

**Monogamy and Democracy**  
**Tom Flanagan**  
**University of Calgary**

On November 22, 2010, the Supreme Court of British Columbia began hearing a reference case about the constitutionality of s. 293 of the Criminal Code, which prohibits polygamous marriage in Canada:

**293.** (1) Every one who

(a) practises or enters into or in any manner agrees or consents to practise or enter into

(i) any form of polygamy, or

(ii) any kind of conjugal union with more than one person at the same time,

whether or not it is by law recognized as a binding form of marriage, or

(b) celebrates, assists or is a party to a rite, ceremony, contract or consent that purports to sanction a relationship mentioned in subparagraph (a)(i) or (ii),

is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

The original version of s. 293 was added to the Criminal Code in 1890, when American authorities were making strenuous attempts to suppress polygamy. The Mormon prophet Wilford Woodruff issued a revelation renouncing polygamy in 1890, but it continued to be widely practiced among the faithful.<sup>1</sup> Meanwhile Mormon immigrants from the United States started to go south to Mexico and north to Canada, looking not only for new land but for a more favourable legal climate. The Canadian government was glad to have the new settlers but, like the American government, did not want polygamy, and so amended the Criminal Code to make it absolutely clear that polygamy was illegal in Canada.<sup>2</sup>

Although s. 293 was motivated by Mormon immigration, no Mormons have ever been successfully prosecuted under it. Beginning in 2007, the government of British Columbia considered prosecution of polygamists from the village of Bountiful, near Creston, where plural marriage had been practiced since about 1946. Two special prosecutors advised the government to refer the issue to the courts for an advisory opinion as to whether enforcement of anti-polygamy legislation would conflict with Charter guarantees of freedom of religion. A third special prosecutor was appointed and charges laid against Winston Blackmore and James Oler in

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<sup>1</sup> Richard S. Van Wagoner, *Mormon Polygamy: A History*, 2<sup>nd</sup> ed. (Salt Lake City: Signature Books, 1989 [1986]), 133-142.

<sup>2</sup> Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* (Edmonton: University of Alberta Press, 2008), 83-86. The Criminal Code had already outlawed bigamy, but that section had been written to deal with conscious deception and did not address polygamy head on, as the new section did.

early 2009, but the BC Supreme Court dismissed the charges in September 2009, ruling that the government had in effect gone “special prosecutor shopping.”<sup>3</sup> That rebuff led to the reference case which is now under way.

The question now before Robert Bauman, Chief Justice of the Supreme Court of British Columbia, is whether s. 293 violates the “freedom of conscience and religion” guaranteed by s. 2(a) of the Canadian Charter of Rights and Freedoms. Against that proposition, the Crown will offer the typical s. 1 defence that the prohibition of polygamy is a “reasonable limit” on freedom of religion as “demonstrably justified in a free and democratic society.” To determine whether s. 293 is a reasonable limitation on the freedom of religion, the court will have to consider voluminous extrinsic evidence about the real-world effects of polygamy.<sup>4</sup>

Polygamy in this discussion means polygyny, i.e., one man married simultaneously to two or more women. Polyandry, in which one woman marries two or more men, is extremely rare and institutionalized only in a few harsh environments where the efforts of one man are not enough to support a family. A third alternative, polygynandry (sometimes known as group promiscuity or polyamory) is the norm in chimpanzee society but is rare among human beings, even though the Canadian Polyamory Association has attained intervener status in the polygamy reference.<sup>5</sup>

Another essential distinction is between biological mating and social institutions. Societies can impose a preferred form of marriage through social pressure and/or legal sanctions. One who engages in extramarital relationships could be polygamous in a biological sense, even where monogamy is supported by both social pressure and legal sanction. This paper is primarily concerned with marriage institutions but also looks at biological mating, on the assumption that social institutions can only endure if they are compatible with evolved human nature.

One of many expert reports submitted in the BC polygamy reference is “Polygyny in Cross-Cultural Perspective: Theory and Implications,” by University of British Columbia anthropologist Joseph Henrich. Most of Henrich’s report mobilizes scientific literature showing that the prohibition of polygamy confers widespread benefits: “By partially leveling differences in male reproductive success and reducing competition among males within a society, imposed monogamy reduces crime rates, including rates of murder, rape, and robbery, reduces substance abuse, increases male parental investment in offspring, and increases male-female equality.”<sup>6</sup> The expert report of Brown University anthropologist Rose McDermott offers similar evidence, based not only a review of earlier literature but on statistical analysis of a contemporary dataset containing variables from 172 nations.<sup>7</sup>

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<sup>3</sup> CBC News, “Polygamy Charges in Bountiful, B.C., thrown out,” September 23, 2009, <http://www.cbc.ca/canada/british-columbia/story/2009/09/23/bc-polygamy-charges-blackmore-oler-bountiful.html>.

<sup>4</sup> For various perspectives on this issue, see the papers by Martha Bailey, Beverley Baines, Bitu Amani, and Amy Kaufman collected under the title *Expanding Recognition of Foreign Polygamous Marriages: Policy Implications For Canada*, Queen’s University Faculty of Law, Legal Studies Research Paper Series, Accepted Paper No. 07-12.

<sup>5</sup> Daphne Bramham, “The oddball alliances in the polygamy battle,” *Vancouver Sun*, April 7, 2010.

<sup>6</sup> Joseph Henrich, “Polygyny in Cross-Cultural Perspective: Theory and Implications,” 2010, expert’s report prepared from the Crown in the BC polygamy reference, emailed by Dr. Henrich to the author, p. 40.

