad things that go against Canadian cultural values. The idea is that polyamorous folks are good citizens. They raise their children right, by the same norms, values, and ethics as “regular” folks. This speaks to the ambivalent status of polyamory as an acceptable intimacy. Portraying polyamory as positive and highlighting its normality seeks to ward off criticism – polyam individuals can then be seen as “mundane normalcy” who are just like everyone else, i.e., “White, middle-class, and [Canadian]” (Rambukkana , 2015, p. 143). This move ignores the privilege that comes with being White, middle-class settlers as opposed to new immigrants of colour who do not have many resources and/or who live in poverty, who the law really impacts by surveilling them and prohibiting them to immigrate with more than one spouse.

Lucy added to the narrative that polygamy was harmful and exploitive, and that polyamory was consensual and innocuous. When she said earlier, “We decided that our voice needed to be heard,” she was referring to the strategy of clarifying the difference between polyamory and polygamy because “polygamy and polyamory are often very confused in the minds of the public and even in the court so we wanted to make sure consenting adults, poly people who were in poly relationships, were not prosecuted the same way a polygamist in a non-consensual arena might be.” By choosing the word “consensual,” Lucy is highlighting the issue of gender inequality and age of consent to marry that are seen as problematic and harmful in polygamous relationships versus the way that polyamorous relationships, and monogamy, are perceived as based on gender equality between consenting adults. When Lucy does this, she is ignoring the systemic gender inequality that is present in all of society’s institutions, including the family, and thus in all differently gendered relationships, whether monogamous or not. Schippers (2019) argues that connecting polygamy “with child sexual abuse, forced marriage, and women’s subordination as if there is something inherent to plural marriage that leads to inequality and abhorrent behavior is a *mononormative discourse*” (italics in original, p. 20). This leaves intact the false idea that monogamy is somehow inherently egalitarian, good for children, and more civilized (ibid). Moreover, according to Rambukkana, this kind of comparison serves to invisibilize elements of power and inequality embedded in social structures. He highlights feminist critiques that suggest “the persistence of real-world gender inequalities makes an egalitarian polyamory impossible” (Kreutzer qtd. in

Rambukkana, p. 142). Gender inequality exists in society, and therefore potentially in all forms of family and relationships, including monogamy and polyamory.

Just like monogamy was evoked as a civilizing measure in the formation of the Canadian settler state, so did the members of the CPAA suggest that polyamory was also a civilizing measure, particularly for women. Pam touched on gender in/equality and “harms” with regards to differences between polygamy and polyamory. She argued that the women from Bountiful were “enlightened” through the *Reference* case and therefore empowered to see their relationships as not “normal behaviour just because you think it is because that’s what you’ve experienced. It’s not normal and not healthy.” She mused that the evidence given by the CPAA “really opened their eyes” to the idea that their relationships might be abusive. However, Pam goes further to acknowledge that “really, you can find abuse anywhere. The family structure is immaterial, really. But I think that having been exposed to what’s going on outside of their little-sheltered area is really beneficial too.” Again, we see the tension between strategy and recognition of what she is doing. While acknowledging that gender inequality exists regardless of relationship or family structure, she still relies on a paternalistic discourse of saving women (and children, perceivably) from their backwards, abnormal relationships by enlightening them to a superior, egalitarian way of practicing relationships. This also ignores polygamous women’s voice and agency and thus silences women who did not see themselves as victims in need of saving from polygamy (see Bullock, 2021).

Pam recalled that in the closing arguments of the *Reference* the CPAA conceded that they “understood that in certain scenarios those harms did exist but in an eclectic form of multiple relationships like polyamory, they didn’t exist. And that we’d be willing to agree that polygamy practiced that way is a problem...We didn’t really side with them as practiced in Bountiful... So, we kind of separated ourselves a little bit from that.” By separating themselves, members of the CPAA were attempting to represent polyamorous people as “exalted figures” that embody desired characteristics and values of the nation, such as gender equality, thus positioning themselves as responsible citizens who should be exempt from the anti-polygamy law (Thobani, 2007). The “responsible citizen” is contrasted with the “outsider” or the “stranger” – in this case, the polygamist – who is seen as lacking the positive qualities of the citizen and as a threat to collective wellbeing and nationality (ibid). By exalting themselves as citizens, they end up reproducing exclusions and reinforcing the surveillance of the other, continuing the



process of modern national formation as “White,” excluding “strangers” from inclusion in society and from even entering its borders in the first place. The Fundamentalist Mormon polygamist community of Bountiful is demonized and segregated from the rest of society while immigrant Muslims are prohibited from entering the nation.

In summary, the strategy executed by the CPAA of differentiating polyamory from polygamy and controlling the message about what polyamory means, with the goal of having polyamory be excluded from the law, based on that difference, is complex and contradictory. While attempting to legitimize polyamory by countering negative ideas about plural relationships being inherently exploitive, particularly for women and children, they have simultaneously and in some cases with particular awareness, created a hierarchy of non-monogamies with polyamory being positioned as more worthy of recognition and respect and thus sexual citizenship, in relation to polygamy as primitive and harmful and therefore not worthy of citizenship. While there was the potential for a reconfiguring of plural relationships by the CPAA, there was also the danger of creating “good difference” while keeping “bad difference” at bay (Rambukkana , 2015, p. 137).

#### **4.4. The Outcome of the *Reference* Case**

To recap, the *Reference* case asked two questions in connection to the constitutionality of the law:

- a) Is section 293 of the Criminal Code of Canada consistent with the Canadian Charter of Rights and Freedoms? If not, in what particular or particulars and to what extent?
- b) What are the necessary elements of the offence in section 293 of the Criminal Code of Canada? Without limiting this question, does section 293 require that the polygamy or conjugal union in question involved a minor, or occurred in a context of dependence, exploitation, abuse of authority, a gross imbalance of power, or undue influence? (para 16)

These questions directly influenced the CPAA’s strategies and goals when engaging with the *Reference* case.

In the outcome of the *Reference* case regarding the constitutionality of Section 293 of the Criminal Code of Canada, the “Polygamy Provision,” Chief Justice Bauman upheld the law. He ruled that in response to the first *Reference* question, “s. 293 is consistent with the *Canadian Charter of Rights and Freedoms* except to the extent that it

includes within its terms, children between the ages of 12 and 17 who marry into polygamy or a conjugal union with more than one person at the same time” (Bauman, *Reference re: Section 293 of the Criminal Code of Canada*, 2011 BCSC 1588). This means that the law is lawful and enforceable except that it cannot criminalize minors involved in polygamous marriages. Chief Justice Bauman determined that the law was constitutional and did not violate religious freedom because the original implementation of the law was secular in purpose in that it was put in place because polygamy was seen as inherently harmful “to women, to children, to society and importantly, to the institution of monogamous marriage” (para 881) (overlooking that the law was imposed from a dominant *Christian* perspective that monogamy was superior, thus not actually being secular). The judge determined that polygamy and conjugal unions of more than two people were a threat to monogamy and therefore could be seen as harmful to society.

In response to the second question of the necessary elements of the offence and whether there needed to be a harm to women and children present for the law to apply, he ruled that “Section 293 does not require that the polygamy or conjugal union in question involved a minor or occurred in a context of dependence, exploitation, abuse of authority, a gross imbalance of power or undue influence” (para 1364). I assume his reasoning is because he saw polygamy as inherently harmful to the institution of monogamous marriage. So, while the law would reduce the harms to individuals (women and children) as well as society, moreover, “it protects and preserves monogamous marriage, the institution believed to advance the values threatened by polygamy” (para 885), and so no harms to children or women need to be present (and again, the values threatened are Christian values).

The concern of the CPAA going into the trial was that the law was overly broad, particularly if its objective is protection from harm, and that polyamorous people would be included under the law through the presence of “conjugal union” in the law, effectively criminalizing consenting adults in egalitarian relationships. They sought to exclude themselves from the law by arguing that their relationships were healthy, ethical, secular, relationships based on consent and gender equality and therefore were not harmful.

While polyam folks focused most of their strategies on differentiating themselves from polygamy in response to question 2, the question became moot in the end when Judge Bauman said that the upholding of the law did not need to include any harms to

women or children. This rendered their main strategy of differentiating polyamory from polygamy unnecessary. When it came to question 1, there was fear that it would include conjugal relationships to which they argued that the law was unconstitutional in its overreaching. In addressing this, Judge Bauman determined that the meaning of “conjugal union” “is intended to capture a union which is a marriage” (para 992) by some sort of sanctioning event, whether legal or not. The concept of conjugal union then, does not include common-law relationships or conjugal relationships. On this basis, polyamory would be exempt from the law as long as they did not engage in any marriage-like ceremony to formalize their relationships and conjugal relationships remained common-law.

Some members of the CPAA believed that Judge Bauman made an exception for polyamorous people directly because of the CPAA’s involvement in the *Reference* case. This is evident in their website statement about the outcome of the case. According to the CPAA website homepage,

On November 23, 2011, the B.C. Supreme Court ruled that Section 293 of the Criminal Code of Canada does not apply to unformalized polyamorous relationships. That decision was not appealed and effectively makes polyamory legal in Canada where a person is not married in a ceremony to more than two people (Canadian Polyamory Advocacy Association, 2018).

However, despite being exempt under the ruling if they do not formalize multiple relationships, the judge never explicitly or specifically exempted polyamorous people.

According to Parker, because the CPAA managed to “get in as interveners and act in time” that although the ruling was not perfect, it was “infinitely better than what it could have been.” He felt that it left some “wobble room” for polyamorous folks. Other members believed that the CPAA’s specific strategy of insistence on the difference between polygamy and polyamory resulted in polyamory’s exemption from the law. Lucy argued,

the Court case concluded, and I think reasonably successful as far as probably [polyamorous] people went because that distinction was recognized by the Supreme Court Judge who brought down the ruling which was to uphold the law but there was some distinction made. Certainly, he acknowledged that there is a distinction by providing exceptions for people who would be prosecuted under the law.

Brian also interpreted the outcome of the judgement as being based on the difference between polygamy and polyamory when it came to harms. As noted in the above discussion about strategy, Brian stated that the judge “could not demonstrate polyamory as causing harm. They were unable to make that connection” due to the CPAA’s “successful” argument and evidence that polyamory was egalitarian and therefore not harmful. It was his belief that the CPAA’s argument was directly responsible for polyamory being exempt from the law.

Despite the belief that the CPAA’s strategy of differentiating polyamory from polygamy directly influenced the judge’s decision, this does not seem to be the case. According to the judgment, it did not matter if polyamory was different from polygamy when it came to harms because the judge declared that s. 293 does not require that the polygamy or conjugal union in question be associated with any harms to women or children for there to be a charge under the law. Even polyamorous people can be charged under the law; the exemption had nothing to do with the differences, it had to do with the definitions of conjugal union and marriage that would still include polyamorous people if they entered into a marriage-like ceremony.

#### **4.4.1. Reflections On the Outcome of the *Reference* Case**

CPAA members’ feelings about the outcome of the *Reference* case seemed to be ambivalent and multifaceted, despite the unification around strategies and goals. Despite most of the members of the CPAA being satisfied with the result, given their tactics as an organization, there seemed also to be discontent. Some members expressed individual preferences for the law to be struck or rewritten, despite the organization’s goal of being excluded from the law. Some suggested it should be struck down since there were other laws in place that would address the harms of polygamy. It was also noted by CPAA members that there were those in the wider polyamory communities who were not happy with the *Reference* outcome and would have liked to have seen the law struck down and/or a desire to have plural marriage legalized so that they could engage in a commitment ceremony or marriage of some sort. Some polyamorous folks thought that the outcome was a “win” while others did not.

Members of the CPAA that I talked to were happy and ambivalent; they thought it was a win, but not perfect. Some expressed their satisfaction with the outcome of the

case, given that they did not believe the law would have been struck in the *Reference*. When I asked Lucy how she felt about the outcome of the *Reference* case, she replied that she thought

the decision was a step forward for us. I didn't really expect that we were going to be able to overturn public opinion or the opinion of the courts in one go. I am very, very happy that we gained some recognition and acknowledgement through that [*Reference* case] and educated quite a large sector of people as a result.

Lucy is very specifically talking about how polyamorous people gained recognition and not folks who engage in plural relationships in general. She seems transparent in her evaluation that they would not overturn public opinion or the court's opinion, which speaks to the strategy of differentiation and the goal of exclusion rather than the goal of striking the law. Gabby agreed with Lucy and stated, "We think that we had a win with the constitutional *Reference* question in that the judge seemed to, um, make great effort to carve out a lot of space for polyamorous folks in how he made his court decision... I think it was a win." Gabby was pleased with the outcome of the *Reference* case although she lamented that it might have been nice to have the law struck down; but the way the judge read it she feels it addressed most situations for polyamorists.

When talking about the outcome, participants were unsure, and they often advocated for the rewording and/or striking down of the law. Parker first commented on the *Reference* outcome as "not perfect" but "good enough"; however, ultimately, he thought that the law should be struck down. When I pushed a bit more and asked what would be perfect or more ideal, he answered that there should be "no restrictions to the number of people that could be recognized in a marriage." I asked him if he meant that the law should be struck down to which he replied, "Yeah. I mean, that law is ridiculous. So, I would like to see that...it should just be gone. Like [who] cares about the number of people. It should just all be gone."

CPAA members were relieved that they made some gains and that the law did not apply to them; however, they were conflicted that the law still existed and ultimately wished that it could have been struck down. There is a tension between being grateful for the outcome for polyamory and regretful they did not do more. In not advocating for the law to be struck down, they protected their citizenship status as good White citizens while simultaneously contributing to the continued marginalization and racialization of

those who practice polygamy. Instead of challenging systemic discrimination they sought inclusion (or exclusion, depending on how you look at it) into the existing legal framework.

Some members of the CPAA that I interviewed were more adamant that the law should be struck down because there were other laws in place already to address the “harms.” Pam expressed her displeasure about the outcome of the *Reference* case because of this reason. When I asked her why she was not happy with the decision, she contended that the law was “stupid” because there are other laws “they could have used to get at what’s going on in Bountiful that’s not healthy. They didn’t need to use the polygamy law to do that.” While she preferred that the anti-polygamy law be thrown out, at the least she would have liked to have seen it reworded so that it did not criminalize people witnessing a marriage-like ceremony. She recommended that it “be reworded so that it’s not so vague... I would prefer they had thrown it out or reworded it and fixed all those issues.” She further thought that if the law were to remain on the books, it should be reworded to not include women so as to protect women from going to jail if they reported on abuses in the community. According to Pam, if women are afraid they will “go underground [and] it’s not going to solve the problem.”

Brian was very passionate about the law being struck down because “the law was jumping on Bountiful for polygamy instead of underage brides and flat-out abuse.” He argued that there were separate laws to prosecute those things under, but they were not doing that and instead they were prosecuting them under polygamy laws. He vehemently thought this was “bullshit!”

Parker equated the prosecution of abuses under the polygamy law with making jaywalking illegal to catch people for other crimes. He argued that polygamy in Bountiful was not wrong: “The fact that they have multiple partners is not the part that’s the problem and the part that is the problem [child abuse and underage brides], there are plenty of laws for that. It’s kind of like making jaywalking illegal to catch [a] gangster... yeah don’t outlaw things that there’s no reason to have problems with. Catch them on the child abuse then and the underage brides and all of that garbage.”

Essentially what Pam, Brian, and Parker were talking about is the polygamy law as “proxy” – laws to get at things that are not related. The lawyer I spoke to explained

the law as proxy to me, “that essentially the criminalization of polygamy is proxy for getting out these other horrors.” She explained that due to the “closed community” of Bountiful, it was difficult to go in and prosecute for instances of abuse and so the polygamy law was a way to get at abuses:

We can't go through the front door, so we're going to go in the back door, idea. Because clearly abuses can happen in any relationship [but] there's some people who believe that polygamous relationships essentially foment certain kinds of abuses... because of the view of women that they believe is promulgated and the lack of equality and various other things. So, there are people who have that view. On the view perhaps that there are, that there is no particular evidence of there being any greater degree of abuses and concerns within this style of family versus another style of family. Then you have this kind of intermediate ground of people saying, yes, well, that would all be fine and good except we can't protect those people because of the nature of the community precludes effective investigation. So, there's kind of, that's a distinction that some people make. And then there are the people like us, who say that simply there is no indication that the traditional tools of the criminal law cannot be effective in this place.

#### **4.4.2. Some Want In**

While most of the members of the CPAA that I talked to saw the outcome of the *Reference* case, based on their goal, as a “win,” or were ambivalent, there was acknowledgment that some polyamorous people in the community were not happy with the outcome and would have liked to the right to plural marriage and not be criminalized. At the least, Gabby noted that some people were advocating that marriage between multiple partners should not be criminalized. Gabby went on to speculate that some people were unhappy with the decision because “they would still like to have the whole enchilada with being married officially by a priest or somebody who can sanction the marriage. So, some pagan polys are particularly concerned about that.” Brian also pointed out how “some poly folks feel that the ruling was not a win, including those who are in plural marriages and/or had public commitment ceremonies.” That said, he does not think the government will go after polyamorous people but will instead focus on polygamous people. This speaks to the White and economic privilege of their invisibility and ability to not be under surveillance.

Pam noted that although she was “not completely happy with the decision,” the judge tried to keep polyamorous people “out of it as best he could”; however, she noted, “there are people who have had handfastings and stuff that really could be prosecuted.”

Pam expressed her frustration and resentment that the law still exists and limits her and other polyamorous folks' choices:

I think that tightening up the wording and protecting the rest of us, might have been nice. And being in a situation where I might want to marry one of my partners, or both of them at some point, I can't do that. And that's not fair. I think that there's certainly a lot of people in the poly community who think that's not fair. That they are denied the choices that other people get to have. Simply, because somebody over in Bountiful has behaved badly.

Pam continues to contrast polyamory as "good" and deserving of citizenship by blaming polygamous folks in Bountiful by accusing them as "behaving badly."

There are some polyamorous folks who continue to be worried about the impact of the law on their current plural relationship status and some, like Pam, who would potentially like to have a marriage-like ceremony. I will further discuss the views of those who would like access to plural marriage in Chapter 5.

#### **4.4.3. Not About the Right to Marry (Yet)**

Some of the members of the CPAA that I spoke to suggested that their involvement in the *Reference* case, fighting for the decriminalization of polyamory, was a first step in the legalization of plural marriage as was done previously by the mainstream gay and lesbian movement. Emma contemplated the CPAA involvement in the *Reference* case and the impact of their tactics of decriminalizing the anti-polygamy law as having a "domino" effect towards future politics because it "means a lot of other doors open." She drew legal parallels between polyamory and the gay and lesbian movement, surmising that decriminalization was needed before a politics of recognition could be implemented: "First you decriminalize then you push to actually get legislation or policy that recognizes... obviously it was a long road for the gay and lesbian movement but probably easier for poly people cause gay people already did it [laughs]."

Jay reflected on the initial involvement of the CPAA and the process of how they decided on their goals and strategies and settled on decriminalization of polyamory. He explained that a suggested strategy at one extreme was to aim for the allowance of polygamous marriages, but that "really wasn't up." He explained that although some people wanted the right to marry more than one person,



the real constituency was ‘we don’t care about marriage.’ We talked a lot about that [marriage] but we don’t want the right to marry poly. There were some, I gotta emphasize, who were very ‘No, I want the right to marry. If they can marry as two, I want to marry as three or four or five.’ But the majority of the people, we don’t want that. We just don’t want the state in our bedroom in any way. We want total freedom to conduct our lives and that whole ceremonial bit, that’s another time, another battle. We just don’t want to be criminalized. That was our case.

For Jay, he was not interested in marriage when looking at his own personal values and felt that he represented “most of the rest of the community... But there were a few, I’d say five to ten percent who [were for marriage equality].”

Jay also drew parallels between polyamory and the gay and lesbian movement, and the strategy of decriminalization before inclusion. Despite his strong personal feelings against marriage, he conceded that although there were many “huge” complications and implications to marriage equality for polyamorous people, some people might want to fight for that in the future: “It could happen someday. We said that poly was the new gay. If in the early 1970s no one believed that gays would get all the rights that they have – marrying, adopting kids, pensions, etc. – so anything is possible. It could happen with poly families as well – but that wasn’t *this* case.” Like the gay and lesbian movement before it, polyamorous folks saw decriminalization and exception from oppressive sex laws as a step preceding a move toward inclusion into laws and rights such as marriage. I will further explore the idea of poly folks “wanting in” (or not) to the institution of marriage in the next chapter.

#### **4.5. CPAA Post Reference Case**

While some CPAA members (Emma and Jay) speculated that in the future some polyamorous folks might want to aim for the legalization of plural relationships and inclusion into the institution of marriage as sanctioned by the state, this was not on the agenda of the CPAA post *Reference* case. The CPAA’s strategy was to turn from legal intervention to focus on popular advocacy by continual control of discourse about polyamory, monitoring of the media, education and awareness, and research.

Pam connected the CPAA’s “future” or current (at the time we spoke) strategies to that of the *Reference* case, where they were trying to raise awareness about polyamory. She argued that they had done as much as they could “with the court thing

unless somebody challenges it or something” and that the focus had turned to increasing awareness about polyamory. She also talked about how the CPAA along with “friends” monitor the media and that articles are collected in a depository. The most well-known blog that does this is “Polyamory in the News!” by Alan M (M, 2021) where people can send news to be posted and/or follow the blog to learn about how polyamory is being represented in the media.

Brian talked about using the media more directly in shaping the discourse around polyamory in connection to the outcome of the *Reference* case. He argued that the “majority CCPA strategy now is to consolidate our win politically,” for example, “keep saying in the media that polyamory is legal. So, getting it out there as regular discourse so that if anyone is charged then ‘what the fuck?’ That’s our political stand at this point.” He thought that this strategy would protect polyamorous people from being charged under the law in the future. This strategy was connected to the strategy of differentiating polyamory from polygamy, so it would not be covered under the law, despite that strategy not fully working and not procuring for them the outcome they had hoped for (being declared by the judge as exempt from the law). His strategy was to try to control public opinion in the hope that it would influence the courts. He maintained:

So, the more people who practice polyamory, and the more people who think it’s completely legal from every authority they speak to, confirms that... so when the judge puts up his finger to test which way the winds are blowing...then they will see which way the wind is blowing and rule accordingly. That’s what I am banking on. And so, will the politicians. So, if they think it is legal then they will act like it’s legal.

