



Polygamous Muslims carefully watching B.C. case

Marten Youssef, *The Canadian Press*

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The women of the polygamous community of Bountiful, B.C., in their ankle-length skirts and long hair reminiscent of a different century, have become the face of polygamy for most Canadians.

But members of that tiny sect of the Mormon church aren't the only ones watching for the outcome of the landmark court case challenging Canada's polygamy law. Leaders in the country's Muslim community say the decision will have wide implications.

Aly Hindi, an outspoken imam at Salaheddin Islamic Centre in Scarborough, Ont., said there are more than 200 polygamous Muslim marriages in the Greater Toronto Area alone. The figure is impossible to verify as polygamy among Muslim and other immigrant groups in Canada is often shrouded in mystery.

Hindi believes banning polygamy is harmful to women.

"If the three adults -- the husband, the first wife and (the other) women -- have consent, I don't think the government should interfere in this," Hindi said in a telephone interview.

By disallowing polygamy, the government is encouraging affairs, he told *The Canadian Press*.

"This is unjust law drawn by men who do not want to carry responsibility for the second woman," Hindi said.

Hindi would not say how many polygamous marriages he has officiated at, but he did say that he has witnessed marriages where both women celebrated the relationship, contrary to popular views of polygamy.

Advocates say polygamy is justified in the Qur'an and the Prophet Muhammad himself is often cited as an example of being able to marry more than one woman. According to *Surat al Nisaa*, the "Book of Women" in the Islamic holy book, it is permissible to marry up to four women.

But Muslims are divided on the interpretation of that passage. Tunisia outlawed polygamy in 1956 and Moroccan legislation has made multiple marriages virtually non-existent in the kingdom.

Alia Hogben, director of the Canadian Council of Muslim Women, said the Qur'anic passage referring to multiple wives ought to be understood in the context that it was written.

"Marriage was the only way out for women to gain any kind of status ... it was a form of protection. That section has nothing to do about men's needs for multiple wives," said Hogben.

She said it is a myth that women make a free choice to enter into polygamous relationships.

"I know of no woman who freely chooses to become a second or third wife," said Hogben.

Hogben has submitted an affidavit to the B.C. Supreme Court reference case, where the subject of multiple marriage in the multicultural world has been noticeable by its absence.

Hogben said there is a reason for that: the lack of evidence on the subject.

"No one has come forward on polygamy... all we know is anecdotal. So, how would the court take on the Muslim (issue)?"

Over the years, many B.C. justice officials wrestled with the controversial topic until former judge Wally Oppal became the province's attorney general and took it on.

Under Oppal's direction, the two leaders of Bountiful, Winston Blackmore and James Oler, were arrested and charged with practising polygamy.

"Women are chattels and property in polygamous relationships. There is no way around that," Oppal told *The Canadian Press* in a recent interview.

"I wanted a court to hear evidence and particularly evidence of the harmful effect of polygamy on women and children," Oppal said, reflecting on his decision to seek a criminal case as opposed to the type of constitutional reference case currently before the court.

But the case against Blackmore and Oler was thrown out after the judge found that Oppal was "shopping" for a special prosecutor to charge the two after receiving previous legal opinions against laying charges.

When Oppal lost his seat in the provincial election, his successor, Mike de Jong, did not appeal the decision but chose to ask the court to examine whether Canada's current laws against polygamy violate religious freedoms guaranteed in the charter.

The case focusing on the Fundamentalist Church of Jesus Christ of Latter Day Saints, or FLDS, started in November and is expected to continue into the spring. The FLDS is a breakaway sect of the mainstream

Mormon church, which abandoned polygamy more than a century ago.

"While much attention has been given to what is happening in Bountiful, the fact is there is a larger issue here," said Oppal, who was also the province's minister for multiculturalism at the time.

Although immigration and multiculturalism were topics hardly discussed leading up to the prosecution of Blackmore and Oler, Oppal said, it was the elephant in the room.

"There are certain acts that I think Canadians find to be abhorrent and that is people who come here from other cultures with multiple wives," Oppal said.

If the law against polygamy fails, there will be consequences, he said.

"If we find that polygamy is legal and the section is unconstitutional, there is nothing stopping people from coming in and I think that's contrary to our standards as Canadians. We don't want that," Oppal said.

"If a court decides or parliament decides that polygamy is legal, then the whole face of our Canadian society will change."

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