

# Can Polygamy be Egalitarian?

Although many legal and political theorists have written about polygamy, most concentrate on whether the state should ban, punish, or recognize polygamy. This paper, instead, addresses the underlying moral question: Is there a morally acceptable ideal of polygamous marriage?

The argument has two sections. Section I argues that the structure of traditional polygamous marriages precludes equality between spouses, because only one central figure may marry multiple spouses. On this hub-and-spoke model, even the ideal central spouse will have more marital rights and less marital obligations than each peripheral spouse. This inequality is not a contingent vice of modern polygyny but a structural feature of polygamy itself. Section II describes two ways to remove this inequality by modifying the structure of polygamy.

Polygamy may be egalitarian either if each spouse marries every other spouse or if peripheral spouses are permitted additional spouses of their own. These two modified structures create largely unexplored moral difficulties, but at least they may be egalitarian in principle.

To be clear, this essay is not an apology for contemporary polygyny. Polygyny advocates may appeal to these two ideal structures in their rhetoric, but revolutionary changes are necessary before they can approximate these ideals. This paper only addresses the relation between the adults and not the impact of polygamy on children, a pressing social policy consideration.

## I. MORAL OBJECTIONS TO THE POLYGAMOUS IDEAL

### I.a. Common Criticisms

While many intuitively recognize that polygamy is intrinsically unequal, discussions of polygamy rarely penetrate beyond the glaring vices in contemporary practices.<sup>1</sup> Polygamists

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<sup>1</sup> The only exception is Thom Brooks, "The Problem with Polygamy," *Philosophical Topics*, forthcoming. Available online on SSRN at <http://ssrn.com/abstract=1331492>. For discussions of ethical problems with current polygamous practices, see Calhoon, Chesire, "Who's Afraid of Polygamous Marriage? Lessons for Same-Sex Marriage Advocacy from the History of Polygamy," *San Diego Law Review* 42 (2005): 1023- \_\_\_\_\_. Sigman, Shanya, "Everything Lawyers Know About Polygamy is Wrong." *Cornell Journal of Law and Public Policy* 16:101 (2006):

discriminate against women by permitting only polygyny, imposing strict gender roles, and denying women basic rights. Empirical studies suggest women<sup>2</sup> and children<sup>3</sup> in polygamous families are less happy and suffer higher rates of emotional and physical abuse. Child abuse and neglect are common, because insular polygynous communities can only sustain an artificial gender imbalance by marrying young girls and exiling young boys.<sup>4</sup> Many critics doubt whether any women genuinely consent to polygynist marriages, because what rational woman would voluntarily choose this oppressive lifestyle unless she was taught women are naturally inferior?

These are serious charges against current polygynists, but the vices of current polygyny may be only contingently associated with polygamy per se. A sex-equal polygamy might recognize marriages between heterosexuals, homosexuals, and bisexuals.<sup>5</sup> They might seek to avoid unfair labor divisions. The cause of the correlations of polygyny with discrimination and abuse is unclear, because polygynists are typically poor and religious fundamentalists. If the abuse results from social causes other than polygamy per se, stigmas forcing polygamists into seclusion might exacerbate these harms. Furthermore, gender oppression and child abuse are

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166-184. Strassberg, Maura. "The Challenge of Postmodern Polygamy: Considering Polyamory," *Capital University Law Review* 31 (2003): 439-\_\_\_\_. Only Strassberg considers relationships without the traditional hub-and-spoke structure.

<sup>2</sup> For a summary of the social science literature on the effect of polygamy on women, see Brooks, "The Problem with Polygamy," n. 1 above, Section II.

<sup>3</sup> For a survey of the empirical literature about the effects of polygamy on children, see Elbedour, Salman, et al, "The Effect of Polygamous Marital Structure on Behavioral, Emotional, and Academic Adjustment in Children: A Comprehensive Review of the Literature," *Clinical Child and Family Psychology Review* 5.4 (2002): 252-271. For a more sophisticated contemporary study in a society that accepts polygamy, see Al-Krenawi, Alean and Vered Slonim-Nevo, "Psychosocial and Familial Functioning of Children From Polygynous and Monogamous Families," *The Journal of Social Psychology*, 148.2 (2008): 745-764. They conclude that children in polygamous marriages tend to be less flourishing than children in monogamous marriages, but that this causal relationship is mediated by the relative wealth and functioning of the polygamous families.