At the time we spoke, Lucy talked about how her current goals as a CPAA board member were around education and advocacy, which included “marketing and getting the message out” about what polyamory is. She spoke about how the CPAA were considered experts on polyamory and how they received requests from reporters, the media, and researchers who were interested in information about polyamory. She also spoke about wanting to collate research on polyamory so that they could become an “information repository” for people who have questions about polyamory. This connects back to the goals and strategies outlined in the previous chapter.

### 4.5.1. Movement Fizzle?

CPAA members had some concerns about the CPAA losing momentum post *Reference* case. Lucy lamented,

things have become difficult for our current members because we are overly busy people. The momentum that we had on the court case has sort of been lost. There are those of us who want to do more to do with education and it is simply a matter of time and finding volunteers and getting a voice out.

Jay felt similarly about the momentum and sustainability of the CPAA and polyamorous people as a cohesive and organized group. He noted that polyamory community was “pretty fluid” (as compared to having a more static gay identity) meaning that “people come in and out of it so it is hard to have an organized movement.” He felt like polyamory activism was “fairly dormant” when we spoke and yet he still felt that there would be a normalization of polyamory, as evidenced by prior sexual rights groups. He contended

I don't see any political organization happening in the poly community. This [the *Reference* case] was the most intense involvement of the poly community on a political issue. And then there was no appeal and [he paused here] most of the poly community was happy with what happened and so it's gone away. The political activism [has gone away].

He further speculated that polyamory political action

required a crystalizing event [the *Reference* case] and unless there is something like that going on it will probably just continue to slowly proliferate more books on the subject, it will become more and more normalized in *exactly* the ways that gays did so that when Sally comes home and says she has two boyfriends and they're happy her parents don't [freak out], it's just like if Sally comes home and says 'I'm gay' a lot of parents [don't react]. It is not like how it was thirty years ago.

Jay is distinguishing between what Kendra calls “capital P” politics and “small p” politics where capital P politics is direct action and engagement with rights and the legal system and small p politics is all the other cultural stuff that happens on the side, unnoticed, unintentionally or intentionally, that works at normalizing that which is marginalized. He is referring to the continual work of advocacy and education and visibility and coming out that participants thought were important from Chapter 3 and were actively engaged in on

a more regular basis. The work of normalizing polyamory so that it is more easily accepted in society.

As of January 2022, the attitude, look, and focus of the CPAA website has shifted from a focus on legal advocacy to social advocacy that includes an anti-racist and decolonial lens within that social advocacy work (Canadian Polyamory Advocacy Association, 2022). It appears as though there is a resurgence of the CPAA under new leadership with an updated perspective.

## 4.6. Conclusion

Polyamorous people and local organizations across Canada came together to form the national organization of the CPAA to address the *Reference* case head on because of a concern with the impact of the law on polyamorous folks and the desire to protect polyamorous people. They wanted polyamory to be excluded from the scope of the law and they aimed to do this by focusing on defining polyamory and differentiating polyamory from polygamy by positioning polyamory as more modern, secular, ethical, consensual, and equality based than polygamy. Although they may have had conflicting thoughts about their approach, they nonetheless decided on the goal of excluding themselves from the anti-polygamy law at the expense of polygamy through the strategy of constructing polyamory as different from polygamy – as more civilized and therefore more deserving of citizenship.

I would like to apply Puar's (2013) concept of homonationalism to critique the CPAA's strategy of differentiating polyamory from polygamy. I think it might help us towards an understanding of why the CPAA took the approach they did at this particular juncture of time and place and to not situate them as "bad" conservative actors who only had their self interest at heart; rather I wish to speak to the messy, complex, complicated "relationships between exclusion and belonging, complicity and community" (Dryden & Lenon, 2015, p. 5).

Puar (2013) describes homonationalism as "a facet of modernity and a historical shift marked by the entrance of (some) homosexual bodies as worthy of protection by nation-states, a constitutive and fundamental reorientation of the relationship between the state, capitalism, and sexuality" (p. 337). In this case, polyamorous folks were hoping

that this might be the moment in history where they would be allowed entrance of their selves as worthy of protection from the anti-polygamy law by the state, thus reconfiguring the relationship between polyamory and the state. However, this was not fully their time. It turns out that the state, the legal system, and the judge in the reference case did not see nonmonogamy – in any form – as worthy of inclusion at this time, despite polyamory asserting their embodiment of the same values and behaviours as monogamy and distancing themselves from polygamy. The judge determined that s. 293 was not only created to address the harms associated with polygamy to women and children but also to address the harms to society and “importantly, to the institution of monogamous marriage” (Reference re: Section 293 of the Criminal Code of Canada, 2011, para 881). No matter how modern, secular, and egalitarian polyamory might be, the law is in place to “protect and preserve monogamous marriage, the institution believed to advance the values threatened by polygamy” (ibid, para 885).

Puar (2013) uses homonationalism as

a deep critique of lesbian and gay liberal rights discourses and how those rights discourses produce narratives of progress and modernity that continue to accord some populations access to citizenship—cultural and legal—at the expense of the delimitation and expulsion of other populations. The narrative of progress for gay rights is thus built on the back of racialized others, for whom such progress was once achieved, but is now backsliding or has yet to arrive. (p. 337)

I argue that the (neo)liberal rights discourses of polyamory produced narratives of progress and modernity through which they desired access to citizenship “at the expense of the delimitation and expulsion” of polygamy. The CPAA sought access to legal citizenship as well as cultural citizenship. They may have achieved some access to cultural citizenship through education and advocacy during the *Reference* case by influencing the media and the court and controlling the message about polyamory, but they did not achieve full access to legal citizenship, despite their efforts. Building off of Puar’s concept of U.S. sexual exceptionalism, Schippers (2019) introduces the idea of “poly exceptionalism” and the idea that American culture is tolerant of polyamory because they are seen as progressive and gender egalitarian while othering Mormon and Muslim polygamy (pp. 92-93). She argues that “it ‘exceptionalizes’ the identities of U.S. polyamorists vis-à-vis Orientalist constructions of Muslim polygamists and

constructions of Mormon fundamentalists as un-American” (p. 93). Polyam folks in the CPAA were hoping for “poly exceptionalism.”

If we recall the definition of polyamory from the CPAA (2013), it emphasized secular modernity, gender equality, and neoliberal rhetoric of free choice and self-determination. References to looking at polyamory “as a brand” and “marketing” polyamory speak to a neoliberal agenda of selling polyamory to the mainstream, incorporating liberal discourses of freedom of choice, consent, and gender equality. These discourses obscure systemic inequalities, obscure the fact that the anti-polygamy law negatively impacts all forms of nonmonogamy, including patriarchal polygamy, and moreover excludes those who do not have the freedom to choose while shoring up compulsory monogamy. Instead, the CPAA, with seeming awareness (and some desire) that the law should be struck down, acted out of apparent self interest in trying for inclusion rather than structural change to the institution of marriage.

Polyamory is also seen as part of a kind of secular modernity, and polygamy is seen as not participating in secular modernity but rather as religion based and therefore backward and biased while the secular is framed as modern and neutral. The CPAA are comparing themselves to the Fundamentalist Latter Day Saints (FLDS), Mormons in Bountiful who are religious based and framed as primitive and backwards in that women are seen as trapped, coerced, and naïve. Polyamory is contrasted through neoliberal discourses that espouse polyamory as based in gender equality and the “freedom to choose.” Polyamory fits into a modern secular story that feels less threatening. Secular is also White – invisible, Christian Whiteness – the Christianity gets erased as background normalcy throughout colonial history. Monogamy in Canada is based in White European Christianity and part of the process of settler colonial monogamous marriage being imposed through religious supremacy. Chief Justice Bauman disregarded monogamy’s Christian and colonial roots in Canada – he separated monogamy from Christianity and gave it innate and natural characteristics to make it secular rather than based in religion and a tool of settler colonization.

The construction of polygamy as less civilized also relies on racial discourses. Dryden and Lenon (2015) argue “that contemporary articulations of sexual citizenship are not only complicit with a conservative, neoliberal Canadian nation but also

predicated on foundational Canadian national mythologies that inscribe Whiteness as the embodiment of legitimate citizenship and belonging” (Dryden & Lenon, 2015, p. 5).

The CPAA highlighted the difference in values between polyamory and polygamy, attempting to align polyamory with the same values as monogamy, including gender equality and consent. When thinking about why this strategy was available to them and discussing their involvement in the *Reference* case, we cannot separate sexual politics and sexual citizenship from race and citizenship and the historical convergence of state laws and White nation building, discourses of equal rights, and the persistence of anti-Indigenous racism and Islamophobia. By creating hierarchies of nonmonogamies, and aligning themselves with mononormativity, polyamorous folks inadvertently rely on a settler colonial discourse that racializes others who do not conform to neoliberal ideas, such as the freedom to choose, embedded in affirmations of gender equality, consent, and ethics that are seemingly firmly embedded in the institution of monogamous marriage.

This attempted liberal inclusion of polyamorous subjects is as much the consequence of polynormativity and polyamory’s attempt to frame themselves as “normal” good liberal sexual citizens – as it is of a resurgence in nationalism, colonialism, and racism/xenophobia (Dryden & Lenon, 2015). According to Denike (2010), “it is crucial to attend to the racial conditions of the valorization of monogamy” (p. 869) and thus also the racial conditions in the valorization of polyamory as aligned with the colonial White practice of monogamy. To further understand the CPAA’s approach as contributing to racial hierarchies, it is important to comment on the history of the anti-polygamy law and how the discourses enacted by the CPAA were a continuation of settler colonialism.

Polygamy has historically been associated with other non-White races and therefore it was considered very un-White to practice polygamy. It was ferociously fought against in the building of a White supremacist nation in Canada and the U.S. According to Denike (2010), “polygamy was treated as an extraordinary aberration among white people, as something that was abhorrent to the ‘civilized’ world, though it was accepted as ‘natural’ to other races (referred to variously as Asian, African, Mongolian, Oriental, or Indian)” (p. 855). In Canada, because polygamy was associated with Indigenous people

and Islam, it was seen as less civilized.<sup>46</sup> White Mormons were labeled as “race traitors” (Ertman, 2010). When practiced by White people, such as White Mormons, polygamy became even more disdained because of the fear of contagion that they would infect other White people, as well as Indigenous people, with their beliefs. As a result of this fear and the construction of Mormons as race traitors, it led to a “racialized legal argument for the criminalization of polygamy” (Schipper, 2019) and the government enacted legislation to prohibit the spread of polygamy within Canada.<sup>47</sup>

Polygamy was first criminalized in Canada in 1890 through legislation that would eventually become s. 293 of the Criminal Code of Canada. This law was enacted and used in the process of nation building, civilization, and colonization (Carter, 2008). It was implemented to assimilate those within the nation state’s borders, such as Indigenous people and other new non-British settlers, into monogamous marriage as a civilizing measure as well as prohibit “outsiders” who would try to get in, such as Mormons from the U.S., who would unduly encourage Indigenous polygamy, thus threatening the nation (Bullock, 2021; Carter, 2008). A colonial rescue narrative of saving brown women from brown men was enacted by White men to justify interference in Indigenous kinship practices and the imposition of a monogamous model of marriage (Mohanty, 2011). However, it is notable that the only person prior to the Reference case brought to court under the law was an Indigenous man, Bear’s Shin Bone, in 1889. The law was not put into place to protect women but as part of imposing “settler sexuality” (Morgensen, 2010), heterosexual, monogamous, White marriage, central to civilizing Indigenous and other non-White settlers into the White national order and control the population that threatened the nation. The anti-polygamy law was created under the pretense of protecting women and children based on the notion that somehow gender equality is inherent in monogamous, heterosexual marriage (which it is not); yet, in reality, the law was a colonizing tool used to protect Whiteness and the purity of the nation from the threat of polygamy.

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<sup>46</sup> Polygamy continues to be associated with “less civilized” cultures as is clear from the Canadian government’s proposed 2014 Bill S-7, the *Zero Tolerance for Barbaric Cultural Practices Act.*, that polygamy is clearly associated with “other” barbaric cultures that are considered un-Canadian (read un-White) (Lenon, 2022).

<sup>47</sup> Lenon (2015) argues that the existence of Bountiful, and their practice of patriarchal polygamy, is not as a racialized other, but rather continues to exist because of its whiteness.



Polyamorous folks inadvertently reproduced colonial racial accounts of nation building and citizenship. During the *Reference* case, the CPAA re-enacted these colonial rescue narratives of women and children who need saving from polygamy by situating polygamy as uncivilized and contrasting polyamory as civilized and embodying liberal ideas of gender equality and choice. This discourse paralleled the civilizing narrative of the court and the idea that polygamy was harmful to women and children as well as threatening to society as a whole and the institution of monogamous marriage and so the law should remain as it “protects and preserves monogamous marriage” and its accompanying values. In *Monogamy, Marriage, and the Making of Nation*, Lenon (2015) examines how in the *Reference*, “the ‘truths’ of polygamy are produced through a discourse of harm that ultimately idealizes monogamous marriage in an ahistorical manner” (Lenon, 2015, p. 85). I would argue that the CPAA contributed to these discourses which inadvertently resulted in not having the effect they desired, which was to elevate polyamory, but rather served to help idealize monogamous marriage in an ahistorical way. Polyamorous folks tried to configure themselves as civilized subjects in committed, consensual, equal relationships “who safeguard the material and symbolic ‘life’ of Canada from the inherent harms posed by polygamous marriage” (Lenon, 2015, p. 84). In attempting to configure themselves as civilized subjects who uphold the relationship and sexual values of the nation – *just like monogamy* – they ended up entrenching monogamy as the normative way to form relationships.

The *Reference* decision reaffirmed that there is no such thing as “good” nonmonogamy in that it harms the institution of monogamous marriage. Moreover, I speculate that the CPAA’s insistence that they were different from polygamy made no difference to the judge as he deemed polygamy inherently harmful to the institution of monogamy, which polyamory would violate if they entered into more than one formalized marriage like relationship.

## Chapter 5. “We Want In”?: Plural Marriage Equality and Civil Rights Mobilizations

### 5.1. Introduction

In my first findings chapter I focused on the social and cultural aspects of sexual politics, as opposed to its legal aspects. In the previous findings chapter, I focused on the goal of freedom from discrimination in the political sphere by countering sex law. This chapter will focus on the goal of rights and the strategy of a call for recognition and inclusion through the state, particularly the right to plural marriage and the rights and responsibilities that go along with it. This goal and strategy are reflective of the lesbian and gay rights model and the fight for same sex marriage equality. I am concerned with this model’s impact on polyamory politics as a movement within a neoliberal framework and whether they are seeking inclusion into the institution of marriage. What I found is that when it comes to these particular strategies and goals, the polyamorous folks that I talked to were generally *not* really concerned with the right to marry at this time. That is not to say that some of them did not want to get married or did not see marriage as useful. Some were invested in the ideals of love and romance ratified via marriage, albeit without state involvement. Others were more interested in marrying for the rights associated with marriage; however, they were still ambivalent about the institution of marriage as a convener of rights and advocating for plural marriage. They saw it as a means of attaining access to rights associated with marriage but not as the best means for distributing those rights.

When it came to the question of marriage advocacy and rights, there were two general views about plural marriage: one, those who were not against marriage as a strategy but did not find it to be a priority, and two, those who were more strongly against or critical of marriage rights as a strategy. Those that did not see marriage as a priority still believed that it was materially important because of access to rights and would support it if others wanted or needed it. They also thought that the rights associated with marriage could be obtained via other means, such as contracts outside of marriage. I will connect this discussion to the believe that they did not feel discriminated against personally. Those participants who were against or critical of marriage did not subscribe to the institution of marriage at all, particularly the state’s involvement in it, so would get

rid of it as a legal institution and/or would disassociate rights from it. I will discuss their critiques of marriage as being a patriarchal institution of privilege and discrimination. They also talked about the idea of “human rights” (Howard and Luke) and thought that universal rights, privileges, and benefits were important regardless of family structure (Simone). In being critical of the institution of marriage and the legitimization of relationships via marriage, they hoped for a restructuring of relationships to include a diversity of kinship relations. In being critical of marriage, they saw the “radical potential of poly where sexual minorities can be a critical voice” (Zach).

## **5.2. Parallels to the Lesbian and Gay Rights Model**

The goal of rights and the strategy of a call for recognition and inclusion through the state is reflective of the lesbian and gay rights model and the fight for same sex marriage equality. It is this model’s impact on subsequent movements within a neoliberal framework that I am concerned with when it comes to polyamory politics and whether they are seeking inclusion into the institution of marriage. In this chapter, I begin by highlighting the connection that participants made between the lesbian and gay rights-based model of political activism and polyamorous political activism.

Many participants expressed the usefulness of looking to the gay and lesbian rights movement as a model for the trajectory of polyamory politics and their engagement in rights-based goals and strategies. Polyamorous folks from Victoria talked about how the gay and lesbian movement had achieved many rights and were a good example to follow (Sherrie, Parker, and Pam). Polyamorous folks from Vancouver agreed that the gay and lesbian rights movement was a key model to follow. Dave expressed that “familial rights,” similar to gay and lesbian rights, “is the biggest thing legally and politically that needs to happen.” He argued that “poly will take a similar trajectory” by “building awareness, building acceptance, building laws that make it illegal to discriminate or not provide a *safe* social environment for people who identify as polyamorous.” As discussed in the previous chapter, Emma drew parallels between polyamory politics and the gay and lesbian rights movement and highlighted how decriminalization was a first step in the process of achieving rights and gaining recognition for polyamorous folks. She hoped that the process of gaining rights would be easier for polyamorous people as the road to equality had already been paved by the gay and lesbian rights movement. Brian also guessed that rights-based polyamory

politics would be “like a fast track” since it had already happened “in the gay rights community.” He thought that the polyamorous process around rights would be much faster than the gay and lesbian movement: “Following on the coattails of the gay and lesbian community so everything that is happening to us has happened to them at some point.”

On the other hand, Peter did not think that the ease and speed with which gay and lesbian rights and marriage came about will be the same for polyamorous rights and plural marriage. He argued, “I don’t think we will see plural marriage in Western countries any time soon.” He suggested that for gay marriage it is a simple “mapping on to traditional marriage” as there is still only two people, and you “just need to switch out the pronouns.” However, with plural marriage “there a huge amount of marriage law that needs to be changed to accommodate multiple partners.” He suggested that because of the numerous rights and privileges associated with marriage, that “plural marriage would be a big undertaking. It would require a total scrap and rewrite of enormous bodies of law and I don’t see that happening any time soon.”

In Toronto, polyamorous folks made similar connections to the gay and lesbian rights-based movement. As discussed in Chapter 3, Luke highlighted the connection between the gay and lesbian rights movement’s strategies regarding the cultural shift through building community, awareness, coming out, and advocating for rights. He argued that as polyamory became more well known it would open possibilities and be “part of a broader sense of people’s sexual choices and lifestyle choices [which] should be free and unhindered. I think that’s just [been] part of a slow movement for gay marriage and for trans-inclusivity, and parts of this have been more successful than others.” According to him, “the poly struggle... is less far advanced than the LGBTQ struggle in those ways. At the same time, I feel there's also less resistance to it.”

### **5.3. Is It Even Possible?**

While participants noted the parallels and made connections and comparisons between the gay and lesbian rights movement, they also debated the viability of the goal of plural marriage. In thinking about rights and plural marriage as political goals, interview participants reflected on whether they thought this was even a possibility worth

pursuing. Some participants could envision plural marriage and yet some could not even imagine the legislation.

### **5.3.1. Can Envision Plural Marriage**

For participants that could envision plural marriage, they often did so with some restraint. They thought there should be some way of recognizing plural relationships so that polyamorous people have the same rights. They did not think that the polyamory movement was near this point yet, but that it “could happen one day” off into the future (Jay). Emma explained, “if we had another primary partner and that person lived with us, I would hope that we could have all the same decision-making power in terms of health things and benefits even and all of those things, but it just seems like it’s such a long way off. But yah, I think it’s important.” Parker seemed a bit more confident about the possibility of plural marriage. He ventured that Canada would be a “first” in legalizing plural marriage (assuming he meant in Euro-Western society). He stipulated, “I think it is a matter of time and Canada is potentially first, one of the first countries, that will go there [legalizing plural marriage]. I think partly because of our Supreme Court is pretty good around these kinds of issues right now. So, we want to put ourselves in the position for these things to happen as soon as possible.”

Some interview participants had a more nuanced idea of the possibility of plural marriage as determined by province rather than nation-wide. Gabby suggested that although marriage is a national issue, family law issues are provincial, so “things would have to be looked at on a province-by-province basis.” According to Pam, she thought it was possible in British Columbia more so than it would be across Canada due to different cultural and religious values in different provinces. She felt that because B.C. was a more secular and diverse province with a high Indigenous population (who have traditionally practiced nonmonogamy) it would be more likely to accept plural marriage than a more “intensely conservative” place like Alberta. She argued that anti-Muslim sentiment in Ontario would prohibit plural marriage there. When prodded, she stipulated that Catholicism would make plural marriage difficult in Quebec; moreover, I would add that Islamophobia would also be a reason in Quebec given the recent legislation of Bill 21 aimed at secularization of the province, which specifically targets and harms immigrant and racialized communities, particularly Muslim women who wear the hijab.

### 5.3.2. Cannot Even Imagine the Legislation

While some polyamorous participants seemed to be able to see the possibility of the legalization of plural marriage, others were less than confident about the possibility, often stating that society was not yet ready and that other steps needed to happen first, like community building, education, advocacy, and visibility, as we saw in Chapter 3. Comparing the difficulties of polyamory following in the footsteps of the gay and lesbian rights movement, Peter surmised that there would be a hard “push back” against plural marriage, making it a remote possibility. He expressed, “I doubt [the ease of marriage is] going to happen with polyamory and I don’t see plural relationships being a social norm very easily either... that is going to freak some people out and there will be a lot of social push back against that.” The push back against plural marriage that Peter is referring to is due to the anti same sex marriage opponent’s argument about the “slippery slope” and how polygamy was invoked as a threat to the institution of marriage that would follow in the footsteps of same-sex marriage.