<sup>7</sup> Rose McDermott, “Expert Report Prepared for the Attorney General of Canada.” For a quick summary of her testimony, see Keith Fraser, “Females’ lives worsen as rate of polygamy increases: Researcher,” *Calgary Herald*, December 16, 2010, <http://www.calgaryherald.com/life/Females+lives+worsen+rate+polygamy+increases+Researcher/3990037/story>.

Henrich's and McDermott's scholarship is consistent with the anecdotal evidence about Fundamentalist Mormon polygamy reported by journalists or by former Fundamentalist Mormons who have left their community. Regarding Bountiful, BC, journalist Daphne Bramham paints a depressing portrait of powerful senior men marrying several, even dozens of wives; marrying young girls, sometimes by force; using the promise of marriage as a way of controlling younger men; and exploiting surplus young men in their business enterprises, sometimes even driving these "lost boys" out of the community.<sup>8</sup> Similar accounts were given by several women from Bountiful and other Fundamentalist Mormon communities who appeared as witnesses at the reference hearing. The anecdotal reports, like the scientific literature, suggest that polygamy serves the economic and reproductive interests of a small number of high-ranking men while subordinating the interests of all others in the community, both male and female.

Of course, not every relationship is abusive, and not every wife is oppressed. Some may be genuinely happy sharing a husband with their "sister wives." McGill law professor Angela Campbell interviewed a score of women from Bountiful who reported that they were satisfied with their plural marriages and had considerable control over their own lives.<sup>9</sup> But even by Campbell's own account, this reported liberalism seems to be a very recent development. Moreover, Campbell, who is a lawyer rather than a trained field researcher, seems to have paid little attention to the possibility that her subjects were lying to her, or were selected and coached by community leaders to give a sympathetic portrait.<sup>10</sup> Fundamentalist Mormon teaching allows and even encourages the faithful to lie to outsiders when it serves the interests of the community.<sup>11</sup> The court would be wise to regard Professor Campbell's evidence in the same light as the fairy tales told to the young Margaret Mead by her informants in Samoa.<sup>12</sup>

In my opinion, the combination of scientific literature and anecdotal evidence should be sufficient to justify the court in upholding the constitutionality of s. 293. The court does not have to find that all women and children are harmed by polygamy, or that all polygamous marriages are inferior to all monogamous marriages. It only has to find that polygamy tends on balance to work against the welfare of women and especially children, who cannot give informed consent to their own oppression, in order to conclude that the criminalization of polygamy is a "reasonable limit" on the freedom of religion.

Beyond the issues directly before the court, the polygamy reference also raises larger issues of political philosophy, as shown by the concluding conjecture in Henrich's report:

... it is worth speculating that the spread of normative or imposed monogamy, which represents sexual egalitarianism ... may have helped create the conditions for the emergence of democracy and political equality at all levels of government .... The peculiar institutions of monogamous marriage may be part of the foundations of Western civilization, and may explain why democratic ideals and notions of human rights first emerged as a Western phenomenon.<sup>13</sup>

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<sup>8</sup> Daphne Bramham, *The Secret Lives of Saints: Child Brides and Lost Boys in Canada's Polygamous Mormon Sect* (Toronto: Random House Canada, 2008).

<sup>9</sup> Angela Campbell, "Bountiful Voices," *Osgoode Hall Law Journal* 47 (2009), 183-234.

<sup>10</sup> Nicholas Bala, affidavit, July 15, 2010, para. 48.

<sup>11</sup> Bramham, *Secret Lives*, Ch. 16, "Lying for the Lord," 340-362.

<sup>12</sup> Derek Freeman, *Margaret Mead and Samoa* (Cambridge: Harvard University Press, 1983); *The Fateful Hoaxing of Margaret Mead: A Historical Analysis of Her Samoan Research* (Boulder, CO: Westview Press, 1999).

<sup>13</sup> Henrich, "Polygyny in Cross-Cultural Perspective," 41.

McDermott does not offer such an explicit conjecture, but she does report that, even after controlling for GDP per capita, higher levels of polygyny within nations are positively correlated with defence expenditures and negatively correlated with respect for civil and political liberties.<sup>14</sup> Other authors have put forward similar theories, sometimes depicting monogamy as a precondition of equality, other times theorizing that the tendency towards equality in modern civilization has encouraged monogamy along with the abolition of slavery, constitutional government, equal rights for women, the welfare state, universal literacy, and other institutions of autonomous individualism. This paper will examine the possible connection between monogamy and constitutional democracy, drawing on literature from evolutionary biology, history, and the social sciences.

## Biology

The human lineage branched from chimpanzees about seven million years ago, after our joint ancestors had split from gorillas about three million years before that. The first human characteristics to appear in the fossil record are bipedalism and upright posture, replacing the bent-over posture and quadrupedal knuckle-walking of our closest relatives—chimpanzees, bonobos, and gorillas. This was probably an adaptation to life on the savannas, rather than in the African rain forests where our non-human relatives still live. Bipedalism and life on the savannas apparently set in motion several intertwined evolutionary developments: use of now-free hands for tool- and fire-making; growth of intelligence based on bigger brain size; and a richer diet (meat and tubers) to meet the caloric demands of bigger brains.

Bipedalism led to growing intelligence, but the increase in brain size was on a collision course with bipedalism. Walking and running on two legs works better with narrow hips, while large brain size demands a bigger head, which in turn requires a wider female pelvis for giving birth. The evolutionary compromise was to postpone much human brain growth until after birth, leaving human babies with undeveloped brains. Compared to other mammal and primate species, human infants are notoriously helpless at birth and require many years, even decades, to reach maturity. This time is required for the brain to achieve its final size and internal organization.<sup>15</sup>

Chimpanzee and other primate mothers can nurse and care for their infants without any particular help from males. Chimpanzee males do offer a kind of collective defence for their community's feeding territory, and they may play indulgently with youngsters, but they do not bring food to infants and mothers or baby sit the youngsters while their mothers forage.<sup>16</sup> Raising human infants, on the other hand, is a group project. Pace Hillary Clinton, it may not take a village, but it certainly takes the efforts of more than the mother. Human infants cannot hang on the mother while she looks for food, so she needs either a baby-sitter or someone to bring food to her. And this goes on for years, not just a few days or weeks.