<sup>4</sup> See n. 2 above.

<sup>5</sup> Thom Brooks argues that legalizing polygamy, even under a sex-equal statute that permitted polyadry, would lead to gender and sexuality discrimination in practice, because most religious and cultural supporters of polygamy accept patriarchal ideologies that only endorse polygyny. Brooks, Thom, "The Problem with Polygamy," *Philosophical Topics*, forthcoming, Available online on SSRN at <http://ssrn.com/abstract=1331492>, Section II. While the consequences of legal recognition matter for social policy, it is not directly relevant for moral analysis. Even as a matter of social policy, I doubt the adequacy of this argument unless Brooks can supplement it with some argument that only patriarchal belief systems could support polygamy.

morally condemnable whether in polygamy or monogamy. Finally, the argument that questions all consent to polygyny rests on unfounded generalizations. Many women profess a genuine desire for polygyny and cite intelligible religious and secular reasons for their desire. This argument must deny the value of the polygynous lifestyle, the truth of their religious beliefs, the authenticity of their desires, and their ability to think for themselves. Without further explanation why polygamy is undesirable in its ideal forms, it begs the question. Moral philosophy should not conflate the moral ideal of polygamy with its current polygynous manifestations. The ideal of traditional polygamy is structurally flawed, but its flaw has not been identified yet.

### **1.b Inequality in Marriage's Moral Relations**

Traditional polygamy is morally objectionable, even between ideal spouses, because it creates inequality in marital expectations and obligations. While traditional monogamy exhibits similar inequalities, polygamy embeds these inequalities in its ideal structure. We need a basic notion of marriage to proceed, but I will try to avoid speculation about the nature of marriage or about whether polygamy warrants the title “marriage.”<sup>6</sup> My objection to polygamy concerns inequalities in its moral demands, whatever they are. I hope to avoid unnecessary controversy by operating with a rough, intuitive conception of marriage.

Marriage, as a moral rather than legal or social relation, offers an ideal for a form of shared life. Each spouse has expectations, rights, and obligations with respect to their spouse.<sup>7</sup> What norms are essential will depend on one's favored ideal of marriage. Insofar as marriage involves sharing a life, each spouse may claim shared time, attention, resources, and a say in

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<sup>6</sup> Such a project may have merit as an exercise in moral psychology or ethical life, but it is not directly relevant to my concerns here.

<sup>7</sup> Some of marriage's moral demands are only intelligible by reference to social recognition of marriage or to moral demands on adults other than the couple. I am sympathetic to this suggestion but do not think it affects the moral analysis I offer.

joint life decisions. For marriages involving romantic love, each spouse may demand emotional and sexual fidelity. For marriages oriented towards children, marriage alters spouses' relative parental rights and obligations. For convenience, I refer to marriage's stringent moral demands, like fidelity, as "rights," and to its open-ended moral demands, like claims for time, care, or sex, as "expectations."<sup>8</sup>

Although many contemporary Westerners insist these moral demands be reciprocal, that is not always the case. Consider this caricature of "traditional monogamy."<sup>9</sup> Its sociological accuracy is less important than the implications of rejecting such unequal relationships. In the official mythos, husband and wife share a new life; in reality, the ideal is often asymmetrical and hierarchical. Husbands retain exclusive control over major decisions. Both spouses should identify with the family, but only husbands maintain a distinct public identity. He may demand his wife's full, exclusive devotion to his projects but need not reciprocate because a wife should suppress her own desires and projects. This marriage relation remains formally symmetrical, but its attendant rights and expectations are not.<sup>10</sup> Traditional monogamy involves two asymmetric marital relations, illustrated in Figure 1.

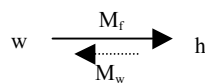


Figure 1:

The wife's relation to her husband is a "full marriage" ( $M_f$ ). Her moral personality is subsumed in the marriage. The husband's relation to his wife, in contrast, is a "weak marriage" ( $M_w$ ). He reserves his moral personality (or rather his personality becomes the marriage). The modifiers

<sup>8</sup> I do not intend these to be technical terms. They might be more perspicuously described as perfect and imperfect duties, as long as one remembers that the latter may be as stringent as the former despite the common libertarian bias to the contrary.