Another main reason participants did not feel optimistic about the possibility of plural marriage centred around government and the idea that it was not just society that was not ready, but in fact it was the state that was not ready. While Kay desired the right to plural marriage, she expressed despondency about the idea being possible. She lamented, “I guess I just don't really see us getting to a place where the government endorses multiple marriages at all. It seems so far off that I've just discounted the whole thing.” She cited that plural marriage was just too “messy,” with too many moving parts, particularly legal issues around property and children, to be achievable: “Legally, it doesn't make, it really isn't organised. I just don't think it's going to happen.”

Other participants saw the connection between public opinion and state acceptance. Matt talked about how both society and the state were not ready for plural marriage. He expressed to me a sense of apathy, feeling that tackling plural marriage was “insurmountable”: “Part of me feels like marriage is for monogamists. And I don’t care. There is this big political uphill battle [and] I don’t see it happening any time soon.” He expressed doubt that any current or potential government members would be on board with legalizing plural marriage because of the immense “level of government reform” needed, along with a shift in public opinion for a politician to even consider legalizing plural marriage. Kristy expressed the idea that because of a lack of

understanding in society, the government would not see the “value” in plural marriage. She argued that unless there was monetary incentive or great public pressure, that the government would not act to legalize marriage because it would be a cumbersome undertaking “to change the forms, to figure out the taxes. There are not enough resources in the government to support that change.” She thought that plural marriage “would be nice” but was doubtful about getting the government on board. She articulated her pessimism for the first time while she was talking with me and was surprised by her own thoughts: “It’s just not time. So, there are some things where, I guess, my politics aren’t heavily motivated to make me very activisty about because I just don’t see there being any point.”

There was a lack of agreement among participants as to whether it was a feasible goal to advocate for plural marriage and the rights that accompany it. While some were moderately hopeful, others did not think that it was going to happen “any time soon.” Their beliefs about the possibility of plural marriage impacted their polyamory activism, either to continue to focus on community building, advocacy, education, and visibility, to focus on equal rights and marriage for polyam folks, or to focus on more intersectional and structural issues.

#### **5.4. Married to the Idea of Love, Romance, and Recognition**

When it came to reflecting on whether participants thought advocating for plural marriage was even a possibility worth pursuing, they debated the viability of advocating for plural marriage; some could imagine plural marriage being legalized while others simply could not. Participants’ experiences and beliefs about marriage were diverse. Experiences of marriage ranged from being in long term married relationships to never having or wanting to be married and living “solo.” Beliefs about marriage also were diverse, ranging from the idealization of romance to jaded cynicism. While marital status and attitudes towards marriage varied among participants, how participants viewed marriage was not necessarily connected to their marital status.<sup>48</sup>

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<sup>48</sup> For a snapshot of the marital statuses of participants, please see Section 1.3.7 Relationship and Family Status.

In considering (plural) marriage for themselves, some of my participants could not only envision plural marriage, but they also loved the idea of love, romanticized marriage, and desired to participate in (plural) marriage. For this group of people, it was not about a desire for the rights associated with marriage, and in fact there was often a rejection of state involvement, but rather the idea of making a public declaration of their love and commitment. They loved the idea of love and sometimes romanticized marriage.

Despite many participants not feeling very hopeful about the possibility of plural marriage (and/or even critical of marriage), they still believed in love and the celebration of that love through ceremony, either with one person or multiple people. Some love the idea of love and romance, yet question how the state or religion's involvement in marriage connects to love. However, other participants, inadvertently in their expressions of ceremony and focus on romantic love, might unintentionally uphold systemic inequalities. The desire for marriage, plural or otherwise, was complex and complicated.

Participants who love the idea of love and romance yet question how the state or religion's involvement in marriage connects to love, still desire some kind of ceremony to celebrate publicly and connect to community. Emma talked about how she never wanted to get married because she did not like "all the things" that came along with it, referring to state and religious involvement (this is my interpretation from the examples she used such as "virginal" and "dowry"); but, when she met her husband she wanted to have a "public ceremony because our community really helped us come together and supported us and I wanted to do this really public community oriented ceremony and I'm like 'that's called a wedding' [she starts laughing and I join in]." She wanted a public celebration of their partnership in the form of a wedding to celebrate their love, but without the involvement of the state or the church. Luke also identified the importance of "social recognition" to sanction relationships and that some people felt it was valuable to have a ceremony or celebration of some sort so that your community could witness the seriousness of your commitment(s) and "hold you to it." He was not sure if this was a marriage exactly but that it seemed lovely to him and "it seems like it's our community redefining and creating a new institution that better reflects our values."



Social recognition was an important factor for many participants. When I asked Peter why he would like to be able to marry more than one partner, he responded that it was the “social acknowledgement of a relationship that was important” to him and he did not want the government to tell him what relationships were important. He stressed that the rights might have been nice, but it was more about acknowledgment and respect from society that he had formed long term stable relationships. Peter is connecting the idea of state acceptance to social acceptance and how if or when something is legal, e.g., gay marriage, increased social or cultural acceptance also comes with it. Marriage becomes an institution that legitimizes relationships thus creating a hierarchy between the married and the non-married. It becomes a normalizing measure where citizens can be recognized as “respectable” and partaking in “stable, long term relationships.”

At the time we spoke, Kristy, who was legally married to one partner, was considering plural marriage. She was considering a commitment ceremony to her new partner because they had been discussing all living together and raising children together. She wanted to ensure that her new partner was included in her future with her and her current husband: “we could have a future and we could make a commitment to each other. I mean even the three of us. That we don’t need the law to recognise. We could make our own decisions.” Although Kristy spoke about the desire to have a kind of plural commitment, she expressed not wanting to include the state in her relationship affairs. She argued that they “could make our own decisions”; however, as discussed in the previous chapter, the anti-polygamy law would need to be struck down for her to be able to legally have a ceremony celebrating a commitment to more than one person.

In Avriam’s (2010) discussion of political mobilizations of the polyamorous community in San Francisco, she talks about how her interviewees saw “law as an unsuitable tool for organizing feelings and relationships” (p. 92) and that they “perceived law as a rigid, confining structure, which failed to encapsulate the complexities of polyamorous relationships” (ibid). There is a tension between wanting feelings for their partners and their commitment recognized and not wanting the law to intervene.

Other participants also expressed the conflict between desiring a public declaration of their love and the institution of marriage. Kendra expressed the contradiction that polyamorous people might experience being “against marriage as a kind of hegemony” but still wanting to get married despite it being a “system that is

oppressive to single people [and] multi-partner people.” She reflected that there is something appealing about having a good party, celebrating with your community, and declaring your love publicly. She acknowledged, “I value the idea of standing up in front of the world and making a commitment.” However, she added that even though she might consider the idea of a wedding to publicly express her love and commitment to a person, she would be thoughtful about it:

I'm not saying it won't ever happen I'm just saying I wouldn't be approaching it in a taken for granted way, that is how it's supposed to go way, that I think a lot of people do. I think if I were to, it would be a combination of practicality and sort of whimsical romance.

Emma was also critical of marriage being based on ideals of romance and done without reflection. She stated, “I think people get married for really ridiculous reasons... They think that’s what they *should* do.” She argued that couples do not even talk about the future, for example, if they want to have kids, but rather focus on the event of the wedding and contribute to how marriage is “an industry.” She was critical of the ideology of romance and how it is not considered romantic to talk about what you want or what to do if the relationship ends. Emma was critical of the reliance on romance without reflection but still wanted to celebrate her love through a marriage ceremony.

Both Emma and Kendra were saying that if you are going to enter a marriage type relationship, it needs to be thoughtful, reflective, and done with awareness. They were bringing a critical reflection to the idea of romantic love, weddings, and marriage, connecting their personal choices to a wider ethic around marriage. Emma was critical of capitalism and the commodification of weddings as an industry. Both of them were critical of marriage being done as a default step on the relationship escalator.<sup>49</sup>

On the other hand, some participants were not as reflective when it came to the idea of romantic love. Pam and Kay seemed to have overlooked critiques of romantic love, either unwittingly or wittingly. Pam was keen on the idea of marrying for love. As a

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<sup>49</sup> The relationship escalator refers to the social script that dictates the prescribed way we are supposed to perform relationships, taking subsequent steps in our relationships from meeting, to declaring love and fidelity, towards a final socially sanctioned goal of cohabitation and (legal) marriage, potentially including a house and children. When I imagine the relationship escalator, I envision it as carrying folks along without them having to consciously participate in the ride. See Amy Gahran (2017) *Stepping Off the Relationship Escalator: Uncommon Love and Life* for more information.

person who was in a committed triad who all lived together, she enthused that if plural marriage was legal, she would marry both her partners, stating that “the whole romantic commitment thing is very cool... Well, that gets you your romantic thing. I think, to go to Vegas and have Elvis marry me to the one and an alien marrying me to the other one, that would be cool.”

Kay endorsed the idea of marrying for love and having a ceremony to “honour a particular relationship... to just really honour *one person* and your relationship together. That’s so important to me” (emphasis added). She had even bought herself a wedding dress with no actual wedding plan. She felt strongly that love and politics should be separate, that she would live her life and love who she wanted separately from her politics and argued specifically against the anarchist philosophy of love being political: “I don’t like to think about love and my relationships politically at all.” When I asked her why, she replied that “it implies that someone else gets a say. It’s the most personal thing in the world to me. Politically, you can believe what you want to believe. I would like to also love who I’d like to love.” This appears to contradict what Kay said previously (Chapter 3.8) about the intertwinement of her job and her polyamory politics, so perhaps it is really the seemingly “private” aspect of relationships she is emphasizing as separate from politics, where she is free to decide who she wants to love.

Love, in the secular West, is a socially acceptable motive to give for marriage. Kay’s insistence that her love is strictly personal relies on a neoliberal narrative of personal choice and free-will (Wilkinson, 2010). The idea that we are free, self-actualized individuals downplays or dismisses the rules and expectations that constrain our behaviour, even in what we think are the most private of decisions such as marriage. In this instance, Pam and Kay were concerned with their personal relationships and separated the personal from the political, inadvertently or intentionally ignoring the intimate public sphere and the structural inequalities embedded in mononormativity and polynormativity that their privilege (White, middle class, cisgender) may afford them in pursuing marriage based on romantic love, an already socially constructed, historically bound Euro-Western ideology. Marriage based on the ideology of romantic love that will bring you enduring happiness is a myth (Spade and Willse, 2013). According to Spade and Willse, feminist, anti-racist, and anti-colonial social movements have identified “marriage as a system that violently enforces sexual and familial norms. From these social movements, we understand marriage as a technology of social control,

exploitation, and dispossession wrapped in a satin ribbon of sexist and heteropatriarchal romance mythology.”

Brake (2012) calls the disproportionate focus on marriage and romantic love “amatonormativity” where these types of relationships are given priority, seen as a universal goal, and valued as desirable above other types of non-romantic relationships. Pam and Kay’s romanticization and prioritization of romantic, sex-based love also mirrored monogamous ideas of love (Wilkinson, 2010). In fact, Kay indicated that it would be a single relationship and single person to whom she would commit; whether she was conscious of this or not, I am not sure. Wilkinson claims that “non-monogamy has been reduced to a matter of private choice and individual freedom: and that in fact, in many instances the personal has *replaced* the political” (italics in original, p. 245). This obscures intersecting privileges and makes it seem as though marriage based on love is accessible to everyone equally, regardless of gender, economic class, and race. Moreover, Whitehead (2012) states that romantic love tends to obscure marriage as a practice of governance. Wilkinson argues that “we need to place our personal intimate relations into wider structural inequalities that we may be helping to uphold” (p. 245). Authors like Rambukkana (2015), would argue that there is no such thing as separation between the private intimate sphere and the public sphere. Instead, he talks about the “intimate public sphere.”<sup>50</sup>

Although some participants would like to get married, potentially to more than one person, their desire to get married was based on love and they generally did not need or want the state involved in the declaration of their love and commitment to their partner(s). They may or may not be aware of the privilege of such a “choice.” Emma struggled with her desire for rights while being critical of state involvement in marriage and how rights were accessed via the institution of marriage. She felt in a bit of a bind, caught between being critical of how rights were accessed by marriage and wanting the same rights via marriage. When I asked participants if they could get married to more than one person, would they do so, most of them responded with some version of “it’s complicated.” While some of the polyamorous folks I talked with desired plural marriage,

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<sup>50</sup> The idea that the personal is political comes from second wave feminism and the belief that personal experiences of gender inequality that seem to belong to the private realm are political and connected to larger structural issues of gender oppression.

many felt conflicted about marriage and the rights associated with marriage. They saw it as a complex issue, even some of those who said they would get married.

## **5.5. Marrying for the Rights**

Several participants stated that they would be interested in participating in plural marriage – some for love and recognition as noted, and others for the rights that go along with marriage, such as financial and economic benefits and rights, health benefits and hospital visitation rights, immigration rights, and child custody rights. In this section, I will discuss how many more participants desired not marriage itself, but the rights and benefits associated with marriage. Many, although not all, participants were still ambivalent about marriage and advocating for plural marriage. They saw it as a means to attaining access to rights that they or others might want access to, but did not necessarily see marriage in a positive light and would probably otherwise not get married. Other participants did not want or feel the need to gain access to rights; however, although conflicted about advocating for rights, they expressed that they would not stand in the way of others who desired those rights. I will discuss how those that did not see marriage as a priority still believed that it was materially important and would support it if others wanted or needed it.

### **5.5.1. Access to General Rights and Privileges**

The polyamorous folks that I talked to were generally concerned about rights and benefits associated with marriage such as financial, beneficiary and inheritance rights and benefits, hospital visitation rights and end-of-life decisions, and medical and health benefits associated with private insurance. They expressed how it would make life easier and how they deserved the same rights as couples because they were no different.

There was a sense that it was unjust that polyamorous people were excluded from the rights and privileges that couples received. When I asked Sherrie “if you could marry more than one person, would you?” she replied in the affirmative: “Probably. The right people, of course, yes. If I had two people in my life that I considered primaries, why would I consider one over the other? That’s presently what the law tells me I have to do.” When I suggested that she could just live common-law with them, she appeared somewhat agitated and contended that “they would still have different rights than the rest

of my partners. And I feel angry, I suppose, that I would be pushed and forced to choose between people I love...And as it stands right now, that's what I would be forced to do." Sherrie, like other participants, loved the idea of love and would get married, to one or more people, based on love; however, unlike others who did not necessarily feel the need for the state to sanction their marriages, she felt it was unjust that she would be denied rights because she could not marry more than one person according to the state.

Other participants also just wanted the same rights as all couples, such as hospital rights to visit each other in the hospital as legal "family," to make end-of-life decisions for each other, and inheritance rights. Lucy explained how if you were not married to your multiple partners, you would be excluded from important decisions about them such as "an end-of-life decision...so it would be nice if there was a way to designate that... in a poly situation." Like Hart, who stayed married so his wife would inherit his wealth and pass it to his children, Natalie was also concerned with beneficiary and inheritance rights. She felt that folks should be able to name whoever they wanted as a beneficiary, regardless of familial relationship, but given that spouses are often the automatic beneficiary, that legalizing multiple partner relationships was a way to gain this benefit.

Pam was adamant that polyamorous people deserved the same rights and benefits as couples, saying that ideally, she would like "to have the same rights and privileges *as any other Canadian*" (emphasis added). She highlighted how she was not doing anything harmful (e.g., marrying anyone under age eighteen which without saying directly, is a comparison to polygamy and underage marriages) and despite "living the same lifestyle as other Canadian adults" she was denied the same basic rights and privileges. Pam is attempting to paint a picture of herself and her partners as "normal" good sexual citizens deserving of rights and benefits, benignly going about their daily business: "I mean, we go out and do stuff as a couple. All three of us. It's the same as any other couple. We go to the show together. I sit in the middle and hold hands with both of my guys" – we are just like you. However, the problem is when she says she wants the same rights and privileges "as any other Canadian" what she is inadvertently referring to is any White, straight, cisgender, middle class, heteronormative Canadian who is married and already privileged. This glosses over the very real hardships that many Canadians face based on being disabled, transgender, low-income, a person of colour, or a new immigrant.

The idea that polyamorous folks are “living the same lifestyle as other Canadian adults” highlights participants’ privilege. There is a certain amount of economic privilege in being concerned about access to extended medical health and dental benefits, since these are connected to stable employment and good jobs that pay well. Polyamory folks like Pam, who work for the public service, have special access to these benefits that they could share with a partner and children. Access to special health and dental benefits is not available universally to everyone and so creates inequalities by making insiders of some and continuing to marginalize others. To be concerned about inheritance and beneficiary rights, like Hart and Natalie, you need to have wealth and money to give away in the first place. Furthermore, the inheritance of wealth widens the gap between the rich and poor over generations, rather than making sure that everyone is taken care of.

### **5.5.2. Protect the Children**

In addition to other rights, child custody, parental rights, and the protection of children was an issue that arose frequently with participants, regardless of if they had children or not. Sherrie asserted that the issue of children in polyamorous families would be the main issue for polyamorous people when it came to rights. She explained, “Well, there are a lot of polyamorous people who would like the option of marrying more than one person legitimately, legally, allowing them to have more than one legitimate partner in society where they have equal rights legally, financially, and with childcare. That’s a big deal when you bring in kids. And that’s where the real battle is going to be.” Participants emphasized that the rights that go along with marriage with regards to child custody and protection of children were important for polyamorous people and parents, specifically the legal recognition of who the parents are to secure custody of children. Parker argued, “it would be nice if the state recognized three parents as all parents of the children. And I think things like that matter a lot more and requires an advocacy.”<sup>51</sup>

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<sup>51</sup> In April 2021 the B.C. Supreme Court Justice Sandra Wilkinson ordered that the name of a second mother be added as one of three legal parents to the birth certificate of a child of a polyamorous 'triad.' She argued that legislature did not consider polyamorous families in the Family Law Act, thus leaving a gap in the legislation. British Columbia’s Family Law Act states that there are only two ways in which a person can be named as a child’s parent. The first is through sexual intercourse, and the second is through assisted reproduction. The judge stated, “I find that there is

Some participants saw marriage as the ideal way to secure custody rights and also worried about the impact of their being polyamorous. Kay did not want the state involved in her relationships nor “to sign any marriage agreements,” but short of having alternative legal means, if she had a child she thought she would want the right to marry more than one person to protect the child and the parents’ access to the child. I think this complication resonated with Kendra. She spoke about how she was experiencing some ambivalence regarding plural marriage with regards to the custody of children. She did not have any children of her own but was “with a partner for the first time in my life who has children and that actually changes the picture in a way that I might not have expected.” It was written into her partner’s divorce papers “that if her ex-wife gets hit by a bus, she gets the kids. There’s suddenly a potential practical necessity to do this thing [marriage] in order to keep children safe that I might not have thought a few years ago when kids were not in my picture at all.” I assume Kendra was meaning safe from foster care and being taken away if there was not a biological parent in the picture. As families shift and change and plural parenthood or guardianship becomes more common, such a narrow idea of what marriage and parental rights mean becomes problematic and polyamorous parents fear that they will not be recognized as legitimate parents.

Elisabeth A. Sheff, who has been doing ongoing research on polyamorous families in the United States, notes three challenges that threaten polyamorous families and custody of children. The most likely challenge is an ex or soon-to-be ex-spouse who would argue that polyamory was not in the best interest of the children (as in the Nanaimo case example below). The second likely challenge is grandparents who believe that polyamory is harmful or morally corrupt to children. The third likely challenge is the state, who although it may not necessarily take away children because of a parent’s polyamorous status, does not perceive it as a positive factor when considering other problems (as in Pam’s concern below). Sheff’s early findings suggest that it is uncommon for “Child Protective Services (CPS) to take a child away from a polyamorous family solely for the fact that the family is polyamorous.” However, she found that it was not advantageous to be polyamorous and it could actively work against

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a gap in the [Family Law Act] with regard to children conceived through sexual intercourse who have more than two parents...The evidence indicates that the legislature did not foresee the possibility a child might be conceived through sexual intercourse and have more than two parents. Put bluntly, the legislature did not contemplate polyamorous families” (British Columbia Birth Registration No., 2021). In the future, others in the same situation may also go to court to have a third person in a polyamorous relationship named as a child’s parent.



polyamorous parents during custody cases that were fraught with other issues (Sheff, 2017).

Due to the stigma associated with plural relationships, particularly polygamy, participants also thought it would be important to advocate around protecting children from being removed from a polyamorous family or parent and allowing polyamorous families to adopt or foster children. Amelia was worried about how children in polyamorous families could be “targeted” as unfit but considered the many different family configurations emerging as offering some hope and protection. Pam expressed concern that the state would not give her permission to foster her granddaughter because she was in a triad polyamorous relationship. This did not turn out to be true and she was able to foster her granddaughter since they were related, which mattered more to the courts; however, Pam still felt the impact of that worry.

