

Bountiful Voices

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Common portrayals of Canada's only openly polygamous community cast it as a space frozen in time, both socially and intellectually. "Bountiful," British Columbia is a sixty-five-year-old community comprised of followers of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS). Many residents espouse plural marriage as a central tenet of their faith, believing that the practice leads not only to a good terrestrial life but, also, to facilitated entry into the "celestial kingdom."

Visual and written accounts of Bountiful routinely present the women of this community as submissive, silenced, and isolated. Their traditional dress, and the number of children often captured following or clinging to them, suggest conservatism, and possibly also social regression and exploitation. This imagery bolsters current legal approaches to plural marriage in Canada. In particular, the notion that gender inequality and oppression are inherent to polygamy serves to support the criminal prohibition of plural marriage.

This article presents a counter-narrative to this common portrayal of the FLDS wife. It draws upon interviews conducted with twenty FLDS women who are, or who at one time were, Bountiful residents. In discussing matters related to family, reproduction, work, education, and their perception of law's approach to polygamy, participants cast Bountiful as a heterogeneous and dynamic social and political space where at least some women are able to wield considerable authority. Their stories are inconsistent with the dominant legal and social narrative about polygamy and its harms for women, and offer an opportunity for developing a more robust and nuanced appreciation of the implications of plural marriage for Bountiful's wives.

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En général, on dépeint la seule communauté polygame du Canada comme un espace figé dans le temps socialement et intellectuellement. Constituée voici soixante-cinq ans, la communauté de « Bountiful », se compose de fidèles de l'Église fondamentaliste de Jésus-Christ des derniers jours (FLDS). De nombreux résidents adoptent le mariage « pluriel » (polygamie) comme doctrine capitale de leur confession, persuadés que cette coutume ne fait pas que garantir une vie terrestre vertueuse, mais facilite aussi leur entrée au « Royaume des Cieux ».

Les témoignages oculaires et écrits au sujet de Bountiful ne manquent jamais de présenter les femmes de cette communauté comme des êtres soumis, réduits au silence et isolés. Leurs habits traditionnels et les nombreux enfants souvent à leur traîne ou accrochés à leurs jupes, font penser à un certain conservatisme, peut-être même à une régression sociale et à une forme d'exploitation. Cette représentation renforce les démarches juridiques actuelles envers le mariage pluriel au Canada. En particulier, la notion selon laquelle l'inégalité des sexes et l'oppression fondée sur le sexe sont inhérentes à la polygamie, sert à étayer l'interdiction pénale du mariage pluriel.

Cet article propose une représentation contradictoire de ce portrait commun de l'épouse FLDS. Il s'inspire d'entrevues auprès de vingt femmes FLDS qui sont – ou furent – résidentes de Bountiful. En débattant les questions liées à la famille, à la reproduction, au travail, à l'éducation et à leur perception de la façon dont le droit traite la polygamie, les participantes font voir Bountiful comme un espace politico-social hétérogène, dynamique, où quelques femmes au moins peuvent exercer une autorité considérable. Leurs parcours ne correspondent pas au récit juridique et social dominant concernant la polygamie et ses effets nocifs sur les femmes. Leur donner la parole permet de développer une appréciation mieux bâtie et plus nuancée des implications qu'exerce la polygamie sur les femmes de Bountiful.

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Ever since Joseph Smith had his revelation about celestial marriage, the Saints' prophets have always known, directly from God, exactly what a woman's role should be. They have spent an inordinate amount of time telling girls and women just how important it is that they submit to and obey their priesthood heads, whether their fathers or their husbands.¹

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It damages the lives of women and children. ... Polygamy is the underlying phenomenon from which all of the other alleged harms flow. We must take action to support women and children trapped in this polygamist cult.²

* * *

I was overtaken with continual fatigue and a loneliness that was impossible to quantify. I longed for quiet, private time with Uncle Isaac. Every day I fantasized he and I alone on the top of the mountain or anywhere without sister wives and children. I was ashamed of myself. Mother would never have felt such selfish emotions. ... This should have been part of the glory of my calling. These people were my husband's children and wives. They were all part of his kingdom, and I would be one of his queens. I prayed intensely for a broken heart and a contrite spirit and for the ability to keep sweet like my mother.³

THE DOMINANT NARRATIVE ABOUT WOMEN living within Canada's only openly polygamous community is fueled by images like those conjured up by the foregoing passages. The wives of Bountiful, British Columbia, a sixty-year-old community of about one thousand followers of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS), are typically depicted as submissive,

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1. Daphne Bramham, *The Secret Lives of Saints: Child Brides and Lost Boys in Canada's Polygamous Mormon Sect* (Toronto: Random House, 2008) at 191.
 2. Bill Bennett (MLA of East Kootenay, British Columbia), cited in Dirk Meissner, "B.C. Polygamist Leader Decries Sexual Abuse as Prosecutor Investigates" *The Canadian Press* (7 June 2008).
 3. Debbie Palmer & Dave Perrin, *Keep Sweet: Children of Polygamy* (Lister, B.C.: Dave's Press, 2004) at 294-95.

silenced, coerced, and isolated. Members of the sect live plural marriage as a central tenet of their faith, believing that a man's taking of plural wives leads not only to a good terrestrial life, but also facilitates entry into the "celestial kingdom."

Popular accounts of life in Bountiful generally depict the community as a space frozen in time, both socially and intellectually.⁴ Women appear as though they have stepped directly out of a book by Laura Ingalls Wilder. Their full-length, full-sleeved pioneer dresses, long braided hair, and the large numbers of children often captured following or clinging to them suggest conservatism, and possibly social regression and exploitation. Stories of abuse and underage marriage further portray Bountiful's women as in need of deliverance. They leave their readers with strong doubts about the possibility of critical, independent thought or choice in such a place, particularly for women. This imagery seems to support current legal and policy approaches to plural marriage in Canada.

This article presents a counter-narrative to this popular depiction of the FLDS wife. It draws upon interviews conducted with twenty FLDS women who are, or who at one time were, Bountiful residents. These interviews aimed to elicit an understanding of participants' views on polygamous life and on the law's approach to it. Grounded in a qualitative research methodology, the analysis seeks to remain critical of the experiential knowledge shared in interviews, while simultaneously embracing participants' own stories and perceptions of their authenticity.⁵ In so doing, it builds on preceding work in

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4. See Bramham, *supra* note 1; British Columbia, Ministry of Women's Equality, Committee on Polygamous Issues, *Life in Bountiful – A Report in the Lifestyle of a Polygamous Community* (April 1993) [unpublished; copy on file with author]; Palmer & Perrin, *ibid.*; Richard C.C. Peck, Q.C., *Report of the Special Prosecutor for Allegations of Misconduct Associated with Bountiful, BC – Summary of Conclusions* (Victoria: Criminal Justice Branch HQ, Ministry of Attorney General, 2007), online: <<http://www.llbc.leg.bc.ca/public/PubDocs/bcdocs/418439/070801-Bountiful-Summary.pdf>>; Stephanie Levitz, "Prosecutor Tells BC: Find Out Once and For All If Anti-polygamy Law Stands" *Canadian Press Newswire* (1 August 2007) (ProQuest); and Daphne Bramham, "A Win for Those Who Want to Halt Abuses at Bountiful; Activists Don't Get All They Want from Victoria, But It's a Start" *The Vancouver Sun* (21 August 2007) A1.
 5. John W. Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 2d ed. (Thousand Oaks, CA: Sage Publications, 2007); Rosalind Edwards & Melanie Mauthner, "Ethics and Feminist Research: Theory and Practice" in Melanie Mauthner *et al.*, eds., *Ethics in Qualitative Research* (London: SAGE, 2002) 14; and Melanie Mauthner,

which I have explored the challenges and promises of listening critically to the narratives of women in spaces such as Bountiful, which are commonly viewed as deeply religious and patriarchal.⁶ My earlier work examined how a research strategy that takes women's stories seriously can further a juridical inquiry that moves beyond presumptions about formal law's status to uncover some less obvious sources of rules and authority in a community. Building on this premise, this project seeks to acquire and recount these stories with a view to developing a richer sense of how women might experience polygamy.

The perspectives of participants in this project are not all-encompassing or quantitatively representative; this article does not purport to illuminate the encounters of all women in Bountiful—or all polygamous wives in other places—with plural marriage. There are important limits to the usefulness of these narratives in reaching broader generalizations about the practice of polygamy in its larger Canadian context, let alone in an international setting. Nevertheless, the stories presented here enrich current scholarship on polygamy in Canada, which currently consists primarily of secondary research sources that focus on plural marriage communities outside of Canada.⁷

Part I of this article considers the relevance of this project to legal scholarship. It also highlights the methodological challenges of this work. In Part II, I lay out the discussions that emerged from interviews with regard to marriage and reproduction. Part III considers the work and educational opportunities for women in Bountiful, as portrayed by participants. This discussion also considers the ramifications of a woman's decision to take up paid work or post-secondary education on her household and domestic relationships. Finally, Part

"Snippets and Silences: Ethics and Reflexivity in Narratives of Sistering" (2000) 3 *Int'l J. Soc. Research Methodology* 287.

6. Angela Campbell, "Wives' Tales: Reflecting on Research in Bountiful" (2008) 23 *C.J.L.S.* 121 [Campbell, "Wives' Tales"].
7. Existing scholarship on polygamy is discussed in previous work on the topic. See Angela Campbell, "How Have Policy Approaches to Polygamy Responded to Women's Experiences and Rights? An International, Comparative Analysis" in Angela Campbell *et al.*, eds., *Polygamy in Canada: Legal and Social Implications for Women and Children* (Ottawa: Status of Women Canada, 2005) [Campbell *et al.*, *Polygamy in Canada*]. This essay concluded that further research should be undertaken to explore how women experience plural marriage in different social and cultural contexts, and that further research in Canada is needed in order to contemplate proper policy and legal responses to the issue of plural marriage.