<sup>9</sup> I recognize that opponents of gay marriage use the phrase "traditional marriage" as short-hand for their normative conception of marriage as between one man and one woman, but when I use the terms "traditional marriage" and "traditional polygamy," I refer to the historical varieties.

<sup>10</sup> One may say that the marital relation is asymmetrical or, equivalently, that the relation is symmetrical but the rights attendant on the relation are not.

“full” and “weak” indicate the moral expectations embedded in the social practice, not the actual degree of commitment in any particular marriage.

Traditional monogamy is morally objectionable for numerous reasons, most importantly because it fosters oppression of women. I submit that such asymmetric relations involve a morally objectionable inequality independent of its discrimination against women. It would be wrong if society expected heterosexual husbands or one homosexual spouse to occupy this subordinate role. I expect this to be an intuitive judgment; I think most moral theories can support it. I would appeal to basic Kantian intuitions. The partner with the weak marital relation uses the partner with the full marital relation. The spouse who demands much but accepts no reciprocal obligations neglects her imperfect duties of respect and beneficence. The objection is also not limited to marital relations; it would be wrong if friendship exhibited this asymmetric structure. Notice also that this moral objection has two levels. Spouses act immorally by falling into this pattern, and the ideal itself is objectionable for endorsing and facilitating such relationships of subordination.<sup>11</sup>

Removing this inequality from the monogamous ideal is simple: extend the same marital relation to both partners. The monogamous ideal can be made symmetrical by (1) strengthening demands on the superior partner or (2) weakening demands on the subordinate partner. For instance, either wives have full joint rights in all economic activity or we jettison the idea of marriage as a joint economic venture. For each marital right or expectation, these two options represent vague endpoints of a range of possibilities. The marriage may retain traditional marital demands, as long as they remain symmetrical. Each spouse need not play the same role, but the

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<sup>11</sup> It is an interesting, and difficult question, whether voluntary and informed consent removes the moral objections to this form of inequality. Most discussions about polygamy begin with the question of whether it matters that women appear to consent to similar gender inequalities in polygyny, without realizing that the inequality in polygamy is more basic than the inequality in traditional monogamy. For a, rather uneven, analysis of legitimizing power of consent in the context of polygamy, see Hanna, Cheryl, “Rethinking Consent in a ‘Big Love’ Way,” Michigan Journal of Gender and Law forthcoming, Available online on SSRN at <http://ssrn.com/abstract=1502760>.

demands on each should be roughly equal. Despite economic and cultural resistance, it is conceptually simple to eliminate inequality from monogamous marriage.

### 1.c Asymmetrical Relations and Polygamy

Unlike traditional monogamy, the inequality in traditional polygamy is embedded in its structure. It is conceptually impossible to construct an egalitarian ideal using the traditional model.

In traditional polygamy, only one central partner may take multiple spouses. This creates the hub-and-spoke structure depicted in Figure 1. The central spouse (C) marries each peripheral spouse (P1...P3) and each P1... P3 marries C. P1... P3 have no marital relation to one another. They share what I call a “sibling relation,” because plural wives often call one another “sisters.”

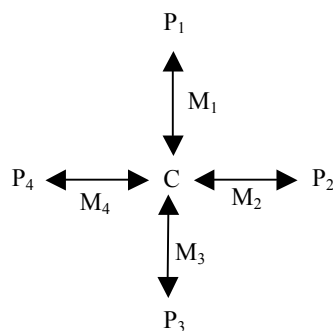


Figure 2:

The symmetry in polygamous marriage is superficial. The center-peripheral distinction creates inequality in the marital relations and in spouses’ relative control over the wider family.

First, the relation between each married couple is asymmetrical. Peripheral spouses should give themselves wholly to the central spouse. The central spouse should split his commitments between peripheral spouses. Each peripheral spouse has a full marriage to the central spouse, but the central spouse has only a weak marriage to each peripheral spouse.

Figure 3 is a more adequate representation.