Neil highlighted that “child rearing and custody rights” were the most important rights that plural marriage could provide, particularly in case of a breakup. He spoke about a custody case in Nanaimo, B.C. where the father was granted parental custody rights despite being polyamorous. The mother’s lawyer argued that if polygamy was seen as inherently harmful to children, then so should polyamory be seen as harmful. The mother’s lawyer used the B.C. Supreme Court *Reference* case on polygamy to argue that the women and children in the father’s family were at risk of physical or psychological abuse. The judge did not agree, and the father was granted custody rights. The case went to appeal and then was re-tried with the same outcome. Neil felt that what the legal consensus became around this issue was very important to polyamorous parents, setting a precedent that children would not be taken away or parents denied custody if they were polyamorous because in the three times the case was tried, all three judges did not find anything inherently harmful about children living with polyamorous parents. This contrasts with the *Reference* case and Judge Bauman finding that polygamy is inherently harmful to women and children. The outcome of this custody case is significant as it effectively sets up polyamorous parents as “good” (read White, middle class, educated, secular) and deserving of legal protection in comparison to polygamy as bad parents (racialized, ignorant, religious) who deserve surveillance into their parenting. This is similar to how Bassichis and Spade (2014) argue that the rhetorical arguments made by the gay and lesbian rights discourse position White gays and lesbians as “good, non-abusive, well-resourced parents deserving legal protection”

against “neglectful, abusive, culturally regressive parents deserving punitive policing and forced removal of children” (2014, p. 200). A White identity also serves to protect parents from state surveillance, whereas BIPOC folks face regular interference from the state into their family and children’s lives, particularly Indigenous families (see De Leeuw, Greenwood, & Cameron, 2010; Vowel, 2016) That BIPOC parents fear that their children will be taken away is an everyday threat that they must deal with.

### **5.5.3. Marriage: Nothing More Than a Way to Access Rights and Benefits**

While a great focus of participants’ concerns centred around gaining and securing financial and economic benefits, health and medical benefits or rights, and child custody and parental rights, some participants identified that accessing these rights and benefits was the *only* motivation for people to get married. Natalie, who said she would consider marrying more than one person, clearly stated this ambivalent sentiment in her discussion about benefits and rights regarding familial relationships. She questioned if the only reason people get married any more is for benefits, because that is the only reason she would get married – “to take advantage of the benefits that accompany marriage.” She reflected on marriage as transactional, “isn’t it kind of like a business contract? People already live together before they get married. So religious reasons and benefits are the only reasons to get legally married.”

When prompted to think further about whether they would get married, participants really questioned the institution of marriage, even when they had said they would get married. Although Sherrie stated that she would get married to more than one person if she could, and that she wanted the rights associated with marriage, she also questioned *why* she would get married again – or why anyone, gay or straight, young or old, would get married – and why she would advocate for plural marriage. She figured that the main reasons why people get married are to protect children and to attain rights and she further questioned whether that was a desirable reason:

I think that the most valid reason for marriage would be protection of children and to give the parents, however many there are, rights that they don’t presently have. As it stands now in my relationship with [my live-in partner], because I haven’t gotten around to it, he doesn’t have the right to make medical decisions for me. None of my partners do... And so, what do we have to create that? We have to make legal documents. Legal

documents, that's what marriage is, it's a legal document, giving rights. It's no longer a religious ceremony. It's a legal ceremony. The whole purpose of it is to give rights and privileges. So, do we want that in our poly community? Do we want to be encouraging that? Is that going to be a disaster? Honestly, I don't know.

Other polyamorous folks I talked to, particularly in Toronto, were also focused singularly on the practical issue of rights and benefits connected to marriage, such as immigration, financial concerns, and concerns about children, and less about marriage as connected to love and romance. They saw marriage as nothing more than a way to access rights and benefits, rights that according to Kris should be available to everyone anyways. Kris was strongly opposed to the state involvement in marriage except in the event of gaining access to rights, such as for immigration purposes. They asserted, "that's the only legitimate reason for marriage that I can think of. It's basically to game the system to get access to basic human rights that should be granted for everyone and not be only accessible through marriage." When talking about immigration and marriage, Kendra referred to marriage as "a tool that we [queers] and many other people can use to get where we want to go" – a practical tool to use for immigration purposes to get a partner into Canada. Spade and Willse (2013), in their article *Marriage Will Never Set Us Free*, argue that "legal marriage is a form of coercive regulation in which achieving or not achieving marital status is linked to accessing vital life resources like health care and paths to legalized immigration. There is nothing freeing nor equalizing about such a system." Although Kris and Kendra talk about "gaming the system," they are feeling the coercion of a system in which they are forced to access these resources, such as immigration, through marriage.

Luke was also not an advocate for the distribution of rights via marriage, but hesitantly saw the desire for equal rights as justification for marriage. He reflected on his experiences with "progressive or even radical friends who have decided to get married... because it makes financial stuff easier." He reluctantly accepted this as a legitimate reason to get married. While he was not being judgmental around people marrying to gain financial rights and make their lives easier, he also did not agree with advocating for equal rights via plural marriage because he believed that the institution of marriage was corrupt. He explained,

I also should say I have no problem with people doing it because they need rights. Often people marry [because of] precarious immigration status for

rights or they marry because it does financially make things easier. Then power to you. Then you're choosing proactively because you want the state involved because it's making your life easier, and then power to you. But insofar as historically...I think it is weird for poly people to invest any interest in institutions that are so historically implicated with those kinds of reactionary [conservative] values.

When I asked Luke what he would do to access the same rights that couples have, he dispassionately stated he would get married; he stated it in such a way that he was removing the emotion (i.e. love) from the arrangement, suggesting that it was simply a legal formality that he would engage in if he had to. He capitulated, "I would probably just go do the legal thing. You just go do something to just sign the papers, whatever is needed, go to the registry office, right? Just sign the papers just like you'd sign your insurance for your car. I would do it in that legalistic way that has absolutely zero emotional or moral resonance. It's just like I'm doing it for instrumental reasons." Other participants also saw marriage as rooted in oppression and "mixing a romantic decision with an economic one" (Matt) which should not be mixed. I will discuss further below how Luke, and others, critiqued the fact that rights were connected to marriage in the first place.

Hart, who was married but separated from the mother of his children, was conflicted about whether he thought that plural marriage was something he would engage in or advocate for. Hart explained that he and the mother of his children got married before the second child was born to make things easier and cheaper with regards to paternity and that he stays married so that she and the children will be taken care of in the event of something happening to him. Hart is a wealthy, Western, Asian, cis-male, entrepreneur who earns more than \$300 000 a year. He also owns property and feels like property ownership, and the passing on of wealth, is a reason why marriage is important. This connects to him staying married to the mother of his children so that all his "stuff" can "go to her so that she can take care of the kids." He is aware of his privilege when it comes to money,

You know, because socio-economic status definitely helps, right, if you have multiple partners and it made it easier for us [himself and the mother of his children] to move into two houses. I still support the mother of my kids and those kinds of things and, yes, if I would be earning less money it would be much harder and more stressful as a result. So, I'm aware of my privilege there, yes.

This connects to the previous discussion of the privilege of being concerned about inheritance and beneficiary rights and that you need to have wealth and money to pass on in the first place.

According to Spade and Willse (2013), marriage is about protecting private property and ensuring maldistribution of resources. They argue that marriage is about who gets what property and is structured so that resources such as “[i]nheritance, employee benefits, insurance claims, taxation, wrongful death claims--all of the benefits associated with marriage are benefits that keep wealth in the hands of the wealthy.” Those who are less economically privileged are less likely to marry and have less to protect via marriage law. Ultimately, they believe that it would be more just to dismantle property systems that keep people poor rather than “tinkering with them so that people with wealth can use them more effectively to protect their wealth” (ibid).

When it came down to it, Hart got married for the practical reasons of rights connected to parental status and to make financial matters easier. As a feminist, he is not a big proponent of marriage – except that he sees access to rights tied up with marriage. He reflected that even though marriage was important because of rights, it was perhaps not the only or best way to distribute resources: “marriage is important because of that [rights] – is one way to look at it. The other way to look at it is we need to reform our laws around this.” Hart, like others, is touching on the idea of decoupling rights from marriage and replacing it with legal contracts. The reformation of the laws, rights, and benefits connected to marriage was a frequent suggestion that will be discussed further in section 5.8.

#### **5.5.4. Summary**

There is a tension between marriage being seen as a romantic commitment and people wanting to marry to show their love and devotion, versus as a financial institution where folks would enter marriage for economic reasons or other strategic reasons connected to rights easily accessible via marriage. There are those polyamorous folks who love the idea of love and would have a ceremony just to celebrate commitment, and those who are more cynical of marriage for love and would get married in order to receive benefits and rights. What is notable is that neither one of these groups really want the state involved in their relationships. Those who love love want to have their

communities witness their commitment, not the state, and they are not necessarily concerned with rights and benefits. The ones who would marry for benefits and rights do not necessarily care about the love and commitment part, and would not have the state involved in their relationships if it was not necessary to obtain rights. I see a similarity in their rejection of marriage as an institution that governs their access to resources; they can love whoever they want and do not need the state to sanction it, but if they want access to rights and benefits, then they need to involve the state, even if they do not want to, even if they fundamentally reject the way that resources are distributed through marriage in the first place. It is complicated – polyamorous folks are compromising their values and beliefs for access and ease to resources that perhaps should not be dependent on marriage after all. This is the beginning of them questioning the connection between marriage and rights and why those rights and resources are distributed via marriage in the first place.

## **5.6. Not Interested in Marriage**

While some of my participants love the idea of love and marriage and would get married to one or more people, there were many others who were, at the time of our conversations, simply not interested in marriage – not even for love or for the rights associated with it. Some of them had moral reasonings as to why they were not interested in marriage, in that they saw marriage as controlling or as socially privileged and couple centric. They argued that there were other ways of securing rights, such as being common law (for couples) or through contracts.

In contrast to many polyamorous folks who desired marriage for love or solely as a contract for rights, Brian rejected both means based in ideas of morality connected to trust and honesty. He did not want the state involved in his relationships and saw marriage as a way to control partners through a contract rather than a free commitment based on honesty and love.<sup>52</sup> For him, love relationships did not need marriage as a contract to solidify them, and he thought that “marriage is for people who couldn’t be

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<sup>52</sup> Brian had been married prior to being polyamorous, but he noted that he only got married for other people’s sake “to put on a big show” and throw a big party – his partner’s family was quite religious, which was the main reason for getting married for them. He explained that in the more current context of his history with polyamory and his partners, he was no longer interested in marriage.

honest.” He explained, “It just seems to me that marriage is, assumes that people can’t make agreements and keep them because if they could there would be no need for marriage.” He was critical of marriage and the state’s involvement because he thought love, as the basis of commitment, should be enough.

Other participants also rejected marriage based on moral reasons. Marriage was not in alignment with many participants’ values or the way that they structured their romantic relationships based on autonomy, seeing marriage as oppressive and tied to possessing another. They also saw it as a way of privileging romantic relationships and as fundamentally couple centric, even when practiced by polyam people. Neil argued, “as marriage is right now it is not just a contract but has really important moral understandings” which make marriage to one person seem “fundamentally superior to other relationships.” He observed that not a lot of polyamorous people want to get married right now anyway, and if they do, it is as a couple. For Neil, it was not okay to privilege romantic relationships over other non-romantic relationships, especially centered around the prescribed couple. Matt also rejected marriage for moral reasons and observed a similar focus on marriage of the couple. He remarked that there are many polyamorous people who “have one married partner and they are perfect and content with one non-married partner... There are very, very few people that really want this, like, fully integrated poly life with multiple partners. And those few people I know have found ways to make almost all of it work.”

I think it is interesting that Neil and Matt have touched on the idea that many polyamorous folks are married – but only to one person – and that this is totally acceptable for those people. It speaks to the fact that polyamory has traditionally been conceptualized as a couple opening up their relationship. There is a critique of marriage as enacting couple privilege that infiltrates many polyamorous relationships, even though many polyamorous folks are critical of that privilege. Some of the folks that I talked to were married to one person and those who desired to get married, particularly for love, spoke about getting married to one person – “to just really honour *one person* and your relationship together” (Kay). Pam was the only person I talked to that was in a committed triad relationship or “conjugal household,” living common law in a marriage like situation with more than one person.

For other participants, legal marriage was not necessary as they felt that rights could be accessed via other means such as common law or contracts. Blake stated at the time of our chat that he was “not super interested in marrying one person, never mind more than one,” stating that “common law provides the same things so why bother. Getting married is a waste [of money in particular].” He saw his needs around rights being provided via common law rights; however, it was unclear how he would reconcile that with more than one partner, which may speak to the idea of couple centrism as well as his economic privilege which I will discuss in the next section. Participants also thought that the rights associated with marriage could be obtained via contracts, for example, “through things like mutual ownership of an LLC [Limited Liability Company] that actually owns all their property and so, there is the mutual property and upon someone’s death, the remaining [people] inherit the property” (Matt). Other participants thought that the rights associated with marriage could be obtained via individual or universal rights, which will be discussed in section 5.9.

### **5.6.1. Does Not Impact Me – Privilege**

Some polyamorous folks were not interested in marriage and saw it as morally suspect, privileging mono-romantic possessive relationships, and unnecessary. Other participants also rejected the idea of marriage, particularly as connected to rights. Although some participants could see the need for rights and how they might be sought via plural marriage, there was a sense that it was only something they would do if pressed and necessary. Other participants, in rejecting marriage altogether, recognized their privilege in not really being concerned with access to rights, feeling that rights were not necessary for them personally.

While Kay noted that there was “the aspect of marriage where you're protected in case things fall apart” she did not feel like there was any “legal stuff” that stood in the way of her living her life as she wanted, so she was able to “just ignore it.” She acknowledged that she might “feel more passionate about it [access to rights] when I run into a situation where this bites me in the ass,” but in the moment, she was not concerned. This is similar to Kendra above, who found herself in the position of a stepparent and suddenly was considering marriage as a way to gain custody rights.



Neil stated that while polyamorous people would like to know more about what the laws and rules that are “likely to effect us” he did not “hear non-monogamous people complaining about a lack of rights, particularly.” He concluded, “there is no thing that is in non-monogamous people’s faces as something that we are not allowed to do while monogamous people are.”

Although Kristy expressed a desire to get married to more than one person for love, she did not see it as necessary in the sense that she did not feel disadvantaged because of a lack of access to rights, although she recognized that it was important for other polyamorous people. She reasoned

there are definitely conversations that need to be had around living situations, family situations, marriage situations. But honestly? And this might be an unpopular opinion. I don’t think that it’s time. And maybe that’s because I don’t – I am in a privileged position, where I don’t need to worry about it. You know, I live with my husband. And my boyfriend is fine, living by himself. And we don’t need to worry about the three of us living together. And if we wanted to live together, we would. And I know that there are other people who, for them, it’s you know? Much more important.

Some participants expressed not being impacted by a lack of access to plural marriage and rights not because they were privileged but because they have historically been denied any kind of marriage and so it was just “not an issue.” As a queer person, Kendra historically did not have access to the institution of marriage and so was accustomed to not having access to the rights that accompany it. She explained,

I don’t think I have yet encountered a friend who has really been like super inconvenienced or traumatized by not being able to marry two people. I’m sure it’s out there but I can’t say it’s something that I run into a lot. If people want to make a public declaration to more than one person, they just sort of do it without the marriage document. Although I haven’t seen that a whole lot, I have to be honest. I don’t know maybe when you’re queer, I think we grew up believing we couldn’t get married. So, we’ve had a lot of other ways to communicate. And suddenly we got marriage and it was a bonus. I don’t see evidence of it [plural marriage] being an issue.

Generally, plural marriage and access to the rights that accompany it was not an issue for some polyamorous folks, particularly for those who are privileged and even those who are queer and have been historically marginalized.

Most of the polyamory folks I talked to were privileged in intersecting and multiple ways – they were generally White, cisgender, well educated, and financially secure.

Many recognized their intersecting privilege, although sometimes with caveats and complexity. The idea that these polyamorous folks are privileged ties into the fact that they do not necessarily believe that they need to advocate for marriage and rights. Although they are concerned with rights regarding child custody, hospital visitation rights, extended health benefits, etc., the rights they are concerned with most are based on financial privilege – inheritance rights, tax benefits, etc. Whitehead (2012) writes, “The central impetus for marriage equality activism stems from the immediate needs for gays and lesbians to gain access to a structure that acts as a gateway to laws and benefits within civil society that allow and obligate couples to manage social problems such as illness and poverty” (p. 8). Most of the polyamory people I spoke to did not have an immediate need to attend to serious or life-threatening social problems such as illness and poverty; there was no immediate crisis. The rights that they are concerned with mainly center around financial assets and wealth, not poverty and homelessness. That said, as neoliberal strategies for governance diminish public care structures and potentially create more vulnerabilities for polyamorous individuals, marriage may become more important to polyamorous people more generally as a way to distribute resources.

Access to rights that others do not have is a privilege. When Sherrie stated that she would be angry if she was denied rights that others get, it was not so much that she needed them but rather that she was experiencing exclusion and a limitation on her freedom that she felt was unjust, simply because she was excluded – she therefore wanted in. This resonances with what Kris said (5.8) when describing how the marriage equality movement was motivated by White people who were offended that they were excluded from some benefits of White supremacy and so would fight for those rights and benefits associated with capitalism and White supremacy instead of worrying about “whether everyone has access to basic human rights like a place to live, something to eat, healthcare and all that.”

According to Rambukkana (2015), “privilege is a systematic relationship where one individual or group monopolizes some resource to the detriment of other individuals or groups” (p. 29). Privilege exists if a “special right, advantage, or immunity” is granted or available only to a particular person or group of people (p. 29) – because it does not apply to all people it cannot be universal, it is a privilege. Privileges can be denied or awarded; unlike rights, which are seen to be universal, privileges are seen as non-

universal. And yet rights via marriage are denied to those who cannot or do not choose to marry. Rambukkana argues that it is not simply enough to expand the range of those with privilege since it just extends the range of the privileged by pushing the borders of the dominant category, to expand the range of “exalted subjects” (Thobani, 2007) or the “charmed circle” (Rubin, 1984). Privilege is “predicated on a logic of exclusion” (p. 35).

Instead of advocating for inclusion to the institution of marriage and the rights associated with it and thus recreating exclusions, participants started to critique the idea of marriage as couple centric, unnecessary, and morally corrupt. They were sometimes conflicted about advocating for marriage rights or were completely against fighting for marriage rights altogether and contested the logic of privileging that they saw occurring through marriage. Instead, they questioned how resources were distributed through marriage in the first place and sought to open up space for societal recognition of other forms of intimacy and relationship formation.

## **5.7. Conflicted About Advocating for Marriage Rights**

### *“A Split Between Good and Bad” (Emma)*

Some participants were conflicted about advocating for marriage rights – they were not for it but would not argue against it (even if they were anti-marriage). While they did not necessarily think that advocating for plural marriage was a priority of the movement, they saw it as a possible compromise between a more conservative assimilationist approach and a more radical approach that would seek to dismantle the institution of marriage and the rights/privileges that were connected to it.

Participants were conflicted about whether advocating for equal rights was something that should be done or if something more radical should be done. Luke’s general politics were far left leaning and he described himself as having a “radical group politics.” He was critical of “the mainstream LGBTQ movement for equal marriage [and] the traditional rights-based remedies for social ills.” He thought it was “very limited. But I think it’s *something* and I support it.” While he thought that queer couples or polyamorous folks should have “every right that hetero couples do,” he did not think that should be the aim of a liberation movement. He stated, “I think that’s been a really a sad thing that a movement that started in the 70s as being a radical movement for sexual liberation and overthrowing marriage now ended up [mainstream].” Luke reflected on the

tension in the two approaches to sexual politics, noting that even though it was important that polyamorous families should have every right that other families have and should not be discriminated against, “it’s only a small part of the picture, I think. A much broader part is broader cultural recognition, changing norms about what’s acceptable, desirable behavior.”

Also concerned with different or conflicting approaches in sexual politics, Dave was disturbed by “divisive tactics” within the polyamory community. It appeared as though he was trying to find a compromise between what he saw as two extremes. He recognized that some people would like to be able to get married, while others may not, but considered it problematic when those who did not were disparaging to those who did. Even though plural marriage was “not important or critical” to him, it was important to other polyam folks, so he surmised, “who am I to rain on their parade?” He described how he “heard polyamorous people describe marriage as it’s not political or extreme enough for polyamory.” According to him, “The gist of the argument is that being polyamorous is a very political act because we are tearing down the old system, and if you are married you are plugging into the system, you are not extreme enough. Um, whereas I would counter with, ‘well, we actually took something from the system and made it our own.’” His response was to say that it could be both/and. He also worried about the limiting of relationship options by focusing on marriage and advocated for recognition of multiple types of relationships. Ideally, he argued that there should be “legal rights and support” to protect “the multitude of loving configurations of relationships... People should have a right to live a good life. A life where they get recognition for their relationships, and they get support for their relationships in a way that doesn’t come off as judgemental.” The argument that adding plural relationships to marriage will “change marriage” “is based on a hope for cultural shift that... fails to address that the harmful, racist and colonial structures of marriage” (Spade & Willse, 2013). It also ignores that prior to polyam activism, “same-sex marriage advocacy has produced a much stronger cultural shift that has beat back feminist and anti-racist critiques of marriage and re-valorized marriage with a romantic mystique” (ibid).

Emma expressed her thoughts about advocating for equal marriage as conflicted. Like her partner Dave, she was concerned that the movement would be reduced to a single focus that would create more exclusions and limit the way that people could form family and relationships. She thought that if polyamorous people

wanted to get married and seek “validity,” they should be able to, but at the same time she saw it as a drawback if polyamorous folks only advocated for marriage and sacrificed all the other elements that are important to being polyamorous, such as different ways of forming family and relationships. She contemplated,

do we then get housed within this very narrow box that doesn't actually fit the relationship model and everything it stands for? ...And at the same time, I think we need something that recognizes those relationships legally. For me it doesn't actually have to be marriage but at the same time I wouldn't like it if they said 'oh, you can have this but you still can't have marriage' cause I would see that as exclusionary.

Sherrie expressed a similar sentiment that it was “a little amusing” that polyamorous people were “anti-marriage until we're told we can't have it. It's like not all gay people want to get married legally, but they do want the option to be married legally.” Of course, as we saw above, this was exactly Sherrie's reaction. Emma was curious if other people I talked to saw marriage like her as “being a split between good and bad.” And indeed, several did.

