Are United States Anti-Polygamy Laws Efficient?

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Abstract

Polygamy correlates with domestic violence, oppression of women, child brides, poverty, and crime. Does polygamy directly cause the many harms society associates it with? I review the literature on polygamy using the lens of economic reasoning and social welfare analysis. The United States rarely enforces its ban on polygamy. This pushes polygamy underground without significantly reducing its prevalence. I consider whether an alternative legal approach to polygamy would better serve American society. I conclude that polygamy hurts social welfare but should be decriminalized to limit its harms.

Keywords: polygamy, polygyny, marriage markets
Are United States Anti-Polygamy Laws Efficient?

Monogamy is a marriage or relationship between two people. Polygamy (or plural marriage) is a marriage between more than two people and most commonly takes the form of polygyny, the marriage of one man to several women (Becker, 1974). Fundamentalist Mormons refer to polygyny as plural marriage. Polyandry is the rare practice of one woman marrying several men (Becker, 1973). This thesis will mostly examine polygyny since it is the most common form of polygamous marriage.

Polygyny is associated with a multitude of negative social institutions such as abuse of women and children (Grossbard, 2016; Henrich, Boyd, & Richerson, 2012), child brides (Grossbard, 2010), expulsion of young men from communities (Sigman, 2006), poverty (Edlund & Lagerlöf, 2004), crime (Henrich, 2010), and welfare fraud (Morin, 2015). The United Nations condemns polygamy based on these connections (United Nations, 1999). This paper considers whether there is sufficient evidence to conclude polygamy causes each of these negative outcomes or whether there are alternative explanations, using the analytical framework of economic theory.

Economics of Marriage and Polygamy

Gary Becker, a Nobel Prize winning economist, pioneered the economics of marriage in 1973. His 1973 paper described the concept of a “marriage market,” a metaphor for how we choose whom to marry as individuals in a society. Becker showed economic methodology could be applied to many non-market activities. He proposed that an economics framework could be applied to marriage because marriage is voluntary (meaning everyone chooses whether to marry and whom to marry) and
competitive (meaning there are a multitude of buyers and sellers). This does not mean people participate in a physical marketplace or dollars are necessarily exchanged (Becker, 1993). Becker’s (1973) theory began with two foundational assumptions: “each person tries to do as well as possible” and “the marriage market is in equilibrium” (p. 813). This means each person chooses the partner(s) who provides the most long-term benefit and usually cannot leave this partner to find another without becoming worse off. Shoshana Grossbard, Becker’s former student, elaborated on his theories. Grossbard (1980) describes marriage as “a joint enterprise whereby man and woman produce goods and services for their own consumption” (p. 322). Marriage grants access to resources that would otherwise be difficult or impossible to create alone or purchase in a market, such as companionship, financial security, and children (Grossbard, 2013). Becker referred to this basket of goods marriage partners produce together as marital output (Becker, 1993).

Next, Becker expanded the economics of marriage to consider polygamy (1974). He made the same assumptions as his previous paper, except he accounted for diversity in “quality” of potential spouses. Some people can contribute more to marital output than others, making them more valuable in the marriage market. This suggests polygamy can occur if some men are significantly higher quality than other men. A highly productive man could afford to marry multiple women. Women prefer to marry a monogamous man so they do not have to share resources (Becker, 1974). Thus, the polygamous man would have to pay more. This raises the price women can demand from high-value men. Meanwhile, there will be fewer women available in the
marriage market because the polygamous man has married several. The remaining single women will be able to demand a higher price than in monogamous societies. Becker concluded polygamy helps women because it increases their value in the marriage market (1974). His former student, Grossbard, disagreed based on her elaboration of his theories over the past four decades (2014). She agreed polygamy increases the value of women, but proposed men capture this value, not women. Both perspectives will be considered later in this paper.

Methodology

This thesis uses economic methodology to analyze the costs and benefits of anti-polygamy laws in the United States. I conduct this through a critical literature review. Few economists have written about polygamy and much of the literature is interdisciplinary. Therefore, this analysis considers literature from other disciplines, especially anthropology and legal scholarship. This project synthesizes literature from multiple disciplines but analyses this literature from an economics perspective. No previously existing research has considered as many or as wide a variety of sources on polygamy’s impact on society.

Using economic reasoning does not imply the research will focus on taxes, income gaps, and dowries. Instead, it means using economic logic to look at non-monetary issues. Economics is simply the study of the allocation of scarce resources (Winter, 2013). It assumes people rationally make decisions based on incentives. Most resources are scarce even if they cannot be measured with dollars. In marriage markets, eligible marriage partners are the scarce resource.
Single people will be viewed as goods in a market. Marriage market framework does not require ignoring human experience and values, nor does it necessarily treat women as a commodity. This framework simply serves as a metaphor for understanding human behavior. Monogamy can be viewed as a regulation on the marriage market, which limits each person to one spouse (Grossbard-Shechtman, 1980).

The thesis asks whether polygamy laws are efficient. Efficiency to an economist simply means maximizing utility (happiness). Defining efficiency for society presents more of a difficulty. How do you balance one person’s happiness against another’s? Economists do this using a social welfare function (Posner, 1979). Social welfare functions consider all theoretical costs and benefits, estimate the magnitude of these factors, and weigh the costs against the benefits to evaluate a socially optimal solution. Social welfare function’s conclusions depend on the goal one hopes to achieve. In marriage market analysis, the goal is to maximize marital output and optimize polygamy’s externalities on society. Thus, I will consider both how polygamy impacts polygamists and how it affects society overall.

**Motivations**

Economists have explored the reasons individuals and cultures turned away from polygamy over time (Citci, 2014; Gould, Moav, & Simhon, 2008). However, few economists have explored the institution of monogamy from an overall social welfare perspective. This thesis explores what costs and benefits the institution of monogamy has on the United States. Polygamy is a unique context for testing economists’
theories about marriage and family because it shows how marriage could work in a different context.

This topic is abstract and academic, but fundamentally about a law that affects real people. Western society considers polygamy repugnant (Newport, 2015). Same sex marriage activists have fought an uphill battle against the slippery slope argument that gay marriage will lead to polygamy, incest, and bestiality (Kurtz, 2003). The salience of this slippery slope argument lies in the idea that traditional marriage must be defended or it will lose power. Meanwhile, some Americans practice polygamy in secret (Morin, 2014). These isolated communities are only visible to Americans when we hear of the worst of their atrocities. If polygamy is harmful, the underground practice harms untold numbers of helpless citizens. Alternatively, if polygamy has a worse reputation than it deserves, then anti-polygamy laws represent centuries of persecution of Mormons in this country (Faucon, 2014). Either way, this paper asks a question that is relevant to society at large.

Background

Early History - The Era of High Enforcement

Polygyny is more common in human history than monogamy. According to the World Ethnographic Index, 85% of recorded historical human societies were polygynous, while only 15% were fully monogamous (Murdock, 1957). Most modern, industrialized societies, however, mandate monogamy (Henrich, Boyd & Richerson, 2012).
The United States never sanctioned polygamy (Sigman, 2006). Mistresses were common in early American history, but men were expected to treat only one woman as a wife. Polygamy became a controversial issue with the rise of the Church of the Latter Day Saints (Anderson & Tollison, 1998). The Church of the Latter Day Saints is also known as the Mormon Church. Mormon polygamy threatened 19th century American norms and ideals. The fight against polygamy held a national spotlight for decades. The movement against polygamy comprised a potent cocktail of racism, fear of Mormons, and paternalistic defense of women (Ertman, 2010).

Anti-polygamy activism was grounded in racism (Ertman, 2010; Sigman, 2006). Activists, the media, and politicians equated monogamy with civilization and whiteness, and polygamy with “barbarism” and non-white races (Ertman, 2010). American media portrayed Mormons as race treasonists because polygamy was associated with non-white cultures. The U.S. Supreme Court in Reynolds v. United States (1878) referred to polygamy as “almost exclusively a feature of the life of Asiatic and of African people,” deeming it inferior on the grounds of civilized whiteness (p. 145). Politicians warned that polygamy would turn Americans into savages, like the Asians and Africans (Sigman, 2006). Politicians named polygamy “one of the twin relics of barbarism” along with slavery. White Mormons impaired notions of white supremacy by practicing polygamy (Sigman, 2006).

Modern rejections of polygamy focus on the patriarchal control of women in polygamous societies; this paper will consider the link between modern polygamy and patriarchy later. The 19th century claim that polygamists oppressed women was
deeply hypocritical. Accusing polygamists of patriarchal control of women protected Christian monogamists from the same criticism (Song, 2016). Coverture laws defined a married couple as one unit (that unit being the husband). Mormons contradicted the coverture narrative with polygamy, easy access to divorce, and female enfranchisement. Nineteenth century monogamous marriage laws allowed for husbands to beat and rape their wives legally. Politicians accused polygamists of abusing women, ignoring the pervasive abuse of women across American society. While politicians and the media lambasted Mormons for oppressing women, some early feminists stood with polygamous women (Song, 2016). Elizabeth Cady Stanton, for example, spoke out against all contemporary forms of marriage and claimed Mormon polygamy was no worse than Christian monogamy (Ertman, 2010).

Anderson and Tollison (1998) proposed politicians created anti-polygamy laws as a form of rent-seeking behavior. Rent-seeking is spending resources to gain personal wealth at the expense of society. For example, corporations lobby the federal government to enact tariffs, which hurt the economy overall but benefit the corporation. Non-Mormon men may have lobbied against polygamy because it threatened their control of women in the marriage market. The Mormon Church gave women more power and economic opportunity than was afforded to women elsewhere. Many women converted to Mormonism, limiting the supply of marriageable women for non-Mormon men. Non-Mormon men, especially low-income men, had every reason to feel threatened by polygamy. Anderson and Tollison’s (1998) model showed politicians were more likely to vote for anti-
polygamy bills if their constituents would benefit from the rent-seeking advantages of monogamy.

Mormonism grew quickly and church leaders began secretly practicing polygamy in 1843 (Anderson & Tollison, 1998). In 1852, the leader of the Mormon Church, Brigham Young, announced God had instructed him to be polygamous. He preached that men could only reach the highest level of heaven if they married polygamously (Faucon, 2014). Mormons considered polygamy an integral part of their faith, referring to it as celestial marriage. Mormons evangelized and rapidly expanded their presence. Their combination of isolationism and rapid growth intimidated the American public (Ertman, 2010). America perceived Mormons as a threat. Banning polygamy was an effective tool to curb Mormon power and expansion (Anderson & Tollison, 1998; Song, 2016).

