

A decade of same sex-marriage in Ontario

BY ROBERT LECKEY, OTTAWA CITIZEN JUNE 9, 2013

Ten years ago, on June 10, 2003, the Ontario Court of Appeal revised the definition of marriage to stop discriminating against gay men and lesbians. Same-sex couples were wed at Toronto City Hall that very day. The past decade provides cause for pride. But it would be wrong to suppose that opening access to marriage addressed all issues for sexual minorities and adapted the law to the complexity of today's family life.

There is much to celebrate. A legal and political process conducted in courtrooms and Parliament led to equal marriage across the country.

Canadians didn't experience a backlash like that following judicial and legislative developments on this front in the United States. Nor did we have the mass uprisings and rhetorical and physical violence seen recently in France.

Instead, equal marriage rapidly became an ordinary part of the legal and social landscape. Ten years ago, many Canadians opposed discrimination against gay men and lesbians but supported the restrictive definition of marriage. Many of them have since come to accept what their commitment to equality entails.

It's healthy to celebrate the courage and conviction of those who made change here. But we should refrain from complacency.

Legal and social issues continue to impede those who are different from the mainstream, on account of their sexual orientation or gender identity, from participating fully in Canadian society.

Gay men and lesbians still confront obstacles in establishing legal ties with their children. The regimes vary from province to province.

Transgender individuals still face obstacles in securing identity papers that reflect their chosen name and sex designation. Without the appropriate documents, they encounter daily difficulties in areas such as medical services, employment, social benefits and banking. Trans activists press reducing the harms from the criminalization of sex work as another priority.

Naturally, legal changes haven't wiped away discrimination. In particular, gay and lesbian youth remain potentially vulnerable and isolated. Unlike most other minorities, they are unlikely to be born into households of people like themselves.

Recent high-profile cases have highlighted the bullying experienced by gay and lesbian youth in schools or elsewhere. In turn, young people's efforts to seize their rightful space at school have provoked resistance from school boards for religious or other reasons.

Broadening the gaze from sexual orientation and gender identity minorities brings into view the confines of our approach to families. Family law and social policies remain built on the conjugal couple

sharing a home. Indeed, the current federal government has enriched the tax system's rewards for traditional families.

Our policy-makers and legislatures need to take stock of a broader range of family and household forms. Think of blended families, which often lead to multiple parent figures in a child's life. Another example is people living in an interdependent relationship with a friend or sibling. Yet another is people who are in a relationship but don't live together. More individuals live alone than ever before.

These developments call for creativity and a willingness to do more than root out discrimination on entry to marriage. They challenge us to rethink fundamental assumptions about kinship and family.

Ending discrimination in the definition of marriage was momentous. But since marriage is a federal matter, a single law by Parliament eventually changed the definition across Canada. Tackling these other issues to pursue sexual and family justice will require concerted legal, political, and social efforts in multiple locations. Moreover, these issues don't lend themselves to simple slogans as easily as the push for equal marriage. Building coalitions and assembling resources is difficult.

Let's celebrate Ontario's marriage judgment for its part in dismantling legal discrimination. But let's continue to make life more livable for those still excluded by our traditional legal and social structures.

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