Human nature seems to contain a whole suite of physical, sexual, psychological, and social features that have evolved to make possible the rearing of our big-brained but helpless young.<sup>17</sup> Loss of oestrus in females means that males have to stay in proximity to their mates if

<sup>14</sup> Rose McDermott, "Expert Report," 21-22.

<sup>15</sup> Nicholas Wade, *Before the Dawn: Recovering the Lost History of Our Ancestors* (New York: Penguin, 2006), 12-34.

<sup>16</sup> Malcom Potts and Thomas Hayden, *Sex and War: How Biology Explains Warfare and Terrorism and Offers a Path to a Safer World* (Dallas, TX: BenBella Books, 2008), 124.

<sup>17</sup> Helen Fisher, *The Anatomy of Love: A Natural History of Mating, Marriage, and Why We Stray* (New York: Norton, 1992).

they are going to have the opportunity to copulate during the period of ovulation. Pair-bonding makes males and females enjoy being with each other even when not copulating, and gives males some degree of certainty in paternity, thus rendering high levels of male parental investment rational. Food-sharing encourages males to contribute directly to the nourishment and rearing of youngsters. Extension of the female lifespan after the end of fertility (menopause) makes available a class of experts (grandmothers) to assist in raising children.

Amidst this panoply of developments, the combination of male-female pair-bonding and male parental investment has had great repercussions for human social organization. A society in which males and females pair off for long periods of time and males devote a lot of energy to the welfare of their children is profoundly different from the group promiscuity of chimpanzees (no pair bonding or male parental investment) or the harem formation of gorillas (pair bonding and male parental investment limited to a few senior males, the so-called “silverbacks”).

As human beings have evolved in this direction, our sexual dimorphism has declined. Monogamy is generally found in species exhibiting little sexual dimorphism. Among monogamous Canada geese and coyotes, for example, males and females are about the same size and are otherwise differentiated only by their genitalia. At the other extreme, male lions, gorillas, and elk are much larger than females, have different markings and weaponry, and compete ferociously to dominate female harems. Chimpanzee males are larger and stronger than females and are equipped with lethal canine teeth for fighting; and though they do not form harems, all adult male chimpanzees dominate all females.

The measurement of human sexual dimorphism gives different results depending on what is measured. Canadian males on average are about 8.5% taller than females and 24.6 % heavier.<sup>18</sup> Comparable data for other populations will vary somewhat depending on ethnicity, diet, and economic development, but are generally in this range. Height and weight differences, of course, do not give a full picture of human sexual dimorphism because the male body has a higher muscle to fat ratio than the female, and male muscle is more concentrated in the upper body. Thus men average about 50% greater strength in the upper body,<sup>19</sup> where it is most useful for exercising violence.

Human males have no distinctive horns, antlers, or teeth, but they are more aggressive than females and more likely to resort to violence. This profile of gender differences, combined with our observed behaviour, leads biologists to classify human beings as “mildly polygynous.”<sup>20</sup> Males compete, sometimes violently, for access to and domination over females, but the result may be either monogamous pair-bonding or polygamous harem formation. And even in cases of monogamy, there is liable to be a fair degree of cheating by both sexes, though for different reasons (men benefit reproductively from increased quantity of sexual contacts, while women are usually looking for better mate quality).<sup>21</sup>

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<sup>18</sup> Canadian Fitness and Lifestyle Research Institute, “Progress in Prevention: Body Mass Index,” <http://www.cflri.ca/pdf/e/pip15.pdf>, p. 3. Data taken from 1995 Physical Activity Monitor.

<sup>19</sup> “Sexual Dimorphism,” Wikipedia, citing A.E. Miller et al., Gender Differences in Strength and Muscle Fiber Characteristics,” *European Journal of Applied Physiology and Occupational Physiology* 66 (1993), 254-262

<sup>20</sup> Richard D. Alexander et al., “Sexual Dimorphisms and Breeding Systems in Pinnipeds, Ungulates, Primates and Humans,” in Napoleon A. Chagnon and William Irons, eds., *Evolutionary Biology and Human Social Behavior* (North Scituate, Mass.: Duxbury Press, 1979), 416.

<sup>21</sup> David P. Barash and Judith Eve Lipton, *The Myth of Monogamy: Infidelity in Animals and People* (New York: W.H. Freeman, 2001). Biologists are increasingly aware of the high degree of cheating in other ostensibly monogamous species, such as birds.

The facts of human biology, then, suggest that human behaviour will consist not of a “pure strategy” (in the jargon of game theory) but of “mixed strategies,” with the mixture varying according to circumstances and the strategies pursued by other players. Polygyny has been practiced, tolerated, and even condoned in over 80% of the human societies of which we have any record.<sup>22</sup> It has, however, been practiced mainly by wealthy and powerful men who can afford to maintain multiple wives. Most human marriages have always been monogamous, even in societies where polygamy is officially established. And even where monogamy has been legally established as the norm for marriage, there have always been elements of cheating, concubinage, and prostitution, so that the strategy of monogamy is far from pure. These are some of the ways in which the human species is “mildly polygynous.” To learn more, we have to move from biology to history.