Congress passed a series of bills from 1862 to 1887 with the goal of eradicating polygamy and weakening the LDS church (Anderson & Tollison, 1998). The first bill, the Morrill Act for the Suppression of Polygamy (1862) clarified that polygamous marriage was illegal (Sigman, 2006). It also directly struck at the Mormon Church, attempting to dis-incorporate them and limit their ability to hold property. This weakened the church but did not have much impact on polygamy. Judges and juries in Utah were usually Mormon and pro-polygamy, so it was nearly impossible to convict anyone of plural marriage (Ertman, 2010).

Mormons responded to the claim their religion oppressed women by granting women suffrage in 1870 across Utah (Ertman, 2010; Song, 2016). Early non-Mormon
feminists thought Mormon women would use their newfound power to eliminate plural marriage. However, enfranchisement only increased the power of polygamists because now they had twice as much voting power. Next, Congress passed the Poland Act, which revoked the power of the Utah county courts for most purposes. This began the era of mass arrests of Mormon leaders. The Supreme Court ruled in *Reynolds v. United States* (1878) that the Morrill Act did not violate Mormons’ religious freedom. Still, the federal government had a difficult time proving polygamy since community members would not testify against each other (Faucon, 2014). To circumvent this, Congress passed the Edmunds Act of 1882, banning cohabitation (Sigman, 2006). Anti-cohabitation laws defined anyone who lived with two members of the opposite sex that they were not related to as a bigamist. This act also excluded people who believed polygamy was acceptable from serving on juries in polygamy cases. It also disenfranchised both male and female polygamists. This new law ramped up the prosecution of polygamy in Utah, with 95% of criminal cases in Utah from 1871-1896 being for sex crimes (Sigman, 2006). Next, the Edmunds-Tucker Act of 1887 disenfranchised women and criminalized both adultery and fornication. This Act enabled the federal government to seize the assets of the church and officially disincorporate them. The United States Supreme Court upheld this Act. Finally, in 1891, the Mormon President Wilford Woodruff declared God had told him to abandon polygamy. The Mormon Church gave up the practice and regained their incorporation. In 1894, Utah was granted statehood under the condition “polygamous or plural marriages are forever prohibited” (Morin, 2013).
Many Mormons did not accept this church decree and saw it as a desperate political ploy (Walsh, 2010). The Mormon Church splintered and some began calling themselves fundamentalist Mormons, meaning they still believed in polygamy. These Mormon splinter groups still exist in America today, practicing plural marriage in isolated communities. The battle against polygamy succeeded in setting back the Mormon Church, but it failed to eliminate polygamy entirely.

**Recent History – The Era of Low Enforcement**

Polygamy has been a marginal phenomenon in America since the 19th century but has recently surged in public awareness. Popular shows such as *Sister Wives* (a reality show on TLC) and *Big Love* (a fictional drama series on HBO) generate attention to previously hidden polygamists. While most Americans still find polygamy immoral, fewer do than in previous years (Newport, 2015). In 2015, 16% of Americans considered polygamy morally acceptable, compared to 7% in 2001. Polygamy no longer represents a moral scourge on America, as it was perceived in the 19th century.

The legal treatment of polygamy has transitioned from high enforcement to lax enforcement and potential decriminalization. In 2010-2011, British Columbia’s Supreme Court considered whether Canada’s anti-polygamy laws violated citizens’ freedoms (*Reference re: Section 293 of the Criminal Code of Canada*, 2011). The case determined anti-polygamy laws were only constitutional in Canada if polygamy caused provable harms to society. This case generated over 90 affidavits and expert reports. Views of polygamists, polyamorists, academics, activists, legal scholars, and
other experts were all considered. By the judge’s estimation, “the bulk” of modern research on polygamy was considered in the court record. The Court concluded anti-polygamy laws were justified because polygamy causes significant harm to children, women, society, and the institution of marriage (Reference re: Section 293 of the Criminal Code of Canada, 2011).” Judge Bauman (2011) stated, “The evidence, in particular that of Drs. Heinrich and McDermott, supports the reasoned view that the harms associated with the practice are endemic; they are inherent” (Reference re: Section 293 of the Criminal Code of Canada, 2011, p. 270).

Canadian polygamists are demographically similar to polygamists in the United States. Most of the polygamists in Canada are fundamentalist Mormons, with some secular and Muslim polygamists. Fundamentalist Mormon communities in the United States and Canada are closely interlinked and comparable. Additionally, the Canadian polygamy ban follows similar language and restrictions to the United States ban (Reference re: Section 293 of the Criminal Code of Canada, 2011). Thus, the academic literature submitted to the Canadian ruling will be considered carefully in this analysis.

Two raids in the past century demonstrated the difficulty in enforcing anti-polygamy laws in the United States (Reference re: Section 293 of the Criminal Code of Canada, 2011). In 1952, authorities raided the Short Creek Community, arresting almost all adults present. Over 200 children were taken into protective custody, some never returning to their parents. While most of the adults were arrested, few were convicted of any crime. This raid prompted a media backlash in support of the
Mormons (Faucon, 2014). The 2008 raid of Yearning for Zion Ranch temporarily brought scrutiny to polygamy and its enforcement across the United States (Reference re: Section 293 of the Criminal Code of Canada, 2011). Law enforcement and Child Protective Services raided the small community and took 460 children from their homes (Bennion & Joffe, 2016). They based this raid on an anonymous tip call, which was likely a hoax. Authorities discovered 12 adolescent girls were in illegal “spiritual marriages” with older men. Warren Jeffs, the leader of the Fundamentalist Later Day Saint (FLDS) sect was arrested during this raid. Eventually, all of the children were returned to their parents. Neither of these raids resulted in many convictions or succeeded in eradicating polygamy in these communities. These raids were the only major attempts by law enforcement in America to prosecute polygamy in this century. Despite the multitude of laws, law enforcement has a limited ability to enforce anti-polygamy laws.

Polygamy is a crime in all 50 states and across Canada (Faucon, 2014; Reference re: Section 293 of the Criminal Code of Canada, 2011). The details of this law provides insight into what exactly polygamy means and how these laws affect polygamists. The law considers polygamists guilty of bigamy, the crime of trying to marry multiple people (Duncan, 2008). Polygamists do not have to register for multiple legal marriages to break the law. Polygamists usually only marry one person with civil recognition (Faucon, 2014). Their additional marriages are spiritual marriages, not legal marriages. Yet, being in a legal marriage with one person while behaving as if married to another qualifies as bigamy (Brown v. Buhman, 2013). The
only way authorities can prove someone is polygamous is by proving they had multiple wedding ceremonies. Polygamous lifestyles are legal; polygamous weddings are the crime.

The one exception is Utah, where authorities can also prove polygamy by cohabitation. Until 2013, living with more than one person of the opposite gender was considered proof of bigamy in Utah (and several other states). It is far easier to prove a man lives with several women than to prove he had several weddings. Anti-cohabitation clauses were the primary way law enforcement prosecuted polygamists (Morin, 2013). Kody Brown, a prominent polygamist made famous by the show Sister Wives, filed a case against Utah’s polygamy ban in 2011 (Bennion & Joffe, 2016). In 2013, Brown v. Buhman declared Utah’s anti-cohabitation clause unconstitutional. Law enforcement could no longer prove polygamy simply by showing a man lived with two women thus making it even more difficult to convict someone of polygamy. But the 10th Circuit Court of Appeals reconsidered Brown v. Buhman’s conclusion. On April 11th, 2016, they reversed the decision, confirming multiple-cohabitation illegal in Utah again. Brown plans to appeal the decision (Turley, 2016).

It is important to consider the justification for the 10th Circuit Court of Appeal’s ruling. They dismissed Brown’s case on a standing basis. This means Brown did not have the reasonable right to contest the law because the anti-polygamy law did not threaten him. Authorities in Arizona, Colorado, and Utah testified they officially do not prosecute polygamists who are not committing other crimes. Since Brown was an otherwise law-abiding citizen, the court ruled he had nothing to fear. The
prosecutors claim they never would have brought charges against Brown because he was a non-abusive polygamist. This implies only an abusive polygamist can contest anti-polygamy laws. A man charged with both statutory rape and polygamy could challenge anti-polygamy laws but Brown could not.

To summarize, polygamy is illegal but law enforcement is nearly incapable of enforcing the current law. They cannot prove someone is polygamous unless they prove two weddings occurred, or if cohabitation occurred in the case of Utah. They managed to keep the anti-cohabitation clause, but only by committing to only enforce when they suspect other crimes. American anti-polygamy law hangs in limbo—it can neither be enforced nor eliminated.

This thesis considers the costs and benefits of legalizing polygamy. But this question does not require a binary option of the current system versus full legalization. Right now, polygamy is illegal in the United States but the ban is rarely enforced (Utah Attorney General’s Office & Arizona Attorney General’s Office, 2009). The United States could opt to legalize polygamy, meaning they would regulate it, grant legal benefits and create legal obligations to polygamous unions, as they do with monogamous marriages (Bailey, 2016). Another option would be decriminalization. This means the government would stop considering polygamy a crime but would not grant legal status to polygamous marriages (Bailey, 2016). Alternatively, the state could start enforcing the existing polygamy ban, prosecuting and imprisoning polygamous people (Morin, 2013). In the conclusion, I will consider each of these choices more extensively, based on the studies synthesized in this paper.
Potential Impacts of Polygamy

Demand for Polygamy

If America legalized polygamy, by what extent would polygamy rates increase? This question matters because the degree of polygamy determines the magnitude of its impact. The Canadian legal decision on whether to decriminalize polygamy asked scholars whether they believed polygamy demand would increase in Canada if the ban were repealed (Reference re: Section 293 of the Criminal Code of Canada, 2011). Much of the evidence in this section depends on the Canadian legal decision and its supporting affidavits.

Nations that allow polygamy do not necessarily have high rates of non-monogamous marriage (Bailey, 2016). Only very wealthy men can generally afford to marry multiple women (Becker, 1993). In the Islamic faith, men are permitted to marry up to four women (Al-krenawi, Graham, & Slonim-nevo, 2002). Some African nations have very high rates of polygamy. In Sub-Saharan Africa, the percentage of married men who are polygamous ranges from 10.2% to 55.6% in Malawi and Cameroon, respectively (Schoellman & Tertilt, 2005). Rates of polygamy in Middle-Eastern nations are lower than in Sub-Saharan Africa (Tertilt, 2005).