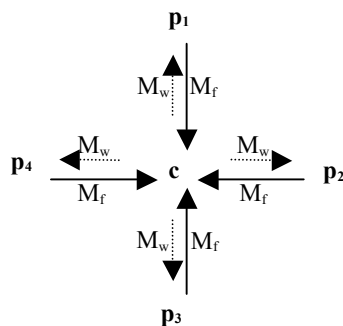


Figure 3:

Sexual relations illustrate this asymmetry. Polygynists struggle with ‘splitting’ the husband’s sexual attention among his wives. Islamic doctrine, for instance, tries to avoid jealousy and hierarchies by instructing husbands to maintain a strict nightly rotation.<sup>12</sup> This solution belies the real problem. A wife should reserve herself exclusively for her husband, while her husband should split himself between wives.<sup>13</sup> This sexual rotation is one instance of an inequality in all polygamy’s moral demands. P3 should share all her income and services with C, but C should split his resources with each P. P3 should have children only with C, but C may have children with each P. P3 should seek romance only with C, but C may seek it with each P. Even the ideal C, with the best intentions to split herself equally, can return only a fraction of what she demands of each P.

Is asymmetry intrinsic to polygamy or can it be reformed like monogamy? As long as polygamy retains the hub-and-spoke structure, neither simple change that saved monogamy can save polygamy. First, we cannot extend full commitment to both partners. Once C commits to sharing his life fully with P1, he cannot consistently commit to sharing his life fully with P2. He

<sup>12</sup> Alexandre, Michel, “Big Love: Is Feminist Polygamy an Oxymoron or a True Possibility?” *Hastings Women’s Law Journal* 18:1 (2007): 3-30.

<sup>13</sup> Kant noted that this sexual inequality uses the other person as an object rather than an end, but he did not note that this use extends throughout all aspects of these relationships. “The relation of the partners in a marriage is a relation of equality of possession... (hence only in monogamy, since in polygamy the person who surrenders herself gains only a part of the man who gets her completely, and thus makes herself into a mere thing).” Kant, Immanuel, *The Metaphysics of Morals*, in *Immanuel Kant: Practical Philosophy*, ed. Mary J. Gregor (New York, Cambridge University Press), §26, p. 6:278.

simply does not have any of himself left to give. Consider economic rights. Traditional monogamy becomes egalitarian if husband and wife have full rights to their joint property.<sup>14</sup> Polygamy cannot have a similar arrangement. Once C shares his property entirely with P1, he has no separate property to share with P2. Weakening demands on peripheral spouses does not suffice either. Each relationship may appear equal if C may only demand a third of each spouses' resources. If peripheral spouses may take interests outside the marriage, their dedication to C may be no stronger than his dedication to them. Such equality is merely superficial, if marriage retains its exclusive commitments—most importantly, if P1...P3 can only marry C. If C may still demand marital exclusivity, then he may still demand three times the benefits and rights.

The second inequality concerns the spouses' degree of control over the family.<sup>15</sup> A central spouse always has greater control rights than each peripheral spouse. Peripheral spouses have only indirect moral relations to other spouses and, thus, lack moral standing to control decisions in other subfamilies. The central spouse has a direct moral standing in every decision by every sub-family by his marriage to each spouse.

Suppose, for instance, that P1 and C are deliberating about a skiing vacation. P2 has no right to a say in their deliberations. She can remind C to think about his obligations to her. She may, for instance, demand C not use all his vacation days because she also expects a vacation.

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<sup>14</sup> Common law states are more complicated. During the marriage, each spouse retains full control over any property they earn, which is formally symmetrical but creates actual inequality in most cases where only one spouse works outside the home. Substantive equality is achieved only at divorce, when all property 'converts' to marital property to be split evenly or equitably.

<sup>15</sup> This is a generalized version of the divorce asymmetry identified by Brooks. Brooks, "The Problem with Polygamy," Section III. Brooks points out that peripheral spouses may only divorce their central spouses and not their sibling spouses, while central spouses may divorce any member of the family. Brooks does not offer an argument for why he thinks this is an inherent feature of polygamy, but it must be something similar to the discussion I offer below. I do think, however, that the divorce problem can be solved. Perhaps polygamous marriages are like legal partnerships that can only be sustained by unanimous consent and are dissolved if anyone leaves. Perhaps any partner could be voted out by a majority of the spouses. Perhaps a new kind of divorce from sibling spouses could be defined. In this last option, once a sibling is divorced, the family relationship now looks like the molecular model described below in Section III.b.