## History

Polygamy has existed in most hunting-gathering societies, but only as a small-scale supplement to monogamy. Subsistence foragers are relatively egalitarian, since there is no way to accumulate wealth. Men who are especially competent hunters or warriors may convert those achievements into extra sexual contacts, including marriages, but polygamy is not the behavioural norm.

Polygamy, however, became practiced more widely and on a larger scale with the emergence of agriculture and resource inequality.<sup>23</sup> Sedentary existence and surplus wealth made it possible for wealthy and powerful men to support multiple wives, even to the point of accumulating harems of hundreds of women. Solomon is reported to have had 700 wives and 300 concubines.<sup>24</sup> As shown in detail by Laura Betzig, polygamy for wealthy and powerful men prevailed in almost all the world’s empires down to the dawn of the modern age. It was accompanied by sequestration of women, gruesome punishment of men who dared interfere with the sexual privileges of harem owners, and despotic government.<sup>25</sup> Frequent warfare provided a steady flow of additional women, often in the form of slaves. Greece and Rome were exceptions, but only partial. Although we don’t understand the early history, both societies established monogamy as the legal norm,<sup>26</sup> with criminalization of polygamy in Rome in 258 AD.<sup>27</sup> Both societies, however, also tolerated the practice of concubinage, often on a very large scale, by wealthy and powerful men.<sup>28</sup>

The words of Jesus can be interpreted as prohibiting divorce (“What God has joined together, let no man put asunder”),<sup>29</sup> but the Gospels contain no mention of polygamy, which Jewish law had allowed under certain circumstances. But perhaps because it was initially a religion of ordinary people who could not hope to practice polygamy, the Christian Church

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<sup>22</sup> L. Fortunato and M. Archetti, “Evolution of Monogamous Marriage by Maximization of Inclusive Fitness,” *Journal of Evolutionary Biology* 23 (2010), 149.

<sup>23</sup> David Herlihy, “Biology and History: The Triumph of Monogamy,” *Journal of Interdisciplinary History* 25 (1995), 574-575.

<sup>24</sup> 1 Kings 11:1-3.

<sup>25</sup> Laura L. Betzig, *Despotism and Differential Reproduction: A Darwinian View of History* (New Brunswick, USA: Aldine Transaction, 2008 [1986]).

<sup>26</sup> Walter Scheidel, “A Peculiar Institution? Greco-Roman Monogamy in Global Context,” *History of the Family* 14 (2009), 280-291.

<sup>27</sup> John Witte, Jr. “Expert Report,” July 2010, p. 22.

<sup>28</sup> Laura Betzig, “Roman Polygyny,” *Ethology and Social Biology* 13 (1992), 309-349.

<sup>29</sup> Mark 10: 6-9.

embraced monogamy from earliest days. Throughout the Middle Ages, the Church imposed monogamy on the Germanic tribes who converted to Christianity; made divorce almost impossible to obtain, thus undercutting polygamy in the form of serial monogamy; emphasized the sinfulness of concubinage; and tried to prevent the inheritance of property by illegitimate children as a further disincentive to concubinage. Adultery, fornication, and prostitution were denounced as sins and made illegal in many Christian jurisdictions, thus further reinforcing monogamy by condemning cheating outside of marriage.<sup>30</sup> The final nail in the coffin of behavioural polygamy was the abolition of slavery in the nineteenth century, thus removing the last pool of women available for easy sexual exploitation outside the bonds of matrimony.<sup>31</sup>

In the age of imperialism, European Christian nations projected their power around the world and exported the ideal of legal monogamy along with Western science, education, government, economics, sports, and amusements. As a result, monogamy is now legally entrenched, in one way or another, in most of the world.<sup>32</sup> Polygamy, however, is still legal in many countries of Sub-Saharan Africa and the Muslim world, though with notable exceptions such as Tunisia and Turkey. It is illegal in India except for citizens of the Muslim faith. It is also illegal in other major countries of Asia such as China, Korea, and Japan. Old traditions die hard, however; so even where polygamy is prohibited by law, some men may still practice it, for example by keeping wives in different cities. Conversely, even where polygamy is legal, it may be relatively uncommon, especially in more urban and modernized areas of the country.

This quick and superficial survey of world history suggests that there is some sort of connection between legal monogamy and constitutional government. Greece and Rome furnished the first well-documented historical examples of consensual government based on the rule of law with popular participation—certainly not full-fledged democracy in the modern sense of the term, but an enormously important innovation none the less. And modern constitutional government emerged in the Christian matrix of Western Europe and North America in the seventeenth and eighteenth centuries. Against the general prevalence of intensive polygamy among the civilizations of the world, is it a mere accident that the three societies in which constitutional government was born were also legally monogamous?

### **Why Monogamy?**

From the standpoint of biology, the prevalence of polygamy in world history is easy to explain. It is exactly what one would expect from our sexually dimorphic species, in which males have evolved to pursue quantity in reproduction while females have evolved to pursue quality. What is harder to explain is the ascendancy of monogamy in the modern age.<sup>33</sup> In the last five hundred years, monogamy has gone from being a parochial cultural norm of Western Christianity to a legal norm in most of the modern world. Of course, the triumph is far from complete. Polygamy is still legally recognized in much of Africa and the Middle East; and even where monogamy is legally normative, behavioral polygamy may exist in several forms: sequential monogamy facilitated by easy divorce, in which men are more likely than women to undertake second marriages; greater toleration of male sexual cheating, according to the infamous but widely accepted “double standard” of human sexual behaviour; and the maintenance of multiple

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<sup>30</sup> Kevin MacDonald, “The Establishment and Maintenance of Socially Imposed Monogamy in Western Europe,” *Politics and the Life Sciences* 14 (February 1995), 3-23.

<sup>31</sup> Herlihy, “Biology and History,” 581.