Isolated communities of fundamentalist Mormons already practice polygamy in secret, especially in Utah, Colorado, and Arizona (Faucon, 2014). Dr. Walsh, a Mormon studies scholar, estimates as many as 50,000 fundamentalist Mormons live in these isolated, polygamous communities (Walsh, 2010). These communities have demonstrated they demand polygamy strongly enough to defy the ban. Walsh believes
many mainstream Mormons would become polygamous if it were legalized


Even if most Mormons stayed monogamous, some would embrace polygamy (Walsh, 2010). Mormons make up only 1.4% of the United States population (Phillips & Cragun, 2008). Mormons are the most geographically isolated religious group in America, with most Mormons living in Utah, Colorado and Arizona. For example, 57% of Utah residents are Mormon. Most new polygamists would likely be Mormons (Walsh, 2010). The social effects of polygamy would not be diluted throughout the American population but concentrated in specific religious communities.

Most polygamists base their marriage in religion, generally Mormonism or Islam (Morin, 2013). But secular non-monogamy is on the rise, particularly with the growing polyamory movement (Reference re: Section 293 of the Criminal Code of Canada, 2011). Dr. Henrich believes legalization would legitimize polygamy, making it a viable option for secular citizens (Henrich, 2010). He cites that polygamy is an effective evolutionary strategy for men who can afford it. He predicts wealthy, high status men would practice polygamy, reducing the stigma associated with it. American society is highly stratified by social class and wealth. It is entirely possible many women would prefer to marry a billionaire polygamosly than a middle class man monogamously (Becker, 2006; Grossbard-Shechtman, 1980). Other researchers disagree with Henrich’s assessment. Morin cites that most polygamy occurs through religious obligation, not personal gratification (2013). Most Americans find polygamy morally abhorrent (Newport, 2015). Grossbard also testified that polygamy rates
would not significantly increase, citing that France has decriminalized polygamy
without major changes to polygamy rates (*Reference re: Section 293 of the Criminal
Code of Canada*, 2011). Similarly, the United Kingdom has decriminalized polygamy,
but polygamy is still uncommon (Bailey, 2016).

Marriage laws and social norms have changed in many ways within the past
century. The Supreme Court legalizing interracial marriage (*Loving v. Virginia*, 1967)
and same-sex marriage (*Obergefell v. Hodges*, 2015) parallels the gradual social
acceptance of these marriages (Newport, 2015). No-fault divorce laws and the end of
coverture laws lessened the power imbalance between married men and women
(*Obergefell v. Hodges*, 2015). Serial monogamy, the practice of marrying multiple
people over the course of one’s life, is now an accepted norm (Bergstrom, 1994).
Many Americans now expect to have multiple romantic partners and/or marriages
throughout their lives. It is not outside the realm of possibility that American social
norms could adapt to polygamy.

We cannot know how common polygamy would be if America legalized it. Legalizing polygamy in a developed nation would be unprecedented. France and the
United Kingdom have partially decriminalized polygamy but have not legalized the
marriage form. There is insufficient data on how many people would choose this

Marriage norms change quickly and society adapts. However, as Bailey (2016) and
Grossbard (*Reference re: Section 293 of the Criminal Code of Canada*, 2011) assert,
society seems to be moving away from polygamy, not towards it. They suggest polygamy would still be uncommon if it were legal.

**Skewed Sex Ratios**

Sex ratio refers to the ratio of men to women in a society (Central Intelligence Agency, 2015). For example, if a nation has 50 men and 100 women, the sex ratio would be 0.5. The United States has a sex ratio of 0.97. Nation by nation, the ratios range from 0.85 in Latvia to 1.54 in Bahrain. Naturally, the sex ratio is approximately 1, but many factors can unbalance this ratio. Men tend to die younger than women and conflict can amplify this effect (Central Intelligence Agency, 2015). In the other direction, many societies value boys more than girls. Parents in these societies sometimes abort female fetuses or commit female infanticide. These societies may also invest less in girl’s health, which increases the mortality rate for girls. A frontier society, such as the American West during the 19th century, generally has more men than women because men have more freedom to colonize. These and many other factors can change the sex ratio of a society.

Imbalanced sex ratios can cause social instability since many young people will be unable to marry (Tatlow, 2015). Unmarried people lose access to the stability of marriage and family. They may never have children and would have no one to support them in old age. Imbalanced sex ratios may increase out-of-wedlock births while reducing marriage rates (Charles & Luoh, 2006). Some suggest that a sex ratio imbalance of additional men raises crime rates (Kanazawa & Still, 2000).
The sex ratio in China is currently 1.15 for children ages 0-14. Chinese society values boys more than girls (Fong, 2016; Tatlow, 2015). China has restricted each couple to only have one child since 1980 (Henrich, Boyd, & Richerson, 2012). This policy was intended to curb population growth but also dramatically impacted the sex ratio, because many couples preferred to have a son instead of a daughter (Fong, 2016). Many girls were aborted, killed at birth or sent overseas for adoption (Tatlow, 2015). Amartya Sen (1990) estimates 50 million girls are “missing” from China because of this one-child policy. Because of this, approximately 30 million Chinese men will never marry (Fong, 2016). These men are known as guanggun, or “bare branches,” because their ancestral line stops at them. Elderly Chinese people typically depend on their offspring for support. Guanggun will have no children to care for them in old age.

Chinese economist Xie Zuoshi recently proposed China should permit polyandry to address their sex ratio imbalance (Tatlow, 2015). Each woman could be permitted to marry multiple men. This would solve the problem of surplus men, enabling most to marry.

Chinese feminist Zheng Churan lambasts Zuoshi’s proposal. “Behind the imbalanced sex ratio of 30 million bachelors lie 30 million baby girls who died due to sex discrimination. But somehow everyone’s still crying that some men can’t find wives” (Tatlow, 2015). Churan’s critique addresses the issues of unintended consequences. Polyandry would help the guanggun but would not help the millions of infant girls still being victimized by infanticide. Permitting polyandry would not
address the root issue of female infanticide. The one-child policy directly harmed infant girls. China is currently experiencing a secondary harm of their one-child policy, the limited marriage opportunities for young men. Polyandry would partially solve this secondary harm but would not address the root issue (Tatlow, 2015).

Societies may have fewer women then men if they do not value women as highly as men (Fong, 2016). Under monogamy, a shortage of women would theoretically push up the value of women in the marriage market (Tatlow, 2015). They would be able to demand more from potential partners (Becker, 1993). Parents may begin to value daughters more than before and the sex ratio theoretically would self-correct. If polyandry were instead permitted, it would permit most men to marry, even with the limited supply of women (Tatlow, 2015). But it would make women even less valuable in the marriage market. Potentially, this could skew the sex ratio even further.

Overall, the United States’ sex ratio is at equilibrium. But specific communities have skewed sex ratios, particularly African Americans in cities and Mormons in rural areas.

Demographic data shows there are 1.5 million “missing” black men in America (Wolfers, Leonhardt, & Quealy, 2015). Incarceration and/or early death have removed these men from society (Faucon, 2014). Almost 10% percent of black men ages 20-39 were in prison in 2010 (Neal & Rick, 2014). Almost 33% of black men ages 20-24 without a high school diploma were incarcerated during 2010, while the employment rate for the same group was only 25%. In other words, a young black man without a high school diploma was more likely to be in prison than to be
employed during his prime marrying years (Neal & Rick, 2014). African American men are imprisoned an average of 19.5% longer than white men who commit similar crimes (United States Sentencing Commission, 2012). The rising incarceration rates of young black men unbalances the sex ratio of the young, African American marriage market (Faucon, 2014). There are far more black women looking for husbands than black men looking for wives. Charles and Luoh’s (2006) model suggests this imbalanced sex ratio reduces marriage rates and increases out-of-wedlock births.

Some African American Muslims in Philadelphia have begun marrying polygynously to address this sex ratio imbalance (Faucon, 2014; Hagerty, 2008; Morin, 2015). Only a small minority of African American Muslims in Philadelphia chooses this practice. These Philadelphia Muslims turn to polygamy as a way of embracing their faith, their culture and their family goals (Majeed, 2016). Polygyny enables more women to marry. But it fails to address the macro level issues that unbalance sex ratios.

The examples from China and Philadelphia demonstrate polygamy can benefit the current generation in a society with skewed sex ratios but fails to address the root issue. Polygamy is a rational adaptive response to skewed sex ratios. However, it discourages societies from fixing their sex ratio imbalance. In fact, polygamy can encourage further skewing of sex ratios (Sigman, 2006). Polygamous societies tend to have institutions that control marriage market sex ratios (Sigman, 2006) such as sex-selective abortions (Cassidy, 1989), infanticide (Tadlow, 2015), and child brides
(Tertilt, 2005). These acts artificially skew the ratio of available spouses, making polygamy more feasible.

Sigman (2006) argues polygamy is not directly harmful but its harms stem from the incentive to skew sex ratios. For example, she cites that fundamentalist Mormon communities in the United States have a large age gap between husbands and brides and young marriages for women. These communities may also excommunicate young men. These practices all skew the sex ratio towards favoring polygamy. Many of the harms correlating with polygamy could be explained by this incentive to skew effective sex ratios.

**Children**

Becker, Murphy, and Tamura (1990) proposed that families make a tradeoff between child quality and child quantity. Quality here means likelihood of surviving and reproducing. A couple may choose to have many children with little investment for each, or to have fewer children with more investment in each. Polygyny allows and encourages men to seek many offspring (Becker, 1974; Henrich, 2010). Polygamous men have more children despite each of their wives having fewer children than monogamous women (Bergstrom, 1994; Grossbard-Shechtman, 1986; Henrich, Boyd, & Richerson, 2012). Both theory and empirical data suggest polygamous families invest fewer resources into each child (Becker, 1990; Edlund & Lagerlöf, 2012).

Henrich (2010) said polygamy reduces male parental investment in three ways. Low status men do not marry or have children so they do not invest in any offspring. High status men will have more children, diluting their investment in each. Also, high
status men will shift from investing in their children to investing in seeking new wives. All of these factors reduce paternal investment in children.

There is strong empirical evidence children of polygamous men have higher mortality rates (Heath & Hadley, 1998; Omariba & Boyle, 2007; Strassman, 1997). A study using data from the Demographic and Health Survey of 22 Sub-Saharan African nations demonstrated this on a large scale (Omariba & Boyle, 2007). The authors found that children in polygamous families have higher mortality rates than children in monogamous families, even while controlling for other family characteristics. Another study on child mortality found a strong correlation between polygamy and child mortality in the Dogon tribe (Strassmann, 1997). Of the 118 children of polygamists, 37 died during the 6 years of the study while only 3 out of 55 of the monogamous cohort died in this span. This result was not due to wealth differences, dependency ratios, or poor nutrition. The authors proposed the results were due either to co-wife competition or less parental investment from fathers. These studies all took place in modern African nations. For comparison, Health and Hadley (1998) examined census data from 19th century Mormon Utah. The authors find that wealthy (usually polygamous) men fathered more children than poor (usually monogamous) men. However, rich fathers had an average of only 5.5 children survive to age 15 while poor fathers had an average of 6.9 children survive to age 15. This suggests poor monogamous men invested more in each child, despite having less resources overall.

