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Should the media do a product recall?

The same-sex divorce debacle of last week was a tempest in a teapot, though you'd never know it by reading the news

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It was January 12, 2012, when the hand-wringing over an “about-face” on same-sex marriage began. “The Harper government,” read the *Globe and Mail* story that started the maelstrom, “has served notice that thousands of same-sex couples who flocked to Canada from abroad since 2004 to get married are not legally wed.”

It was a factually inaccurate and deeply misleading headline, followed by a superficial story that relied heavily—almost exclusively—on the citations of the very person who had an interest in the issue blowing up publicly, Martha McCarthy.

Ms. McCarthy is the lawyer for a lesbian couple who travelled to marry in Canada, only to later discover that they can’t divorce because their home jurisdictions of Florida and the United Kingdom don’t recognize same-sex marriage and Canada has a residency requirement of one year. (As for same-sex marriages not being recognized, this was always true of the couple’s home territories, no news there. If they moved to Canada, their marriage would be recognized by the state.)

That Ms. McCarthy wanted to draw attention to her clients’ cause is one thing. That the media almost indiscriminately picked up on it, trumpeting the story without apparently asking a single question, is another.

It’s no secret that the media neither understand nor like the positioning of social conservatives. The Institute of Marriage and Family Canada stands in favour of man-woman marriage because it is a social institution that serves children—and by extension—society, better than other family forms. A growing body of international evidence shows that children fare best when raised by their own mother and father.

Nonetheless, this is not an article about whether same-sex marriage is a workable idea for family and culture in North America.

It is an article about the biased and uninformed opinions of the media being reported as facts and doing harm in the process.

Under pressure to rectify the rumours growing globally that the Conservatives were actually considering re-opening the same-sex marriage debate, on Friday, January 13, Justice Minister Rob Nicholson released a statement saying that the longstanding legal loophole would be fixed.

The Institute of Marriage and Family Canada has asked the Ministry of Justice just how this will happen, and have not received a reply.

One option is that foreign couples be allowed to do what Canadians can't, and that is dissolve their marriages without the year-long residency requirement. This creates inequality, namely that some can get divorced more quickly than others. If only homosexual couples are allowed to do so, it reintroduces discrimination based on sexual orientation. It might also lead to Canada as a divorce destination—a "Las Vegas" of the north.

Another option would be to eradicate the year-long residency requirement for all. This is a foolhardy course of action if we would like to strengthen marriage. With the advent of no-fault divorce, divorce became obtainable for any reason, at any time. Virtually the only remaining barrier is the year-long separation requirement.

This protects one spouse from abandonment, from children being left without provision for their care; it provides for a sober second thought in cases where marital breakdown need not be inevitable.

Ms. McCarthy is advocating for the removal of this provision. In explaining her case in the free advertising the *Globe and Mail* kindly provided under the guise of journalism through an online chat forum, she said this about her clients: "They can't get divorced in their home jurisdiction because it doesn't recognize the validity of the marriage. They can't get divorced here, even though they were married here, because the Divorce Act has a one-year residency requirement." She went on: "So we are challenging the residency requirement in a Charter case in order to get them a divorce..."

Whether she is challenging those laws just for her clients or for all Canadians remains to be seen. And how the government will resolve this also remains to be seen.

Either way, this case shows how poorly the media understand the issue of marriage, in particular when combined with the issue of homosexual rights. And the government, instead of attempting to correct the misinformation simply declared they'll fix the problem without saying how, thereby contributing to the idea that they were to blame in the first place.

Of course, "product recall" doesn't exist in the media. There, it's called a correction, which generally newspapers and magazines are loathe to issue. Furthermore, when information hits the Internet, no amount of retracting or correcting helps.

That activists of various stripes go over the top rhetorically is par for the course. That politics are played on Parliament Hill is also par for the course. The media are supposed to sift through the activism, the politics and the rhetoric, ask some questions, and shed light on reality, not act as a mouthpiece for a cause.

That this divorce debacle was a tempest in a teapot was evident for anyone to see—anyone who cared to look, that is. Shame that for the most part, our national media chose not to.