<sup>32</sup> Miriam Koktvedgaard Zeitzen, *Polygamy: A cross-cultural Analysis* (Oxford: Berg, 2008).

<sup>33</sup> Herlihy, “Biology and History,” 577.

households (cf. the television series “Big Love” and Don Geiss’s “secret Canadian family” on “30 Rock”). But even allowing for such deviations, it is clear that monogamy has become both legally and behaviourally normative over most of the world in modern times. This development cries out for explanation, because it seems contrary to the long-term experience of human history as well as the basic facts of human biology.

Just to be clear, there is no problem explaining the ecologically induced monogamy that prevails in most foraging and subsistence agriculture economies. Lack of surplus resources in such situations makes it hard for intensive polygamy to become institutionalized; men cannot easily accumulate enough wealth to support multiple wives. The riddle is why socially imposed monogamy, supported by both law and public opinion, has tended to replace polygamy in the modern world, where the resources that males can deploy in reproductive competition are incredibly abundant by historical standards. What has led males to stop trying to accumulate mates? Is there an evolutionary explanation, or is it a triumph of memes over genes, of culture over nature?<sup>34</sup>

One possible explanation is found in economist Gary Becker’s classic work, *A Treatise on the Family*, which treats the family as a firm whose purpose is the production of children. Becker proposes an explanation for the rise of monogamy which is consistent with the well-known phenomenon of the demographic transition (rise in longevity and fall in birth rate):

As societies have become more urbanized and developed over time, families have greatly reduced their demand for “quantity” of children and greatly raised their demands for education, health, and other aspects of the “quality” of children... Since the marginal contribution of men to quality is much greater than to quantity, our analysis predicts correctly that the incidence of polygyny has declined substantially over time.<sup>35</sup>

In this view, monogamy is a consequence, not a cause, of other economic trends. If Becker is right, and if his explanation is sufficient, then monogamy would seem to need no legal support in the modern world. However, Becker did not explore the possibility that monogamy helped make possible modernization, including the wealth-producing capitalist economy. His analysis is also highly abstract and does not take much account of either biology or history.

One possible line of evolutionary explanation goes back to the eminent biologist Richard Alexander, who, in a series of publications from 1974 to 1987, proposed a theory based on male “reproductive opportunity leveling.” Putting it in my words, not his, he assumed that human reproductive competition is a two-level nested game, in which communities compete with each other for control of habitat and resources, while individuals within communities also compete with each other to beget and rear viable progeny. Socially imposed monogamy is a way of producing larger, internally cooperative communities that are more competitive against their rivals, thus enhancing the reproductive chances of their members collectively even while requiring some high-ranking males to give up the advantage of polygamy. Alexander wrote in 1979: “There can be no doubt that there is a strong correlation between nations’ becoming very large and the imposition of monogamy on their citizens. It is almost as if no nation can become both quite large and quite unified except under socially imposed monogamy.”<sup>36</sup> The word

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<sup>34</sup> Richard Dawkins, *The Selfish Gene*, new ed. (New York: Oxford University Press, 1989), 201: “We, alone on earth, can rebel against the tyranny of the selfish replicators.”

<sup>35</sup> Gary S. Becker, *A Treatise on the Family*, enlarged ed. (Cambridge, Mass.: Harvard University Press, 1991), 95.

<sup>36</sup> Alexander et al., “Sexual Dimorphisms,” 432-433.



“nation” is important here; Alexander was not thinking of large empires held together by force, but of consensual polities exemplified by modern nation-states.

Alexander’s 1987 formulation of his theory portrays socially imposed monogamy as part of a much larger set of developments:

Young men at the age of maximal sexual competition are the most divisive and competitive class of individuals in human social groups; they are also the pool of warriors. It is not trivial that social imposed monogamy (and the concomitant discouragement of clans as extended families that control members) correlates with (1) justice touted as equality of opportunity; (2) the concept of a single, impartial god for all people; and (3) large, cohesive, modern nations that wage wars and conduct defense with their pools of young men....To a large extent socially imposed monogamy has spread around the world by conquest....[Also related] are laws that reduce variance in access to resources, such as graduated income taxes, the vote, representative government, elected (not hereditarily succeeding) officials, and universal education.<sup>37</sup>

Like other famous writers on evolution such as Richard Dawkins and Edward O. Wilson, Alexander began his career as an entomologist; and like them he naturally sees parallels between the “ultrasociality” of the human species and the social insects. Whereas the hymenoptera have achieved group cooperation and reproductive leveling through their unique haplo-diploid system of chromosomes,<sup>38</sup> he thinks modern human societies have arrived at a somewhat similar result through the evolution of “moral systems” to impose reproductive leveling.

Anthropologist Laura Betzig has proposed a slightly different version of male reproductive opportunity leveling, emphasizing the division of labour and economic specialization, which draws on Herbert Spencer’s and Emile Durkheim’s views about the organic nature of industrial society:

As industrialization has given rise to specialization, it may also have brought on reproductive concessions. In ensuring an advantage in intergroup competition, inventors may, again, early have become as important as successful warriors. Concessions by hierarchy heads in positions to make them, in power, legal privilege, productive resources, and women, may have to have been proportionate in order to enlist their cooperation. Insofar as the increasing sophistication of their training made them irreplaceable, tradesmen, and eventually technicians, may have to have been rewarded as well. In the long run, where intergroup competition became most important, and success depended upon a sufficient number of specialized occupations, concessions might have been made to members of an increasing number of essential social “organs.”<sup>39</sup>

Alexander’s and Betzig’s conjectures have seemed plausible to many scholars and are widely cited in the literature of sociobiology and evolutionary psychology. A recent paper on monogamy (2010) summarizes the essential points:

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<sup>37</sup> Richard D. Alexander, *The Biology of Moral Systems* (New York: Aldine de Gruyter, 1987), 71-72.