Polygamy may lead to poor health outcomes for children. Few studies have considered this hypothesis so data is mixed. An empirical study of the Sukuma people
in Tanzania used weight/height measurements to find children of polygamous families had worse nutrition and growth than children of monogamous families (Hadley, 2003). The Sukuma people have plentiful food and land resources and the women have partial choice in their marriage partner. The author was surprised to find a difference in outcomes for polygamous and monogamous families. Hadley determined this disparity was not due to wealth inequality or factors such as timing for introduction of solid food. The authors tentatively proposed polygyny as a risk factor for poor growth and nutrition in Sukuma children. A social work study found that children of polygamous families have worse mental health but the correlation is mostly due to demographic variables such as poverty and low levels of parental education (Al-krenawi, Graham, & Slonim-nevo, 2002). Both studies show positive correlation between polygamy and poor child health. The Hadley (2003) study proposes polygamy causes this low investment while the Al-krenawi, Graham, and Slonim-nevo (2002) study suggests both polygamy and poor health stem from external causes.

Human capital is the skills and capabilities an individual can use in their career and life. Edlund and Lagerlöf (2012) showed polygamous societies invest less in children’s human capital than monogamous societies do. For children, limited human capital investment harms their quality of life and future economic success (Tertilt, 2006). Low human capital investment also impacts economic growth, as discussed in the following section on economic growth.
Child welfare is one of the primary modern arguments for polygamy bans. Polygamy correlates strongly with poor outcomes for children. The literature suggests that polygamy harms children by reducing father’s investment in each child.

Upcoming sections in this paper will consider additional aspects of child welfare and polygamy. The section on women will explore polygamy’s relation to child abuse and child brides. The section on impact to men will discuss “lost boys”, the teenagers forced from some fundamentalist communities.

**Economic Growth**

Monogamy correlates with societies’ economic prosperity across place and time. Modern wealthy nations do not recognize polygamous marriages (Edlund & Lagerlöf, 2012; Kanazawa & Still, 1999). Poor nations often either sanction polygyny or fail to enforce bans on it. Polygamy has declined in prevalence as the world has become richer. Individual wealthy men are more likely to be polygamous but wealthy societies are more likely to be monogamous (Edlund & Lagerlöf, 2012).

Some say economic growth incentivizes monogamy (Citci, 2014; Gould, Moav, & Simhon, 2008) while others say monogamy creates growth (Croix & Mariani, 2014; Edlund & Lagerlöf, 2012). The theory that economic growth incentivizes monogamy will not be specifically addressed in this paper because it does not help determine whether polygamy harms or benefits society. Instead, we will explore the few papers that consider the opposite explanation. Five papers propose requiring monogamy encourages economic growth (Edlund & Lagerlöf, 2012; Edlund
Schoellman & Tertilt (2006) and Tertilt (2005) proposed monogamy helps the economy by decreasing fertility. Bride prices are high in polygamous societies. This encourages high fertility because parents want to maximize their number of daughters. Men invest in gaining more wives and daughters instead of investing in savings and capital stock (Schoellman & Tertilt, 2006). Monogamy decreases the value of children as an investment because daughters are not worth a high bride price. Tertilt’s (2005) model based on Sub-Saharan African data suggests banning polygamy in currently polygamous nations would increase savings by 70% thus increasing growth per capita by 170%. Tertilt’s (2005) model also suggests high fertility in polygamous nations limits human capital investment in the next generation.

Edlund and Lagerlöf (2004; 2012) elaborated on the idea that polygamous nations invest less in each child’s human capital. Their 2004 model suggested polygamous societies invest less in girl’s human capital than in boys. A son with high human capital may be able to marry multiple women, increasing his fertility, while a daughter’s fertility does not depend on her human capital. Underinvestment in women’s human capital harms a nation’s long-term economic prosperity. Edlund and Lagerlöf (2012) proposed monogamy encourages young men to invest in their children instead of in their personal consumption. Their model assumes older men invest all of their time into supporting their families, while younger men can take leisure time. Requiring monogamy allows more young men to marry, diverting their leisure time
into caring for children. This additional care increases their children’s human capital, which helps economic growth.

Gould, Moav, and Simhon (2012) also justify the connection between polygamy and poverty using human capital. They argue polygamy allows men to invest in gaining additional wives instead of investing in their children. The authors created a model using marriage data from Cote d’Ivoire. Their model supports their hypothesis that polygamous men divert resources to gaining more wives instead of supporting their children.

The determinants of a nation’s economic prosperity are exceedingly complex. All five papers referenced in this section state that many other factors are more important to economic growth than marital structure. Economic growth and monogamy positively correlate. Some authors use models to theorize that polygamy stunts economic growth. But they cannot prove causation and equally compelling studies suggest reverse causation, that economic growth incentivizes monogamy (Citci, 2014; Gould, Moav, & Simhon, 2008). Further research would be necessary to make any strong statement on this important issue.

Women

No facet of the debate around polygamy is as divisive or thoroughly researched as how polygamy impacts women. This thesis will consider polygamy’s effect on women at length. Popular media depict polygamy as a patriarchal institution that universally hurts women (Sigman, 2006). This belief serves as the primary argument for its abolition worldwide (Grossbard, 2013). Most of the academic literature on
polygamy focuses on the institution’s harms to women. However, some economists claim the opposite, that polygamy helps women (Anderson & Tollison, 1998). Human rights groups assert polygamy oppresses women but Gary Becker proposed monogamy oppresses women (Becker, 1974). Why do economists disagree with media, policy makers, and other academics? Their disagreement is fundamentally about free markets and the underlying assumptions of Becker’s marriage market model.

**Theory.** Gary Becker (1974) showed in a free marriage market, legalized polygamy benefits both monogamous and polygamous women compared to mandating full monogamy. If polygamy is legal and people are heterogeneous, some elite men will seek to marry more than one woman (Becker, 1974). These men will have to convince women to marry polygamously by offering them a better “price” than a monogamous man is offering. Thus, women who are willing to marry polygamously will earn a higher return. Additionally, polygamy will make women more scarce in the market, raising the market value for women overall. Women who could benefit from polygamy would marry polygamously. If a woman wants to marry monogamously, she could choose to (Becker, 1974).

This conclusion defies the conventional wisdom but can make intuitive sense. Some men are more desirable in marriage than other men. Two women might prefer to share a highly desirable man than to each marry a different less desirable man monogamously. He could be more desirable because of his wealth, kindness, conversation skills, social status, virility, or any other factors that determine
marriageability. While Becker (1974; 1993) mainly focused on wealth, he specified that his analysis could easily encompass factors other than money.

Becker claimed anti-polygamy laws are discrimination disguised as self-righteous paternalism. Becker questioned in a 2006 blog post: “isn’t it offensively patronizing to women to believe they cannot make their own decisions about whether to enter into marriages that contain other wives?” He went so far as to compare monogamy laws to the apartheid saying, “The laws that prevent men from taking more than one wife no more benefit women than the laws in South Africa that restrict the ratio of black to white workers benefit blacks” (Becker, 1974). He considered anti-polygamy laws to be a way for men to limit women’s value in the marriage market.

Becker’s elegant model transformed the way social scientists see marriage, and many have built upon his marriage model. His former student, Shoshana Grossbard, has studied polygamous marriage markets for the past 40 years (Grossbard, 1976; Grossbard-Shechtman, 1980; Grossbard-Shechtman, 1986; Grossbard-Shechtman, 1993; Grossbard, 2010; Grossbard, 2013; Grossbard, 2014; Grossbard, 2016). Initially, she supported Becker’s conclusion that polygamy helps women (Grossbard-Shechtman, 1980). Further analysis changed Grossbard’s (2010) views: “Over 35 years of study, my opinion has changed and I now believe polygamy to have a negative impact on the economic well-being of women, amongst other things” (p. 2). She now believes marriage markets are almost never free, particularly in polygamous societies (Grossbard, 2014). She agrees that polygamy increases the value of women but contends women do not capture this value.
Grossbard’s (2016) shift in opinion stems from questioning her mentor’s fundamental model assumption that “marriage markets are free in the sense that participants are free to choose and equilibrium prices are allowed to be established where markets clear” (p. 1). I will now consider this assumption in two parts, first whether individuals are “free to choose” their marriage partners and second, whether prices are at equilibrium.

**Questioning “free choice” assumption.** Becker assumed marriage is voluntary, meaning each party is free to choose whether to marry, when to marry, and whom to marry (Becker, 1974; Grossbard, 2014). However, brides often cannot choose whom they marry (Tertilt, 2005). Arranged marriages are common in monogamous societies and almost universal in polygamous societies (Grossbard, 2016; Tertilt, 2006). For example, Cohen (1971) found that Maiduguri polygamous marriages are negotiated between the bride’s father and the husband, not with the bride (1971). Marriage laws in the United States leave marriage decisions up to the husband and bride. However, fundamentalist Mormons believe women should defer to their husbands and fathers (Jankowiak, 2008). Church elders tell young people whom to marry, and religious doctrine obligates young women to listen. Women are taught that their salvation depends on marrying whom their fathers and church elders tell them to marry. Women can legally choose whom to marry but community and religious pressure limits their options. Fundamentalist Mormons in isolated religious communities are much less “free to choose” than the general American population.
Becker assumed fathers act altruistically towards their families. This means fathers serve as proxies for their daughter’s decisions because fathers consider their daughter’s utility when choosing whom she will marry (Becker, 1974). There is far more evidence for the opposite phenomenon: that fathers sell their daughter’s fertility rights without much consideration to her utility (Bergstrom, 1996; Tertilt, 2006). When marriages are arranged between father and future husband, women are the goods being exchanged, not a negotiating party (Henrich, 2010). Thus, women’s gains from marriage are not the priority.

**Questioning definition of equilibrium price.** Becker (1974) showed that polygamy increases the price of women in the marriage market. “Price” in the marriage market can mean two different things. Firstly, bride price is a lump sum payment from a man to the father of his bride (Grossbard-Shechtman, 1993). Secondly, marital output percentage refers to how much of the marital output each person uses for personal consumption over the course of the marriage (Becker, 1993). Marital output percentage can be viewed as how egalitarian a marriage is. Bride prices generally do not exist in America, but marital output percentage still applies to American marriages.

Women directly benefit from their marital output percentage (Becker, 1993). Bride price goes from the husband’s family to the bride’s family and does not directly benefit the bride. The woman’s father will use her bride price to purchase additional wives for himself or his sons, not to improve her quality of life (Bergstrom, 1996). Becker (1993) showed that polygamy raises the price of women but did not specify
whether he was referring to bride price (which does not help the wife) or marital output percentage (which does).