Alicia was critical of marriage as a legal institution and thought that “marriage as a system is socially unjust” and yet she also recognized that in the immediate moment, that if people feel they “really need marriage to access these rights” such as hospital visitation rights, immigration, etc. then “I don't think it is the most evil thing in the world.” She went on to discuss the tension in the same-sex marriage debate regarding those who advocated for same sex marriage and “radical queers who argue against the existing discourse for same-sex marriage.” She thought that radical queers got a lot of backlash, “there are a lot of queers that are kind of if you don't agree with it that's fine but don't step in the way of other people fighting for it.” She outlined the two sides and how it related to her polyamory advocacy, or lack thereof, in this regard:

Supporters of same-sex marriage feel like they are doing something for the community, they just have a different definition of what that role looks like and a different idea of what the impact of same sex marriage is. One side says it's positive and one side that's negative. So with this poly thing I like to think that at the end of the day by being aloof and not being very involved in the political struggle of it I'm not standing in the way of people who identify as poly accessing these rights, even though I'm critical obviously, even though I'm critical of the ways in which these rights might be fought for which is truly reinforcing a structure that I don't agree with and asking a legal system that has screwed people over in the past.

When Alicia is referring to the idea that same sex marriage supporters were “doing something for the community” she is pointing out that community looks different for everyone and the community of same sex marriage advocates is stereotypically cisgender, gay, White men with a lot of economic privilege; a very narrow definition of what community looks like. Advocating for rights prioritizes those who already have the most access while ignoring those who are most vulnerable.

Participants found the issue of plural marriage complicated – they were not against marriage but did not find it to be a priority and/or they would not stand in the way of others who would like to advocate for plural marriage and the rights that might be associated with it. They might feel indifferent, that it does not impact them, or they might feel conflicted and see both the pros and cons of advocating for plural marriage. They saw marriage as a stop gap measure to access rights because of the way that rights were currently distributed via marriage. Until those rights were deinstitutionalized from marriage then marriage could be seen as a viable way to access them. Ideally, however, they were critical of those rights being associated with marriage and would like those rights disentangled from marriage.

They were concerned with divisions within the movement between advocating for rights and something more radical. While some theorists argue completely against a social movement of sexual politics based on acquiring access to citizenships and rights – to be included – other theorists saw that perhaps a call for acceptance and citizenship *and* a call for subversion and transgression were both necessary for a complete sexual politics (Weeks, 1998). Weeks argued that a claim for inclusion to rights and thus citizenship might seem assimilationist, but that “making demands on a culture which denies you is extremely radical” (Weeks, 1997, p. 323 qtd in Bell & Binnie, 2000, p. 29). This corresponds with the point that Dave made in suggesting that polyamory has taken “something from the system and made it our own” and that potentially advocating for polyamory inclusion opens up new possibilities so the movement could be both/and – both assimilationist and transformational. Along with Weeks, Bell and Binnie (2000) also challenged the duality of “transgression-versus-incorporation” and suggested that the transformation of intimacy that Weeks (and Dave) described could “be read as opening up new ways of living and loving that might break up the heterosexualized model of citizenship” (p. 31). Dave argued that “legal rights and support” are needed to protect “the multitude of loving configurations of relationships,” thus advocating for recognizing

new and multiple types of relationships that have been created that break up the heteronormative – and mononormative – model of citizenship.

According to Bell and Binnie (2000), the task of the sexual citizen must be to challenge the heterosexualization of citizenship discourse and acknowledge that there are different forms of sexual citizenship (p. 33). These different forms of sexual identity will “mark claims to citizenship differently” (p. 33); polyamory may be one form of “dissident sexual citizenship” that may make a claim to citizenship differently by advocating for rights based on plural marriage as an interim measure.

Chenier (2013), Lehr (1999), and Brown (2002) also suggested that marriage and equal rights could be a component of a larger sexual rights movement that encourages the breakdown of hegemonic cultural norms – but it should not stop there. Brown (2002) warned that rights are a mitigation – not a resolution. She argued that this approach is acceptable in the short term to alleviate suffering but should not be an end point that leaves the structures unquestioningly in place (p. 231). This is reflective of Luke’s point that although polyamorous families should have access to rights that others have via marriage, “it’s only a small part of the picture, I think. A much broader part is broader cultural recognition, changing norms about what’s acceptable, desirable behavior.”

While access to citizenship and rights by marriage was important for many participants, or at the least, they would not object to others advocating for such, many participants were more strongly opposed to this tactic of inclusion to citizenship and rights via the institution of marriage and state involvement in their private lives.

## **5.8. Not an Advocate of Marriage: Against or Critical of the Institution of Marriage**

While some participants found the issue of plural marriage complicated and did not feel they personally would advocate for it, they also did not necessarily oppose others advocating for plural marriage. However, there were some polyamory participants that were strongly against or critical of marriage, including critical of the state and religion being involved in the institution of marriage. They critiqued marriage as being an institution of class privilege, about patriarchal ownership of women, discriminatory, and

conservative. They endorsed the idea of disconnecting rights from marriage and would even go so far as to advocate to get rid of marriage as a legal institution. Instead of rights being provided via marriage, they talked about the idea of “human rights” (Howard and Luke) and thought that universal rights and benefits were important regardless of marriage or family structure (Simone, Luke, Alicia, Matt, and Kris). They saw the transformative potential of polyamory politics, working towards opening up relationship possibilities.

### **5.8.1. Class, Race, and Gender Privilege**

Participants pointed out the various ways that marriage was an institution that privileged some while marginalizing others. According to Rebecca, “marriage is an institution of privilege” that is mostly class based. The idea of marriage being a privileged institution based on class was connected to the spectacle and cost of weddings. Jay was critical of the culture of marriage, saying it was “all about the symbolism” and “eating the menu” rather than “enjoying the meal, just devouring the propaganda. Not really present. Superficial. External. All pomp and show, the ring, the party, the dress, etc.” Matt, like Jay, was also critical of the cultural rituals and excess that came along with marriage, “like, just weird stuff bound up in it. Like the idea of diamond engagement rings... and the idea of the six-month wage engagement ring and \$7000 for a wedding dress. The over-the-top amounts of money just thrown at weddings.... It has never felt necessary to me.” This understanding of marriage as symbolized through an extravagant wedding reflects very privileged understanding of marriage and weddings based on race and class. Ingraham (1999) outlines how throughout the history of Western marriage, certain class and racial groups have been excluded from participation in the “White wedding” (p. 91). She underscores the emphasis placed on wealth and accumulation in today’s wedding industry which effectively puts the traditional white wedding out of reach for the poor, even though they might make every effort to look the part, for example, by finding a wedding gown that would allow them to “fit” with dominant cultural depictions of the “legitimate” white wedding (ibid).<sup>53</sup>

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<sup>53</sup> According to Ingraham (1999), “By allowing brides to imagine themselves as having access to high-fashion and “couture” gowns, advertisers create the perception that there is little difference between the average bride and the princess bride. “Style” becomes something disconnected from



Some participants recognized and acknowledged the historical roots of a model of monogamous marriage as patriarchal and privileged. Despite Jay's participation in the B.C. Supreme Court *Reference* case on the anti-polygamy law and the work the CPAA did in differentiating polyamory from polygamy based on the fact that polyamory was not patriarchal, he was critical of marriage generally as an overtly patriarchal institution based on the principle of ownership. He noted that he did not get involved with the CPAA and the *Reference* case because he is an advocate of marriage, but more so as a sex advocate and because he had the background (involved in the polyamory community), skills (lawyer), desire, resources to help, and they asked him to help out. Lucy was critical of marriage from a feminist perspective, not as a ceremony or commitment to people based in love, but as a political legal institution that included "financial intertwinement" and still included "some aspects of ownership involved in the concept of marriage or exclusivity [and] even if you were able to be married to more than one person it would just maybe extend the circle of ownership."

Kendra likewise observed how institutionalized marriage was oppressive to women. She tried to tease out the difference between marriage for love and the institution of marriage. She expressed that "there are a lot of people who are against marriage as a kind of hegemony but aren't necessarily against the idea of doing it." Her perception was that while folks were critical of marriage as "a system that is oppressive to single people or multi-partner people" they still wanted to have "a really good wedding because they value that personally and socially, that kind of declarative thing." Participants were suggesting that the institution of marriage is oppressive and validates marital relations over all others, but some folks value the idea of marriage as a declaration of love, however conditionally based on a separation of the state from marriage.

Many participants from Toronto were critical of the institution of marriage as idealized, privileged, and discriminatory. Zach felt that the state had no business regulating people, including sexual politics. He saw marriage as two things: discriminatory, by privileging some groups over others, and conservatizing, by regulating

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class and wealth and thus available to most women, regardless of income. One effect of this practice is that most women spend beyond their means to purchase their dream gown. They can't even imagine getting married without one" (p. 91). For more information on the wedding industrial complex, see (Ingraham, *White Weddings: Romancing Heterosexuality in Popular Culture*, 2008).

“proper citizens.” When I asked him what he would do in connection to polyamory politics, he asserted, “get rid of marriage!” Kendra did not like the way that marriage “makes things more legitimate.” She used the example of when her brother got married and suddenly people were welcoming his partner to the family, as though the eight years of them being together and supporting one another was not legitimate until they got married. She concluded, “I’m happy about his wedding. Don’t get me wrong, but don’t make it mean something that it doesn’t.”

Kendra is pointing out the very real way that institutionalized marriage is a legitimizing force for relationships and in turn, proper citizenship. Legitimizing relationships might be a reason why polyamorous people might want to advocate for plural marriage – if the state sees their relationships as valid, then perhaps society will accept them as valid citizens. This of course brings up the question of who can be considered a proper citizen. The state regulates the institution of marriage and yet the state is not neutral. Though a colonial history of nation building based on imposing monogamous marriage the state has created and recreated citizenship based on an exclusionary ideal of a White, middle class, cisgender, heterosexual, monogamous citizen (Duggan, 1995 [1994]; Spade, 2011). As we saw in the outcome of the *Reference* case where monogamous marriage was protected through upholding the anti-polygamy law, this colonial legacy continues under the current neoliberal state, which continues to regulate sexuality by offering limited opportunities for legitimizing relationships and becoming good sexual citizens, mainly through monogamous marriage.

Luke was highly critical of the institution of marriage as religious and state based (despite supporting others who wanted equal rights and marriage). He drew on his polyamory philosophy which flowed out of a critical feminist philosophy “rooted in a deeply left, sex positive, kink community that’s lefty and therefore secularist and critical of religion and critical of White supremacy” to ask “deep questions” about why people would want to get married

because I think the institution is deeply implicated in a religious tradition and a state kind of thing, right? I personally would not want either God, or the state involved in my love and my relationships, absolutely not. I see those things as antithetical to a free society. I think marriage comes from a tradition that I find morally reprehensible...I wouldn’t want to do something that’s patriarchal or involves God, any of the classic statements of women having to, what’s the phrase in the classic Christian one? The woman says

I promise to honour and obey, and the man just says honour. I don't know how anyone would do that.

While not sure if it was unfair, Luke also associated religious based plural marriage with polygamy and “a weird practice of strange evangelicals.” He thought that it was “weird for poly people to invest any interest in institutions that are so historically implicated with those kinds of reactionary [religious] values.”

Participants argued that today people could enter into marriage type relationships that were more equal, less patriarchal, secular, and separate from the state – a different way of forming relationships that challenges and changes the institution of marriage. Ultimately, Luke believed that polyamorous people “should aim for the core values of consensual, loving relationships based on an ethic of care, mutuality, and consent. That's all you need. You don't need any recognition by the state.”

### **5.8.2. Marriage Has Changed – But Still Need Some Regulation**

Participants noted the historical roots of marriage and contemporary manifestations of weddings as exploitive and privileged. They also saw that ideas regarding marriage were changing and so questioned the validity of marriage as an enduring institution. Some participants, despite being against marriage, still thought that the state needed to be involved somehow in overseeing some legal aspects typically associated with marriage; however, their preference was a disassociation of rights from marriage.

Participants acknowledged that the state should not be involved in marriage, but some sort of legal oversight might still be necessary for the issues associated with marriage, like immigration, inheritance, child custody and support, joint property, etc. There was a recollection of the idea that marriage used to be contractual (as opposed to the contemporary Western idea of being based on love) and so might still need to be contractual. Sometimes these legal frameworks that privileged people went unquestioned as being associated with marriage or privilege and were seen as just the way things were and have always been done. For example, Jay was not critical of the fact that immigration relied on marriage as a means when he suggested that the state would still need to figure out a way to restrict immigration so that people would not take

advantage of the system and sponsor someone with whom they were not in a committed relationship.

Participants recognized that marriage and families have changed and so then should the laws associated with them. While Sherrie did not think that the state should be involved in plural marriage, she conceded that there may be time where protections of rights for polyamorous folks would be necessary. She noted that current laws and arrangements did not accommodate plural relationships and the complexity of different types of relationships that exist, and that the government and the legal system needs to “wake up” and consider “new scenarios because the ones we’ve been going with for the last 200 years are no longer fitting anyone – they don’t. We need new parameters, guidelines, and therefore, laws to protect everybody in these scenarios,” particularly around child custody. She acknowledged that “family law has been undergoing a lot of revamp in the last decade,” and so perhaps protections for polyamorous folks “could just be tacked on there.” She felt strongly that this was something that polyamorous folks should work on. According to Boyd (2017), who conducted research on polyamorous relationships and the law in Canada, “almost all of Canada’s most important social institutions are predicated on the assumption that adult relationships are dyadic” (p. 8). While there has been some recognition for polyamorous relationships in the law (see above footnote 51 for a B.C. family law case regarding child custody and polyamorous parents), there is still a long way to go if you have family law issues.

The idea of a contractual basis for distributing rights and resources that was separate from marriage or completely reimagined marriage was popular. Gabby noted how marriage had changed in that it used to be “a contractual matter” and now was “a symbol of love.” She argued that due to these changes “we forget the contractual obligations of being married with respect to your rights and obligations...The reality is that there are much bigger implications of that and a lot of us don’t think about that and that is the financial, the legal, the what happens when your partner goes deep into debt.” For this reason, she maintained the state should continue to be in “the marriage business.” Kendra also noted how marriage and family had changed and so questioned the continued need for institutionalized marriage. She pointed out how in the past, marriage did not exist because of love but rather for economic reasons, to secure property, along with “ensuring who are the parents of children, lineage and so forth.” She reflected that there might still be economic reasons and benefits to marry based on state

policy and so polyamorous people might advocate for plural marriage, or, she suggested, they might advocate for a contractual basis for rights decoupled from the institution of marriage.

Gabby and Kendra were touching on the idea that the two main reasons for marriage – love and economic/financial/contractual – are sometimes incompatible. I think this connects to the idea that many polyamorous folks want to marry solely for love, but without state involvement, and the “other stuff,” the rights and obligations, can be covered by legal contracts. In Gabby’s case, although she said the state should continue to be in “the marriage business” it was more in terms of how to navigate “relationship rights” and not advocating for the institution of marriage to regulate those rights. When musing about how the state would handle plural relationships and rights, she thought that one option would be for the state to “move into regulating us as individuals rather than based on what our family structures are. Which is one option the state could go down, so that there are no rights based on whether you are married, single, divorced, widowed, whatever. It is nothing to do with any relationship status so that everything is assessed individually” – individual rights for everyone.

Neil thought that marriage was “becoming less important in general for younger folks” and should be deinstitutionalized along with the rights and responsibilities associated with it. He emphatically stated that he would get rid of marriage as an institution because it was unjust: “marriage as it stands now is in many ways discriminatory, on more grounds than just on sexual orientation.” He proposed that a

just system of marriage would be a system of marriage that recognized all sorts of kinds of relationships that it does not currently. So, I would want to see marriage reformed to make it a very minimalist institution, meaning it would have very little normative content, that it was essentially a neutral, contract-based system in which people could make certain commitments in exchange for certain social goods – or, maybe better, have it simply removed entirely from the government’s hands.

Neil suggested that if there was a change in the definition of marriage it could open up multiple possibilities for forming relationships:

If marriage is about recognizing the caring relationship of two people in love and incentivizing families to form caring, supporting relationships because it is beneficial to society... If you say that is true, then it changes the nature of how marriage works and suddenly you have to say ‘well, if we are going

to do that, why do those relationships have to be sexual? Why do those relationships have to be conjugal? Why do they have to involve children? Why do they have to involve only two people? Why couldn't you have a supportive caring, loving relationship between two siblings, obviously not sexual, who wanted to live together and support each other in the way that spouses would that provides all of the social benefits that marriage does, why not let them benefit from the incentives that we give married couples?...That once you recognize that marriage is about, as a society, incentivizing loving caring relationships, then suddenly the door swings open to a whole bunch of other stuff.

Using ideas from Brake in *Minimizing Marriage* (2012), Neil summarized, “then marriage as we know it would be destroyed. We can save it as long as we minimize it to a contract between people who agree to care for each other in society that we recognize and incentivise with certain social goods [and benefits]. Could happen between roommates or whoever.”

Participants thought that, culturally, marriage as an institution was “going out of style” and people were more “progressive” in the way they were forming their relationships. They still thought that there needed to be some kind of legal contract(s) to deal with the rights typically associated with marriage, but that it did not need to be marriage per se. Participants were advocating for a contractual basis for rights decoupled from the institution of marriage as we know it, as the monogamous model of marriage that is heteronormative, based on sexual relations, White, reproductive, etc. There is a move towards the deinstitutionalization of marriage and the rights and responsibilities associated with it, along with an opening up of the possibilities of what marriage, or rather committed relationships, might mean.

### **5.8.3. Universal Rights**

Participants expanded on the idea that there needed to be some kind of legal agreement(s) to deal with the rights typically associated with marriage and were strongly pushing towards the decoupling of marriage and the rights and responsibilities typically associated with it. For some participants, not only did they believe that the church or the state should not be involved in marriage, but they were also highly critical of how certain rights were associated with marriage, thus creating inequality. They underlined the injustice of this with a clear push towards the deinstitutionalization of marriage and the

rights and responsibilities associated with it, along with a drive towards the idea that these rights should be available to all, regardless of marital status.

Participants were critical about how rights were distributed via marriage, making marriage compulsory if you wanted access to those rights. When I asked Luke about what he thought about the way that rights were connected to marriage, he had more to say about how exclusive the institution of marriage was and how rights should not be attached to marriage. He declared,

I think it's problematic that rights are attached to marriage, which means that you have to go through a certain institutional doorway to get rights that should be available to everyone. And so, I think the answer is to either expand the doorway, expand marriage so broadly or just dissolve it. And either, I think is fine. Dissolving would probably be more in line with my general political proclivities. But yes, I think that's the fucked-up thing, I don't think you should be forced to adopt any certain type of love relationship style to get political rights. Political rights should be based on our common humanity and the state should have absolutely no bearing on the way we choose to love other humans. Those are private decisions.

Even though his preference would be to not have marriage as a state institution, he conceded that “for the foreseeable future we’re going to, so it should just be as easy for anyone else to acquire the rights that married couples get.” It seems that what Luke is advocating for is a kind of universal rights so that no one should be forced to get married to receive rights.

The idea that the state should have no bearing on how we chose to love other humans was echoed by other participants. In fact, for Matt, decoupling marriage from the state was not just about rights and benefits but about getting the state out of the bedrooms of people, period. He went on, “and I don’t think it should be legislated how many people you can marry. I don’t think it should be legislated *who* you can marry... I don’t think the government should care whether I am married or not.” Instead, he believed that the government should seek to “maintain an even keel, in terms of economics and maintaining the general health and welfare of the people within society.” He is saying that the general health and welfare of people in society should not be dependent on their marital status.

Alicia was also not a proponent of marriage for polyamorous folks and others, critiquing the idea that rights and resources should not be distributed though the

institution of marriage. She was adamant that she would not participate in this kind of “unjust” institution. She explained that she thought marriage was

a socially unjust way of distributing resources, to have it tied to your lifestyle choice versus need. I think we should be distributing resources based on social needs and which people who need it get them, people who don't need it contribute to a society which supports people who need them. I think that the way in which the structure of marriage, now in contemporary society in the US and in Canada and other Western European countries, it is a socially unjust and flawed way of organizing it.

Kris was the most explicitly, unflinchingly, anti-marriage person I spoke to, and they were also clearly critical of a movement that focused on marriage equality. They stated, “so yes, I'm very anti-marriage in every way possible, including anti-same sex marriage. I'm disgusted by the marriage movement and how mostly White wealthy gays and lesbians have entirely taken over the queer political sphere with marriage pretending like it does something good for anyone but themselves.” They argued that the gay marriage movement caused “grievous harm to the most marginal members who aren't married, both in terms of practical resources as well as discursively in terms of reinscribing queer sexuality as being legitimate only as monogamous and basically resembling, in every way, heteronormative relationships.”

Kris emphasized the way that marriage continues to be a primary mechanism through which sexuality and relationships are regulated and managed and “as queer relationships become homonormative, more like heterosexual relationships, you have a disciplining of queer bodies into normative monogamous relationships and also away from poly or non-monogamous relationships away from... casual sex and a further demarcation of public sex as bad and wrong.” Marriage becomes a legitimizing force “and then everything that doesn't fit within the realm of marriage then gets further marginalized and criminalized.” We can clearly understand Kris's analysis using Rubin (1984) and the concept of the charmed circle. Polyamorous folks might want to use marriage as a tool of legitimation to become polynormative, more like normative monogamous relationships as committed and not based on casual sex.

Kris was further critical of marriage as a mechanism through which the state “doles out or provides access to or rescinds access to basic human rights such as the right to live, economic access to jobs, healthcare access, as well as citizenship [via immigration].” They argued that “the fact is they should not be advocating marriage so



that people can immigrate. We should be abolishing the immigration systems altogether and abolishing citizenship.” Kris thought that marriage should be abolished, “the entire institution abolished, and society reorganized around care of everyone... I think that would go a long way towards securing formidable and caring societies.”

Kris clarified that their anti-marriage stance is not against individuals who decide to get married. They understood that sometimes people had to do certain things to survive and get by. They noted that there is “a huge difference between political organizing, political ideology and individual practices of survival.” They explained, “mostly, I don’t really care what people do in their individual lives. What I care about is the large scale economic and political investments in marriage. That, I find utterly and totally reprehensible and disgusting.” They found it “reprehensible” because what they saw in the marriage equality movement “was White people who are offended by the fact that there’s some label or designation that they have that has excluded them from the benefits of White supremacy. And they are going to demand and spend lots of money and fight like hell to receive all of the benefits of capitalism and White supremacy. That’s all they really care about, not whether everyone has access to basic human rights like a place to live, something to eat, healthcare and all that.”