<sup>38</sup> Dawkins, *Selfish Gene*, 173-175

<sup>39</sup> Betzig, *Despotism and Differential Reproduction*, 105.

A system of “socially imposed monogamy”... would reduce within-group competition by suppressing differences in reproductive success among men. Because of the attendant increase in within-group cooperation, societies adopting this strategy would have an advantage in competition with other groups.<sup>40</sup>

The connection with democracy is made explicit by science writer Robert Wright: “It stands to reason that as political power became more widely disbursed, so did wives. And the ultimate widths are one-man-one-vote and one-man-one-wife. Both characterize most of today’s industrialized world.”<sup>41</sup>

Reproductive leveling theory seems persuasive because it situates socially imposed monogamy within other obvious developmental trends of modern society. Yet neither Alexander’s nor Betzig’s hypotheses have been thoroughly tested against empirical evidence, and indeed they are so broadly formulated that they are difficult to operationalize for testing. Crucial ambiguities include the following:

- What, exactly, is socially imposed monogamy supposed to be correlated with? Larger population size, political democracy, the rule of law, a citizen soldiery, economic and social equality, a welfare state, or maybe all of these?
- Is the existence of monogamy a cause or a consequence of the emergence of these other phenomena, or is there perhaps an autocatalytic process of positive feedback in which monogamy is both cause and effect?
- If socially imposed monogamy has a causal role, is it necessary, or necessary and sufficient, to bring about the emergence of the other phenomena, or is it merely one among several possible influential factors?

Another limitation of the Alexander-Betzig approach is that it focuses exclusively on male reproductive competition. This is understandable to a degree, because human male reproductive outcomes are far more variable than female outcomes, and male-male competition is more dramatic (and sometimes violent) than female-female competition. But female choice is also important, as some outstanding female primatologists have emphasized.<sup>42</sup> Females (or their surrogate male decision-makers) compete vigorously with each other for the best-quality male mates, even as males compete in quantitative terms to increase their mating opportunities. Thus another line of inquiry has tried to approach the problem of monogamy from the standpoint of female choice.

According to Satoshi Kanazawa and Mary Still:

In every species in which the female makes greater parental investment in the offspring than the male (such as human beings)... the female is more choosy about mating (because she has more to lose by making a mistake) and therefore all mating decisions are essentially left up to the female (Trivers 1972). Mating becomes a female choice among

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<sup>40</sup> L. Fortunato and M. Archetti, “Evolution of Monogamous Marriage by Maximization of Inclusive Fitness,” *Journal of Evolutionary Biology* 23 (2010), 150.

<sup>41</sup> Robert Wright, *The Moral Animal: Why We Are the Way We Are: The New Science of Evolutionary Psychology* (New York: Random House, 1994), 99.

<sup>42</sup> Sarah Blaffer Hrdy, *The Woman That Never Evolved*, new ed. (Cambridge, Mass.: Harvard University Press, 1999).

these species; it happens when the female consents to it. It therefore stands to reason that, among humans, women (or their families and clans) exercise greater control than men over whether a given marriage takes place.<sup>43</sup>

Modeling women as rational choosers interested in maximizing the investment that males make in their children, the authors conclude that women (or their surrogate decision-makers) will prefer polygyny in situations of high male inequality, where a share of a high-ranking male's parental investment may be worth more than the entire efforts of a poor husband. They call this the "inequality hypothesis": "The extent of resource inequality among men has a positive effect on the level of polygyny in society."<sup>44</sup>

The authors tested the inequality hypothesis with regression analysis using data on inequality and polygamy in about 100 countries for the years 1960, 1965, and 1980. In 11 of 12 specifications of the model, the predicted relationship between inequality and polygamy was found to be statistically significant.<sup>45</sup> The significance of that relationship persisted even when controls for the general level of economic development were inserted into the equations. Interestingly, however, there was also a statistically significant negative relationship between economic development and polygamy, which the authors take as confirmation of Betzig's speculation about the importance of specialization and division of labour.<sup>46</sup>

Kanazawa and Still also made an ingenious attempt to test Alexander's opportunity leveling theory, which they renamed the "male compromise" theory.<sup>47</sup> Their regression equations included the Bollen democracy index for each country, and almost none of the specifications produced a significant negative correlation between democracy and polygamy, with or without controls for resource inequality and general level of economic development.<sup>48</sup> These findings are contrary to an earlier study by Korotayev and Bondarenko, which had found a strong positive correlation between democracy and monogamy. However, their data came exclusively from circum-Mediterranean nations, so it amounted, in effect, to a comparison of Christian and Islamic societies.<sup>49</sup>

Kanazawa and Still's finding is interesting; but, contrary to what they contend, it is not a clear refutation of the opportunity leveling hypothesis. At least for Alexander, the opportunity leveling hypothesis posits a connection between monogamy and many facets of modernity including, but not limited to, political democracy. Moreover, Kanazawa and Still impose a specific temporal sequence on the opportunity leveling theory: "monogamy is the result of a compromise among men after the advent of democracy whereby wealthy, powerful men receive

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<sup>43</sup> Satoshi Kanazawa and Mary C. Still, "Why Monogamy?" *Social Forces* 78 (1999), 31. The authors also put forward a line of argument about how the value of women increases under polygyny, and most women are better off because they get a chance to marry higher-quality mates, 27-28 (see also Wright, *The Moral Animal*, 97-98). But in her testimony to the BC polygamy reference, economist Shoshana Grossbard, one of the creators of this line of thought, dismissed it as excessively abstract. She said that when she did her Ph.D. dissertation under the supervision of Gary Becker, "I thought it was cool to say that polygamy might be advantageous to women...[now] I know better." Daphne Bramham, "Polygamy's many wives don't capture 'market value,'" *Vancouver Sun*, 8 December 2010.