Polygamous societies are more likely to have bride price than monogamous societies (Bergstrom, 1994; Tertilt, 2005). Becker used the correlation between bride price and polygamy as evidence that polygamy benefits women (Becker, 1974) and Grossbard (1993) initially agreed with this evidence. She re-evaluated after Guttentag and Secord’s (1983) paper, which showed men in polygamous societies have an incentive to control women’s marriage rights and capture women’s high value for themselves. Grossbard (2014) now claims bride price is a bribe from the groom to the father to gain access to the scarce resource of eligible women. Men will pay bride price to fathers instead of paying high marital output percentages to women (Bergstrom, 1996; Grossbard, 2010). They accomplish this by controlling women’s marriage decisions and by negotiating over bride price instead of marital output percentage (Grossbard, 2016; Henrich, 2010; Henrich, Boyd, & Richerson, 2012).

To summarize, polygamy makes women more valuable but encourages men to capture women’s high value through bride price. Fathers will choose the husband who can pay the highest bride price, not the husband who will provide the highest marital output percentage (Bergstrom, 1996; Tertilt, 2006). This suggests polygamy can make women worse off than in monogamy (Bergstrom, 1994).

Women will not agree to men siphoning away their high value, so societies with polygamy limit women’s power in the marriage market and in politics (Grossbard, 2014). Grossbard argued that powerful men would only encourage
polygamy if they can prevent women from controlling the marriage market (Grossbard, 2014; Grossbard-Shechtman, 1993). Similarly, Henrich, Boyd, and Richerson (2012) claimed institutions such as bride price, arranged marriage, and isolation of women are tools designed to control women and limit their power in society. These economists proposed societies that allow polygamy would also have institutions that limit women’s power. These institutions and polygamy will mutually reinforce each other. Polygamy would enable the creation of institutions that limit women’s power and these institutions would enable the continuance of polygamy. I will now consider examples of such institutions and the evidence for their connection to polygamy.

**Empirical evidence.**

*Limited political power.* The United Nations gender empowerment measure showed women in polygamous nations have less political power than women in monogamous nations (Tertilt, 2006). The gender empowerment measure ranks equality on a scale from 0-1. Tertilt showed highly polygynous nations have an average score of 0.22 while similar but monogamous nations have an average score of 0.5. This measure includes a variety of indices of female empowerment, including how many women are in high status jobs and male-female income ratios. Tertilt (2006) also showed that women in polygamous societies have fewer seats in parliament. Grossbard’s (2016) theory of collusion between men implied that limited political power and polygamy are mutually reinforcing phenomenon. Limited political power enables polygamy while polygamy limits women’s power. It is also possible
that both polygamy and limited political power stem from an external phenomenon, as will be explored in the conclusion.

**Education.** Polygamy limits women’s access to education. Women in polygamous nations are less literate (Tertilt, 2006) and less likely to receive a formal education (Agadjanian & Ezeh, 2000; Gould, Moav, & Simhon, 2012). Families in polygamous societies invest less in girl’s education and human capital than in boy’s education (Edlund & Lagerlöf, 2004; 2012). For example, Gould, Moav, and Simhon (2012) find that polygynous women in Cote d’Ivoire are less educated than their male counterparts. Agadjanian and Ezeh (2000) found that only 63% of women in polygamous areas worked for pay while 84% of women in monogamous societies worked for pay. Polygamous cultures often do not educate women or expect women to work outside the home (Campbell, 2005). As a result, women in polygamous societies have less economic freedom (Agadjanian & Ezeh, 2000).

**Child brides.** Polygamous societies have earlier marriage age for women and larger age gaps between husbands and wives than monogamous societies (Becker, 1993; Henrich, 2010; Tertilt, 2005). Tertilt (2005) found the average women first married at age 19.9 in highly polygamous African countries, at age 22.7 in less polygynous African countries, and at age 25 for similar but monogamous countries. Highly polygamous nations have an average age gap between husband and wife of 6.4 years, compared to a 2.8 year age gap in comparable monogamous countries. Cohen (1971) showed that women in the highly polygynous city of Maiduguri usually marry by the age of 15 while men do not usually marry before they are 20.
American Mormon polygamists may also display this pattern of girls marrying older men, but empirical data on North American polygamists is sparse. Kendall (2010) studied teen pregnancy rates in the fundamentalist Mormon community of Bountiful, British Columbia. He found that Bountiful residents were only about 8-24% of the total population of the local area, but that just five of the major Bountiful families represented 38% of the local teen pregnancies. He additionally determined that 28% of these Bountiful teen mothers had partners at least 10 years their senior. About half of the teen mothers had a partner at least five years older than them. Kendall’s preliminary study suggests teen pregnancy is common in Bountiful.

Becker’s (1993) marriage model showed that polygamy would push the demand curve for women upwards, incentivizing young marriage ages for women. He cited child marriages as evidence that women benefit from polygamy. Becker’s (1993) logic was that women enter the marriage market early in polygamous societies because they gain more from marriage. Grossbard’s early theory (1978) also used child brides as evidence that polygamy helps women. She changed her position later in her career because children do not have the capacity to consent (2016). She used Cohen’s (1971) findings that children do not choose their own marriage partners but instead are forced into marriage by their parents. Since parents are unlikely to be perfectly altruistic towards their daughters, she concluded that child marriages harm children. Girls who marry without having negotiating power lose out on the high competition for their marriage right (Grossbard, 2016).
Marriages between young women and older men diminish women’s power in marriage. The husband will be more educated than the wife and have more economic freedom, giving him more control in the marriage (Grossbard, 2010). Guttentag and Secord (1983) showed that the occurrence of young brides with older husbands harms gender equality. Grossbard-Shechtman (1993) argued that age gaps serve as an institution to control women.

If women marry men much older than them, women will be widowed earlier in life (Grossbard, 2016). This hurts women economically, especially since they likely did not work outside the home and must share their deceased husband’s assets with other wives. Empirical data on polygamous women of Maiduguri suggests that many of these widowed women die prematurely because they lose all financial resources after their husband’s death (Grossbard, 1976). In some polygamous cultures, however, widowed women can remarry due to the high demand for women (Sigman, 2006).

**Isolation.** Grossbard (2010) claimed polygamous societies use isolation to limit women’s political power. Controlling women’s movement cuts them off from outside society’s influence and from influencing society (Henrich, Boyd, & Richerson, 2012). Isolation and abuse are often linked (Bennion & Joffe, 2016). Abusers physically and socially isolate their victims as a mechanism for control.

Both Muslim and Mormon polygamists isolate women, but by different means. Muslim women in many nations practice purdah, a religious isolation (Grossbard, 2010). Purdah can take many forms, from leaving the house only in modest dress, to almost complete isolation within the home. Cohen (1971) showed that purdah is the
norm among Muslim polygamists of Maiduguri. However, both purdah and polygamy are practiced by the upper classes of Muslims in many societies. Polygamy may encourage purdah but both could simply relate to wealth and religious customs in some Muslim nations.

Mormons do not practice purdah; however, many Mormons are isolated from society (Grossbard, 2016; Morin, 2013). Mormons in general are the most geographically isolated religious group in the United States (Phillips & Cragun, 2008). Fundamentalist Mormons congregate in secluded communities to avoid stigma and legal trouble with polygamy. Mormon women are less likely to work outside the home than most American women (Phillips & Cragun, 2008). The Canadian polygamous community of Bountiful is the most studied polygamous community in North America because of the Canadian reference case against them. Campbell (2005) showed that women in Bountiful generally did not work outside the home and would be unable to gain employment in their communities. Geographical isolation and limited economic opportunities for women make it more difficult for Mormon women to leave abusive marriages (Grossbard, 2016). It is not proven that polygamy causes isolation of women. However, isolation does limit female power and ability to control their marriage choices. This supports Grossbard’s (2016) hypothesis that polygamous societies will have institutions that limit women’s power.

**Domestic violence.** The Canadian legal decision that kept polygamy illegal considered domestic violence against women and children as one of the primary harms of polygamy (*Reference re: Section 293 of the Criminal Code of Canada*, 2011).
However, most of the evidence for abuse in polygamous relationships is anecdotal or small scale (Campbell, 2005; Hassounah-Phillips, 2001).

The threat of a man taking another wife serves as a “sword of Damocles” in polygamous societies (Campbell, 2005). Anecdotal reports claim that fundamentalist Mormons have a tradition of corporal punishment for being disobedient to one’s father or husband, known as “blood atonement” (Bennion & Joffe, 2016). Hassounah-Phillips (2001) linked polygamy with abuse in an ethnographic study of 17 American Muslims. Both of these examples come from religious communities because most polygamists base their marriage structure in religion.

Women in the polygamous community of Bountiful report divergent perspectives on abuse within the community. A group of women who left the community initiated a legal complaint, claiming that the community is systematically abusive to women (Campbell, 2005). Other Bountiful residents disagree and assert that they are treated well in the community.

Two expert witnesses to the Canadian polygamy reference case, Henrich and Shackleford, disagreed about how to interpret rates of abuse in polygamous communities. Henrich (2010) pointed to reports of abuse as evidence that polygamy should be banned. Shackleford’s (2010) affidavit responded to this by showing that abuse is common within monogamous relationships as well. He proposed that the court should not compare abusive polygamy to idealized monogamy. The Canadian judge rejected Shackleford’s logic, saying that the rates of abuse in monogamous relationships is “besides the point” to whether polygamy should be illegal (Reference
re: Section 293 of the Criminal Code of Canada, 2011). But comparing the prevalence of abuse in polygamous communities to abuse within monogamous communities shows us whether polygamy is actually worse than monogamous marriage. Ignoring the frequency of abuse in monogamous marriages risks blaming polygamy when the underlying problem is male violence (Shackelford, 2010).

As stated earlier, abuse thrives in isolation (Bennion & Joffe, 2016). The isolation of American polygamists also limits researcher’s knowledge of whether abuse is common. Some polygamous relationships are abusive against women and children. American polygamists are only prosecuted when abuse or other crimes occur (Utah Attorney General’s Office & Arizona Attorney General’s Office, 2009). This may create a confirmation bias in public perception, making it seem like all polygamy is abusive. There has been insufficient research attention on this important aspect of polygamy (Hassouneh-Phillips, 2001).