What Kris thought would be a more ideal goal of the movement was if instead of advocating for “state recognition and protections for their relationships” to get what other White people have under a White supremacist and capitalist state, what they should be advocating for is for the abolishment all those benefits that they accrue through marriage, a decoupling of rights from the institution of marriage. They summarized,

These kinds of restrictions that are placed on people’s movements are oppressive and unjust. Every aspect... if people still want to get married and have social recognition for their relationships and they want to be monogamous and they want to do all that, more power to them but the state benefits that accrue to people who are married should not be restricted only to people who are married.

Participants argued that people should not have to get married to get health care or immigration status or any other vital benefits that accrue to married folks. Spade and Willse (2013) argue that “[a]t best it helps a few of the most privileged get these necessities, but those in the worst circumstances see no change.” They explain that “most undocumented queer people don’t have a partner who is a citizen and most

uninsured/unemployed queer people don't have a partner with a job with health benefits." It is coercive and "unethical for movements to prioritize those with the most access" (Spade & Willse, 2013). Even if legalization of marriage were to shift the "meaning of marriage" in some symbolic ways, in no way at all does it undo the damage produced by the institution as it distributes its rewards and punishments. It just gives some of those rewards to some more people. Those with property to share, health benefits to share, and/or immigration status to share might gain something, but the growing numbers of queer and trans people who are poor, unemployed, undocumented and/or uninsured will see no change (Spade & Willse, 2013). Marriage equality advocacy is not a strategy for effectively attacking problems of inequality. According to participants, it would be better to question why rights are associated with marriage and advocate for changing the system, deinstitutionalizing marriage, and stopping the state violence towards those who are most marginalized.

#### **5.8.4. Intersectionality**

When thinking about universal rights, some participants talked about there being more important issues to be concerned with other than plural marriage, issues that have been previously marginalized by a lesbian and gay movement based on rights and inclusion. They suggested that polyamory politics needs to be connected to a broader sexual politics and broader politics in general. While most participants were middle-class White folks, many participants led intersectional lives with their polyamorous identities. Some polyamorous folks' identities intersected with being queer and some were allies to transgender people; "trans issues are more important than poly" (Alicia). Although participants were mostly all White, polyamorous folks were concerned with how people of colour have been marginalized. They were critical of immigration laws as racist and exclusionary (Kris) and Rebecca was part of No One Is Illegal, an anti-colonial migrant justice group. Most of the participants identified as feminists and had a general critique of normative ideas of gender and sexuality, as can be seen in the critique of marriage as patriarchal. Their feminism often intersected with their connection to the kink community and the focus on sexual political issues around consent and the connection to broader sexual rights (Matt, Tara, Natalie, Jay). Although mostly economically privileged, participants were also concerned with issues of poverty and general lack of access to

resources for low-income people, especially rights that were distributed through the institution of marriage.

Participants thought that there were more crucial social issues other than seeking plural marriage and spoke about the privilege associated with advocating for polyamorous marriage. Kristy believed that the more salient issues “we should really be focusing on [were] things like poverty, and mental health, and access to healthcare and trans rights and issues, and all that stuff. And I am like, I really am so much more in the camp of that versus let’s get marriage equality for poly folk.” She understood why plural marriage might be important for polyamorous folks but thought that advocating for that might be “derailing” from more important issues. She argued, “I think that people who are coming from privileged positions really need to examine their privilege.” She was trying to reconcile between advocating for rights for polyamorous folks and a broader movement for addressing poverty, etc. and rights for everyone, which she thought was more important at the time.

Kris also spoke about a broader movement, beyond sexual rights and identity politics. Their goals were to challenge

the foundations of White supremacy and capitalism... not anything to do specifically with [polyamory]. I think sexuality is related to all of that but these single-issue movements around focusing on a single issue like poly or like LGBT rights... What that really becomes about is [pause], what it always becomes about, is an agenda that benefits exclusively to wealthy White people, and I'm much more interested in broad-based coalitional movements around ending White supremacy and ending capitalism and providing basic human rights for everyone rather than focusing around narrow issues of identity. I think that would be most... if those things were to succeed, that would be much more generative for [the] world than trying to seek special poly rights.

Participants were critical of the pursuit for inclusion and recognition to access rights via the dominant institution of marriage rather than questioning and challenging inequalities within the institution and how rights are distributed. A focus on formal legal equality “could produce gains only for people already served by existing social and economic arrangements” while ignoring those most economically marginalized (Spade, 2011, p. 61). These participants illuminate how gender, race, Indigeneity, class, and immigration status determine access to benefits and rights and how those with access are privileged.

## 5.9. Reject the Goal of Marriage Equality

One of the questions I asked in doing this research was: if polyamory is the “new gay” then how has “polyamory politics” been impacted by earlier gay politics based on sexual citizenship, particularly the struggle for marriage equality. The answer is, when it came to marriage equality, unlike the gay and lesbian movement before it, polyamory participants do not “want in” to the institution of marriage, not really. They generally reject the goal of marriage equality. While some participants had been married, were married, or might like to get married to one or more people, most participants (including those who had been married, were married, or might like to get married) were critical of marriage based on socio-cultural, economic, and political factors. They were critical of the social imperative to get married simply based on romance without thinking about commitment, and they were critical of the ideologies associated with marriage such as the unrealistic expectation of a lifelong commitment. Jay and Matt were critical of all the pomp and show associated with the commodification of weddings. Others were critical of how marriage legitimized relationships and kinship. And mostly, they were critical of the legal and political aspects of marriage and the unjust way in which the distribution of rights and resources was done through the institution of marriage. Even when they would get married, it is mostly for love and without the desire for state involvement. They see the need for some people to marry for rights in the context of neoliberalism. However, even when they do want rights, they question the role of marriage in distributing those rights.

Historically, marriage has been used as a regulatory institution, to create good national citizens in Canada. It has been imposed on minorities while simultaneously excluding them. It was imposed to assimilate Indigenous people and other ethnic minorities into dominant Christian, White British culture, to control the population, and reproduce the nation. As a heterosexual and monogamous institution, it has excluded queer, trans, and nonmonogamous people. Many participants understood that marriage is an ingrained institution based on White supremacy, heteronormativity, and monogamy that regulates individuals, and they saw this as problematic.

Marriage has also been an institution that people have sought admission to, particularly gays and lesbians to gain access to the benefits and rights associated with marriage within a neoliberal state. The role of the neoliberal state is to create and

preserve an institutional framework appropriate to neoliberal economic and social practices and policies (Harvey, 2011). This is done by minimizing the role of the state through privatization and the transfer of public services to private interests (Harvey, 2011; Richardson, 2005). There is an emphasis on individual freedom and rights against the excessive intervention of the state (Richardson, 2005, p. 516). Whereas the welfare state emphasized collective well being of citizens paid for by the state, under neoliberalism, government spending on managing poverty, illness, and social order is cut and social insurance against poverty and illness comes to be seen as an individual problem rather than a public responsibility. Individuals are then compelled to sign up for “methods of self-governance,” such as marriage, instead of advocating for costly state-based programs (Whitehead, 2012, p. 7). When individual subjects accept responsibility for social issues, such as health and poverty, social problems come to be seen logically as individualized (p. 7). Marriage, as a technology of neoliberal governance that maximizes individuals’ opportunities for self-regulation, becomes important in the context of a public care structure that is declining (p. 8). It is a way of accessing benefits, rights, and laws that are awarded to married couples and enable them to manage social problems (p. 8).

Sex laws have historically been used to control and civilize people through forceful compliance. There is a shift from the force of law as the impetus to get people to conform, towards a self-regulating citizen who conforms voluntarily. The Canadian state has previously controlled sexuality through marriage law, and the imposition of a White, heterosexual monogamous model of marriage was actually the business of building the state in Canada (Carter, 2008; Dua, 1999; Razack S., 2002) – a White, colonial, cispatriarchal hetero-nationalism. The state still sanctions the exclusively monogamous character of marriage through the force of law. The anti-polygamy law continues to criminalize relationships that do not conform to monogamous marriage. We saw in the previous chapter how polyamorous members of the Canadian Polyamory Advocacy Association (CPAA) engaged with the legal system as interveners in the Reference case in an attempt to exclude polyamory from the law.

While the institution of marriage continues to control and civilize people, it is not just through the force of law, but also by self-regulation and voluntary compliance. Self regulation and voluntary compliance are what occurred in the same-sex marriage equality movement, where gays and lesbians fought for recognition and inclusion into

the governing institution of marriage so that they could have access to the benefits and rights accrued through marriage. A politics of recognition and rights for gay and lesbian families emerged in conjunction with the neoliberal state (Butler, 2002; Weston, 2005, p. 122). Lesbians and gays advocated for sexual and familial rights through the state and the legal system, using it to secure rights for their relationships through marriage, rather than fighting for those rights to be decoupled from marriage and accessible to all, regardless of social status and various intersections.

In contrast to the gay and lesbian movement for rights, polyamorous participants were not actively seeking access to the rights, benefits, and laws associated with marriage. They did not advocate for inclusion into the institution of marriage in the same way and were highly critical of marriage as an institution of the state. They saw that the goal of inclusion to the institution of marriage was problematic in several ways. First, when it came to marrying for love, most polyamorous folks I interviewed did not want the state involved in their commitment; rather, it was something they sought to do as a declaration of their love to their community, family, and partner(s). They emphasised the incompatibility of love and rights tied together in matrimony, arguing that these two things should not be connected through the institution of marriage. Second, when it came to marrying for rights, participants were often simply not interested in marriage and did not feel like they needed it. Or third, many participants still wanted the rights associated with the institution of marriage and so might be compelled to support plural marriage as an interim measure, although they thought that the state should not actually be involved in distributing rights via marriage. Finally, and most notably, participants did not advocate for inclusion to the institution of marriage because they questioned the connection between marriage and rights and why rights and resources are distributed via marriage in the first place. Overall, they were critical of marriage and rejected marriage as an institution that governs people's access to resources and preferred that people have access regardless of marital status.

### **5.9.1. Prefer To Marry for Love Without State Involvement**

Polyamorous participants did not advocate for plural marriage in part because some prefer to marry for love without state involvement and instead make a declaration of their love to their community, family, and partner(s). They thought that marriage should be for love and that the state did not necessarily need to be involved in love

relationships. Love is the socially acceptable reason to give for marriage. Although their idea of marriage for love generally excluded the state's involvement, there was still an idealization of romance and marriage. This idealization of love and romance ignores the reality of many marginalized people's lives who do not have the freedom to marry just for love and without thinking about the rights associated with marriage. Insisting that love is simply a private choice based on individual freedom relies on a neoliberal narrative of free choice that obscures the cultural norms and values associated with marriage that prioritize romantic love. If you see marriage as simply romantic and not based on any type of access to rights, then you are ignoring the benefits that accrue to those who are married and how resources are distributed via marriage. Whitehead argues that love, like magic, "makes governance seem to disappear" (p. 19). The focus on marriage and romantic love prioritizes these types of relationships, in which case it follows that polyamorous folks would not really need marriage to be sanctioned by the state. The personal replaces or becomes separated from the political. There were some who wanted to marry for love who inadvertently may have idealized marriage while others were more cautious about the ideology of romance. Wilkinson argues that "we need to place our personal intimate relations into wider structural inequalities that we may be helping to uphold" (p. 245).

### **5.9.2. Don't Need It – Privileged**

Polyamorous participants also did not advocate for plural marriage because they did not feel as though they needed access to marriage and/or they were not interested, affected, or disadvantaged. Polyamorous participants were mostly White, well educated, and economically privileged people who were not experiencing any disadvantages or immediate crisis at the time. As a group, they did not have any direct need to attend to serious or life-threatening social problems such as illness and poverty. The rights that they were concerned with mainly center around financial assets and wealth, not poverty and homelessness.

In contrast, gays and lesbians were experiencing crises that prompted them towards a movement for marriage rights. Whitehead (2012) notes that the AIDS crisis and the "lesbian baby boom" in the 1980s exposed how vulnerable gays and lesbians were due to a lack of official care structures that were accessible to heterosexual married couples and that it was these crises that pointed out their need and compelled

them seek access to the benefits, rights, and protections that straight married couples had so they could manage their social problems. Unlike gays and lesbians before them, there does not seem to be any current crisis for polyamorous people that I spoke to.<sup>54</sup> They do not lack care structures in the same way. Many participants were married or cohabitating, giving them access to the privileges associated with marriage. Others had developed an intentional community of care that they relied on. They were also mostly financially privileged with secure jobs. It is notable that in Canada we do not rely on employment for our basic health care, although we do rely on private health insurance for dental care and many forms of health care that might be considered basic care. Age also seems to matter whether polyamorous folks would seek access to marriage and rights. Younger participants did not have children yet and so were not worried about child custody issues. Older participants either had no children or their children were grown, so they were not personally impacted by family law regarding children. Of the few middle-aged participants who did have children, they were married.

As families change and polyamorous families become more prevalent, I imagine there may be an increase in cases, particularly regarding children, that will come before the courts, as a few have already. This might expose their vulnerability to a lack of official legal and care structures such as clear laws to establish more than two parents in a polyamorous configuration, which might inspire a push towards an advocacy for change in family law and/or legalization of plural marriage.

Although they were not concerned with life-threatening social problems such as illness, homelessness, and poverty, they were concerned with the rights regarding financial assets and wealth which they could afford to attend to through legal contracts, which they often suggested as a solution. It is a privilege to be both concerned and not concerned about the rights associated with marriage. It is a privilege to have the wealth to care about inheritance and the job to be able to pass on health benefits, and it is also a privilege to have the money to not have to worry about basic needs like housing, health care, etc. It is a privilege to want rights via marriage and it is also a privilege to not care about them.

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<sup>54</sup> I wonder how COVID19 impacted polyamorous individuals regarding care and illness, which might be something further to explore but is beyond the scope of this dissertation.



### 5.9.3. Saw Both Sides

Unlike those who did not feel they needed rights associated with marriage, some polyamorous participants did not advocate for plural marriage despite seeing the need for some people to access rights, such as child custody and immigration, through marriage. Generally, participants wanted the rights associated with the institution of marriage and yet also thought that the state should not be involved in distributing rights via marriage. They saw marriage as a means to achieve rights for polyamorous folks but did not advocate for it because they otherwise did not think that marriage was a desirable institution. They essentially saw marriage as a tool to access rights and were critical that those rights were only available through marriage. Some participants, although against advocating for rights and plural marriage, expressed that they would not stand in the way of others who desired to fight for those rights because they recognized that the rights associated with marriage were materially important and necessary for some polyamorous folks at the time. They would not stand in the way of those who wanted to access rights and marriage and still did not think that the state should be involved.

Some participants did not think it was possible to achieve plural marriage and the rights associated with marriage, either currently or in the near future, and so were willing to compromise in the moment. They recognized that in this current neoliberal moment their opportunity to gain access to benefits and rights that are associated with marriage are only available via marriage and so they might choose to self regulate by getting married. Hart voluntarily stayed married to the mother of his children to maintain rights for his partner and children as it was the only way, or the cheapest or most legitimate way, of accessing rights such as child custody and inheritance at the time. There is a struggle between an ideal vision and how people have to live in the here and now and deal with capitalism and neo-liberalism and survive and provide for themselves and their families.

Some participants pointed out how advocating for plural marriage and rights could be part of a larger movement but were also sure to point out that advocating for marriage and rights was a limited strategy and should not be the only aim of the movement. Theorists Lehr (1999) and Brown (2002) suggest that marriage and equal rights could be a component of a larger gay liberation movement that encourages the

breakdown of hegemonic cultural norms, which is what Dave thought when he pointed out that “being polyamorous is a very political act because we are tearing down the old system... we took something from the system and made it our own” – he was arguing that polyamory is changing the norms regarding relationship formations (which I will discuss further). Polyamorous participants believed, however, that rights were a temporary alleviation of troubles, and the movement should not stop there. Brown (2002) noted that a problem arises when the mitigation of rights becomes the end point, leaving the structures intact, “*regulating* rather than challenging the conditions within” (p. 231). There is a danger of reducing a polyamorous movement from one focused on a broader sexual politics with intersections with other structural issues to a narrow concern of rights for polyamorous individuals that align with polynormativity.

Polyamory folks were somewhat concerned about a split in the movement, noting a tension within polyamory community. On the one hand, some polyamorists see the need for rights as a stop gap measure and as way to open up ideas of relationships. On the other hand, others see advocating for sexual rights like marriage equality as problematic because these rights only secure protection for some while they continue to justify the exclusion of others.

#### **5.9.4. See Marriage as an Unjust Institution**

The main and most common reason polyamorous participants did not advocate for plural marriage and the rights associated with it was because they were critical of marriage as a privileged institution and the fact that benefits and rights were connected to marriage. They saw the distribution of rights via marriage as a socially unjust way of distributing resources and argued that those rights should not be a privilege accessed through marriage but should be accessible to everyone regardless of marital status.

One popular suggestion was that marriage rights could be distributed on a contractual basis, decoupled from the institution of marriage. This suggestion might seem to be an appeal to law and rely on familiar ideas of kinship; however, it may have the potential to open up ideas of kinship, moving beyond the goal of legalization of plural marriage. Contracts could deal with family law by challenging the narrow way it envisions family and fight for community and family self-determination (Spade, 2011, p. 64). It could challenge institutions that do not recognize family formations outside of

monogamous marriage by forcing hospitals to change policies, like hospital visitation rights, to recognize a variety of family structures (ibid). It would probably still leave things such as inheritance rights intact, however, rather than abolishing inheritance and redistributing wealth to end poverty (ibid).

Another recommendation was that all rights should be universal and decoupled from the institution of marriage entirely. It is a call for government to re-establish the welfare state and supports for all citizens regardless of marital status, so that rights do not just benefit those who are already privileged but reach people of colour, people with disabilities, people in poverty, and new immigrants.

The gay and lesbian movement has been criticized for advocating for inclusion based on a politics of recognition and rights within a neoliberal context because it is restrictive and exclusionary. Spade (2011) argues that mainstream gay and lesbian reform strategies are limiting to transformative political change and have been incorporated into the neoliberal agenda in such a way as to not just ignore but also “directly disserve and further endanger and marginalize, those most vulnerable to regimes of homophobia and state violence” (p. 15 & 68). Reform strategies also reproduce hegemonic ideas of sexuality and family through appeals to a neoliberal state (Weston, 2005). Instead, Weston (2005) proposes that queer families “might do better to move toward forms of organizing that question the justice of allocating resources fundamental to life – food, housing, peace, work, travel, health care – through kinship in the first place” (p. 138). This is what participants were advocating for when they critiqued the way that resources were distributed as unjust and instead sought universal rights. They also thought it was important to make space for a diversity of relationship and kinship formations.

## Chapter 6. Conclusion: The Potential of Polyamory Politics – Problems and Possibilities

*“There is the radical potential of poly where sexual minorities can be a critical voice” (Zach)*

Having been part of the polyamorous communities in Victoria and Vancouver, I wanted to explore what kind of “polyamorous politics” were occurring in Canada and critically analyse the problems and possibilities of a polyamory movement given a sexual political legacy based on sexual citizenship and rights claims for recognition and inclusion. Citizenship can be problematic as it does not always guarantee that all members of a nation-state, regardless of class, race, ethnicity, gender, and sexuality, get to be considered human and experience equal access to rights. As a colonial state, Canada has built a nation based on an ideal citizen as White, economically privileged, heterosexual, and monogamous to the exclusion of those who do not meet these criteria. This colonial legacy is ongoing under the current neoliberal state, which continues to regulate sexuality by offering limited opportunities for legitimizing relationships, mainly through becoming good sexual citizens and entering into monogamous marriage. Although concepts of intimacy, sexuality, relationships, family, and kinship have changed in Canadian society – monogamous marriage remains the dominant model which is state sanctioned, while other models remain excluded, such as polyamory.

In this dissertation, I broaden the critical discussions around mainstream Canadian gay and lesbian sexual politics by exploring “polyamory politics” through an analysis that troubles recognition and inclusion via sexual citizenship and equal rights. Given the legacy of a mainstream Canadian gay and lesbian movement based on the sexual politics of citizenship and rights, I wanted to know, as a group that is excluded from heteronormativity and sexual citizenship, what are the goals and tactics of “polyamory politics,” and what manner of engagement is there with the state and the legal system in polyamorous political struggles? Do polyamorous people “want in” and to be considered “normal”? Do they desire the right to marriage? What kind of alliances have they built, or not?

Through my research, I contemplated whether polyamorous people were engaged in the “respectability politics game” that sexual citizenship seems to demand. I was also interested in understanding how polyamory politics might impact sexual citizenship, the social and legal institution of marriage, and the laws and responsibilities that traditionally accompany matrimony. I have extended the critique of a mainstream gay and lesbian politics of recognition based on the desire for normalization that is based on citizenship, rights, and inclusion within a neoliberal context to analyse “polyamory politics.” And I also highlight how polyamorous folks reconsidered ideas of polyamory belonging that are not based on a normative idea of sexual citizenship by reimagining intimate and familial relationships.

What I found was that their approaches were eclectic. They want recognition and normalization via the cultural sphere, “here we are,” by seeking acceptance and inclusion at the exclusion of other “sexual deviants.” They also fight to be “left alone” when it comes to marriage law, although at the expense of polygamous folks and through discourses of normalization. These approaches are based in “respectability politics” and an attempt to assimilate into dominant values and behaviour rather than challenge structural oppression. This approach is problematic due to the exclusions created, the risk of disappearing difference, and the lack of structural change. However, when it came to marriage, rights, and “wanting in,” I discovered they do not really desire these things. While they might advocate for rights for those who need them, or at least not oppose that tactic, they are less likely to engage in discourses of respectability, and instead advocate more for the rights of everyone and the deinstitutionalization of marriage. In this case, their politics hold the possibility of being considered “queer” and transformational in the rejection of marriage as a privileged institution.