<sup>44</sup> *Ibid.*, 32.

<sup>45</sup> *Ibid.*, 40.

<sup>46</sup> *Ibid.*, 41.

<sup>47</sup> *Ibid.*, 27.

<sup>48</sup> *Ibid.*, 40-41.

<sup>49</sup> Andrey Korotayev and Dmitri Bondarenko, "Polygyny and Democracy: A Cross-Cultural Comparison," *Cross-Cultural Research* 34 (2000), 190-208.

political support from poor men in exchange for giving up their multiple wives.”<sup>50</sup> But Alexander can just as well be read as saying that monogamy preceded democracy in the development of modern society. If that is the right interpretation, the proper test of the theory would require longitudinal, diachronic data, not the synchronic, cross-sectional data deployed by Kanazawa and Still. A related problem is that Kanazawa and Still take changes in economic development and resource equality as exogenous variables, without enquiring as to how they arise. In my reading of Alexander, socially imposed monogamy might be a contributing factor to the rise of a modern economy and the lessening of resource inequality. Again, longitudinal data would be required for a definitive test. In my view, Kanazawa and Still have made a good case for the importance of resource inequality and economic development, but the jury is still out on the other dimensions of the reproductive opportunity leveling hypothesis.

In this discussion, one should also mention the work of historical sociologist Kevin MacDonald, who has argued that socially imposed monogamy “is the result of a variety of internal political processes whose outcome is underdetermined by evolutionary/ecological theory.”<sup>51</sup> In MacDonald’s historical account, the Catholic Church, building on the Roman heritage of monogamy, was responsible for the social imposition of monogamy on Europe, as various pagan peoples were Christianized. This process was compatible with human biology but not required or determined by it. Socially imposed monogamy, then, might be seen as a kind of cultural mutation (my term, not MacDonald’s), which could and did arise, but did not have to. However, once having arisen, it could have the sort of effects described by Alexander and thus catalyze the emergence of other features of modernity, including political democracy and social egalitarianism. Although no one has yet attempted the task, it seems that in principle one could put Alexander’s biological theory together with MacDonald’s detailed historical narrative for a more powerful explanation of socially imposed monogamy.

### **Political Reflections**

The literature reviewed here comes from biology, anthropology, economics, and history, so it is a daunting task for a political scientist to criticize it. Yet political science needs to be involved, because key concepts in the discussion, including democracy and constitutional government, are political terms.

To this observer, it seems that all the perspectives canvassed here have something to contribute. Becker’s economic point about the increasing cost of rearing high-quality children in the modern world is surely relevant. Alexander’s reproductive opportunity leveling theory seems well anchored in the literature of evolutionary biology, as does the female choice theory. And MacDonald is undoubtedly right when he points to the role of historical contingency. A fully satisfactory theory, which is beyond my power to create, should take account of all of these insights. It is not a matter of choosing between them but of bringing them together.

In doing so, some conceptual problems will have to be sorted out. The most pressing is to determine whether monogamy is to be treated as a cause, or an effect, or both at different times. And to the extent that it is a cause of other developments, is it necessary, necessary and sufficient, or one of many contributing factors? Also, one needs to determine what exactly monogamy is supposed to be related to—the political variables of constitutionalism and democracy, or a much larger suite of variables involved with the whole concept of modernity.

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<sup>50</sup> *Ibid.*, 25.

<sup>51</sup> Kevin MacDonald, “The Establishment and Maintenance of Socially Imposed Monogamy in Western Europe,” *Politics and the Life Sciences* 14 (1995), 5.

And then there needs to be much more empirical testing of the sort that Kanazawa and Still essayed. Up till now there has been a lot of theorizing but not nearly enough testing. All in all, lots of work for the future.

Let me make offer some observations as a political scientist trained in political theory. Many philosophers have written about marriage,<sup>52</sup> but few have speculated in any depth on the relationship between monogamy and constitutional government. One exception is Montesquieu, who treated polygamy in a chapter on domestic slavery. He saw polygamy as suited to hot climates because he thought girls reached sexual maturity very early and also aged early in the tropics, so that men needed a continuing supply of new wives.<sup>53</sup> Montesquieu disapproved of polygamy,<sup>54</sup> but believed it was inevitable under those circumstances. He also saw it as linked to despotism:

This is one of the reasons why it has ever been difficult to establish a popular government in the east. On the contrary, the slavery of women is perfectly conformable to the genius of a despotic government, which delights in treating all with severity. Thus at all times have we seen in Asia domestic slavery and despotic government walk hand in hand with an equal pace.<sup>55</sup>

A second philosopher who saw a connection between polygamy and despotism was David Hume. Commenting on how children are raised, he wrote: “Those who pass the early part of life among slaves, are only qualified to be themselves, slaves and tyrants; and in every future intercourse, either with their inferiors or superiors, are apt to forget the natural equality of mankind.”<sup>56</sup>

A third philosopher who tackled the subject was G.W.F. Hegel. Hegel saw monogamous marriage as the foundation of civil society, because in marriage individuals transcended themselves through love for their partner. Polygamy, in contrast, is a structure of patriarchal domination, not mutual love between individuals who achieve their full personhood in transcending their particularity.<sup>57</sup>

Other prominent philosophers have talked about the importance of marriage and family in politics; but they usually began by postulating monogamous families, without considering that things might be different in a polygamous society. This was, no doubt, because Western political philosophy has been conducted in societies—Greece, Rome, and Western Europe—characterized by monogamy. Hence it has largely fallen to scholars such as biologists and anthropologists, working outside the assumptions of the Western intellectual tradition, to see possible links between monogamy and politics.