She may request P1 consider the decision's effect on the entire family. This request is less of a moral demand than a plea for P1 to be benevolent. For P1, P2 is just another of her husband's wives. P1 is not bound by C's obligations. She might be considerate out of prudence or benevolence, but she has no special relation to P2 that grounds a personal obligation to consider P2's preferences.<sup>16</sup> P2 has no moral standing in the C1-P1 sub-family. This lack of moral standing extends from small decisions about resources to large decisions like having children.

Polygamous families may adopt a principle of unanimous consent for major family decisions. This is not a feature of the moral relations in traditional polygamy but an accommodation to the unfairness of traditional practice. These families are moving towards the polyfidelity model of polygamy that I discuss below, but they have a long way to go.

## II. EGALITARIAN POLYGAMY

There are two ways to modify the structure of the traditional model to remove its inequality. First, one may retain a full marital relation from the peripheral to the central spouses, if one adopts the same between every spouse. This model is called polyfidelity. Second, one may weaken the marital relation from each peripheral spouse to the central spouse, if each peripheral spouse is permitted additional spouses. I call this the "molecular model."

### 2.a The Polyfidelity Model

The first option (Figure 4) is "polyfidelitous marriage."<sup>17</sup> Polyfidelity eliminates the center-periphery distinction. Each spouse enters a full marriage relation with every other spouse. Each  $\leftrightarrow$  in Figure 4 represents full marital relation that is binary, symmetrical, and transitive.

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<sup>16</sup> P2 may be bound by a general moral duty against soliciting others (especially our intimates) to violate their moral obligations, if such an obligation exists.

<sup>17</sup> There is an extant, albeit very small, polyfidelitous population in contemporary societies. Polyfidelity is discussed in anthropological literature, but their concern is with lived experience, not moral evaluation. For a discussion of the moral problems created by practical difficulties of multi-member families, see Strassberg, "The Challenge of Postmodern Polygamy," p. 440.

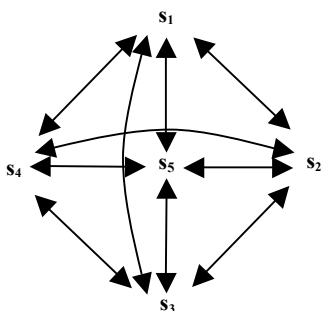


Figure 4:

Each spouse fully commits to every other spouse, accepting all the moral expectations and rights attendant on marriage.<sup>18</sup> The bilateral, asymmetrical demand of exclusivity in traditional polygamy is replaced with multilateral exclusivity—no relationships outside the marital family.<sup>19</sup> Each marriage must have similar moral demands, but spouses may fulfill them in distinct fashions. For instance, S1 may appeal to S2 and S3 for companionship, but they may fulfill this expectation in different ways: S1 and S2 may share long walks, while S1 and S3 share silly movies.

The moral structure of polyfidelity removes both inequalities from polygamous marriage. First, the inequality within each marriage is eliminated. Each spousal pair shares the same full marital relation in both directions. Spouses may consistently enter several full relation because each spouse is married to every other. This structure also permits the family to maintain some of the collectiveness typically associated with marriage.

Consider the slice of Figure 4 consisting of the marriage S1-S2-S3. S1 may fully commit to sharing a life with S2 and S3, because S2 is also fully committed to S3 and S3 to S2.

Reconsider property rights. All three spouses may have full property rights if the marriage arises through a joint act of commitment or if each spouse in an existing marriage consents to adding a

<sup>18</sup> Technically, they may all enter only weak marital relations. This would be a form of the molecular model that folds entirely onto itself. Only polyfidelity may, however, retain some of the collectivist features of monogamy and traditional polygamy.

<sup>19</sup> This demand, more than any other, distinguishes polyfidelity from the molecular model. The exclusivity demand may only be maintained without creating inequality because every spouse must marry every other.

spouse (which is like dissolving and reforming the marriage). Each spouse has full dispositional rights to family property and an attendant obligation to account for its use to each other spouse.

