

Lois Harder identifies Hawaii's Act Relating to Unmarried Couples and Alberta's Adult Interdependent Relationships Act as pieces of legislation that were the first in their respective countries to recognize the legitimacy of nonconjugal relationships. She defines conjugality as a marriage-like relationship (633).

The Hawaii law allowed two people who were not allowed to marry to choose to register as beneficiaries and gain access to some marriage-like benefits such as hospital visitation and inheritance rights (641). But to protect marriage, the law prevented heterosexual couples from registering. In addition to this neoconservative motivation, neoliberalism was also a factor (641). Harder notes that it was determined that the new law would not result in significant costs to the state. There are contradictions here in that social conservatism resulted in an increase in relationship diversity, and in that neoliberal efforts to privatize care through new family forms could also result in increased expenditure (634).

In Alberta, AIRA – a law that actually prescribes a legal status to any two people the government deems interdependent – came after Supreme Court pressure to recognize same-sex relationships (643). Nonconjugal relationships were legitimated on the grounds that sex should not matter. Harder argues this socially conservative move aimed to “quell moral repugnance towards the sexual activities of same-sex partners” (647). There was also a neoliberal rationale for AIRA in that extending the web of interdependencies is likely to save the state money (644) by privatizing responsibilities. There is a contradiction because the neoliberal state is supposed to leave people alone, not ascribe status. Harder explains this by drawing on feminist literature that points out that liberalism relies on work in the private realm (654).

In Harder's discussion of conjugality, the most straightforward definition she offers is the judicial one that says conjugality is "the condition that marks relations of interdependence with their associated conditions of emotional and economic support and vulnerability" (650). She later cites Justice Kurisko's attributes of conjugality, which outline some features of conjugal relationships, although not all have to be satisfied for a relationship to be ruled conjugal. These attributes include shelter, personal and sexual behaviour, social activities, perceptions of the couple, economic support, and children (651). What is interesting is that the first definition, as well as the second to a lesser degree, matches up quite closely with the qualifications to be covered under AIRA. AIRA covers any two adults who have "lived together for at least three years, share each other's lives, are emotionally committed, and function as an economic and domestic unit" (644). These categories fit into Kurisko's definition. In clarifying the law, Dave Hancock said it was for "close, intense, personal" relationships, not platonic ones (645). And Harder does not provide one example of a nonconjugal relationship that would be covered under the law. So although the article is about the recognition of nonconjugal relationships, it appears that AIRA is really still about conjugality. In light of this, I would ask Harder the following: since the law does not appear to actually extend privatization more than laws that just cover conjugality, is there still a motivation for the law from a neoliberal perspective?

Works Cited:

Harder, Lois. 2009. "The State and the Friendships of the Nation: The Case of Nonconjugal Relationships in the United States and Canada." *Signs: Journal of Women in Culture and Society* 34:3, 633-658.