**Health.** Polygamous women tend to have worse physical, reproductive, and mental health than monogamous women. Tertilt (2006) used the United Nations gender empowerment measure to show that women in highly polygamous nations have less abortion rights, though this could relate to religion more than polygamy. Polygamous societies often determine women’s status by their fertility, limiting women’s individual power to decide their family size (Campbell, 2005). Polygamy may heighten women’s risks of contracting HIV and herpes based on evidence from Nigeria, Angola, and Gambia (Campbell, 2005). Senior wives often experience mental distress, jealousy, and mental health issues when their husband marries additional
women (Al-krenawi, Graham, & Slonim-nevo, 2002). This distress relates to competition for their husband’s attention, since senior wives often have lower status than junior wives (Elbedour, Onwuegbuzi, & Caridine, 2002).

*Female genital mutilation.* Grossbard (2010) claimed that polygyny encourages female genital mutilation (FGM). She links polygamy and FGM by citing that many societies have both institutions. But this only demonstrates that both institutions are common in Sub-Saharan Africa and the Middle East, not that polygamy causes female genital mutilation. Grossbard argued that women in polygamous societies elect for FGM in hopes that it will prevent their husband from taking a second wife (as cited in Gruenbaum, 2001). However, Grossbard pointed out that FGM decreases female sex drive, allowing men to satisfy several wives (as cited in Rahman & Toubia, 2000). This anthropological evidence suggests a cultural link between polygamy and FGM but does not prove causation. There may be a causal link between FGM and polygamy but no study has demonstrated this.

Female genital mutilation maims girls with no health benefit and can kill the children who are given this procedure (World Health Organization, 2016). It is a human rights violation that the World Health Organization, United Nations Children’s Fund, and the United Nations Popular Fund all condemn. United States Congress banned FGM in 1996 (Goldberg et al., 2012). A report by CDC researchers suggested that 513,000 women and girls are at risk for FGM in the United States (Goldberg et al., 2012). But this report is based entirely on how many immigrants in the US are from nations that practice FGM, not how many women are mutilated. FGM is less
common in the United States, so the possible connection between FGM and polygamy is less relevant to the United States polygamy than to African polygamy.

There is a major research gap on FGM, especially for developed countries. Future research could consider the link between FGM and polygamy and how common the problem is in the United States. This would help illuminate whether FGM factors into American polygamy.

**Co-wife competition.** Polygamy obligates multiple women to share the resources and affections of one husband. This incentivizes wives to compete for the scarce resources of their husband’s time and wealth (Al-krenawi, Graham, & Abuelesh, 2001; Grossbard-Shechtman, 1993). The literature demonstrates that co-wives can either compete or collaborate but that competition is more common (Campbell, 2005; Grossbard-Shechtman, 1993; Hassouneh-Phillips, 2001; Madhavan, 2002).

Is marital competition necessarily harmful? To an economist, the word competition is more often used as a positive. Monogamous marriage creates a monopoly on each spouse, preventing their partner from having to compete for their attention. They could safely lower the quality or increase the price of their services, and their spouse would have to accept these terms or exit the marriage. By this logic, co-wife competition could benefit a marriage. There are two reasons why this logic does not hold. One issue is that polygyny only removes the monopoly on the wife-side but not the husband-side. This increases the power imbalance in polygamous
marriages, favoring the husband. The other problem is the direct and tangible harms from co-wife competition.

An ethnological review of 69 polygynous cultures found that co-wife conflict is almost universal amongst non-sororal polygamous cultures (Jankowiak, Sudakov, & Wilreker, 2005). Sororal polygamy (when a man marries several sisters) was less prone to conflict. Women often experienced long-lasting resentment and anxiety when their husband married someone new (Al-krenawi, Graham, & Abuelesh, 2001; Jankowiak, Sudakov, & Wilreker, 2005). Jankowiak (2008) similarly found that American Mormon women experience psychological distress in relating to their co-wives. His ethnography found that conflict amongst co-wives was common. Co-wife conflict can escalate into violence (Hassouneh-Phillips, 2001; Strassmann, 1997). Hassouneh-Phillips (2001) found that some co-wives in polygamous American Muslim households were violent towards each other. Strassmann (1997) suggested that one reason children in polygamous families of the Dogon had high child mortality was because co-wives would poison each other's children. Co-wife conflict directly harms household safety and unity.

On the other hand, co-wives sometimes collaborate instead of compete. Co-wife collaboration means they share the labor of childcare and homemaking (Campbell, 2005; Madhavan, 2002). Cooperation between co-wives allows for specialization within the household, decreasing the workload for each wife (Anderson & Tollison, 1998). In an empirical study of 759 polygamous women in the Ivory Coast, 74.8% of these women raised children with shared authority between co-wives.
(Clignet, 1970). Co-wives can also collude against their husband when he is acting against their interests (Campbell, 2005). Since polygamous societies often limit women’s power, collaboration between co-wives could partially rebalance power in the home.

What determines whether co-wives will collaborate or compete? Madhavan’s (2002) ethnography illustrated that it depends on socio-cultural context (2002). Whether co-wives cooperate depends on whether society incentivizes them to.

**Summary.** Polygamy correlates with limited political power, poor education for girls, child brides and young marriages, early widowhood, isolation, and poor health. It may also correlate with domestic violence, co-wife conflict, and female genital mutilation. Polygamy may encourage these harmful institutions, or both may be caused by a third factor such as patriarchal religion (Sigman, 2006). More research exploring the specific effects polygamy has on women would help determine causality.

There is insufficient evidence to show that polygamy causes most of these problems (Grossbard, 2016). Polygamy certainly correlates with many harms to women. This does not prove that polygamy is the root cause. However, no empirical study suggests a way that polygamy helps women. No researcher has found a specific way that women in polygamous societies are better off than women in monogamous societies. Becker’s (1974) conclusion that polygamy helps women has no empirical backing while Grossbard’s (2014) conclusion has empirical support. While causation has not been proved, the current evidence supports Grossbard.
Men

Men’s desirability in marriage stems from multiple criteria. The literature boils these down to a simple metric: ability to support many children (Becker, 1993). Thus, men’s desirability comprises fertility, wealth, and social status (Grossbard, 1976). In many societies, young men are less desirable because they have not yet accumulated money, human capital, and status (Becker, 2006). As a result, older men have more value in the marriage market than young men. Meanwhile, some men remain low status throughout life, putting them at a disadvantage in the market.

Polygamy prices less desirable men out of the marriage market. If men in a society are relatively equal, polygamy will be rare (Henrich et al., 2012). But in societies with heterogeneous men, rich men will gain multiple wives at the cost of poor men (Becker, 1974). Low status men will be harmed by polygamy while some high status men will be better off with polygamy (Anderson & Tollison, 1998; Beaman, 2016).

Monogamy levels the playing field for men, making sure the benefits of marriage are distributed more equally (Becker, 1974). However, this decreases society’s total gains from marriage. All else being equal, women and rich men will be better off if low status men are priced out of the market. Banning polygamy to help low status men is, effectively, socialism of marriage.

Polygamy increases men’s competition in the marriage market. Men compete by paying more for women in bride prices or marital output percentages. But they also can compete through violence. The true problem with creating a pool of unmarried
men is the secondary effects (Henrich, 2010). Young men may be pushed out of the marriage market violently, as with “lost boys” in Mormon polygamy. Additionally, the pool of unmarried men may be more likely to commit crime.

Lost boys. Powerful, older men may force young men from their communities to artificially skew the sex ratio (Sigman, 2006). Limiting the number of men in the market allows the remaining men to have more wives. Six young men who were excommunicated from the Fundementalist Latter-Day Saints (FLDS) sect filed a lawsuit against the FLDS in 2004 (Manson). The “lost boys” claim that they were removed from the community because church leaders wanted to skew sex ratios. FLDS spokespeople claimed these men were expelled from the community for violating rules. Warren Jeffs, the leader of FLDS at the time, excommunicated many young men, including 21 men in January of 2004. Excommunication deprived these men of all their financial resources, family, and friends. Some of the young men attempted suicide or ended up homeless. To my knowledge, no one has conducted an empirical study on lost boys. Thus, the commonality of lost boys is unknown.

Crime. Polygynous societies have many unmarried men. Criminology literature shows that single men are far more likely to commit crimes than married men (Sampson, Laub, & Wimer; Skardmamar, Savolainen, Aase, & Lyngstad). Sampson, Laub, and Wimer conducted a longitudinal study of 500 high-risk boys from adolescence to age 32. They also followed 52 of these boys to age 70. They found that marriage reduced criminal behavior by 35%, even while controlling for other life factors. A literature review of 58 criminology studies determined that most studies
concluded marriage reduced crime rates but that most failed to prove causation (Skardmamar, Savolainen, Aase, & Lyngstad, 2015). Additionally, the 58 studies Skardhamar et al. (2015) review took place in countries that mandated monogamy. Their results cannot be automatically extrapolated to assume that polygamy increases crime rates.

Kanazawa and Still (2000) suggest a direct link between polygamy and crime using evolutionary psychology theory. Their connection is twofold. Firstly, they cite the evidence that single men are more likely to commit crimes. Secondly, they claim that polygyny incentivizes intense competition between men, sometimes to the point of violence. Low status men in polygynous societies are unlikely to find a marriage partner. Crime has a small possibility of elevating a man’s status. The risk may be worthwhile if a man considers it his only possibility of finding a partner.

Men in polygynous societies commit more crimes and are less likely to be married than men in monogamous societies (Kanazawa & Still, 2000). Unmarried men commit more crimes than married men and polygamy may further encourage male violence. Kanazawa and Still’s (2000) theory fits with the existing literature but significant research gaps remain. Polygamy correlates with crime in the literature thus far, but no causal link has been determined.

**Welfare**

The current legal status of polygamy may encourage polygamous women to commit welfare fraud (Duncan, 2008; Faucon, 2014). Polygamous women are not legally married, though they have a domestic spouse. They can claim to be single
mothers and collect welfare payments. This is fraudulent because these women have a father figure despite not being married. Faucon (2014) suggested that the current system encourages this issue but that the prevalence is unknown. I found no empirical study of the prevalence of welfare fraud by polygamists in America. Media sources claim that welfare fraud is rampant but offer only a few anecdotal examples. Academic articles and court decisions reference these same anecdotes. This section will briefly review the possibility of welfare fraud by polygamists, relying on the limited anecdotal data.

The fundamentalist Mormon communities of Hildale and Colorado City both collect disproportionately large amounts of food stamps (Duncan, 2008). Sixty-six percent of Hildale residents and 78% of Colorado City residents utilize food stamps, significantly more than surrounding areas. Tom Green, one of the only people prosecuted for polygamy in 50 years, also committed welfare fraud (Morin, 2014). Several of his five wives claimed to be single mothers and collected $80 thousand in welfare. Their extended family’s net worth is $150 million dollars. This is insufficient evidence to conclude that polygamy encourages rampant welfare fraud, though it is a possibility. The connection between polygamy and welfare fraud is a largely unexplored question.