Second, polyfidelity avoids the inequality in control rights that exists in traditional polygamy. All the spouses are married to one another and, thus, have a direct moral standing in each sub-family. When S1 and S2 plan their skiing vacation, S3 may rightfully protest directly to S1 and S2 if their plan neglects her legitimate expectations of either spouse. Similar inequalities will reemerge, however, if the marriages include different moral demands. Practical problems arise whenever fulfilling individual obligations to one spouse excludes others. When S1 and S2 are sharing long walks, neither can fulfill demands to fellow spouses.<sup>20</sup>

More difficult problems arise if the marriages differ in any essential moral demands. Sex is a thorny issue. If marriage essentially involves openness to sex, then inequality remains unless each spouse is sexually committed to every spouse. The polyfidelity ideal can avoid this problem by stipulating each spouse should remain open to sex with every other, although logistical and jealousy problems make its realization difficult.<sup>21</sup> An asymmetry will persist if some are unwilling to have sexual relations with others for whatever reason (e.g., gender, sex or hair color preference). Polyfidelity, thus, may recreate a form of sexual inequality similar to traditional polygamy.

As a factual inequality, this asymmetry may not pose a significant moral problem. The existence of sexual relations in only some marriages is only morally significant if sex is a moral demand. This idea has a venerable cultural history and finds some support in philosophical

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<sup>20</sup> This may mean that, even in polyfidelity, polygamous marriage relations must be slightly weaker than the fully shared life of a monogamous marriage. Despite appearances, this does not significantly modify marriage, as it is understood in monogamous relations. No relationship demands a completely shared life. A monogamous spouse does not compromise their commitment to a shared life by accepting external obligations of friendship or employment that are exclusive of some of the couple's shared time together.

<sup>21</sup> Strassberg documents these problems in detail. Strassberg, "The Challenge of Postmodern Polygamy," p. \_\_\_\_

literature.<sup>22</sup> One primary function of marriage in most cultures is legitimating children.

Common law courts accepted sex was a necessary condition of marriage. Failure to consummate a marriage was grounds for annulment; refusal to engage in sex was grounds for divorce.

Modern American culture no longer accepts this. We endorse marriages with spouses incapable of sex and asexual spouses. Celibate marriages are no less marriages. A spouse may hope to contribute to a sexual life with their partner but has no moral right or expectation of sex.<sup>23</sup> There seems to be no conceptual reason this life-long caring relationship—its intertwined interests, children, emotional support—cannot persist without sex. If sex is not an essential moral feature of marriage generally, sexual asymmetry in polyfidelity need not be morally problematic.

## 2.b. A Group Marriage or A Plural Marriage?

Polyfidelity may be either too individualist or too collectivist. First, if polyfidelity's primary moral relations are binary marriages, its pair-wise demands may generate irresolvable conflicts. How should S1 decide whose family to visit for Christmas? If he visits S2's family, then he lets down S3-S5. Such conflicts will be pervasive. Monogamous spouses should settle conflicts by negotiation and compromise. They should do what is best for the marriage, accepting their collective preference even if it is neither's personal preference.<sup>24</sup> This ideal of deliberative unanimity may suffice for polyfidelitous marriages of few members, but it is not

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<sup>22</sup>This claim is philosophically controversial. Kant argues that the sexual use of another person is immoral unless under the contractual exchange of body parts in marriage; thus, marriages without the expectations of and capability for sex are not marriages and may be annulled. Kant, *The Metaphysics of Morals*, §24, §27 (p. 6:277, 6:279). The "new natural lawyers" also argue that marriage aims at an intrinsic good that is achievable only in monogamous heterosexual relations. Finnis, John. "Marriage: A Basic and Exigent Good," SSRN Working Paper Series, available online at. I would like to put these objections aside for now, as they deserve significant discussion.

<sup>23</sup> Perhaps one spouse forfeits her expectation of sexual exclusivity or fidelity by persistently resisting genuine efforts to initiate meaningful sexual relations. On this ground, however, sex does not differ from other marital activities, except in perhaps its perceived centrality. If one spouse, for instance, adamantly desired to learn to dance and his partner refused to take dancing lessons, he may seek out other dancing partners without violating his commitment to share a joint life with his partner. He would violate this commitment by taking another dance partner in secret without first asking his spouse to join him.

<sup>24</sup> This enables the monogamous marriage to form a collective entity. The marriage now has interests distinct from the spouses. What is best for the marriage does not reduce to an amalgamation of what is individually best for either spouse individually, although each should identify with what is best for the marriage as what is best for themselves.

promising for larger groups. Larger polyfidelitous families need a decision-making mechanism to settle spouses' marital obligations. The mechanism must make it possible, at least as an ideal, for spouses to transcend factionalism and identify with the family decision.