IV of this article examines the critical consciousness that participants displayed *vis-à-vis* Canadian legal approaches to polygamy.

In discussing each of these topics, participants cast Bountiful as a heterogeneous and dynamic social and political space, where at least some women are able to wield considerable authority in their marriages, families, and community.⁸ Their stories therefore seem inconsistent, at least to some degree, with pre-existing presumptions about polygamy and its harm for women, as suggested in conventional public discourse. As such, their narratives should prompt a rethinking of these assumptions and an examination of the different social backdrops against which women might be capable of making decisions that they see as truly beneficial for themselves and for their families.

I. LEARNING ABOUT BOUNTIFUL: CHALLENGES AND RELEVANCE FOR LAW

The study of a community such as Bountiful would be of clear interest to scholars across disciplines such as anthropology, demography, or sociology. Its relevance to a legal scholar, however, is perhaps less obvious. I suggest that this work bears two particular points of relevance for law. First, to a jurist interested in overlapping norms that motivate human behaviour, choices, and relationships, Bountiful offers a rich space for thinking about how formal state law intersects with religious and other cultural traditions, as well as with expectations generated within families and communities. Though coexistent, these rules will often be incompatible, leaving individual actors to discern for themselves the role and

8. The agency and influence that emerged here are not altogether surprising, given the existing literature on the customs and choices of religious women in apparently “closed” communities. This scholarship reveals how such customs and choices may be governed largely by women’s concerns and aspirations. Women can also be highly valued, integrated, and regarded community members. See Shauna Van Praagh, “The Chutzpah of Chasidism” (1996) 11:2 C.J.L.S. 193; Debra Renee Kaufman, *Rachel’s Daughters: Newly Orthodox Jewish Women* (New Brunswick: Rutgers University Press, 1991); Marc A. Olshan & Kimberly D. Schmidt, “Amish Women and the Feminist Conundrum” in Donald B. Kraybill & Marc A. Olshan, eds., *The Amish Struggle with Modernity* (Hanover: University Press of New England, 1994) 215; and Lori G. Beaman, *Shared Beliefs, Different Lives: Women’s Identities in Evangelical Context* (St. Louis: Chalice Press, 1999).

significance of each rule in their respective lives.⁹ With this in mind, this article aspires to provide insight into how women in Bountiful might understand and incorporate formal legal rules and religious doctrine into their own “normative universe,”¹⁰ and whether and how these rules operate within their daily lives.¹¹ Animated by this critical legal pluralist approach, this work more broadly aims to explore how the influence of formal law compares to the clout of religious and other cultural norms—again, with a focus on polygamy—in the lives of participants.¹² Yet, while legal pluralism can expose the multiplicity of normative influences on daily life over and above state law, it does not fully illuminate how to reconcile normative conflicts. This article does some work to delineate how FLDS women encounter and navigate competing expectations of the state and of their faith community. It reveals specific instances of how people, ostensibly subject to a multiplicity of norms, can ultimately appropriate rules deriving from different settings, choosing and interpreting them in ways that suit their interests.

The second point of relevance for legal scholarship flows from the first. Polygamists in Bountiful live in direct and obvious contravention of existing formal law. Canadian rules on civil marriage resist polygamy,¹³ as do immigration regulations.¹⁴ Even more important for this article is the prohibition against polygamy in Canada’s *Criminal Code*.¹⁵ This project attempts to probe

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9. Roderick A. Macdonald & Thomas McMorrow, “Wedding a Critical Legal Pluralism to the Laws of Close Personal Adult Relationships” (2007) 1 EJLS, online: European Journal of Legal Studies <<http://www.ejls.eu/1/15UK.pdf>>.
 10. Robert Cover, “Nomos and Narrative” in Martha Minow, Michael Ryan & Austin Sarat, eds., *Narrative, Violence, and the Law: The Essays of Robert Cover* (Ann Arbor: University of Michigan Press, 1993) 95.
 11. Roderick A. Macdonald, *Lessons of Everyday Law* (Montreal: McGill-Queen’s University Press, 2002).
 12. Roderick A. Macdonald & Martha-Marie Kleinmans, “What is a *Critical Legal Pluralism*?” (1997) 12:2 C.J.L.S. 25.
 13. *Civil Marriage Act*, S.C. 2005, c. 33, s. 2 (limiting the number of spouses to two).
 14. *Immigration and Refugee Protection Regulations*, S.O.R./2000-227, s. 117(9)(c).
 15. *Criminal Code*, R.S.C. 1985, c. C-46, s. 293(1) [*Criminal Code*].

293. 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

the assumptions that underpin the criminalization of plural marriage in regard to women's interests. The academic and political discourse surrounding polygamy indicates that its prohibition and, more recently, the decision to prosecute on its basis,¹⁶ is largely rooted in the objective of protecting women deemed harmed or exploited by life as a polygamous wife.¹⁷ Framing law's approach to polygamy in this way bears considerable purchase: flatly casting plural marriage as a misogynist practice serves as a foil to monogamy in a way that clouds the

(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.

It should be signaled that liability for polygamy does not arise only as a result of multiple concurrent *marriages*, but multiple concurrent *conjugal unions of any kind*. The breadth and vagueness of s. 293(1) raise important questions about the law's constitutional legitimacy. See Susan Drummond, "Polygamy's Inscrutable Criminal Mischief" (2009) 47 Osgoode Hall L.J. 317.

16. Robert Matas & Wendy Stueck, "Polygamy Charges in Bountiful" *The Globe and Mail* (9 April 2009), online: <<http://www.theglobeandmail.com/servlet/story/RTGAM.20090107.wbountiful0107/BNStory/National/home>>.
17. See Rebecca J. Cook & Lisa M. Kelly, *Polygyny and Canada's Obligations Under International Human Rights Law* (Ottawa: Minister of Justice and Attorney General of Canada, 2006); Nicolas Bala *et al.*, "An International Review of Polygamy: Legal and Policy Implications for Canada" in Campbell *et al.*, *Polygamy in Canada*, *supra* note 7; Alberta Civil Liberties Research Centre, "Separate and Unequal: The Women and Children of Polygamy" in Campbell *et al.*, *Polygamy in Canada*, *supra* note 7; and Bennett, *supra* note 2. The comments of Wally Oppal (B.C. A.G.), issued after the arrests of two Bountiful residents in January 2009, are also telling. See "Polygamy Charges Laid Against Bountiful, B.C. Leaders" *CTV* (7 January 2009), online: <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20090107/blackmore_arrest_090107/20090107?hub=TopStories>. However, it is not clear that the protection of women and children is the only—or even the most important—objective underlying the criminality of polygamy. The ban on this practice in Canada and the United States is rooted in a legacy of colonialism, racism, and sexism. See Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* (Edmonton: University of Alberta Press, 2008); Martha M. Ertman, "Race Treason: The Untold Story of America's Ban on Polygamy" (University of Maryland, Legal Studies Research Paper No. 2008-37, 26 March 2009), online: <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1270023>. Arguably, the discourse on polygamy thinly veils the continued intolerance for social and cultural difference. See Susan G. Drummond, "A Marriage of Fear and Xenophobia" *The Globe and Mail* (6 April 2009) A13; Margaret Denike, "What's Queer about Polygamy?: Mapping the Collusion of Nationalism and Homonormativity Amidst the Slippery Slopes" (2009) [unpublished; copy on file with author].

experience of many monogamous wives.¹⁸ Furthermore, pitching polygamy as bad or harmful to women lends legitimacy to its criminalization, since penal law can typically be justified when it targets conduct that is deemed harmful, especially to vulnerable or marginalized groups.¹⁹

Reflections shared by participants in this project suggest that they enjoy considerable autonomy and happiness, and this stands in contrast to the common portrayal of the polygamous wife by politicians and the media. In presenting participants' narratives, this article does not purport to offer the defining or last word on women in polygamy. It should not be interpreted as suggesting that all women in polygamous societies, or even all women in Bountiful, feel empowered and liberated all the time. Rather, this work seeks to share the reflections of the *particular respondents* to this study in regard to *their own* experiences with plural marriage. I recognize that other women in Bountiful might have told different stories, and that even the participants in this study might have answered questions differently at another moment. This research is therefore not quantitative, nor does it necessarily claim to be representative. However, it is meant to initiate further questions and research regarding the connections drawn between polygamy and harm to women, which seem to drive current legal and policy understandings of plural marriage.