Once pointed out, the connection seems very persuasive to a political theorist. Both constitutionalism and democracy depend upon equality, defined in somewhat different though not contradictory ways. Constitutional government requires the rule of law, or equality before the law. Democracy requires political equality—the equal right to cast a vote, run for office,

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<sup>52</sup> For a survey, see Stille, “Expert Report.”

<sup>53</sup> Baron de Montesquieu, *The Spirit of the Laws*, tr. Thomas Nugent (New York: Hafner, 1949), XVI, 2.

<sup>54</sup> *Ibid.*, XVI, 6.

<sup>55</sup> *Ibid.*, XVI, 9.

<sup>56</sup> David Hume, “Of Polygamy and Divorces,” in *Essays, Moral, Political, and Literary*, I, xix, 13, <http://www.econlib.org/library/LFBooks/Hume/hmMPL19.html>.

<sup>57</sup> Maura I. Strassberg, “Distinctions of Form or Substance: Monogamy, Polygamy, and Same-Sex Marriage,” *North Carolina Law Review* 75 (1996-97), 1523-1556.

etc.<sup>58</sup> It is hard to visualize either form of equality taking root in a society characterized by extreme inequality of reproductive opportunities. Where some men can accumulate harems of dozens or even hundreds, while other men have difficulty finding and supporting even one wife, male-male reproductive competition will become extreme. Surplus men have to be controlled through intimidation of brutal punishments, the castration inflicted upon harem attendants and courtiers, slavery, or military service, with the latter offering the hope of bringing new women into the system. All this is documented in horrifying detail in Laura Betzig, *Despotism and Differential Reproduction*. A despotic government and polygamous society may support a glorious civilization, but it is not a propitious climate for constitutionalism and democracy. Seen in this light, it does not seem like an accident that constitutional government and democracy emerged first in Greece and Rome, and then again in Western Europe—areas of the world where monogamy had been socially imposed.

Yet monogamy is clearly not a sufficient condition for constitutionalism. Russia and Ethiopia were Christian and monogamous, but they were also autocratic empires into which democracy and constitutionalism had to be imported from the Western world, and have never really been indigenized. And the Western world of Roman Christianity was monogamous for over a millennium before constitutional government appeared. Moreover, Christian countries that had been monogamous for centuries fell back in the twentieth century into periods of fascist (Germany, Italy) or communist (Poland, Hungary) dictatorship. Conversely, monogamy has been imported into modern despotisms, such as the People's Republic of China, without giving rise to constitutional democracy.

There is also a supporting line of evidence to be drawn from the religious history of the Western world. Millenarian prophets have several times attempted to revive the doctrine of plural marriage for their followers as a way of imitating the first Chosen People, the Israelites. Cases in point would John of Leiden in the Anabaptist uprising at Münster (1532-35);<sup>59</sup> Louis Riel's asylum revelations (1876-78) in Canada;<sup>60</sup> Joseph Smith's revelation of plural marriage to his Mormon followers, taken up by Brigham Young after Smith's murder;<sup>61</sup> and the subsequent revival of polygamy by Fundamentalist Mormons after the mainstream Latter Day Saints repudiated the doctrine in 1890.<sup>62</sup> It is noteworthy that the prophets in all these cases acted, or aspired to act, as absolute theocratic rulers of their communities. Such evidence is not conclusive, but it certainly supports the notion of a link between monogamy and democracy.

So if monogamy was not a sufficient condition for democracy, was it a necessary one? Although further investigation is needed, the evidence suggests that perhaps it was a necessary pre-condition for the emergence of constitutionalism and democracy in Greece and Rome, and again in Western Europe. However, the evidence also suggests that, once created, constitutional democracy may be transferable to societies where a substantial degree of polygamy is tolerated. Constitutional democracy has been successfully practiced in India for 60 years, and yet that country tolerates polygamy for Muslims, who make up a minority of about 15%. South Africa

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<sup>58</sup> Mark O. Dickerson, Thomas Flanagan, and Brenda O'Neill, *An Introduction to Government and Politics: A Conceptual Approach*, 8<sup>th</sup> ed. (Toronto: Nelson, 2010), 80-81, 237.

<sup>59</sup> John Cairncross, *After Polygamy Was Made a Sin: The Social History of Christian Polygamy* (London: Routledge and Kegan Paul, 1974), 6-15.

<sup>60</sup> Tom Flanagan, *Louis 'David' Riel: 'Prophet of the New World,'* 2<sup>nd</sup> ed. (Toronto: University of Toronto Press, 1996 [1979]).

<sup>61</sup> Van Wagoner, *Mormon Polygamy*.

<sup>62</sup> Bramham, *Secret Lives of Saints*; Jon Krakauer, *Under the Banner of Heaven: A Story of Violent Faith* (New York: Random House, 2003).

has practiced democracy for about 20 years since the end of apartheid, yet polygamy is tolerated among the country's black majority (President Jacob Zuma has three wives and 20 children).<sup>63</sup> The following statements seem consistent with available evidence, though further tests would be desirable:

- monogamy was a necessary pre-condition for the emergence of constitutional democracy in the Western world;
- monogamy tends to be adopted, along with constitutional democracy, outside the Western world as part of the modernization process;
- once they have come into existence, constitutionalism and democracy can be adopted in countries where monogamy is not completely enforced.

More speculatively, there may be some level of polygamy which interferes in a serious way with the practice of constitutional democracy in the modern world. This final hypothesis is the one of most practical relevance in today's world and the one most urgently in need of testing.

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<sup>63</sup> Wikipedia, "Jacob Zuma."