## **6.1. Problems – Respectability Politics and the Reference Case**

Respectability politics was a main tactic of mainstream Canadian gay and lesbian sexual politics and continued to be so for polyamorous folks. Polyam folks were doing the same thing that gays and lesbians did in the 1970s by building community and creating a collective identity. They aimed to gain acceptance through education and coming out/visibility. They spent a great amount of their time and energy meticulously creating an identity that could be seen as respectable, fostering ideas of polyamory as

consensual, egalitarian, based on love, honest, and respectful. They did this by contrasting polyamory with other seemingly less acceptable non-monogamies including swinging, cheating, and polygamy (and even monogamy) to cast themselves in a positive light to gain acceptance. They generally wanted to be seen as “normal.” Unfortunately, their collective identity was made to the exclusion of other identities and intersections. Either intentionally or inadvertently, through the goal of normalization, they created hierarchies of sexuality.

Like the gay and lesbian movement did previously, constructing ideas of good gays and bad gays is reflected in the construction of good nonmonogamy and bad nonmonogamy, specifically polyamory identity as good, and swinging, cheating, and polygamy as bad. To normalize polyamory and increase acceptance, nonmonogamous identity was constructed as being loving and committed by polyamorous folks and contrasted to swinging as sex based, unemotional, and uncommitted, and therefore less respectable and less deserving of citizenship. This tactic is based on an assumption of *sex negativity*, a discourse that sex is a dangerous, destructive, negative force, which is upheld by Christian ideology (Rubin, 1984). This is how polyamorous people differentiated themselves from swinging, by buying into the idea of sex negativity, disowning their own sexuality and perversions to appear as “normal,” respectable citizens in loving, committed, stable relationships – similar ideal values as monogamy. Monogamy and marriage regulate sexuality (Carter, 2008), therefore, if people are not being monogamous, then sex must be unregulated, wild, and out of control, which is unacceptable. By aligning themselves with values of monogamy, they could be seen as respectable and hopefully accepted. There is a lot of fear about uncontrollable sex, and some polyamory people internalized these ideas, while some who identified as “sex positive” were simultaneously critical of this strategy.

Polyamory folks also contrasted themselves to cheating and polygamy to increase acceptance of polyamory. They did this by positioning themselves as honest and consensual, making sure to highlight that they were egalitarian, as opposed to dishonest, non-consensual, and patriarchal. Consent was a theme that participants touched on in their attempts to construct polyamory as “good” and themselves as “normal,” respectable sexual citizens. Declaring themselves as consensual was a very clear way of trying to elevate their status as “good” sexual citizens. When it comes to sex acts that are forbidden, it does not actually matter if those involved consent to the

acts, it only matters that they are seen as deviant and therefore wrong (Rubin, 1984). In nonmonogamy such as polygamy, consent of participants is not considered in the evaluation of its goodness; it is simply seen as bad based on the belief that patriarchal polygamy must be coercive because women would never agree with it, and if they do, they must be deceived. Unacceptable sex acts are not awarded complexity regarding if they are consensual or not, but heterosexuality and monogamy are. Normative sex, heterosexual and monogamous, is awarded the pleasure of moral complexity because it is seen as good, and consent is a privilege reserved only for acceptable sex acts and those engaged in them (Rubin, 1984, p. 305). Polyamorous folks used discourses of polyamory being transparent (not cheating) and consensual (egalitarian) to align themselves with good, consensual, monogamous sex (although they sometimes highlighted how monogamy was not always consensual and egalitarian and polyamory actually was superior in that way).

While many polyamorous folks wanted to be accepted and included into heteronormativity, not everyone agreed with this tactic. They also wanted to highlight polyamory as being a viable option that challenged the norm of monogamy or was even superior to monogamy. There were two contradictory desires, where on the one hand, polyamorous folks want to be seen as “normal,” respectable sexual citizens, on the other hand, they also see themselves as outside the norm, challenging the status quo of compulsory monogamy. Polyamorous folks want to both conform and stand out.

Those I spoke to who were advocating for polyamory respectability and normalization were hoping for incorporation or assimilation into the norms of heteronormativity and mononormativity. They aspired to expand the range of those with privilege by pushing the borders of the dominant category, to expand the range of “exalted subjects” (Thobani, 2007) or the “charmed circle” (Rubin, 1984). By framing polyamory as respectable, they hoped to render polyamory as included into the privileged circle of sexuality, bringing it in from the outer limits of non-acceptable sexualities. Most nonmonogamies are still on the bad side of the line; however, they anticipated that nonmonogamy, such as polyamory, coupled with normative elements within the charmed circle, would enable polyamory to be rendered respectable and acceptable. As a group that is already privileged as largely White, middle class, straight, cisgender, and able, it was not unreasonable for them to advocate for inclusion via respectability politics.

As a largely privileged group, polyamorous people have not really faced many systemic institutionalized barriers; as a result, they are not fighting against oppression but rather fighting for acceptance. Many polyamorous participants made comparisons of their struggle to the gay and lesbian movement and the achievements, goals, and strategies they employed; however, it is not clear that polyamorous folks have experienced the same kind of oppression that LGBTQIA+ folks have, and in fact, they expressed to me that they did not feel discriminated against, despite feeling like they were not accepted. Being predominantly White and secular, they also were not persecuted based on their religion, race, or ethnicity in their practice of nonmonogamy like polygamy has been. It is my interpretation that their feeling of not being discriminated against informed the type of politics and activism that polyam people engaged in, which was to advocate for acceptance.

Many critiques have been made about the mainstream gay and lesbian movement based on citizenship, rights, and “respectability politics.” I further critique the tactic of a polyamory movement building a respectable collective identity to curate acceptance with the goal of normalization as dangerous. Respectability politics and politics based on rights and sexual citizenship foreclose and deny aspects of sexuality deemed as “unacceptable” and demand “a modality of sexual citizenship that is privatized, deradicalized, de-eroticized and confined in all senses of the word: kept in place, policed, limited” (Bell & Binnie, 2000, p. 3).

Making room for a respectable polyamory identity might have the impact of opening up ideas of what relationships and intimacy could look like to include polyamory, but it also forecloses ways of forming relationships and intimacy, and excludes those who are not “acceptable.” There is the risk that by conforming to the norm, difference will disappear; moreover, there is also the risk that once acceptance is achieved, the fight would be considered over and the movement will end, again, leaving those outside of acceptable parameters marginalized. What about the sex crazed polyamorous person with green hair who never wants to live with anyone except their dog? Or the polyamorous Black bisexual person living in poverty, or the polyam trans woman of colour, or Indigenous ways of forming kinship that do not accommodate normative kinship structures such as the nuclear family? Is the normalization of polyamory just expanding the ideas of intimacy, relationships, and family to include extra people? Or can it transform the idea of intimacy, relationships, and family altogether?



Despite the exclusions created in the formation of a respectable collective identity, the discourses that polyamorous folks created to legitimize polyamory as respectable and to gain recognition and acceptance were an initial requirement before moving on to further goals of challenging sex laws and seeking citizen rights such as plural marriage, etc. – or – to challenging institutional norms and practices and deinstitutionalizing institutions that create inequalities, such as marriage and the rights that accompany it. What they did next was to build on that collective identity and form a national polyamory organization to challenge the anti-polygamy law.

Community building and creating collective identity were important first steps for polyamorous folks, leading to the formation of the Canadian Polyamory Advocacy Association (CPAA). Without existing community, they never could have come together as a national organization to participate in the *Reference* case as interveners to counter the anti-polygamy law and to educate the public about polyamory. However, their strategies during the *Reference* case further contributed to a discourse of normalizing polyamory through respectability politics.

The CPAA's goal of seeking an exemption from the anti-polygamy law, along with the goal of normalization of polyamory, created a hierarchy of non-monogamies. This is evident in the CPAA's strategy of differentiating themselves from polygamy. They buffered dominant discourses about polygamy being "bad," backwards, inegalitarian, and harmful to women and children by positioning themselves as good sexual citizens who were more modern, secular, ethical, consensual, and equality based than polygamy. By normalizing themselves, they contributed to a continued discourse of polygamy as uncivilized and therefore outside of and undeserving of citizenship, and polyamory as more civilized and therefore more deserving of citizenship. As a predominantly heteronormative, White, economically privileged group, those involved in the *Reference* case had the power to resist being labeled as bad nonmonogamists. Polygamy, being racialized and historically associated with Indigenous people, people of colour, and other "barbaric cultural practices," cannot so easily resist being negatively labeled and marginalized.<sup>55</sup>

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<sup>55</sup> As an example, even though Canada has the anti-polygamy law, the government doubled down on polygamy by creating the "Zero Tolerance for Barbaric Cultural Practices Act" in 2014 to ensure

The construction of polygamy as less civilized relies on racial discourses situated in settler colonialism and the building of a White, monogamous, heteronormative nation. The anti-polygamy law was enacted with the pretense of protecting women and children based on the assumption that gender equality is inherent in monogamous, heterosexual marriage; however, the law was part of imposing “settler sexuality” (Morgensen, 2010) to civilize and control Indigenous and other non-White settlers that were a threat to the nation and protect Whiteness and the purity of the nation from the threat of polygamy. By mobilizing historical racist discourses, the CPAA left intact the criminalization of nonmonogamy, particularly other, less desirable, racialized non-monogamy such as polygamy. By advocating for their own right to be free of state intervention, they ignored systemic inequalities and their own privilege. As a result, a social movement that could have demanded structural change instead focused on goals of inclusion and assimilation to the exclusion of others. The Reference is a further example of the differentialist construction of non-monogamies in the public sphere (Rambukkana, 2015).

Although the CPAA thought that they were a “success” in defending polyamory from the anti-polygamy law by being deemed exempt from the law as long as they did not enter into a marriage-like agreement, they actually failed to protect themselves or any other form of nonmonogamy. Monogamy became more entrenched as the normative and compulsory way to manage relationships and family when Justice Bauman determined that s. 293 was constitutional because it was meant to address the harms to society and protect the institution of monogamous marriage from the threat polygamy posed. In their attempt to situate themselves as civilized subjects who uphold the relationship and sexual values of the nation – just like monogamy – they ended up ingraining monogamy as the normative way to form relationships.

I believe they thought they were doing the right thing at the time and that they simply wanted to protect themselves by exempting polyamory from the anti-polygamy law. However, by doing so they did a disservice to those who were fighting to have the law struck down. By centering polyamory identity, they did not build alliances; in fact, they threw polygamy and other interveners under the bus. In differentiating themselves from polygamy, they missed an opportunity to fight to have the anti-polygamy law struck down, rather than simply be exempt from it. Their fight for sexual citizenship and

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that those who do not conform to compulsory monogamy – i.e., polygamous Muslims – are prohibited from becoming citizens at all.

exemption from the law was based on seeking inclusion into the nation state as legitimate citizens and thus created more exclusion and further marginalized those already exempt from citizenship.

Recently, there has been a bit of a resurgence and shift in the CPAA and their polyamory politics. Since the beginning of 2022, the CPAA has revamped its website, has a fresh new board, and has reconsidered its mandate for 2022, shifting away from a focus on legal advocacy to one of social advocacy. According to their 2022 statement of intent, going forward they are bringing in an anti-racist and decolonial focus within the social advocacy work they are doing, trying to be more intersectional and inclusive to people across categories of race, gender, sexuality, and ability. They are committed to the goal of “improving representation for the polyamorous community in Canada, to reflect the racial and language diversity of these lands” through continued creation of “community building resources and educational materials for individuals new to and curious about exploring consensual non-monogamy” (Canadian Polyamory Advocacy Association, 2022). While there is a new consideration of intersectionality as stated by the CPAA, there is continued focus on community building and education.

Reflecting further on respectability politics and the reference case, one of the problems with identity politics and respectability politics is a question of who has the power to normatively define polyamory. The polyamory movement is led by White people with class and educational privilege (Spade, 2011, p. 60). White, elite, educated leadership leads to a lack of community accountability (Spade, 2011, p. 67). Organizations like the CPAA create and maintain “disappointing and dangerous political agendas that fail to support meaningful, widespread resistance to violent institutions” (ibid). Future research on polyamory politics would take a more intersectional approach and look at polyamorous folks who are solo, queer, gender queer, people of colour, living in poverty, disabled, etc. How do they define polyamory? How have they been marginalized in the normalization of polyamory? What do they want from “polyamory politics”?

In addition to a notable lack of intersectional political alliances within the dominant polyamory communities, when reflecting about what political alliances polyam people have formed across others, I realized that they appear to have not formed many alliances at all. They aligned with some other sex positive identities and some folks

advocated for events that were more inclusive of multiple and diverse sexual identities. There is a strong connection and overlap between kink and polyamory communities (Sheff & Hammers, 2011; Bauer, 2010). I believe that they aligned based on shared emphasis on the value of consent, as well as sharing race and class privilege that enable them to engage in “deviant” behaviour with less risk and surveillance. Kink and polyamory were so intertwined they were considered inseparable for some polyamorous folks.

But they have not aligned with other nonmonogamies and in fact have distanced themselves from other nonmonogamies. I would argue that not having formed alliances with other nonmonogamies is due to their politics based on identity and respectability, which creates insiders and outsiders within non-monogamy by contrasting polyamory with other less desirable non-monogamies. Polyam folks constructed a respectable identity to be accepted, and they did this at the expense of other groups. They did not come together in the *Reference* case, and in fact distanced themselves purposely. They did not fight against the structure of monogamous marriage, they fought to make themselves legitimate. It is notable that polyamorous people have done quite a bit of work to differentiate themselves from other non-monogamous sexualities and practices – to *not* form alliances. It has the effect of destroying the potential of coalition building.

Building coalitions and developing “affinity politics” (Haraway, 1991) instead of maintaining boundaries around identity can bring folks together to work on similar causes towards social justice. Dryden & Lenon (2016) suggest that to build coalitions and solidarity along lines other than identity, what White queers, in this case White polyamorists, need to do is in fact give up their identity as central to defining the movement and being the voice of the movement. This also connects to listening to other voices that have been silenced *within* polyamory communities, not just across nonmonogamies.

Unless polyamory politics gives up its attachment to respectability politics and acceptance, it will continue to reproduce a construction of polyamory identity that privileges identity politics, “coming out,” public visibility, and legislative measures as the dominant measures of social progress (Puar, 2013, p. 338). To do transformative work, polyamorists will have to move beyond identity politics to understand the way that heteronormativity, compulsory monogamy, and the institution of marriage structure all

nonmonogamies and sexualities, privileging some while marginalizing others. This will be key in moving beyond a politics of recognition and inclusion and towards one that seeks to challenge and change an unjust system.

## **6.2. Possibilities – Deinstitutionalizing Marriage and Making Space for Difference**

There are several problems with polyamory politics based on collective identity and respectability. And yet there are also possibilities for a polyamory movement to contribute to sexual politics in a more transformative way as they reject the institution of marriage as a governing structure and seek to open it up and/or deinstitutionalize it.

Marriage is an institution that the neoliberal state provides as a means for self-governance and of becoming a “good sexual citizen.” This model of marriage is exclusionary based on the ideal of a privileged sexual citizen as cisgender, White, heterosexual, middle class, and monogamous, which denies other members of society the status of citizenship. Yet, it is through this model of marriage that individuals can access rights and benefits to manage social problems such as illness and poverty, and so they often seek it out. When marginalized groups seek access to the privileges of marriage, they do so by seeking recognition and inclusion into the institution. Even when accepted, their continued inclusion is never guaranteed.

An alternative idea of idea of sexual citizenship might ask if sexual citizenship and a politics of recognition can be reconfigured – a kind of “queering the citizen.” While sometimes conflicted and desirous of rights, I see my participants as more radical in their politics when it comes to marriage and rights. Instead of seeking recognition and inclusion, they are critical of the institution of marriage as a basis for sexual citizenship and instead advocate for a transformation of the institution of marriage by deinstitutionalizing marriage and decoupling rights and privileges so that they are available to all equally. They also advocate for the right to be different and form relationships and family in a myriad of ways.

Concerning rights and marriage, I saw very little engagement with the state and the legal system and a lack of desire to engage with politics in this way. When it came to access to the rights that traditionally accompany marriage, such as financial and

economic benefits and rights, health benefits and hospital visitation rights, immigration rights, and child custody rights, participants thought that it would be beneficial to have those rights, that it would make life easier, and that they deserved them; however, they did not necessarily think that those rights should be associated with marriage. Their privilege played into whether they wanted rights. Either they wanted the rights to protect or pass on their privileges or they did not care about rights because they were privileged so did not need them. If they had wealth to pass on, they wanted inheritance rights, if they had a good job with benefits, they wanted to be able to share those benefits, or if they wanted to support someone to immigrate, they would marry. Sometimes accessing rights via marriage was seen as quite strategic, as a way to “game the system.” Conversely, many noted how they were not at risk because of a lack of access to rights and marriage. This had to do with the fact that many polyamorous folks had couple privileges already and so had access to many of the rights associated with marriage, resulting in them not feeling jeopardized. They were also mostly White, cisgender, straight, and economically privileged and so did not have to worry about access to basic rights to life. The polyamorous folks I spoke to were not feeling oppressed or facing systemic barriers. They had the resources to protect themselves from unwanted or violent state intervention.

In addition to other rights, child custody, parental rights, and the protection of children was an issue that arose frequently with participants, and this was an area that folks conceded most to the idea of marriage. To deal with issues related to children and other rights, the reformation of the laws, rights, and benefits connected to marriage was a frequent suggestion that was favoured more than advocating for inclusion to those rights. They still thought that the state needed to be involved somehow in overseeing some legal aspects typically associated with children and marriage; however, their preference was a disassociation of rights from marriage so they might advocate for rights on a contractual basis or via changes to family law, decoupled from the institution of marriage.

While I can appreciate the fact that some polyamorous folks wanted protections for their families such as child custody, financial assets, and immigration privileges, it would be worrisome to have a movement that is solely focused on access to rights and inclusion. It would be worrisome because once goals have been achieved for those who want them, then the movement ceases to advocate for those whose exclusions their

inclusion was build on. That kind of movement only serves to protect and benefit those who are already shielded from state surveillance and who are already privileged, leaving those most marginalized to suffer. Protecting inheritance rights keeps the rich wealthy and the poor destitute. Benefits through private insurance because of a job help those with a job and the resources to share, while those without employment and access to private insurance continue to suffer poor health, etc. While there were a few participants who thought rights via marriage would be beneficial, they were mostly conflicted about advocating for marriage rights or were completely against it and did not believe in advocating for rights via marriage.

When it came to marriage, participants did not believe in the institution of marriage as regulated by the state. They would get married for love, without state involvement OR they would get married via the state for strategic access to rights; however, it is notable is that neither group really wanted the state involved in their relationships. They did not need the state to witness their love and they did not think the state should be providing rights via marriage that should be available to all. If others wanted to advocate for marriage as a means of accessing rights, they could see the benefit and would mostly not stand in their way – it was just not something that most polyamorous folks I spoke to were actively advocating for, and many were actually critical of marriage and rights being connected to it.

Instead of advocating for inclusion to the institution of marriage and the rights associated with it and thus recreating exclusions, most participants were critical of marriage as couple centric, unnecessary, and morally corrupt. They saw marriage as a classist, racist, hetero-patriarchal institution and challenged the logic of privileging that they saw occurring through marriage. They questioned how resources were distributed through marriage and were critical of how certain rights were associated with marriage, thus creating inequality by rewarding those who already benefit from existing social and economic arrangements and neglecting those most economically marginalized. They emphasised the injustice of this by arguing for the deinstitutionalization of marriage and the rights and responsibilities associated with it. They did not want to change the institution of marriage to include them but rather to dismantle the institution as it is, as a privileged institution that distributes resources necessary for life to a select few instead of those resources being available to all. They argued that the rights associated with marriage should be available to all as universal rights, regardless of marital status, and

that issues relating to relationships could be attended to by “relationship rights.” Importantly, they also wanted to create space for societal recognition of other forms of intimacy, relationships, and family formations. In this way polyamory could be considered politically queer through “queering the sexual citizen.”

### **6.3. Family Futures**

When embarking on this research, I wanted to understand how polyamory politics might impact sexual citizenship, the social and legal institution of marriage, and the laws and responsibilities that traditionally accompany matrimony. How has polyamory politics impacted ideas of family and intimacy? While some tactics of polyamory politics have been identified as problematic in the upholding of normative ideas of good sexual citizenship and creating hierarchies of sexuality, other approaches can be seen as a desire to challenge the social and legal institution of marriage, along with the rights and responsibilities associated with it. Polyamorous folks who are left leaning, feminist, anarchist, and queer (as an identity and/or as a political position) are looking to open possibilities of what polyamory can contribute to ideas of relationships, intimacy, and family. They are seeking to separate rights from marriage by deconstructing and deinstitutionalizing marriage and to create conscious relationships and constellations of care beyond the White Western settler nuclear family.

They desire to dismantle good sexual citizenship, stop making comparisons, open up possibilities, and deinstitutionalize or destroy marriage as an institution through which people are judged and resources are distributed. Deconstructing marriage is beneficial for all. Economically, folks will no longer be excluded from rights and benefits, although there is still the continued fight for universal rights for all, such as extended medical care, dental care, childcare, etc. It is also beneficial socially, so that we start to dismantle the stigma against folks who do not conform, such as single women, sex workers, sexual perverts, childless persons, and of course, nonmonogamous folks. Marriage has already changed socially in practice, and now polyamory folks are suggesting that change be conceded. Butler (2002) argues that the opposition to gay marriage was an effort to make the state sustain a certain “fantasy” or ideal of marriage and nation whose hegemony is already challenged in practice (p. 36). The breakdown of traditional families and the separation of sex and kinship permits the possibility that



durable ties can be held outside of the conjugal form and opens up “kinship to a set of community ties that are irreducible to family” (p. 38).