Framed this way, this article underscores the relevance of first-person accounts by "outsiders" to the development of a fuller sense of the law. Most

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18. The scholarship exploring the disadvantages encountered by women in "traditional" marriage under formal family law is vast. See *e.g.* Susan Boyd, "Legal Regulation of Families in Changing Societies" in Austin Sarat, ed., *The Blackwell Companion to Law and Society* (Maldon, MA: Blackwell, 2004) 255; Margrit Eichler, *Family Shifts: Families, Policies, and Gender Equality* (Toronto: Oxford University Press, 1997); Colleen Sheppard, "Uncomfortable Victories and Unanswered Questions: Lessons from *Moge*" (1995) 12 *Can. J. Fam. L.* 283; Joan Williams, "Is Coverture Dead? Beyond a New Theory of Alimony" (1994) 82 *Geo. L.J.* 2227 at 2246ff; Herma Hill Kay, "Making Marriage and Divorce Safe for Women' Revisited" (2003) 32 *Hofstra L. Rev.* 71; and Dianne Post, "Why Marriage Should Be Abolished" (1997) 18 *Women's Rts L. Rep.* 283.
19. The most well-known formulation of this harm principle is likely Mill's: "[T]he only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others." J.S. Mill, *On Liberty and Considerations on Representative Government* (Oxford: Blackwell, 1946) at 8-9. More recently, the Canadian Supreme Court has posited that individual liberties may be curtailed through criminal law where the state acts to protect vulnerable groups from harm. See *R. v. Sharpe*, [2001] 1 S.C.R. 45; *R. v. Malmo-Levine*; and *R. v. Caine*, [2003] 3 S.C.R. 571.

obviously, narrative and story enable law's outsiders to build cohesion and reflect on their common (and different) lived experiences within and outside of the law.²⁰ Their accounts offer a counterpoint to the dominant narrative about them, prompting a re-evaluation of some key assumptions driving law's approach to outsider groups. Justin Hansford, a legal scholar, recognizes that the way in which stories are told can shape the power and identity attributed to their protagonists by social and legal actors and institutions. He thus casts the "oppositional narrative," that is, the story that counters or retells the dominant account of a person or an event that is held as relevant to law as "transformative, in part because it invades the consciousness of the dominant majority and attacks their complacency. As long as policy-making power is in the hands of the majority, this is an important way to change circumstances."²¹ The utility of narrative might also extend beyond policy to legal learning and analysis more generally. For legal professors Brooks and Parkes, "heeding the call of stories" can nuance and enrich how students and scholars of law learn about "the individual and institutional power relations that constitute the real legal world."²²

Despite their advantages, storytelling and narrative have been subject to important critiques. Perhaps most significant among these is the criticism that it is difficult to discern the representativeness of any particular story or cluster of stories, to evaluate their accuracy, or to be sure about what policy response is most effective or appropriate when assessed only in the light of the story itself.²³

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20. The relationship between law and storytelling has most robustly been interrogated by feminist scholars and critical race theorists. See *e.g.* Katharine T. Bartlett, "Feminist Legal Methods" (1990) 103 Harv. L. Rev. 829; Elizabeth M. Schneider, "The Dialectic of Rights and Politics: Perspectives from the Women's Movement" (1986) 61 N.Y.U.L. Rev. 589; Mari J. Matsuda, "Pragmatism Modified and the False Consciousness Problem" (1990) 63 S. Cal. L. Rev. 1763; and Richard Delgado, "Storytelling for Oppositionists and Others: A Plea for Narrative" (1989) 87 Mich. L. Rev. 2411 [Delgado, "Storytelling"].
21. Justin Hansford, "Jailing a Rainbow: Death by Narrative and the Marcus Garvey Case" (2009) 2 Geo. J. L. & Modern Critical Race Perspectives [forthcoming], online: SSRN <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1321527>. On the value of storytelling and "counterstorytelling" by outsiders, see also Delgado, "Storytelling," *ibid.*; Richard Delgado, "When a Story is Just a Story: Does Voice Really Matter?" (1990) 76 Va. L. Rev. 95; and Marc A. Fajer, "Authority, Credibility, and Pre-Understanding: A Defence of Outsider Narratives in Legal Scholarship" (1994) 82 Geo. L.J. 1845.
22. Kim Brooks & Debra Parkes, "Queering Legal Education: A Project of Theoretical Discovery" (2004) 27 Harv. Women's L.J. 89.
23. Fajer, *supra* note 21.

Related to these concerns are the specific challenges of trying to access narratives from women in a religious community living a criminalized lifestyle. Conscientious research must consider the potential risks of a project that results in the advancement of the voices of only a group's most empowered and vocal female constituents. It must similarly address the possibility of unauthentic narratives, resulting either from unconsciousness about the oppression that affects the story, or from community pressure to tell only a "happy" story. In previous work, I explored these challenges and considered ways to carry out this project in spite of them.²⁴ These concerns became important preoccupations in developing a method for conducting research in Bountiful, which is described more fully in Appendix A.

Although I take heed of the limits that these challenges might impose upon this study, this article maintains that taking the stories offered by participants in this project seriously has the promise of yielding a more textured understanding of polygamous wives' experiences. As suggested, one might anticipate the objection that this study, based on narratives shared by relatively few women in one plural marriage community, cannot form the basis for a policy response to polygamy. Yet such an objection would mistake the aim of this article, which is to examine the accounts of twenty women in Bountiful from a legal pluralist perspective. The article offers perspectives that stand apart from the pre-eminent characterization of polygamous life, and thereby contributes to a fuller, more developed understanding of plural marriage than the dominant narrative alone affords.

II. MARRIAGE AND REPRODUCTION

A. PATHS TO MARRIAGE: THE ETHICS OF "COURTING"

Within both academic and popular literature, coerced marriage and motherhood is commonly cast as a feature of polygamous life. Writers focusing on plural marriage in FLDS communities, and in Bountiful specifically, have been preoccupied with the practice of arranged or forced marriage in these societies, most notably those reported to have occurred between underage girls and men decades their senior.²⁵ This literature also suggests that the law of chastity in

24. Campbell, "Wives' Tales," *supra* note 6.

25. Lynne Cohen, "One Mother (Debbie Palmer) of Eight Sues for Polygamy (At a Polygamist Colony in B.C.);" (6 January 2003) 30:1 The Report 33; Cassiah M. Ward, "I Now

FLDS groups operates to ensure that wives have minimal control over their sexual relationships and reproduction. Rather, as servants of husband and household, their main contribution is seen as their ability to produce and raise copious numbers of children.²⁶

Accounts shared by respondents in this project seemed at least somewhat inconsistent with conventional characterizations of polygamous marriage and motherhood. Many indicated that although, historically, spouses in Bountiful were matched by their Church leaders, women now commonly marry after they have formed and communicated a preference for a particular husband. This ability to make choices about whom and when they will marry has apparently increased since “the split” in Bountiful.²⁷ This comparison emerged most saliently in the narrative of a participant married a generation ago:

Pronounce You Husband and Wives: *Lawrence v. Texas* and the Practice of Polygamy in Modern America” (2004) 11 Wm & Mary J. Women & L. 131; Alean Al-Krenawi & John R. Graham, “The Story of Bedouin-Arab Women in a Polygamous Marriage” (1999) 22:5 Women’s Stud. Int’l F. 497 at 501; Palmer & Perrin, *supra* note 3; and Maria Peters, *Pearls Before Swine* (1994) [unpublished; copy on file with author]. But see Stephanie Forbes, “Why Just have One?: An Evaluation of the Anti-Polygamy Laws Under the Establishment Clause” (2003) 39 Hous. L. Rev. 1517 at 1544-45; Mike D’Amour, “Sect Greets Abuse Probe – Polygamist Leader Says Group Will Co-operate” *The Calgary Sun* (27 July 2004) 3; and Mike D’Amour, “Sect Wives Defend Lives – Women Say Polygamy Choice is Theirs” *The Calgary Sun* (29 July 2004) 4.

26. British Columbia Ministry of Women’s Equality Committee on Polygamous Issues, *supra* note 4 at 8-9; Bramham, *supra* note 1 (especially her chapter at 191ff, entitled “God’s Brothel”).
27. Allusions to “the split,” which were made in almost every interview, refer to a rift in the community triggered by American Warren Jeffs’s self-proclamation as FLDS leader in 2002. Although Jeffs is presently in prison for arranging the marriage of a fourteen-year-old girl to her nineteen-year-old cousin, he still seems to wield authority among many FLDS followers. When he declared himself Church Leader, he also tried to revoke the authority of then-Bishop of Bountiful, Winston Blackmore. The community subsequently divided itself roughly in half between Blackmore and Jeffs loyalists. Although both groups continue to populate Bountiful, living physically beside one another and sometimes sharing kinship ties, Jeffs restricts his followers from communicating with all apostates. The end result has been a painful division within the community and many of its families. Jeffs’s rules regarding “outside” contact by his followers are exceptionally strict and this rendered it very difficult to reach women who situated themselves within his “camp.” Thus, of the women we interviewed, all but one were committed to Winston Blackmore. Although this woman’s story is not held out as representative of all women in Jeffs’s segment of Bountiful, her experiences, like those of other participants, offer a counter-narrative to the conventional portrayal of a polygamous wife in Bountiful.

Participant #1: Well, at this point, in ... the community it's much different than it was when I was growing up. So for part of the community, at this point, it appears like the young people are having more of a choice. When I was married, the marriages were arranged ... [I]t was my experience at the time. Until the last five years, there ... really hadn't been a consideration to the requests of the females ... I'm seeing that, it's somewhat different for a part of the community. I don't know anything about what's going on for the other [*i.e.*, Jeffs'] part of the community ... [T]o my knowledge it's the same as it always was. But I do know that some of the young children or the young people are making a choice.²⁸

Another participant raised in an American FLDS community made a similar comparison between present circumstances in Bountiful and those at the time of her marriage, ten years ago:

Participant #10: Well, we had placement marriages. And so, when my father told me he said that, that he wanted me to marry a man from Canada, I just said "Why?" I'd never been to Canada. It's so far away and ... I didn't really want to be a plural wife. But I didn't want to disappoint my father, who was everything. ... I started screaming "I'm not gonna do it!" And I had that choice and he was just so disappointed and that was it. I had that choice. I didn't have to. Then I decided that I didn't want to disappoint him. I really respected him.

...

Growing up I felt like if I was going to make it to heaven I had to do everything I was told, by my father and by the prophet, and if I didn't I'd go to hell. And so now I feel like my life is mine and no one can tell me what to do and I'll do what I want.

These participants thus framed discussions about marriage as the product of "choice," although it appears that, as in many other cultural and social circumstances, factors such as family expectations and norms continue to influence marital practices. Having said this, participants' reflections suggested that spouses have opportunities to consent before marriage or before their husbands marry an additional wife.