Polyfidelity may be too individualistic to meet this dilemma. With only pair-wise marital rights, each spouse lacks a direct claim on family decisions. Suppose a family with five spouses decides by supermajority vote. The family might never decide to spend Christmas at S5's, and yet no particular spouse may violate his commitments. While S5 can demand each spouse vote for his home sometimes, but their votes may never coincide. He cannot demand the family decide to spend Christmas at his home. The collective may fail to fulfill S5's valid expectation without any individual letting him down. This may occur in an ideal marriage where each spouse fully fulfills their roles. Polyfidelity may generate a form of moral powerlessness similar to the moral standing problem in traditional polygamy. One easy, natural way to resolve this is to recognize claims and duties to the family as a collective entity rather than to each individual separately. If individual spouses may hold the family accountable, no individual can be left behind.<sup>25</sup>

Some will find this too collectivist. If you want to isolate marriage as a distinctive relation, you may think this solves the problem by abandoning the idea of plural *marriage*. Polyfidelity becomes a group relation rather than several marriage relations. If the spouses' primary claims and duties are to the family as a collective, this structure is less like marriage than like an association.<sup>26</sup> Marital duties become, like civic duties, derivative of group loyalty rather

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<sup>25</sup> In monogamy, unanimous decisions turn a marriage into a genuine unity. Marriage creates a genuine collective "we" when spouses make decisions for the marriage rather than for their aligning personal interests. If polygamy only recognizes binary relations, moral failures and factionalism may prevent the marriage from forming a viable collective entity. Even ideal individuals will continue to think of the best interests of their individual binary pairs.

<sup>26</sup> Membership in a civic association creates general rights and duties relative to the other members. If I join a club, I should attend its fundraisers and charity events. What happens if I skip out? I disappoint my fellow members, but

than personal duties entered by marriage.

This objection is mistaken for several reasons. First, it assumes an essentialism about marriage that favors monogamy. Second, monogamous marriage also creates a collectivity whose interests are not reducible to private interests of each spouse. Most importantly, polyfidelity may maintain group and personal moral obligations. Even if polyfidelity recognizes a moral relation between each individual and the group, the individual marriages need not disappear into that group relation. A binary relation that extends to every member of a set is not the same as a relation between each member and the set itself. The two relations are not exclusive. Moreover, marital obligations need not be derivative of the group relation. Suppose  $S_1$  gets laid-off.  $S_1$ 's spouses are obliged to comfort her. If marital obligations derive from the group relation, then  $S_1$ 's claim on individual spouses is derivative of the family's collective obligation to comfort her. One spouse could fulfill the familial obligation on her own.  $S_2$ 's comforting acts could diminish, or even fulfill,  $S_3$ 's obligations. If, in contrast, the individual marital obligations are not derivative, then  $S_2$  could not diminish  $S_3$ 's obligation to comfort  $S_1$ .  $S_3$ 's obligation to support  $S_1$  is personal, grounded in her marriage to  $S_1$ .

## 2.c The Molecular Model

Polyfidelity eliminates the asymmetry in the hub-and-spoke model by strengthening all of the relations. The alternative ("molecular polygamy") weakens the marital relation and permits peripheral spouses to take additional spouses of their own. In Figure 5, each  $\leftrightarrow$  represents a binary, symmetrical and weak marriage relation.

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I have not violated my obligation to any member in particular (or, rather, I have to all equally). My duties are primarily to the group and only derivatively to any particular member.

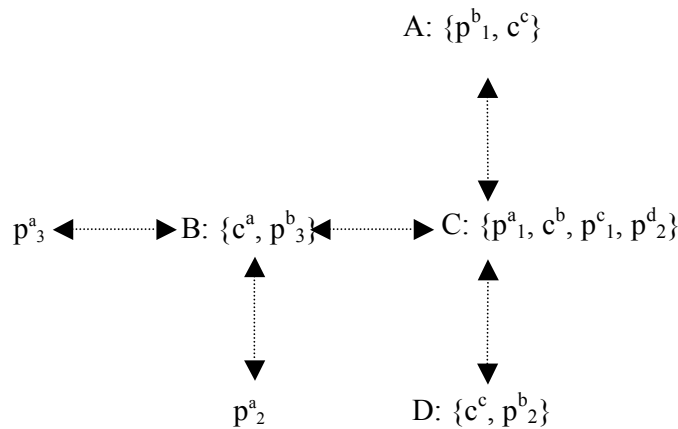


Figure 5:

