For more than 2,500 years, the Western tradition has embraced monogamous marriage as an essential institution for the flourishing of men and women, parents and children, society and the state. At the same time, polygamy has been considered a serious crime that harms wives and children, correlates with sundry other crimes and abuses, and threatens good citizenship and political stability. The West has thus long punished all manner of plural marriages and denounced the polygamous teachings of selected Jews, Muslims, Anabaptists, Mormons, and others.

John Witte, Jr., carefully documents the Western case for monogamy over polygamy from antiquity until today. He analyzes the historical claims that polygamy is biblical, natural, and useful alongside modern claims that anti-polygamy laws violate personal and religious freedom. While giving the arguments pro and con a full hearing, Witte concludes that the Western historical case against polygamy remains compelling and urges Western nations to hold the line on monogamy.

John Witte, Jr., is Robert W. Woodruff University Professor, McDonald Distinguished Professor, and Director of the Center for the Study of Law and Religion at Emory University. A world authority in legal history, he has directed twelve major international projects on democracy, human rights, religious liberty, marriage, family, and children. He has lectured throughout the world and published twenty-seven books, including *Christianity and Human Rights: An Introduction* (Cambridge, 2010) and *The Sins of the Fathers: The Law and Theology of Illegitimacy Reconsidered* (Cambridge, 2009).
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The Western Case for Monogamy Over Polygamy

JOHN WITTE, JR.

Emory University
For

Hope and Justin, Baylor and Alina
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Preface

This book began as an expert opinion prepared for the attorney general of Canada. A group of Fundamentalist Mormons in the town of Bountiful, British Columbia, had challenged the constitutionality of Canada’s traditional criminal prohibition on polygamy. The attorney general sought to uphold the law. Various religious liberty and human rights groups wanted it struck down. My task was to document the Western legal tradition’s arguments in favor of monogamy and against polygamy, from classical and biblical times until today.

It was not an easy task, in part because I am a strong advocate of human rights and usually counsel the protection of religious freedom, even for religious communities that depart from the cultural mainstream. It was also not an easy task because the Western legal tradition has not been clear or consistent in its arguments against polygamy, despite making polygamy a serious crime since the third century. My task for the attorney general was to sketch some of these shifting teachings of the tradition and report on them. The challenge in writing this book was to fill in and filigree the historical picture only crudely sketched in my opinion. Much of this book takes up that task, filling an ample and surprising gap in the historical literature (at least in a Romance language). The further challenge was to determine whether the various traditional Western arguments for monogamy and against polygamy, once fully retrieved and reconstructed, are still cogent in our day. I believe they are, and the last part of this book presses that case, albeit more briefly as it is the historical arguments against polygamy, not the modern policy implications of this history, that are my main concern.

I have incurred a number of debts in preparing this volume. I wish to thank the crack legal team in the attorney general of Canada office in Vancouver – Craig Cameron, Keith Reimer, and B.J. Wray – for many stimulating conversations about this topic. I wish to thank Professors Thomas C. Arthur, Rafael Domingo, Judith Evans-Grubbs, David Heith-Stade, R.H. Helmholz, David G. Hunter, Thomas J. Kuehn, Sara McDougall, Michael J. Perry, Philip L. Reynolds, and
Preface

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This book is dedicated to our daughter Hope and her husband Justin and to their children Baylor and Alina. Their (monogamous!) marriage and family life have added great joy to our lives, as Eliza and I have taken on the new privilege and pleasure of being grandparents.