Participants' reflections also illuminated practices adopted by couples before marrying. Conventionally, spouses in the FLDS Church had a very short (or no) prenuptial relationships. This seems to be an ongoing practice for some. One participant, #19, described meeting her husband just an hour before their marriage. But several participants also stressed that it is now becoming commonplace for young couples to spend time together in order to become acquainted before mar-

28. These interview excerpts have not been edited.

rying. Although untraditional, “courting” is seen as fostering a main objective of FLDS marriage—to ensure its lifelong duration:

Participant #2: I got married a long time ago. I see we’ve got twenty-year-old girls who aren’t married ... and it seems to me like they have a lot more time to get to know each other. ... It, it’s pretty much like our version of dating ... to see if you’re compatible with this person, before you make a commitment. Because marriage, in my books, is eternal. It’s not to be tampered with. And you don’t just do it without a lot of serious thought.

However, this practice is meant only for unattached men and women. Courting an already married man remains taboo. Instead, a woman wishing to wed a man with an existing wife (or wives) may spend time with his entire family before marriage, and such time with sister wives is viewed as particularly important to women marrying into plural families. Thus, as the following two passages indicate, courting seemed most valuable for *women*, allowing them to investigate their marriage options and assess their compatibility with prospective sister wives. For existing wives, these exchanges also offer an opportunity to be consulted and to give consent before another wife enters the family:

Participant #4: A lady that would look into our family, she would go to the Bishop or her father and talk to them and then the Bishop could come to me and talk to me and then if I felt good about it then I would say yes or no, if I felt I would get along with her and if I wanted her to be my wife then I would say yes, but if I said yes and didn’t really want to that would be really hard.

Participant #2: I don't believe that married men should date other women, or look for other wives. If a girl wants to be a plural wife, she should get to know the man's family first, and they should all have the chance to agree or disagree with the prospective addition to the family.

Husbands faded into the background of discussions regarding such prenuptial interactions. While the foregoing comments suggest that courting has been appropriated by some women to protect their own domestic interests and relationships, discussions also emphasized that this process is not intended to afford men opportunities for casual relationships or for weighing marital prospects. Indeed, the impropriety of men scouting for wives was noted on several occasions, and is illuminated by the comments of one participant who reflected, during her interview, on what she will teach her son about marriage as he matures:

Participant #5: I will teach [him], to find one woman and, in his heart, if there’s an-

other that wants to come then accept that but don't you ever go looking! [Chuckle]
It's not his right to look.

This sentiment was endorsed by another participant. In her words:

Participant #2: The biggest lie anyone could ever make, is to intentionally break a marriage vow. When people make commitments with each other, they should keep them. To me, it would seem like cheating on your wife to be out looking for another wife.

B. EVOLVING FORMS OF MARRIAGE

Aside from decisions about whom and when to marry, participants reported contemplating and making choices about the *form* their marriages should take. Although FLDS followers believe that plural marriage, as one participant said, is “the way to get to the highest kingdom of heaven,”²⁹ for many participants, practicing polygamy did not seem morally imperative. Many women interviewed were plural wives, but some had decided that, while not ideologically opposed to the idea, they liked the idea of remaining their husband’s “one and only,”³⁰ at least for now. The comments of one woman reflect the deliberation and critical reflection that underlay her decision to remain monogamous:

Participant #11: Growing up, I never felt like I wanted to be a plural wife, and I thought about this quite a bit because you could say it was because of how I was raised or whatever. But I have friends my same age who, we basically grew up together in the same environment. And I have several who said that they wanted to be in a polygamous relationship and that was different for me, I didn't want to. And so I don't know, I guess you could say it's an individual thing because, you know, we grew up the same and had the same influences and they chose to be polygamous and I chose to be a monogamous wife.

...

We [participant and her husband] have talked about that a little bit and, neither of us are necessarily opposed to plural marriage *per se* because I don't feel that it's wrong. ... I was born in it and I've seen it work very well. ... But I've also seen situations where it does not work and where it's pulled families apart and so for me, I, it's not something that I would rush into and it's not something that I would necessarily actively promote. ... I would have to realize that the person was going into it for the right reasons and that it was something that was chosen by all

29. Participant #20.

30. Participant #3.

of us. So I don't know, I guess it would just depend on if that ever happened. So, we'd have to see.

Most participants indicated that a wife's choice to live monogamously was not questioned or criticized by other women, nor did it alter the esteem in which she would be held by other community members who remained faithful to polygamy. One woman, a plural wife, stated:

Participant #2: We have so many monogamous couples. ... And that's great. In our marriage covenant there is a part about the union being "of your own free will and choice." This is for both man and wife. I think it is better for couples to stay monogamous if they don't truly believe in plural marriage and want to live it. Marriage is meant to be like heaven, not like hell.

Another participant, herself in a plural marriage, indicated:

Participant #10: My next door neighbour grew up here, in a plural family and she is against plural marriage. But we're best friends.

The practice of monogamy in Bountiful was attributed to simple demographics. That is, there would not be enough women to go around for all men in the community should everyone seek to live polygamously.³¹ Participants explained that only about one in every twenty community marriages are plural, and that while "the principle" of FLDS life centres on polygamy, if it isn't practicable, a monogamous follower is redeemed as long as "you're open enough [to it] in your heart."³² This view was not, however, shared by all participants; one woman did suggest that the failure to live polygamously had moral consequences:

Participant #3: [We] believe that in order to, um, get to the highest kingdom of heaven, [it's necessary] not only to have more than one wife ... but to be honourable and to treat the ladies fairly and kindly. ... And that's not the case in every situation, even in our religion. But I, I believe that anybody that doesn't live up to it is going to be accountable for that.

31. Participant #9. Some accounts of polygamy in FLDS communities suggest that young men, termed "lost boys," are frequently pushed out of the group to ensure that the older, more powerful males can scoop up the community's young women as their wives. See Bramham, *supra* note 1; Alex Tresniowski, "Castaways: In Utah and Arizona Hundreds of Teenage Boys are Being Torn from Their Families and Expelled from an Extreme Mormon Sect. Is It Because They Compete for Teen Girls that the Sect's Grown Men Want to Marry?" *People Weekly* (25 July 2005) 64. However, participants did not reveal any accounts of ostracized boys or young men in Bountiful.

32. Participant #5.

The evolving nature of marriage became most prominent during an interview with a pair of sister wives³³ who had formally married one another. This was possible because their respective marriages to their shared husband were “celestial” polygamous unions, unrecognized by the state. Thus, in the law’s eyes, these women were single despite their commitment to the same man, and eligible to marry each other. One journalist has posited that this marriage is a sham designed to get around immigration rules.³⁴ However, the couple’s interview suggested a genuine shared domestic existence that bore the conventional elements of marriage:³⁵

Participant #14: We were [our husband’s] youngest wives.

Participant #15: He was very busy in the Church. So we became very close friends with each other.

Participant #14: We didn’t have a lot in common with the other ladies. ... We only became friends because he stuck us together and said, ‘Okay you guys take care of each other!’

Participant #15: And I would say that we grew together. And I go to work and support her and she tends my kids. And we really and truly and honestly are partners. ... Honestly there’s not any two ladies that live as a couple as we do.

Participant #14: Our finances are intertwined.

Participant #15: You could never divide our bills, for us to divide our bills and our income we would have to get a divorce, to divide our bills, because all of my credit cards, all of our bills are together so much that I wouldn’t know where to start if we were separated. To the point where we are a couple. Our kids would be lost without each other.

Discussions about marriage commonly circled back to two main assumptions about polygamy and its implications for women and children. First, the practice is frequently associated with underage marriage and the taking of

33. Participants #14 and #15.

34. Bramham, *supra* note 1 at 320-22. Bramham suggests that the marriage was prompted by the fact that one of the wives, an American, could not be sponsored by her Canadian husband, given their illicit polygamous marriage. As a result, she opted to formally marry her Canadian sister wife to achieve this.

35. Brenda Cossman & Bruce Ryder, “What is Marriage-Like Like? The Irrelevance of Conjuality” (2001) 18 Can. J. Fam. L. 269.

child brides by much older men.³⁶ Of two participants who stated that they had married before adulthood (at age sixteen),³⁷ one stated, “I personally feel, that sometimes, there is pressure put on someone to accept that person [*i.e.*, the assigned spouse].”³⁸ Some women also acknowledged that underage marriage had taken place in their community, although as part of past custom. They did not pretend to accept or condone this practice. Rather, as one participant—married three decades ago—revealed, marriage in these circumstances could often be perceived as unappealing, and possibly threatening:

Participant #1: I was eighteen when I got married. [Of] my twenty-five sisters there was only two or maybe three of us that got married, at eighteen or older. ... And, you know my older sister ... she was married when she was fifteen. When I turned fifteen my dad asked me if I felt like I wanted to go and turn myself over to the prophet and I told him, no I didn't. I wasn't sure what was wrong with me, but I really didn't want to and, he said, “Well okay, that's fine.” But he just wanted me to know that was an option. ... [S]o six months went by and he came and he approached me again [asking], “Do you feel like you should go to talk with the prophet?” ... I really wanted to finish my high school. And I could see the incredibly painful situation my sister was in and ... I was pretty scared, actually, like, you know, what might be in store for me. So, I wasn't anxious to get married. ... [T]hen I turned seventeen and, of course there was lots of people in the community who really were wondering about me. Like what is wrong with [me], you know, because I wasn't getting married? And, I kept stalling and I finished my high school through correspondence. ... By the time I turned eighteen ... all my friends were married. Like all the girls I grew up with. I [kept] putting pressure on myself as well, like, why, you know, what is wrong with me? ... [I] told my dad that I was ready and, so, yeah.

According to participants, current practices stress that marriage should occur only once a woman reaches adulthood.³⁹ This emerged, for example, in a

36. See Bramham, *supra* note 1; Palmer & Perrin, *supra* note 3.

37. It should be noted that marriage below the age of majority is legal in Canada, typically once a person has reached age sixteen and has obtained parental consent. In Quebec civil law, marriage by minors has the ironic effect of “full emancipation,” such that they are legally treated as adults. *Civil Code of Québec*, S.Q. 1991, c. 64, ss. 175-76. Thus, despite contemporary patterns and instincts, marriage by minors is not a practice that the law fully rejects.