This model eliminates the inequality by extending a weak marriage relation in both directions. A peripheral spouse need not remain exclusive to the central spouse but may divide her life with others.<sup>27</sup> She may become the central partner in her own polygamous family. Thus, each spouse can be a central and a peripheral spouse in their relationships.  $C$  is the central spouse  $c^b$  for her peripheral spouse  $B$  ( $p^b_3$ ). But,  $B$  is also central spouse  $c^a$  for her peripheral spouse  $C$  ( $p^a_1$ ). The social practice or the parties must clearly delimit the number of permitted spouses in advance.

The model has two superficial difficulties. First, it seems to delay the inequality, because partners at the edge will always have less spouses. Consider  $A$ .  $A$  has two peripheral spouses and  $C$  has three. A factual inequality will exist if  $A$  devotes half her time to  $C$ , who can only share a third. However, such factual inequalities need not be morally objectionable.  $A$  may avoid the inequality by taking interests outside the marriage. They remain equals if the relation creates the same expectations of  $A$  and  $C$ . This will be true if  $A$  is permitted to take a third spouse and is only expected to give a third of her resources to  $C$ . The key moral consideration is

<sup>27</sup> Because this weakening may excise typical moral rights or expectations of marriage, one may justly ask whether the relations retain enough to qualify as marriages for purposes of social recognition. For moral purposes, what matters is symmetry in expectations, so the marital cases may be considered continuous with the non-marital.

reciprocity in moral permissions and demands.<sup>28</sup>

The second difficulty is the model seems to exacerbate the standing problem. Spouses still lack a direct moral relationship to their peripheral spouses. *A* is not married to *B* or *D*. And peripheral spouses now have third-degree spouses. *A* also gains third-degree spouses  $p^a_2$  and  $p^a_3$  through her peripheral spouse *B*. If indirect relations between peripheral spouses causes difficulties, surely the relation between third-degree spouses is worse.

Paradoxically, weakening the relation to the central spouse diminishes these difficulties by disentangling the lives of peripheral spouses. A person with three spouses should give each a third of her resources. Her demands on peripheral spouses are reduced accordingly: she can only expect a third of their time. With weaker binary marital relations, the peripheral spouses are less invested in their spouse's relationship to other sub-families.

The problems with molecular polygamy are primarily practical. Polyfidelity can be practically difficult, but its closed nature limits the complexity of moral relations. All spouses are married, so the relations are clear even when their implications are not. The relations in molecular polygamy become extremely messy, but a spouse's moral rights and expectations can in principle be specified without reference to their partner's other spouses. The spouse's primary duty is to keep his moral house in order so to meet his obligations to his spouses. As long as partners are not making asymmetrical moral demands, the deontic logic of molecular polygamy is similar to familiar (albeit little understood) indirect moral relations like third-party contracts.

Consider the relations between *A*, *B*, and *C*. Ann is married to Carol, Barb is married to Carol, but Ann is not married to Barb. If Ann thinks Carol spends too much time with Barb, her moral complaint is against Carol, not Barb. Carol's obligations to Ann are personal, based in

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<sup>28</sup> In contemporary polygynous cultures, many women in monogamous marriages report that their marriages is shaped by their husband's permission to take a second wife, even if he genuinely has no such intention.



their marriage. If Carol cannot meet her obligations to both, she should not have entered the second marriage. It is Carol's failing, not Barb's. Likewise, Barb should not demand more than her "share" of Carol's time. Such excessive demands violate her commitment to Carol. It is proper that Ann can only tap into these claims indirectly, by accusing Barb of soliciting Carol to fail her obligations.

### **3. Conclusion**

Traditional polygamy contains a structural inequality that is not addressed by eliminating sexual inequality or by extending equal rights to each spouse. Polygamy can only be egalitarian if each spouse marries every other spouse in the family, as in the polyfidelity model, or if each spouse may marry new spouses, as in the molecular model. Although these models significantly revise the traditional conception of polygamy and challenge our understanding of marriage, they are at least, in principle, capable of being egalitarian.