### **6.3.1. Marriage Has Changed**

The institution of marriage has long been questioned by people of colour, feminists, and queers as a tool of colonization, an unjust measure of citizenship, cispatriarchal, and heteronormative. And now polyamorous participants are bringing new light to how marriage is an unjust institution, based on compulsory monogamy and mononormativity, that is no longer relevant when it comes to love or the economics of rights. They noted that marriage had changed and as an institution was “going out of style” (Kay), and suggested that it was necessary to make space for and recognize a diversity of relationship and kinship formations. They believed marriage had become a defunct institution that was deceptive, redundant, and no longer served the socio-cultural or economic purposes it was supposed to serve. The fact that marriage had changed led participants to argue that even more change was needed with regards to polyamory, nonmonogamy, and recognizing multiple and diverse forms of kinship.

As the Canadian socio-economic context changes, marriage, with its foundations in White, settler colonial, cisheteropatriarchy, has also been changing and becoming deinstitutionalized with regards to several factors. Increasing divorce rates have led to single parent families, stepfamilies, and new networks of family. The role of parenting within marriage has changed in that people no longer feel the need to get married to have children, they can use reproductive technology to reproduce, or they may choose to not have children at all. People choose to cohabit rather than get married, especially when living common law gives them all the same rights and responsibilities as legal marriage. Changing gender roles and increasing marriage diversity have also changed the heteronormative character of marriage. As women entered the workforce and became more independent, they relied less on the patriarchal sexist institution of marriage. The legalization of same-sex marriage in 2005 changed the heterosexist character of marriage (see Cherlin, 2004 for more about the deinstitutionalization of marriage).

Participants recognized various changes in marriage. They highlighted the fact that the nuclear family was a relatively new institution in Western history and were

critical of the reification of the nuclear family. One of the main observations made about the changing family was the shift from marriage being communal and contractual to now being based on love and the nuclear family. In addition to marriage being based on love, they noted how marriage had become less patriarchal, more secular, and separate from the state and that people were freer to choose different ways of forming relationships. As a result of the changes in family, some argued that it was necessary for the government and the legal system to catch up. Kendra reflected deeply about how families have changed, particularly due to economic system changes impacting the way that we live and organize ourselves, “I mean everything is different. So right now, in the way that the world is working, we don't need to pair bond for economic reasons, but it sure does help.” She suggested that maybe we are returning to ideas about family and relationships that are more communal. She speculated that nonmonogamy and polyamory was not really a new way of managing relationships, “in a sense a lot of non-monogamy is, potentially at least, going back to more communal ways of living that were quite common.”

The idea that marriage had changed and was no longer relevant as an institution linked to ideas that marriage and kinship can look different from couple centric, heteronormative, mononormative configurations and lead to family diversity and the idea that participants thought that there should be an opening up of ideas of how to form relationships and kinship.

### **6.3.2. Family Diversity – Opening Up Possibilities**

Instead of advocating for inclusion to the institution of marriage and their own polyamorous rights, which would result in creating further exclusions, participants advocated for an opening up of relationship possibilities and multiple different ways of forming family and relationships. Weston (2005) argues that working towards legal recognition through marriage and rights is not simply assimilationist, but actually *limits* possibilities and undermines kinship practices that have no hope of gaining legal standing, and it narrows the range of intimacies that people can create (p. 135). If polyamory politics was to focus only on marriage without troubling what marriage is about, then they would risk narrowing ideas of marriage. Polyamorous participants recognized this limitation and sought to open up the range of intimacies possible. Matt

argued that “ideally, what actually has to happen is the idea of marriage has to be redefined or the idea of family has to be redefined.”

One way to redefine marriage and family was the idea that marriage could be simply about loving, caring relationships that do not privilege sex and romance. This was a common idea among participants who thought that this would open up ideas about how people form relationships. Once ideas open up, it becomes apparent that relationships no longer need to be based on sex, involve children, or consist of only two people; instead, they could be configured around people who want to “support each other in the way that spouses would that provides all of the social benefits that marriage does” (Neil). Kay thought she could get behind activism that deconstructed the couple centric, sex-based model of relationships: “redefining family, validating a lot of different types of love and getting back more to the community aspects of child raising and having it more honestly capture what your relationship is actually in your life, not just who's on paper.” She was critical of “sexual privilege” when it comes to the legitimization of relationships because it delegitimized asexuality or long-term sexless couples. Participants believed that people should be able to define the importance of their own relationships instead of privileging romance and sex. Spade (2011) argues that a heteronormative family structure is “a new technology of post-industrial late capitalism” that alienates people from each other and discourages reliance on their communities, instead promoting individuality and the valuing of the nuclear family rather than chosen or extended family and community (pp. 31-32).

Another way to redefine marriage, was the idea of consciously forming relationships to denaturalize monogamy. Participants challenged the normalization of monogamy and the dominant norms and values associated with normative marital relationships. They spoke about consciously thinking about relationships and what was wanted from them, how they should look, how long they will last, how much time will be spent with others, will they be sexual, if they will have children and how will they be cared for, what will the living arrangements be, etc. – trying to consciously figure out how intimacy and family should look for them by uniquely forming relationships. They were imagining relationships beyond the taken for granted relationship norms of married, couple centric, romantic, heteronormative, and monogamous relationships – a conscious configuration of relationships that reflects on and questions imposed rules rather than simply conforming. Luke surmised, “it's not necessarily all wrong but it's all naturalised

and should all be denaturalized, and it should be a choice for people to have that and not just as it is right now, which is just so deeply the dominant discourse that that is just what people do.” Denaturalizing kinship was one way to reformulate its meaning.

Luke suggested that challenges and changes to the institution of marriage could create an opening for a new foundation for relationships centered on “the core values of consensual, loving relationships based on an ethic of care, mutuality, and consent.” This brings to mind Rubin’s idea of “democratic morality” where we “should judge sexual acts by the way partners treat one another, the level of mutual consideration, the presence or absence of coercion, and the quantity and quality of the pleasures they provide” (p. 283). Spade said something similar in that loving, caring relationships should not be defined by sexual exclusivity, “but by actual respect, concern, commitment to act with kind intentions, accountability for our actions, and a desire for mutual growth” (Spade, 2006, p. 36). The idea of a conscious relationship would also work toward moving away from a hierarchy of relationships, sex, and intimacy.

Luke espoused this idea of consciously forming relationships and not just submitting to a default model of compulsory monogamy and heteronormativity. He saw family as diverse and had a broad idea of what family meant to him and envisioned multiple configurations that family might take. In sum, he thought it made more sense

for poly people to invent their own things. Let's invent our own institutions, our own way of celebrating our loves that are true to our own values, and we will implicate the significance of all the good stuff that marriages have, the meaning, the importance, the recognition from friends and family, loved ones or whatever, but we'll do them on our own and they will reflect our own values and not reflect the weird history that marriage comes from. To me, that would make more sense.

Participants critiqued the normative nuclear family, compulsory monogamy, couple privilege, sexual privilege, and heteronormativity as too narrow to encapsulate the multiple forms of relationships and intimacy possible, while imagining a plethora of formations of conscious relationship making that was more community orientated. This brings to mind TallBear’s (2018) idea of a “web of relations.” TallBear suggests that as part of decolonial efforts, we work ourselves into a “web of relations” that imagines kinship beyond monogamy and the nuclear family. TallBear is critical of colonial narratives of Native American families as failures because they do not measure up to White, nationalist, middle class ideals of intact nuclear families (pp. 148-149). She

argues that it is important to recognize the possibility of other kinds of intimacies based on an Indigenous framework of extended kinship where responsibilities and care are distributed and folks take care of each other regardless of gender or paternity, sharing childcare, housing, and other resources (p. 156). She argues that “caretaking precious kin that come to us in diverse ways is an important step to unsettling settler sex and family” (p. 154) and de-centering and denaturalizing family forms that resemble the monogamous couple and nuclear family (p. 156). She believes this extended web of relations “exceeds rather than fails to meet the requirements of settler sex and family” (p. 156) and that the possibilities are expanded “with a model in which *love* and relations are not considered scarce objects to be hoarded and protected, but which proliferate beyond the confines of the socially constituted couple and nuclear family” (p. 163).

TallBear (2018) argues that moving away from mononormativity and couple privilege is a structural issue – not just an individual issue. Envisioning a “web of relations” shifts away from the “discourse of individual responsibility, characteristic of neoliberal rationalities of governance, [that] legitimates [monogamous] conjugal relationships as appropriate structures for property distribution, financial dependency, and care” (Whitehead, 2011). A web of relations or a conscious constellation of people to rely on seems to disrupt or oppose the idea of, or the reason for, monogamous marriage within a neoliberal framework, and the belief that the obligation for care ought to be shouldered by the couple. Participants instead imagined a plurality of types of relationships and family (including monogamy) instead of looking only to marriage and heteronormative structures. Whereas in previous strategies of wanting to be seen as “normal” and be assimilated into dominant heteronormative ideas of good sexual citizenship, here we can see an opening up of ideas of what intimacy, relationships, and family could be. I appreciate the idea of forming “conscious” relationships, entering into relationships with intention, thought, and care while not assuming normative patterns of relationship formation and monogamy. I believe this idea has the possibility to be disruptive and transformative.

#### **6.4. Split Between Recognition and Transformation**

Polyamory politics is complex and complicated. Polyam folks are engaged in a myriad of strategies and tactics with multiple goals. There is no black and white division between the strategies and goals of the polyamorous folks I spoke with. They engage in

“complex everyday negotiations that complicate the binary positioning of ‘liberal complicity’ versus ‘queer antinormative rebellion’” (Roseneil, Crowhurst, Hellesund, Santos, & Stoilova, 2020, p. 12). Richardson (2004) also determined that it is not simply a dichotomous debate between assimilation versus contestation when it comes to sexual politics (p. 400).

From the polyamorous folks that I talked to, I saw an active element of polyamory advocacy attempting to portray polyamory as “normal” and “good” through collective identity, community building, education, and coming out, which could be considered part of the “respectability politics game” of sexual citizenship. They “wanted in” to the extent that they thought it was possible. They wanted to be accepted and seen as normal, nondeviant, good sexual citizens and deserving of rights, but they did not necessarily want access to marriage and its associated rights because they were critical of the institution of marriage as an unjust way to distribute those rights. While polyamorous folks question compulsory monogamy by wanting to make visible different ways of forming relationships and expand relationship choices, they still desire acceptance and normalization.

One thing I do wonder is if things will change towards a more rights-based approach as the movement progresses, which is what happened to the gay and lesbian movement as it shifted from being critical of discriminatory institutions and fighting to change social structures towards a rights-based approach and inclusion. The movement could also shift towards a more radical approach. We know that generationally, the political tactics of the polyamory movement have changed. The “old guard” invested highly in defining polyamory and started the CPAA. They had a more “conservative” identity politics and were more likely to be involved in politics that engaged the state. The “new guard” were younger and more likely to be critical of “polynormativity,” have a more intersectional approach, and were more inclined to reject state involvement in their polyamorous relationships. I also wonder if the gap will widen between those who desire a more queer counterpublic and those who would like to be considered good sexual citizens and be included in the institution of marriage along with other “equal rights.”

Advancing public acceptance and empowering polyam communities is not a bad thing in and of itself. In fact, some theorists (Brown, 2002; Lehr, 1999; Richardson, 2004) and participants would say that it was important to create a cultural shift in attitudes to

decrease prejudice and discrimination. However, the trouble is that with acceptance comes the normalization of polyamory and the disappearance of difference. If polyam folks are only advocating for normalization – we are just like you – then they foreclose other alternatives. They limit the options available rather than creating choices. However, if they advocate for "acceptance" through difference, attempting to open possibilities of intimate and familial formations, then this might have quite a different effect – an effect that has the power to break down norms associated with monogamous marriage and the nuclear family and make room for difference. If polyam folks seek to open ideas, this will be more transformative than a politics based on recognition and inclusion.

As I am writing this conclusion, I am reflecting on the overturning of *Roe vs. Wade* and the right to an abortion for those with a uterus. A right that women and others thought was enshrined in law and protected in perpetuity is now overturned and leaves folks who can get pregnant in a precarious position. I cannot help but think about how this ruling now unlocks the door for the overturning of other rulings, particularly same-sex marriage rights. The Supreme Court Justice Clarence Thomas called explicitly for the ruling on same-sex marriage, *Obergefell v. Hodges*, the 2015 Supreme Court case that established same-sex marriage as a constitutional right in the U.S., to be revisited. This ruling could potentially be reversed. Rights that the gay and lesbian movement thought were secured are suddenly in question – they are at risk of being taken away. Being allowed into the charmed circle does not guarantee acceptance and continued inclusion; it is a conditional invitation.

I think this situation highlights the problem with a sexual politics based on inclusion, since the circle can not only expand but also contract, and yet the movement has mostly waned. The same sex marriage "win" in Canada and the U.S. essentially ended the mainstream movement because they thought that they had security of rights. Now they are at threat of being ousted from the centre, and who is left to fight for them? The ending of a movement based on rights was a concern I mentioned earlier because once rights are achieved for a particular group, that group stops fighting while others outside of that group are left continually marginalized; now gays and lesbians risk being marginalized again. Having been allowed into the charmed circle and granted sexual citizenship, they may once again be denied sexual citizenship. Those rights are now in question, so it appears that the fight is not over.

Perhaps this might serve as a caution to polyamory politics to continue to be wary of fighting for rights and inclusion into the institution of marriage and sexual citizenship. Maybe the gay and lesbian movement would have been better off to follow the trajectory of the gay liberation movement that started in the 60s that "attacked ideas of sexual abnormality but not to be included or 'normalized' through incorporation into the dominant culture; rather, these movements were critical of 'mainstream society' and contested normative institutions and cultural values such as heteronormative definitions of family and gender roles" (Richardson, 2004, p. 395). They might have been better off to advocate for rights for everyone, regardless of race, economic class, gender, age, ability, etc., and to move towards coalitional building and a broad movement that questions the justice of allocating resources fundamental to life through marriage and rights in the first place.



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## Appendix A.

### Call for Participants

Who am I?

My name is Lisa and I am a PhD Candidate in Sociology at Simon Fraser University doing research on the sexual politics of polyamorous people entitled *Sexual Citizenship & Polyamory in Canada: Problems and Possibilities for Sexual Rights Claims*.

What do I need from you?

I am looking to do in person interviews with polyamorous adults in Canada who are involved in the poly community and/or doing any kind of advocacy around polyamory. The interview will be strictly confidential and will require approximately one to two hours of your time in a private, convenient location to be determined between you and I.

Why is this study important?

The goal of the study is to learn more about the political goals and strategies of polyamorous individuals and groups with regards to sexual politics, which might range from educational advocacy to engagement with the state and the legal system.

An understanding of “poly politics” is important as it should improve the general public’s understanding of polyamory, which is part of my own “poly politics.” It is also important in order to provide feedback to various community, non-governmental, and governmental organizations to inform policies and practices around family and relationship issues such as immigration, pensions, taxation, community property, child custody, and hospital attendance privileges for people in polyamorous relationships (and beyond).

If you would like to participate or if you have further questions about my research, please contact Lisa Poole by email or by phone or you may contact my supervisor, Dr. Ann Travers.

Please feel free to forward this message to anyone who might be interested.

# Appendix B.

## Interview Guideline Script

### Questions

1. Demographics:
  - 1.1. How old are you?
  - 1.2. Ethnicity?
  - 1.3. What is your gender identity?
  - 1.4. What is your sexual orientation?
  - 1.5. What is your occupation?
  - 1.6. What is your level of education?
  - 1.7. Income/Socio-economic status (poor/working/middle/wealthy)?
    - 1.7.1. Describe the house you live in?
  - 1.8. What is your current living arrangement?
  - 1.9. What are your relationship statuses?
    - 1.9.1. Married, common law, never married, divorced, separated, widowed, single, triad, primary relationship with a secondary partner?
    - 1.9.2. Gender/sex of partners? Children?
  - 1.10. Politics/political spectrum?
  - 1.11. Religion or spirituality?
2. How did you come to be poly?
3. What other identities do you consider important? Are they all equally important to you? How important is each one to you?
  - 3.1. How do these identities intersect with your poly identity?
4. How would you describe your connection to the poly community?
  - 4.1. Are you part of any (other) poly groups? Thinking of poly discussion groups specifically for women, LGBTQ, and kink.
5. Are you connected to or participate in any other "sexual" groups/activities? Which ones? What is your experience of these group(s)?
  - 5.1. How, in what ways, and why have you engaged in discussions concerning sexual politics or are you aligned with any of these groups?
    - 5.1.1. With gay and lesbian groups?
    - 5.1.2. With queer folks?
    - 5.1.3. With trans people?
    - 5.1.4. With polygamous groups?
    - 5.1.5. Folks who practice BDSM or Kink?
    - 5.1.6. With straight folks or others?
    - 5.1.7. With Burners?
    - 5.1.8. With Swingers?
    - 5.1.9. Other political groups/beliefs?
  - 5.2. How are these discussions/alignments informing poly politics?

- 5.3. Where do they converge and/or diverge, on what grounds, and for what reasons?
6. Do you think polyamory and poly people are accepted by the general public? Why or why not?
  - 6.1. If not, what might change this?
  - 6.2. Do you think polyamory is more or less accepted than your other sexual identities [e.g. gay/lesbian, queer, trans, polygamous, kink/BDSM, other political groups]
  - 6.3. Is there anything that you do that challenges a normative perspective?
  - 6.4. When engaging with the general public, what is important to you as a poly person?
7. What do you think are the key concerns that poly people in Canada are striving for? What kind of advocacy do you think is important for poly people?
  - 7.1. Education? Discussion groups? Parades and Pride? Engagement with the legal system?
8. If you could marry more than one person would you?
  - 8.1. Marriage equality has been an important issue for some gays and lesbians, is this important to you as a poly person? Why or why not? What do you see as the benefits? Drawbacks?
  - 8.2. Is legalizing poly marriage important to you?
9. Poly rights - are they important to you? Why or why not?
  - 9.1. E.g. Family and relationship issues such as immigration, pensions, taxation, community property, child custody, and hospital attendance privileges for people in polyamorous relationships

## Appendix C.

### Participant List

Name	City	Age	Race/Ethnicity	Sex/Gender Identity	Sexual Orientation	Level of Education	Socio-economic status
Dave	Vancouver	44	White	Male	Kinky; queer; flexible	BA in English and History	Middle class
Blake	Vancouver	34	White	Male	"99.9% straight"; kinky	Bachelor of Commerce and CGA (CPA) Accounting designation	Upper-middle class
Natalie	Vancouver	32	White	Female	Bisexual and/or pansexual; queer as a newer identity; fluid	Trade school; first semester post secondary education	Working class
Brian	Vancouver	58	White	Male	"Poly"; straight	2 year technology certificate	"Well off"
Emma	Vancouver	40	White	Female	Queer; Bisexual	MA in Gender Studies	Middle class
Jay	Vancouver	62	White	Male	Straight, heterosexual	Law Degree	Middle class
Gabby	Vancouver	53	White	Female	Asexual; heteroflexible; fluid	Law and Business Degree	Middle-upper class
Peter	Vancouver	49	White	Male	Straight; kinky	six years of college; no degree	Lower middle class
Neil	Vancouver	28	White; Jewish	Male	Heterosexual; straight	BA in Journalism	Lower middle class
Lauren	Vancouver	27	White	Woman	Bisexual; queer	Undergoing Law Degree	Middle class
Pam	Victoria	55	White	Female	Bisexual	Not quite a BA	Middle-upper class
Kay	Victoria	28	White	Female	Pansexual; polysexual	Bachelor of Social Work	Lower middle class
Parker	Victoria	43	White	Male; Gender Curious	Pansexual; bisexual	Masters of Science	Middle class
Lucy	Victoria	49	White	Female	Non-binary Bisexual	Masters in Library and Information Studies	Working poor; part time precarious employment
Sherrie	Victoria	52	White/Mixed	Female	Bisexual, poly, switch	Counselling Certificate	Middle class
Hart	Toronto	42	Chinese Indonesian	Cis-male	Heteroflexible; straight	Partial Undergrad (no longer attending)	"1%-er" Upper class
Zach	Toronto	39	White	Male	Straight	Bachelor in History and Computer Science	Middle class

Name	City	Age	Race/Ethnicity	Sex/Gender Identity	Sexual Orientation	Level of Education	Socio-economic status
Luke	Toronto	32	White	Male	Heterosexual; fluid	Ph.D. in Political Science	Middle class.
Alicia	Toronto	33	Chinese Hong Kong	Woman	Queer; trans inclusive	PhD in Gender and Women's Studies	Middle class
Rebecca	Toronto	34	White	Female	Queer; dates people of all genders	Masters in Philosophy; PhD in progress	Middle class
Matt	Toronto	29	White	Male	Heterosexual; not straight	BA Fine Arts	Lower middle class
Joyce	Toronto	28	White	Female	Kinky; pansexual	BSA in Sociology (Arts) and Psychology (Sciences)	Middle class
Erika	Toronto	26	Chinese Canadian	Gender Fluid	Date men; unicorn	BA in Fine Arts	Working class
Kris	Toronto	40	White	Butch	Queer, exclusively into women gender queer-identifying people; does not date or sleep with cis-men	PhD in history of Consciousness and Feminist Studies; also finishing a MFA in film production	Poor
Simone	Toronto	39	mixed; Indian and British	Female	Pansexual; mostly romantically heterosexual; kinky	BA in International Relations/Political Sciences	Lower middle class
Colin	Toronto	33	White	Male	Straight	PhD in Psychology; degree in Physics	Middle class
Howard	Toronto	64	White	Cis-male	Straight; heteronormative	Partial BSc in Economics	Poor; retiree on small fixed income
Kristy	Toronto	35	White	Cis-woman	Queer	Graphic Design Diploma	Middle class
Tara	Toronto	32	White	Gender Fluid	Kinky; switch; masochist; queer; pansexual	BA; looking to go to grad school in Psychology	Poor
Amelia	Toronto	36	White	Female	Bisexual; non-monogamous/polyamorous;	BA Computer Science	Middle class
Kendra	Toronto	37	White	Gender Fluid	Queer; includes the possibility of csgendered men	Partial PhD; in process	Poor but with high earning potential.