38. Participant #9.

39. Indeed some women from this community have advocated publicly for an elevated age of consent in Canada. In 2005, a group of fifteen women from Bountiful participated at a conference on sexual exploitation and child brides, where they maintained that the age of

discussion with a woman about the values she wants to impart to her own daughter, who had just celebrated her first birthday (and who joined us for the interview), about married life:

Participant #6: I will teach [her] to be realistic. There's all these books out nowadays about romance and love but there's more to life than that. There's hard work, there's raising your children and it takes work to make a marriage. It takes a lot of work and effort. Good communication skills with your husband. And I could teach her by my example, by loving my sister wives, and show them that I like plural marriage but I'm not going to force it on [my kids]. If they choose to do that when they get older then that's their choice, but I just want to show them, from me living it right, that they could see the beauty in it, but I'm not going to force them to do it. And another thing is that, for Bountiful they say that there are so many underage marriages. There's not. And my daughter, I don't want her getting married till at least forty. Just joking, but I want her to be at least twenty because it feels like they're at least a little bit smarter going out to the marriage life. I was twenty-one.

Another participant stressed that she was working to eliminate the practice of underage marriage in her community:

Participant #9: You know the only thing I would have done differently than I did, was ... waited till I was older [to marry], 'cuz I was sixteen when I got married. And, I know that within our community, there's been a lot of girls getting married, at sixteen. Very rarely, that I know of, rarely married younger than that but, most are older and ... I often wondered why sixteen is the age they got married because really it's kind of a, I think it's, an old-fashioned thing. ... But that is something that I hope to change. I hope to try to encourage girls to wait and maybe get a career themselves before they get married.

Yet this same participant acknowledged that changing expectations about marriage among the young women of her community was not necessarily easy. Her own daughter, she said, felt "peer pressure" to get married as young as sixteen, and, despite her mother's dissuasive efforts, the young woman did marry before reaching the age of majority.

Participants' narratives about the dynamics of marriage suggest some of the ways in which multiple sources of norms operate in Bountiful. Against the

sexual consent in Canada should be raised from fourteen to sixteen years of age. See "B.C. Polygamists Want Age of Consent Raised" *CTV* (19 February 2005), online: <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/1108760102803_29/?hub=CTVNewsAt11>; "Cdn. Polygamy Laws Need to Be Reviewed: Activist" *CTV* (26 January, 2005), online: <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/1106749304265_34?s_name=&no_ads>.

background of a static state law on plural marriage, respondents portrayed expectations within spousal relationships as shifting over time, due to a range of forces. These forces included the claimed liberalization of the FLDS Church in recent years, the difficulties with adolescent marriage that participants suggested are now more fully recognized in their community, and the demographic reality that makes universal polygamy impracticable. At the same time, developments in state law seemed clearly relevant for the community, as witnessed by the formalization of a same-sex union by sister wives and by the push from within Bountiful for elevated age of consent rules.⁴⁰ These stories illuminate possibilities for formal and informal rules to interact within sites such as Bountiful. Moreover, they provide some insight into how tensions between these rules might be mediated, and even pragmatically used, by women typically cast as the subjects of state law.

C. EXITING MARRIAGE: POSSIBILITIES AND PERILS

Discussions about married life also turned to issues about how women might cope with unhappy spousal relationships. Because this project seeks to investigate the choices women see themselves making *vis-à-vis* marriage and family life, all participants were asked about how common it would be for a woman dissatisfied with her married life to leave her spouse or the community. They were also asked to identify the most important challenge such a woman would face. The responses varied. Some participants indicated that women in unhappy family relationships manage this situation by discussing their troubles with Church leaders, who might then place them with a new husband and family. Women might also decide to leave a marriage without such initial counsel, and several women have done so. It was acknowledged, though, that exiting one's marriage typically also entails leaving the whole community. While some participants indicated that defectors are welcome for return visits to Bountiful, one participant who had left her marriage and the community suggested otherwise, stating that someone in her situation is "not welcome to come back and visit ... you're just considered an apostate."⁴¹

Overall, leaving a harmful or unhappy domestic setting seemed possible, although not without challenges. One participant indicated that, although she

40. *Ibid.*

41. Participant #1.

had been aware of shelters and other resources for women in tumultuous circumstances, she considered that these “weren’t for us. . . . We lived apart from that; it didn’t affect us.”⁴² However, the hardship of exit for Bountiful’s women mirrors that which might be encountered by many women leaving a marriage and/or community.⁴³ This point was brought home through an exchange with one participant. The question, “[I]f a woman wanted to leave a plural marriage, what would her alternatives be?” was put to a focus group. One woman responded by turning the question on me, asking: “Well, what would *your* alternatives be?”⁴⁴ I responded, noting that my alternatives to a difficult marriage would be undesirable, because of the consequences for my young sons, because of how intimidating leaving everything familiar would be, and because of the difficulties I would face supporting my children alone, both financially and emotionally. After a pause, the same woman who had asked the question stated flatly, “Everything you said, it’s exactly the same for us,” ending the group discussion on this point. Yet, while appreciating that relationship dissolution is always a challenge, it seems fair to say that, as a law professor living in an urban secular space, my own situation, were I faced with the dilemma of marital dissolution, probably would not be “exactly the same” as for most women leaving a polygamous union in Bountiful. I am aware of the limited parallels between my circumstances and those of this participant. I nevertheless include my exchange with her here because her confidence in appropriating my question and putting it back to me was so impressive, and because her comments reveal her reflections on the perils of leaving a spouse and her view of such perils as transcending cultural, and possibly class, boundaries.

D. REPRODUCTION AND CHILDBEARING AS A CONTEXT FOR MANAGING RISK; SHAPING RESISTANCE

The FLDS world is commonly depicted as hostile to family planning or women’s reproductive autonomy. Families are presented as governed primarily

42. *Ibid.*

43. See Maleiha Malik, “‘The Branch on Which We Sit’: Multiculturalism, Minority Women and Family Law” in Alison Diduck & Katherine O’Donovan, eds., *Feminist Perspectives on Family Law* (New York: Routledge, 2006) 211 at 216; Ayelet Shachar, “The Paradox of Multicultural Vulnerability: Individual Rights, Identity Groups, and the State” in Christian Joppke & Steven Lukes, eds., *Multicultural Questions* (Oxford: Oxford University Press, 1999) 87 at 100.

44. Participant #4.

by the laws of chastity, allowing sexual activity to occur primarily to satisfy a husband's whims and needs and to ensure that such activity is fruitful whenever possible. The prevalence of children in Bountiful is indeed striking—there are plenty of them biking, playing in gardens, chasing one another, riding mini ATVs and scooters, or, for the older ones, toting or pushing younger children and babies in strollers. Children did seem far more prevalent in this community than in most modern urban settings, although it is possible that they were just allowed to roam more freely in this open, rural space than most children in urban neighbourhoods.

Discussions with participants, and especially with two women who served as community midwives, raised some questions about the conventional image of the FLDS wife as a woman persistently pregnant, serving primarily or only to create “bountiful” families. Their accounts about reproduction were intriguing, explaining how women plan their families and pregnancies despite their community's conventional resistance to contraception. In discussing the toll of childbearing and childrearing, midwives emphasized the necessity of counseling their clients about birth control options and gave particular attention to the means that women could use independently, without needing to confer with a spouse. As one participant noted:

Participant #9: I have never had anyone say to me, “You shouldn't use birth control.” But it's definitely implied. And it's, I don't think, I mean talking to my own husband, he would never feel like that was appropriate. Because of, I guess it's just not the natural thing. It's not what, I guess, we were designed to use or whatever. At the same time though, I think, a lot of women are not really able to communicate their feelings when it comes to [saying], “Okay, I've had ten children, and I probably, have what I can take care of.”

This same participant suggested that women tend to perceive contraception more pragmatically than spiritually. Thus, while husbands typically do not wish to consider birth control options because this violates a religious principle, a woman might see contraception as a way to protect her physical and mental wellbeing, given the energy and labour exacted by having many children. As the following excerpts illuminate, the value (moral or practical) that husbands and wives each attribute to contraception might engender stress or misunderstandings between them:

Participant #9: When for example, a wife may feel that her husband would like to mate with her and she says, “No, Sweetheart, I'm sorry,” then he takes that as a rejection, right? And, in her mind, she may be thinking well, you know, mating means

getting pregnant and getting pregnant means a lot of work that I can't do.

Q: What about other forms of contraception?

Participant #9: For example?

Q: Condoms?

Participant #9: No. Most, most men would feel like that that was a violation of, like that they would sort of be, denying their faith.

Q: Even by using a rhythm method?

Participant #9: Oh, some may, but it's more just sort of the act of mating should be reserved for getting pregnant, right?

...

It came to the point where, because of health concerns I just had to say, "I really can't see how I am going to handle the emotional aspect of being pregnant; it's just too terrifying to me." I said [to my husband], "You know, you'll have to cope with it, because I can't, I can't mate with you right now." You know? Even though I was nursing. I just, I [couldn't] take the risk.