**Discussion**

**Summary of findings**

For children: Societies with polygamy tend to have high fertility and invest less in each child. Economic theory suggests that this is due to two mutually
reinforcing phenomena. Societies that demand high human capital encourage parents to have fewer children, and discourage polygamy. Also, polygamy makes it easy to have many children and invest less in each. Polygamy would probably not be in high demand in America because our society demands high human capital. But those who choose to marry polygynously would invest less in each of their children, harming the next generation.

Economic growth: The correlation between monogamy and economic growth is strikingly strong. However, the evidence on human capital shows that correlation could run either way between these two factors. Monogamy could encourage growth or growth could encourage monogamy. Only five papers tested the theory that polygamy hurts economic growth. More research with more empirical evidence would elucidate the possible connection between monogamy and growth. Currently, there is insufficient evidence to demonstrate causation.

For women: Polygamy increases demand for women but men collude to capture women’s high price. Polygamous societies limit women’s social, political, economic, and reproductive rights to prevent women from earning their equilibrium value in marriage. Polygamy increases the value of women but does not help most women.

For high status men: Men who have high value in the marriage market would gain the most from polygamy. These men would have the potential to marry polygynously, if they desired to. Requiring monogamy removes men from the
marriage market once they have one wife. Ending this restriction would raise high status men’s utility.

For low status men: Low status men have the most to lose from legalized polygamy. Polygamy would make women more expensive in the marriage market. Men with less to offer in a marriage might lose access to matrimony. Even those who can still afford marriage would have to pay more in terms of marital output percentage and possibly marry later in life.

Welfare system: The illegality of polygamy may incentivize welfare fraud by polygamous women because they are able to claim welfare benefits as single mothers. No empirical study has considered whether this practice occurs.

**Confounding Variables**

Polygamy correlates with poor treatment of women and children, economic stagnation, and stratification of men. However, the literature cannot prove causation. Low status of women may encourage polygamy instead of polygamy lowering the status of women. Or, both polygamy and poor treatment of women may come from external factors, such as patriarchal religion. Neither reverse causation nor external factors have been entirely ruled out.

Women in polygamous societies have lower status than men in polygamous societies (Grossbard, 2016). However, women in most monogamous societies also have lower status than men in monogamous societies. Most (if not all) societies control women’s social, political, and reproductive rights more than they control men’s rights (Song, 2016). Women in the United States have gained more power in
the past century because of the feminist movement and the changing economy. But women still wield less power in society than men (Beaman, 2016).

Failing to account for patriarchy could skew the comparison between polygamy and monogamy (Beaman, 2016; Bennion & Joffe, 2016; Heath, 2016; Shackelford, 2010; Song, 2016). Polygamous men control their wife's and daughter's freedom but so do many monogamous men (Beaman, 2016). As a hidden minority group, American polygamists often only appear in the news when they are abusive (Song, 2016). This skews the public perception of abuse frequency in polygamous relationship. The way academics discuss polygamy often implicitly assumes that monogamy is egalitarian (Beaman, 2016; Bennion & Joffe, 2016).

Shackelford (2010) shows domestic violence is prevalent in monogamous relationships. He warns against comparing polygamy to an idealized version of monogamy. The Canadian Supreme Court decision that maintained their anti-polygamy law extensively explored the patriarchal control of women in polygamous societies. Yet, the Judge dismissed Shackelford’s (2010) affidavit that identified the commonality of abuse in monogamous relationship. The judge claimed that abuse rates in monogamy were “besides the point”. As Heath (2016) says, “Patriarchy is a word that appears quite often in the decision but only in connection with polygamy.” By ignoring rates of abuse in monogamous marriages, the Canadian Judge implicitly assumed that monogamous relationships were already egalitarian.

Poor treatment of women and children also could stem from religious influence. Most American polygamists are Muslim or Mormon (Faucon, 2014). Not
all Muslims or Mormons oppress women. But many oppressive societies and individuals justify their poor treatment of women using religion. Bennion and Joffe (2016) suggest that religious traditions may be the root of poor treatment of women in polygamous societies, not polygamy itself. Sigman (2006) highlights the importance of parsing out which harms stem from polygamy and which stem from patriarchal theocracy. For example, Tertilt (2006) showed that polygamous societies have less abortion rights than monogamous societies. But these restrictions could derive from religious influences, not from polygamy. Polygamy reinforces traditional gender roles but monogamous religious marriages also enforce gender roles (Sigman, 2006).

Most polygamists base their marriage practice in religion (Faucon, 2014). All polygamy exists within the context of patriarchy. Researchers must take care to not assume that polygamy is the root issue of all the harms it correlates with (Song, 2016). Many studies conclude that polygamy harms society without seriously considering these confounding factors. Future research could evaluate whether patriarchy, religion, and other confounding variables complicate the conclusion that polygamy harms society. Studying non-monogamy in other contexts helps illuminate which harms polygamy directly causes.

Other forms of non-monogamy

Polygyny is the most common form of non-monogamy and the most studied. However, brief consideration of alternatives helps isolate the impact of polygamy from the impact of skewed sex ratios, religion, and male control of women. Firstly, I will discuss polyandry to see whether the “opposite” form of polygamy is truly
different from polygyny. Secondly, I will consider polyamory, a new form of non-monogamy that exists outside of religious traditions.

**Polyandry.** Polyandry, marriage between one woman and several men, is incredibly rare. Only 10 out of 1158 societies in Murdock’s (1957) World Ethnographic Atlas practice polyandry as a socially preferred marriage system. As Becker emphasizes, the strange thing is not how rare polyandry is but that it occurs at all (1973). Polygyny increases a man’s reproductive capacity because he is able to impregnate multiple women but women do not gain much reproductive capacity by having multiple husbands (Becker, 1993; Bergstrom, 1996; Henrich, Boyd, & Richerson, 2012). Meanwhile, polyandry creates an imperfect information problem (Becker, 1974; Henrich, Boyd, & Richerson, 2012). A woman always knows whether a child is hers but a man cannot be certain. Female monogamy assures men of their paternity. Men are likely to invest less in supporting offspring if they cannot verify paternity (Henrich, 2010). Biological reproductive capacity and imperfect information make polyandry inefficient in most conditions.

Polygyny contradicts Western definitions of egalitarianism. It permits men to marry multiple women while expecting women to be monogamous (Sigman, 2006). This is a common non-academic argument for why polygyny oppresses women (Jones, 2010). However, both economic theory and empirical data suggest polyandrous societies treat women as poorly as polygynous societies do.

Becker claimed polyandry would hurt women by lowering their value in the marriage market (1974). Empirical evidence shows polyandrous societies tend to have
large dowries (Cassidy & Lee, 1989). Dowries are a payment from the bride’s family to the newlyweds. Dowries do not perfectly mirror bride prices because the payment goes directly to the couple being married but they are effectively, a negative price for women (Becker, 1993). Polyandrous societies value men’s work higher than women’s work, isolate women to the domestic sphere, and segregate socially by gender (Cassidy & Lee, 1985). Women’s work contributes approximately 34% of nutrition in polyandrous societies, only slightly less than 36% in average subsistence societies. But polyandrous societies have a greater supply of women than demand for women’s work. Polyandrous societies have high rates of female infanticide to maintain imbalanced sex ratios (Cassidy & Lee, 1985).

Polygamy’s harms to women do not stem from giving men a right that women do not have. If this were so, polyandrous societies would treat women better than men. Both polyandrous and polygynous societies treat women worse than in monogamous societies. Polygynous societies overvalue women in the market, which encourages men to violently control women. Polyandrous societies undervalue women in the marriage market, leading to fewer resources for women and female infanticide. The fundamental problem with polygamy is the incentive to skew sex ratios in the marriage market.

**Polyamory.** Polyamorists define themselves as participating in consensual non-monogamy, characterized by each participant being equally able to seek out multiple partners, regardless of gender (*Reference re: Section 293 of the Criminal Code of Canada*, 2011). Essentially, all non-monogamy that is not based in religious
customs or longstanding cultural traditions can be referred to as polyamory. Strassberg (2016) claims polyamory does not create the same harms as polygyny. She explains that polyamorists do not focus on reproduction. Their behavior does not skew sex ratios, target young women, or force young men from communities. Craig Jones, British Columbia’s Attorney General, (2010) agrees polyamory does not pose the same harms as polygamy. In his initial report to the Canadian polygamy reference case, he suggests the harm of polygamy is not multiple concurrent relationships. He believes the fundamental issues are the incentives to skew sex ratios and the pressure to not exit the relationship. Fundamentalist Mormon culture around marriage discourages people from exiting celestial marriages. Legalizing polygamy would add another layer of pressure by creating legal barriers to ending a marriage. Jones believes polyamory does not have the same negative impact as polygamy because polyamorists do not have strict social norms against ending relationships. The finding that polygamy hurts social welfare likely does not apply to polyamory. Polyamory and polygamy are both forms of non-monogamy but otherwise have little in common.

Though there is growing research interest in polyamory within other social sciences, no economist has studied polyamory up to this point. Polyamory potentially has a different impact on society than polygamy does. Future research could examine the Jones (2010) and Strassberg (2016) claims, that polyamory does not pose the same harms as polygamy. Considering polyamorists would help isolate the impact of non-monogamy from the extraneous variables of skewed sex ratios, social pressure to continue relationships, and religion.
Black Markets: Does Banning Polygamy Work?

Polygamy is illegal but this ban is almost never enforced (Faucon, 2014). Officials in Arizona, Utah, and Colorado (the states with the most polygamists) officially do not prosecute polygamists unless they suspect other crimes (Utah Attorney General’s Office & Arizona Attorney General’s Office, 2009). Prosecutors want to keep anti-polygamy laws to further their ability to apprehend those committing other crimes (Brown v. Buhman, 2016). They argue that polygamy’s illegality makes it easier to catch polygamists who are committing abuse. However, many scholars claim that polygamy’s illegality makes it more harmful than if it were legal and limits law enforcement’s ability to intervene (Morin, 2013; Sigman, 2006).

Banning polygamy does not eliminate it if demand is high (Tertilt, 2006). Instead, a black market will replace the legal market. Modern fundamentalist Mormons practice polygamy despite its illegality and stigma, demonstrating that they are willing to participate in black market polygamy. Fundamentalist Mormons perceive polygamy as an integral part of their faith (Faucon, 2014). They believe that only polygamy can grant them access to the highest level of salvation. Fundamentalist Mormon communities perpetuate their own marriage customs with little regard for American laws. Banning polygamy in 1894 dissuaded most Mormons from polygamy. But those who demanded polygamy highly created a black market to replace the legal polygamy market.

