



## The Hammer Comes Down: Polygamy

### Description

## Polygamy is alive and well or almost... in Utah!

By **Linda Hammerschmid**

And why wouldn't it be?!

Utah is, after all, the State that harboured members of the Church of Jesus Christ of Latter-Day Saints in 1847 who were fleeing persecution over the practice.

However, the Church was obliged to disavow polygamy, at least overtly, in 1890, as a pre-condition to becoming the State of Utah. However, practicing members can be excommunicated for engaging in polygamy, even today.

What is polygamy? The Oxford Dictionary describes it as the practice or custom of having more than one wife or husband (how equality-minded) at the same time. From the Greek – *poligamos* – to polygamy in the mid-16th century. When a woman has more than one husband it is called “polyandry” which is, almost universally, illegal.

Interestingly, in the few desolate areas where polyandry is allowed, the reasoning has often been based on inheritance and scarcity of land. In order to avoid having to divide family land, the brothers in that family (who owned the land) would “marry” and have only one wife so that upon the death of one brother his share of the land is still remaining “in familia”. This is the rule for impartible inheritance: that which cannot be partitioned or divided.

What is polygamy? The Oxford Dictionary describes it as the practice or custom of having more than one wife or husband (how equality-minded) at the same time.



Polygamy distinguishes itself from bigamy in that, in most cases, the “extra” wives or husbands are known to all participants, whereas in the latter case, usually numbers 2-3-4 ... don’t know about the first spouse. As bigamy is illegal in most countries, so too, by the sheer number in excess of two, is polygamy, where actual recognized “marriages” of the 1st couple took place.

However, if one is only married once but lives with multiple others, all of whom know they are not “married”, this is simply open adultery, which isn’t illegal but certainly requires stamina and is grounds for divorce at least in Canada, should the legal spouse decide, down the nuptial road, that 3+ isn’t good company anymore! Concubines and mistresses may be tolerated, but they enjoy no legal status or benefits (save for those limited [usually] to fiscal laws and sometimes pension regimes). In some countries, however, Egypt for example, with the consent of the first wife (no mention regarding husbands) having multiple spouses is not illegal.

If one truly wishes to enjoy multiple marriages, without criminal penalties, move to Malta (or Saudi Arabia) where such unions are permitted without conditions. For a list of countries where bigamy/polygamy is illegal [or not] [see the chart](#) (source: Wikipedia)

Proponents of decriminalizing polygamy equate their movement to that of the gay rights movement. Rivals of this group believe it has to do with “weaponizing God” <sup>1</sup>.

Previously, in 2013, a federal judge in Utah struck down the anti-polygamy law as unconstitutional, but that judgment was overturned on appeal. And since the Utah Senate voted to decriminalize polygamy on February 18, a House committee has also voted on another Bill to decriminalize bigamy between consenting adults.

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Opinion is split however between factions as to whether or not this measure will in fact help or hinder abuses including sexual assaults related to underage marriages. In Canada, a strong stand has been taken against polygamy, which is punishable by up to 5 years in jail. In 2017, two former Mormon bishops of the Latter-Day Saints were found guilty of polygamy in B.C.

[Here](#) you will find the current and former versions of Article 293 of the Criminal Code. Of note: technically, “any kind of conjugal union with more than one person at the same time [whether or not recognized by law] ...” is considered polygamy and is an indictable offence.

So the moral of all this, in Canada at least, is BE CAREFUL with whom you live and under what arrangements you are living with ‘them’!

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1. Jennifer Dobner (Reuters February 18, 2020) citing the group Sound Choices Coalition.



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