Given these concerns, midwives spoke to us about advice they give women, often at their six-week postpartum checkup. A key theme taken up is what women might want to know about avoiding another pregnancy immediately. Health care providers may give information to women about the possibility of conceiving even while nursing or while practicing a rhythm method of contraception. As one participant indicated, women might find it too difficult to maintain a harmonious relationship with a spouse if they feel they cannot risk becoming pregnant and are thus reticent to engage in sexual intercourse. In the result, some women resort to the option of using a contraception method "that their husband won't know about."⁴⁵ As one woman indicated, "birth control that's invisible" was valued since "you can protect yourself without making that decision together, if that decision can't be made together."⁴⁶

Although not confirmed with participants, it appeared that most of the women interviewed in the twenty to thirty-five-year-old age range had between two and five children. Although a premium continues to be placed on fertility

45. Participant #9.

46. Participant #16.

and childrearing, mothers today were described as more actively engaged in deciding whether and when to have children. One woman stated that her fourth (and youngest) child was a “surprise,” but there would be no further unexpected children.⁴⁷ Another said:

Participant #16: I’m feeling that women are feeling, “I have to have less kids.” Like, I can’t deal with the same amount of kids that my mom had, ... just because of the world that we live in today. You know, we live in a really fast paced society. I mean a kid is in soccer and hockey, and you’re trying to keep up and one day you explode because you can’t communicate.

This same participant suggested that while family planning remains taboo within inter-spousal communications, some women recognize its value and significance for their overall health, and for the well-being of their children:

Family planning is getting more and more popular. ... Birth control is very, very frowned upon and I’ve had many, many arguments ... with my dad and, you know, the men who are in charge at this point about birth control. Because my thing is, would you rather have a woman that has two kids, raises those two kids, loves those two kids and is able to do extra things to feel good about herself, you know, and she lives ‘til she’s ninety? Or would you rather have someone who has ten kids and they’re in the loony bin by the time they’re thirty? You know we can’t cope and we can’t deal, you know? Of course they [*i.e.*, the men] are like, “That’s not how it is.” Well, that isn’t reality.

III. EDUCATION, WORK, AND DOMESTIC RELATIONSHIPS

A. THE PURSUIT—AND LIMITS—OF WORK AND HIGHER EDUCATION

Most accounts of polygamous life conjure images of women hidden within private domestic space. Wives are depicted as relegated to household and child care tasks, with few opportunities for education or employment. Connected to this consignment of wives to domesticity is the literature on their relationships with one another. While the presence of sister wives might offer a woman companionship or support, their relationships are frequently cast as competitive, rife with jealousy or hatred. Such tensions are attributed to poverty, cramped living environments, little or no occasion to leave the confines of home, and the inevitable stresses caused by multiple women vying for a man’s time, attention, and

47. Participant #17.

financial resources.⁴⁸

Yet accounts shared as part of this project suggested that participants juggle responsibilities requiring regular movement beyond the physical and spiritual boundaries of their community. Most were either employed outside the home or pursuing college programs. Several worked in the community, most notably as teachers in the community schools, as care-aids for the dependent or elderly, or as nurse-midwives. Some also worked outside of Bountiful, in stores or shops in nearby Creston or Cranbrook.

Participants alluded to the financial independence that pursuing studies and employment offered. In this vein, they offered statements such as:

Participant #17: I make my own money and pay my own bills. I don't really give him any, [and] I don't take much money, because that way I'm not dependent.

Emotional independence and strength was also linked to the value of work, as women now saw this as something that should yield a particular benefit for *them*, whereas traditionally, work was understood as serving to promote a common (patriarchal) good:

Participant #16: I don't think I ever heard in my life, "Go for a walk for you"; "Feel good for you"; "Be beautiful for you." I don't ever remember that being important. Maybe it is. But for me it wasn't ever. It was, "Get up today, we're going to work in the community garden; we're going to do this for us; we're going to work together for us; we're going to be happy for us; we're going to make breakfast for us." There

48. In other empirical studies of women in polygamous relationships, jealousy and competition among sister wives is commonly observed. See Alean Al-Krenawi, John R. Graham & Salem Al-Krenawi, "Social Work Practice with Polygamous Families" (1997) 14 *Child and Adolescent Social Work J.* 445; Alean Al-Krenawi, "Women from Polygamous and Monogamous Marriages in an Out-Patient Psychiatric Clinic" (2001) 38 *Transcultural Psychiatry* 187; Alean Al-Krenawi, "Family Therapy with a Multiparental/Multipousal Family" (1998) 37 *Family Process* 65; David L. Chambers, "Polygamy and Same-Sex Marriage" (1997) 26 *Hofstra L. Rev.* 53 at 66; Sangeetha Madhavan, "Best of Friends and Worst of Enemies: Competition and Collaboration in Polygyny" (2002) 41 *Ethnology* 69; Sonja Starr & Lea Brilmayer, "Family Separation as a Violation of International Law" (2003) 21 *Berkeley J. Int'l L.* 213 at 245-46; Adrien Katherine Wing, "Polygamy from Southern Africa to Black Britannia to Black America: Global Critical Race Feminism as Legal Reform for the Twenty-First Century" (2001) 11 *J. Contemp. Legal Issues* 811 at 855; Al-Krenawi & Graham, *supra* note 25 at 502; R. Bankole Thompson & Edna Erez, "Wife Abuse in Sierra Leone: Polygamous Marriages in a Dual Legal System" (1994) 18:1 *Int'l J. Comp. & Applied Crim. Just.* 27 at 31; and Christian Jelen, "La Polygamie en France" *Le Point* No.1098 (2 October 1993) 43 at 47-48.

was never that, "Go find some time and relax for you." And now that I'm, the more I study or I look at depression and stuff like that, I think that women really need to feel important in themselves.

Q: ... Who is the "us"?

Participant #16: In my growing up years that was everyone, like the FLDS. And we definitely did work for a common cause. ... It was really designed like a communist society where we did work for the common good of everyone; no one really lived above anyone else. Like I don't remember my mother saying, "We're going to go get our nails done for us." It was, "We're going get up today and clean the house for father," or, "We're going to help clean the community for our prophet."

As Bountiful has no postsecondary educational facility, women pursuing college or university programs do so outside of the community. Yet from these interviews, it appeared that such schooling was completed only in places hospitable to plural, FLDS wives. Women spoke of studying in Creston and Cranbrook, both in close proximity to Bountiful itself. Others studied at Southern Utah University, a state historically associated with plural marriage and where the FLDS Church retains a large following. In addition, of the participants who pursued college or university studies, all had taken up traditionally feminine professions, such as teaching, nursing, midwifery, or care-giving for the elderly or infirm, and most had married before entering their postsecondary programs.

Thus, there seemed to be some important qualifications on women's educational opportunities. If they studied only in places where plural marriage was known or accepted, would their ideological world view and exposure to other cultures and communities not be constrained? And if expected to pursue only stereotypically female professions needed in the community, would this not limit choices about work and education? Finally, if the norm is to marry and to, usually, have children before extended schooling, would this not practically limit the breadth and potential of their studies?

When asked about these apparent constraints on female education, participants noted that women seek to remain close to home and family while they obtain their degrees, and thus opted to study in nearby towns or in Utah, where many community members have relatives. At the same time, it was suggested that women would just go wherever they needed to go to obtain the schooling that they sought to pursue: "Wherever they need to go to get what they want. Like if you want to be a dentist you can't just stay in Cranbrook, you need to

go somewhere else.”⁴⁹ However, it was acknowledged that it is “not yet” common for women from Bountiful to go to large universities in urban centres.⁵⁰

When asked about the programs that women pursue, allusions were again made to women’s interest in remaining in or close to Bountiful:

Participant #5: Well a lot of it too is that it’s based on something they can do around this area. If they want to stay here they need to choose something they can do around here in the Creston Valley area.

Participant #11: I wanted to do something that was non-traditional because of ... that stereotype that, when people look at me I didn’t want them saying, “Oh, you just went into education because you were told to or something.” ... But I always came back to education because that’s what I care about, that’s what I’m interested in. And, also when you’re part of a community then you want to help, you know? You want to contribute to that community in some way that’s going to benefit all the people you care about and all those involved. So, I felt like there was a need for me to go into education because there is a need for educators. ... But I had to face that stigma a lot, of people saying, “Oh, you just went into education, why couldn’t you branch out?” It’s like, that’s what I wanted!

As indicated, since marriage in Bountiful still seems to take place when spouses are young—at least by current Canadian standards—it appears that women who want both marriage and scholarship would have to pursue these things in that chronological order. While this arrangement was possible, one woman acknowledged how difficult pursuing higher-level learning, while remaining responsible for a family, could be:

Participant #9: I don’t feel like [I] was hindered in any way except for the fact that I could see how much easier it would have been if I would have just gone to school first, before I had children. I remember going to school and just, you know, anybody that was taking the nursing programme or the midwifery programme, before they had a family ... I mean their responsibilities were so much different than mine. But I met people in both my classes that have some more responsibilities too.

B. MOVING WITHIN AND BEYOND THE COMMUNITY

Participants studying or working outside of their community shared stories of interest regarding interactions with “outsiders.” Some had experienced painful encounters, such as a woman who spoke of her interactions at her college in Creston:

49. Participant #5.

50. *Ibid.*

Participant #6: At the college they know where I'm from, maybe by the way I dress. I've had people say, "You do realize it's against the law to live polygamous." Even teachers say that.

Participant #17, employed as a cashier in a Creston supermarket, indicated that while her manager and co-workers were accepting of her lifestyle, customers did not always conceal their disdain. She indicated that some identified her as a polygamist because of her style of hair and dress, and would refuse to enter her checkout line. On another occasion, while she was pregnant, a male customer sardonically asked whether childbearing "was all 'you people' [*i.e.*, plural wives] are good for."

For one woman, the stigma and scorn she faced outside her FLDS community was an impetus underlying her decision to dress in modern clothing after "the split":

Participant #10: Before I made the choice to dress how I want and do what I want like, I'd go into town and I'd be from a plural marriage and I'd be uncomfortable. ... But then I started to dress how I wanted to and basically no one would even turn their head anymore. ... [I]t would be hard just to go into a grocery store. Like there's a lot of rude people in the community. Like I just noticed a world of difference in how people treat me now. There's a lot of ignorance.