The ban pushes polygamists away from mainstream society. Fundamentalist Mormons live in physical, cultural, and legal isolation (Campbell, 2005). They live in
physical isolation by forming fundamentalist communities in rural areas. Distrust of outsiders and their atypical value system culturally isolate them. Children are taught to distrust police, the government, and outsiders (Sigman, 2006).

Black markets are unregulated and lack law enforcement oversight. State governments generally regulate marriage but cannot regulate polygamous marriage. Black market goods are riskier than legal goods. If banning a good does not significantly reduce demand, the ban could put people at greater risk. I will now review some of the harms associated with polygamy and consider how the black market affects them.

Polygamous women resist reaching out to police for fear of losing their children (Morin 2013; Sigman, 2006). Prosecutors have trouble proving that abuse has occurred because polygamous families and tight knit communities are unwilling to testify against each other (Sigman, 2006). Morin argues that the unenforced polygamy ban increases the prevalence of abusive polygamous families (2013). Bennion and Joffe agree, saying that banning polygamy does not eliminate abuse but just hides it (2016).

Women in polygamous societies marry younger than women in monogamous societies, often before adulthood. This causes numerous harms to these women and to society at large. Legalizing polygamy likely would make this problem more common as demand for polygamy increased (Morin, 2013). However, law enforcement could have easier access to the communities to regulate age of consent laws.
Faucon (2014) claims that the illegality of polygamy exacerbated tension between co-wives. Only the first wife legally marries her husband. She gains legal power that her co-wives are denied. The current law creates an automatic hierarchy between co-wives because the first wife has more legal rights and representation. Faucon (2014) states, “Even if equality is practiced in private, those second or third wives can only reveal their marriage status in certain circles, as their relationships are relegated to a place of silence and inferiority in public for fear of social stigma or criminal sanctions” (p. 2).

This paper considered the possibility that polygamists commit rampant welfare fraud and concluded there was insufficient evidence. Even if polygamists commit welfare fraud, this does not justify the polygamy ban. Legalizing polygamy would discourage this fraud (Faucon, 2014; Morin, 2013). Polygamous women are able to claim single mother benefits because they are legally considered single (Morin, 2013). If they married, they would not qualify for these welfare benefits. They would have to choose between legal marriage and receiving single-mother welfare (Faucon, 2014).

Research has provided strong evidence that polygamy correlates with abuse of women and children. Society reasonably wants to prohibit an institution that undermines the power of women and hurts child welfare. However, the unenforced polygamy ban does not accomplish this goal. The ban pushes polygamists into a black market for marriage, which is more dangerous than the legal market. Lack of enforcement means that polygamists avoid police but do not fear the law enough to
avoid polygamy. Polygamy may cause harms but the unenforced ban exacerbates several of these problems.

**Conclusion**

I conclude that polygamy generally harms social welfare but should be decriminalized anyway. I base this claim on the my analysis of the literature and it’s application to American society.

The literature strongly suggests that polygamy harms social welfare. Polygamy, as it is generally practiced, seems incompatible with an egalitarian society (Grossbard, 2016). It stratifies men (Becker, 1974) and encourages patriarchal control of women (Grossbard, 2010). Polygamous societies underinvest in their children (Edlund & Lagerlöf, 2012), which harms children (Strassman, 1997) and possibly long term growth (Edlund & Lagerlöf, 2004). High status men are the only group to benefit from polygamy. I propose that polygamy is not directly harmful but that its harms are secondary effects. Polygamy incentivizes skewing of sex ratios and patriarchal control of women, both of which encourage unhealthy social institutions.

This conclusion applies specifically to traditionally polygamy, not to polyamory. Almost no research has been conducted on polyamory and its effects on society. Polyamory does not skew sex ratios or encourage control of women so is unlikely to harm society in the ways polygamy does.

Before beginning this research, I believed polygamy should be legalized. I viewed marriage as a personal choice that should not be limited by government. I now disagree with this position in several ways. Firstly, marriage is not just a personal
choice. Marriage is society’s recognition of a relationship’s legitimacy (Obergefell v. Hodges, 2015). We socially construct marriage and change it to meet our current cultural expectations. Marriage is both a personal and a social institution (Henrich, 2010). Secondly, I had assumed that individuals would only marry polygamously if it benefitted them. However, polygamy corrodes women’s power to choose who they marry (Grossbard, 2010). Almost all societies that permit polygamy have arranged marriages (Tertilt, 2006). Paradoxically, banning women from marrying polygamously may give them more freedom to choose who to marry.

The implication that polygamy is harmful does not automatically justify the existing ban. Our society must consider which legal strategy best minimizes polygamy’s harms.

Policy options

Polygamy laws in America are almost never enforced (Campbell, 2005). Law enforcement only prosecutes polygamists who commit other crimes as well (Morin, 2013). Police might intervene if they suspect a polygamist abuses their children or commits welfare fraud. But child abuse and welfare fraud are already crimes and they are easier to enforce than polygamy bans (Campbell, 2005). Morin (2013) points to a danger of selective enforcement by saying, “Law enforcement should not be permitted to pick and choose to whom the laws apply, as such a system breeds prejudice and exploitation” (p. 522). Banning polygamy limits citizens’ choices. Those who choose to participate in the black market will be at greater risk and will be isolated from social, economic, and legal systems. By failing to enforce this ban, the state fails to
protect citizens from polygamy’s harms. The current system hurts both polygamists and victims of polygamy’s negative impacts (Morin, 2013). Whether polygamy harms society or not, the unenforced law harms society. The title of this review asks “Are United State's anti-polygamy laws efficient? I conclude, “no”. The alternatives to selective enforcement are full enforcement, decriminalization, and legalization.

**Full enforcement.** The United States could opt to universally enforce the existing anti-polygamy laws or to institute stronger bans (Campbell, 2005). Enforcement would decrease demand for polygamy compared to selective enforcement. If polygamy causes all the harms it correlates with, enforcement would lessen these harms (Morin, 2013). However, enforcement would be incredibly expensive for the government.

How would police prove that someone has married polygamously? Right now, they have to prove that multiple wedding ceremonies occurred (Faucon, 2014). Tracking wedding ceremonies likely would require subpoenas of church records or other intrusions into church matters. This would create sticky issues with the separation of church and state. In Utah, they can prove polygamy via cohabitation (*Brown v. Buhman*, 2016). Cohabitation is the act of living together while engaged in a sexual/romantic relationship. Proving cohabitation requires prying into individual’s sexual activity. Both of these enforcement mechanism require extensive state supervision of the personal lives of potential polygamists. The enforcement of this law would require serious privacy violations and cost extensive state resources (Morin, 2013).
Hypothetically, anti-polygamy laws could be restructured to ease the burden of proof for law enforcement. But what law could target polygamists without implicitly illegalizing housemates, multi-family households, and other modern household arrangements? There is no clear-cut legal difference between polygamists and promiscuous housemates, for example.

Enforcing anti-polygamy laws would cost tremendous state resources without eliminating demand for polygamy (Morin, 2013). Demand would decrease but the remaining polygamy would be more dangerous than if polygamy were not criminalized. Even though the risks to individual polygamists would rise with enforcement, overall social harm might be reduced from enforcement. Society could decide the reduction in demand would be worth the cost of enforcement. For example, the United States invests major resources into enforcing the ban on heroin. This enforcement does not eliminate demand and increases the risk to the individuals who still use heroin. But society has determined that the overall harm of heroin to society is lower if heroin is illegal. Whether the same tactic should be applied to polygamy depends on society’s assessment of the seriousness of polygamy’s harms versus the financial costs of enforcement and the resulting erosion in privacy (Morin, 2013).

Decriminalization. Alternatively, decriminalization would mean removing state involvement from polygamy almost entirely (Bailey, 2016). Polygamy would no longer be a crime but neither would it grant legal rights. Decriminalization could open up polygamous communities to the outside world (Bailey, 2016; Bennion & Joffe, 2016; Faucon, 2016; Morin, 2013). Police would have greater access because
polygamy. Polygamists would not automatically fear them (Bailey, 2016). The criminal justice system could focus on polygamy’s secondary effects such as an increase in quantity of child brides instead of prosecuting all polygamists. This system would be the cheapest for the government because it would remove enforcement costs but not require supporting polygamous marriages through tax benefits (Morin, 2013).

Decriminalization would likely increase demand because practitioners would face less stigma and legal risk. As discussed earlier in this paper, demand for polygamy likely would not rise substantially.

**Legalization.** Legalization would mean regulating polygamous marriage as the government currently regulates monogamous marriage (Faucon, 2014). Faucon (2014) suggested legalization so that the government can further control polygamy, give women more power, and enforce other laws. Faucon proposed a specific legal structure for how polygamous marriages could be regulated. Legalization would have a similar impact as decriminalization, in terms of slightly increasing demand while making polygamy safer (Morin, 2013). Legalization differs from decriminalization because it grants legal rights, obligations, and protections to polygamous marriages. The United States grants approximately 1,138 rights, benefits and protections to married people (Shah, 2004). In my view, the state should not legitimize a harmful institution by rewarding legal marriage rights to polygamists.

**Policy Recommendation**

The optimal legal option depends on our social welfare function. Full enforcement makes sense if polygamy causes serious harm and society considers
reducing these harms worth the high cost of enforcement. Decriminalization would be
the rational choice if polygamy does not directly cause the social harms associated
with it. Also, decriminalization would be the optimal choice if polygamy were
significantly less harmful in the legal system than in an underground system.

I conclude that polygamy should be decriminalized, despite its likely harms.
Polygamy harms society, through the skewing of sex ratios and the patriarchal control
of women. However, the current law is not enforced and cannot be enforced without
prohibitively high costs to government. Additionally, criminalization pushes
polygamists underground, making the practice more dangerous. Decriminalization
would make polygamy more common but less dangerous. Polygamous communities
would be more open to law enforcement and regulation, making it easier to prosecute
abusive polygamists. Decriminalization would minimize polygamy’s harms.
References


Campbell, A. (2005). How have policy approaches to polygamy responded to women’s experiences and rights? An international, comparative analysis: Final

http://doi.org/10.2139/ssrn.1360230


http://doi.org/10.1162/REST_a_00022


http://doi.org/10.1007/s13209-014-0113-y


Kendall, P. Affidavit #1 of Perry Kendall: Reference re: Section 293 of the Criminal Code of Canada, No. 1588 (BCSC 7–21, 2010).


Reynolds v. United States, No. 98 U.S. 145 (SCOTUS 1879).


ARE UNITED STATES ANTI-POLYGAMY LAWS EFFICIENT?