Some participants claimed that their treatment outside of their community also had practical consequences; specifically, it caused uneasiness about accessing resources outside of Bountiful. One woman recounted anecdotal knowledge of families' apprehension about seeking medical care in the local hospital, particularly prenatal and birthing care, fearing they would be subject to scrutiny and criticism. Access to "outsider" services could be especially intimidating if these services drew attention to family and community life in Bountiful. The following exchange thus took place with this same participant:

Participant #9: For example, if a couple that wasn't in our community wanted to go for marriage counseling, or something, then they would go. Nobody would ever do that from here, because of what they will say, "Well no wonder you have problems; you have two wives!" But that's not true. Because there's many couples that have problems in their relationship.

Q: What if a couple has a problem? How is that managed?

Participant #9: Well, they try to manage it within themselves. ... But there's usually, like, we have a, man who is, we may call him the Bishop, or an acting elder, or something within our community, and we would go and talk to him.

This point was affirmed in another interview with a woman who alluded to the ways in which women might manage mental health challenges:

Participant #16: Definitely, if you're living a lifestyle that is illegal then you don't want to go to counselling because you might say, "Well she [*i.e.*, my sister wife] made me so mad today, she didn't get up and help with the breakfast." And they're going to say, "Well, why are you there? Why do you live with five other women, married to the same man, if it drives you crazy?" ... Whereas you, that's kind of what you've chosen and you want to learn how to deal with it better.

Yet, although some apprehension seems to remain about interaction with the world beyond Bountiful, regular movement in and out of this community is necessary to pursue both work and education, as well as for ordinary day-to-day exchanges and transactions. Most participants indicated that they go into Creston and other nearby locations every day. Bountiful is a small, rural, and primarily residential space that could not function autonomously, even if its residents wanted it to. Anything from buying milk to seeing a dentist requires a trip into town.

Moreover, while participants gave some accounts of difficult encounters with "outsiders," many spoke of harmonious relationships with the people of nearby towns. As one woman stated:

Participant #16: Creston is a small town where everyone knows everyone and if you're in a traditional FLDS dress the second you go into Creston you're from Bountiful right? And the people there have always been so good to us. Like, there are a couple that have little issues, but pretty much in general people have been so good to us; in being fair and treating us like people rather than criminals. So I never once felt like that I couldn't go somewhere and get help, or go to the doctor, you know.

Another woman who studied in Creston spoke of the intrigue, and ultimately, acceptance, that her lifestyle generated among her classmates:

Participant #6: When I first started college I was a little bit, I was kind of drawn back. But then I got thinking, "I am who I am, and I can't change myself to please everyone in the world," and so I just started to be myself. And actually more people accepted me for who I was. Like one lady said, "Who has your baby?" when my little boy was younger, and I said, "Oh, my sister wife." I just said that. And she said, "I envy you, I envy you. I struggle every morning to find a babysitter. You have these wonderful support systems and I envy you in that way."

Reflections by interviewees in regard to interactions with people outside of their community reveal a complex understanding of their place within broader society. While most expressed comfort leaving Bountiful, some comments

suggested participants' own awareness of their status as "outsiders" in the mainstream. Women who engaged with the broader community for regular, "acceptable" activities (*e.g.*, buying groceries, seeking medical care for a child, or even going to college) seemed to feel at ease moving past Bountiful's borders. In contrast, where such movement could be interpreted as displaying their vulnerability, participants' enthusiasm for exchange outside Bountiful was more muted. As examples already cited in this article, consider the reflections of Participant #17 who, while working as a cashier, endured insults from a customer about her pregnancy; Participant #1, who described women's shelters as resources that "weren't for us"; and Participant #9, who suggested the near impossibility of accessing marital counselling for a polygamous family. These instances suggest that a woman who finds herself in circumstances that mirror common negative perceptions of life for women in Bountiful (*i.e.*, perpetually pregnant or in oppressive conjugal relationships) might feel apprehensive about moving outside her community to access resources she might need. While a consideration of the policy implications of this point lies outside the scope of this article, it is of critical relevance for thinking about the challenges that women in unconventional family situations (that is, by modern secular standards) might encounter in seeking necessary public resources.

C. REPERCUSSIONS OF WOMEN'S WORK & EDUCATION ON DOMESTIC LIFE

While the idea of women working and studying "beyond Bountiful" bears inherent relevance, it is also linked to a separate dynamic that further illuminates how women might appropriate the organization and direction of family and community life to suit their interests. Recognizing that not all mothers can be away from home for work or school at any single moment, participants suggested that sister wives organize their schedules so that at least one of them is home to tend the house and children while others attend school, go to work, or simply run errands. In the words of one participant studying to become a schoolteacher:

Participant #6: I couldn't do it without them. ... [M]y sister wives help me with my children and I help them with their children, and if I need them, they are always willing to help me out.

Another woman, also pursuing postsecondary studies, indicated:

Participant #2: I go to school and I've got a babysitter, right there at home. He [my son] doesn't have to go anywhere. They're already home. They're in their own environment. And they are already cared for by their own family. You know and, myself, I can stay home and babysit for someone else who has to go to work.

Participants discussed how plural wives, especially those who share domestic space, lead and administer their homesteads.⁵¹ Their discussions suggest that they operate as joint trustees, responsible for managing family finances and household responsibilities. They convene regularly to address these issues, and while their husbands are sometimes privy to these discussions, wives seem to be the stewards of family life. This arrangement is summed up by one woman who noted: "We get together and decide. The guy doesn't figure it out; he goes to work. The moms figure it out at night."⁵²

The administration of family finances was a particular area where participants indicated their assertion of control and independence. In contrast, issues regarding children were perceived to be the concern of each individual mother, and perhaps also her husband; but children were less frequently discussed by sister wives collectively. For example, one participant stated:

Participant #15: I talk to him [my husband] about the things that I feel like specifically concern him more, or our children. But as far as my stresses about my bills and money, I don't spend a lot of time conversing with him about that. If I feel like it's something that he needs to know about, I talk to him about it. Otherwise, we [*i.e.*, the sister wives] talk to each other about it.

Another woman's comments also distinguished between budgetary matters on the one hand, and issues pertaining to family and children on the other, indicating the latter as falling within the province of each woman's own concern:

Participant #6: We [*i.e.*, the wives] will sit together with him and figure out which bills have to be paid, and who can help out at that time. We do a big camping trip every summer as a family. Each mother donates towards that. But it's easier if each mother worries about her own children's needs. I mean, it's too big for the whole

51. Compare Olshan & Schmidt, *supra* note 8 (where the authors concluded their research on women in Amish communities with: "The primary role of the Amish wife is to manage the household," at 220). As in the FLDS context, there is a clear distinction in gender roles among the Amish. This is not, however, perceived of as hierarchical, but as a partnering of equal—but different—roles.

52. Participant #2.

family to worry about every child. ... But then for the big things like bills, like the power bill for the whole house, then we get together and worry about that.

D. SORORAL COMPANIONSHIP, COLLABORATION, AND COMPETITION

Over and above these managerial or organizational connections, respondents claimed to share intense emotional bonds with their sister wives, linked together by a deep-seated sense of sorority and solidarity.⁵³ Women referred to their sister wives as their “best friends,” “life partners,” and as not being able “to imagine life without them.” Two women made particularly illustrative comments:

Participant #6: My sister wives are like my very best friends. ... I do more things with my sister wives than I do with my husband. I'm with my sister wives twenty-four-seven. ... Sometimes I feel like I'm more married to my co-wives than I am to him!

Participant #5: It's kind of like in a monogamous relationship where you and your husband are really close. Well, a lot of us get actually that closeness with each other that you would have with your husband. ... We know everything about the other person. Feel what they feel; we think what they think.

Other participants suggested that their bonds with sister wives allow them to mount a united front against their husbands, and thus, to ensure substantial control over family decision making:

Participant #17: When we want something [it's] pretty hard for him to stand up to two of us so, if we could afford it, we can make it happen. And if it's something you know we want to do to the house. We say, honey, we're doin' this, right, okay. And so, it happens.

Participant #2: I feel sorry for the guys. They're very outnumbered [chuckle] even if they're with two wives. They're very outnumbered.

The perceived benefits of solidarity and support among sister wives might extend to the children of a plural family, as illustrated by the following comments:

53. While the literature casts rivalry as a characteristic feature of sister wives' relationships, some research also presents evidence of the rich and profound bonds that these women can develop by sharing not only a husband, but also the trials and triumphs of managing households and raising children. See Connie M. Anderson, “The Persistence of Polygyny as an Adaptive Response to Poverty and Oppression in Apartheid South Africa” (2000) 34 *Cross-Cultural Research* 99; Catherine Yanca & Bobbi S. Low, “Female Allies and Female Power: A Cross-Cultural Analysis” (2004) 25 *Evolution and Hum. Behav.* 9; Chambers, *supra* note 48 at 73-74; and Forbes, *supra* note 25 at 1542-43.

Participant #17: You're best friends forever and ever and ever and ever. And, and when you have weathered as much as you have weathered by the time you get to that point ... the kids know that they have always been loved by everybody.

Participant #6: My mother worked, and so I always had another mother to come home to and check in with who took care of me.

But sororal life is not always as idyllic as these narratives seem to imply. As one woman emphasized, plural marriage involves a fair degree of toil and sacrifice to be successful: “[T]here’s more to it than just the support system. There’s a lot of work on your part too. You have to give and take.”⁵⁴ Another participant suggested that the current community emphasis on consent to marriage is linked to ensuring the satisfaction of spouses, stating: “[I]f one doesn’t *want* plural marriage, then that’s hard.”⁵⁵

The specific challenges of plural marriage that participants identified related to the stresses of having to share one’s spouse and domestic space, which could lead to feelings of frustration, loneliness, and jealousy. For example, one woman who grew up in Bountiful but was now living outside the community emphasized that the size of polygamous families, while often ensuring companionship for women and children, had clear drawbacks:

Participant #11: Okay the best things about being a child of polygamous relations? I would say you are never alone. I mean that’s good and bad. I was one of the older siblings ... and I was always a role model and mentor for many of my younger siblings, which is also good and bad. Um, I have a sister who was two years younger than me but we both have the same mom, and we’re very close now. At this point in my life I have about eight sisters who are in their teenage years and more that are in their twenties and we’re all pretty close. ... But growing up? ... [M]y father always treated us as equals but like, he probably went to extremes in trying to make us all feel equal. My other sister from another mother, she had to always come with us just so she wouldn’t feel left out or anything. He might have been that way even if she’d had the same mom as I, but sometimes I just felt that she had to come just so Father could feel like he was being a fair parent or something, I don’t know. Sometimes I thought that.

For another woman, plural marriage presented the opposite hardship, revealing the diversity of women’s experiences. Rather than being “never alone” she described the hardest aspect of polygamous life in the following way:

54. Participant #6.

55. Participant #19.

“[R]ight now I’m basically alone. I hardly ever see my husband.”⁵⁶ While this was partly due to the fact that her husband’s job took him away from home for long stints of time, it was also because he was married to three women living in different households, and his time “at home” was split among these three residences.

A majority of women interviewed also acknowledged the inherent challenge of avoiding “wivery rivalry” in situations where multiple women must share the affection, time, and financial resources of their husband.⁵⁷ One participant, who said that over her ten year plural marriage she’s “learned how not to be jealous,” indicated:

Participant #10: It’s hard when your husband’s with another woman you know, you just have to not think about it. I just don’t think about it. And I just have to think, you know, that I’m his favourite. You have to think that, too.

Participants also emphasized that sharing a husband usually brings with it a shared household and common space with other women and their children.⁵⁸ The pressures imposed by this situation were noted by several participants:

Participant #13: Well there’s always the inevitable ‘my space, your space,’ stuff like that. You have to respect each other’s space. You have to respect each other’s feelings. And all of a sudden you go from being the only one having to share and it’s hard. It really is hard. But, but if you really believe that that’s the way that, that’s

56. Participant #10.

57. For a discussion of how the phenomenon of jealousy among sister wives is managed and tempered within polygamous fundamentalist Mormon families, see Irwin Altman & Joseph Ginat, *Polygamous Families in Contemporary Society* (Cambridge: University of Cambridge Press, 1996) at 163-69, 353-57.

58. The tensions for women generated by cramped living conditions and space shortages are not unique to the situation of polygamy in Bountiful. An extreme example has been documented among women in polygamous marriages who immigrated from Africa or the Middle East to France. Having moved to a jurisdiction where living expenses are much higher than in their home countries, polygamous families often cannot afford multiple residences for each of a husband’s wives and her children. See Starr & Brilmayer, *supra* note 48 at 246. As a result, a polygamous family often lives together in cramped and overcrowded conditions, creating an environment that aggravates stress and conflict between co-wives. Indeed, there have been reports of women treated in Paris hospitals for physical injuries resulting from confrontations among family members, often co-wives. Other women have tried committing suicide as a result of this domestic tension. See Marlise Simons, “African Women in France Battling Polygamy” *The New York Times* (25 January 1996) A1.

the way that you can get to heaven and stuff like we do, then it's worth it to us. And at times it doesn't feel like it's worth it. But, no matter what situation we go into, no matter where you are in the world, you're gonna have those problems with someone.

Participant #6: It's nice to have your space, your own room. I do share a kitchen but I have my own room, my own things. ... I'm willing to share everything else, but [I want to] have my own space, my own room, and bathroom. Other than that, some people would prefer to have their own house, but I guess it just depends on the kind of person you are.

Participant #11: I compare it to people who are living in dorms together. If someone's messy and you're a clean person it's just really hard to live together. I think that those kinds of situations are when there's a big clash in the relationship.

Given these realities of cohabitation, families with the requisite resources might try to avoid having incompatible plural wives live together. One participant reflected on this, stating, "growing up, my father had two wives but we never ever lived together, we never lived in the same house, we lived in separate houses."⁵⁹ Another woman suggested how her relationship with her sister wives improved after they moved from a communal home to individual households:

Q: What about the biggest thing you would lose [if you lived monogamously]?

Participant #10: My sister wives, their children. I really do love them.

Q: But you all have different houses.

Participant #10: Which is good, I mean, I think that's the only way to live, in my opinion. Because we lived together for six years in the same house.

Q: And how was that?

Participant #10: Oh, a lot of trials, [chuckle] we did pretty good.

Q: What kind of trials?

Participant #10: Oh man, three different women with strong opinions, right? And different ways of teaching their children. And it's hard, but we did it. We managed.

Finally, the issue of child discipline and shared responsibilities for children also emerged as a potential source of unhappiness or stress for women. Several participants indicated that they treat their sister wives' children as their own, and that children look upon all sister wives as mothers. Yet the lateral relationship

59. Participant #12.

among sister wives may become strained when one is perceived as overstepping her bounds *vis-à-vis* another's children. This dilemma is also reported by Altman and Ginat in their study of fundamentalist Mormon polygamous families, which posits that because children are so important (and often, so numerous) in these families, they can become a source of conflict and competition among wives:

Wives do not always have the option of child care but most depend on one another—even if they do not like one another or if they disagree with how their children are being treated. In some cases, the way children are disciplined and dealt with by other wives becomes a lightning rod for family stress.⁶⁰

When one participant in the focus group identified the greatest challenge of plural life as situations where “the other mother corrects your kid,” other group participants nodded knowingly.⁶¹

Discussions about marriage, children, work, and education illuminated the diversity of preoccupations participants held, as well as their ability to navigate the tensions seemingly imposed by polygamous life. Many interviewees reflected positively on plural marriage, but most also articulated concerns and challenges about this way of life. Yet, rather than drawing conclusions about polygamy's insurmountable difficulties, participants' stories revealed instances of resourcefulness and creativity in “managing,” “learning how,” and “weathering” in regard to challenges they faced.⁶² Therefore, the picture of polygamy in Bountiful emerging from the interviews was not unequivocally rosy or perfect. At the same time, it suggests participants' realism about the “hard parts” of plural marriage and a commitment to accepting (and working around) them as part of a way of life that they see as yielding important social, economic, and religious benefits.

IV. CRITICAL CONSCIOUSNESS OF FORMAL LAW

Observations recounted in the preceding sections of this article provide some sense of the agency, mobility, voice, opportunity, and authority that Bountiful's wives might enjoy. They offer a platform for revisiting some of the less nuanced

60. Altman & Ginat, *supra* note 57 at 373-74.

61. Participant #4.

62. These terms came up repeatedly in conversation, often in those that were “off the record.”

assumptions about polygamy's harm to women, which are commonly advanced to justify criminalizing the practice. The accounts put forward in the discussion below further prod us to think about the propriety of criminal law as a tool for addressing concerns about women in polygamy. As set out in this final section of the article, respondents claimed that the prohibition of polygamy does not affect their willingness to engage in this marital form. Moreover, they indicated that enforcing the criminal law in this domain could have drastic consequences for them and their children. Their reflections therefore invite further reflection on the use of the criminal law for addressing any ills associated with polygamy.

A. ASSESSING WOMEN'S AWARENESS OF, AND RESPONSES TO, FORMAL LEGAL RULES

Q: "How would decriminalization affect your life?"

A: "It wouldn't, really."

Every woman interviewed for this project was asked: "If tomorrow morning you woke up to learn that Parliament had decriminalized polygamy in Canada, how would your day differ than the way it is today?" The most common answer elicited was also the simplest: "It wouldn't." As one woman noted: "I'd still be a mother at home with my children, and it doesn't really affect me."⁶³ Another woman stated: "If it [*i.e.*, polygamy] could be decriminalized tomorrow, I would say, 'Yay!' And then I would carry on with my daily life. It really wouldn't change anything."⁶⁴ Indeed, this same participant's response, when asked about her reaction to the Attorney General's most recent call for a special investigation into the community two weeks prior, was simply, "Yeah, whatever."

The criminalization of polygamy clearly has not dissuaded polygamy in Bountiful. For one woman, this was attributable to an absence of any perceived influence of formal law over marital structures in this place: "I don't feel it would necessarily change it [*i.e.*, polygamy] that much because people are still living it and practicing it and not necessarily because it's against the law or not."⁶⁵ Another indicated: "I grew up knowing that polygamy was in

63. Participant #10.

64. Participant #2.

65. Participant #11.

my life, and it's part of my religion so I mean, there was nothing that was going to stop me from doing what God wanted me to do."⁶⁶ In the same vein, a different participant commented: "It's not gonna matter if they decriminalize it or not. ... I mean, in my mind, that's how I live."⁶⁷ Thus, whether to live polygamously was a decision motivated by a woman's perception of the expectations and requirements cast by her faith, family, and community, rather than her understanding of the state's legal order.⁶⁸ This is not surprising, since, as noted elsewhere, trying to enforce a monolithic vision of appropriate family or marital structures through coercive legal mechanisms is unlikely to be effective.⁶⁹ Indeed, women in Bountiful did not seem uniformly aware of polygamy's legal status in Canada. As one participant stated: "I honestly was not aware it was criminal until a couple of years ago. ... Because, you know, they had a raid, they gave the kids back so you just said, 'Okay, it must have been okay.'"⁷⁰

Some reflections on this question noted a distinction between decriminalization and the positive legal recognition of plural marriage. For example, one participant stated:

Participant #13: I don't really think it should be, not illegal. But I think it should be decriminalized. Yeah, I think that, because if you made it legal, if you made plural marriage legal ... all of a sudden all these guys might start getting all these [wives] legally. ... [S]o all we want is, we just want them to stop treating us like criminals.

But other comments hinted at confusion over possible implications of decriminalizing polygamy. Within the focus group discussion, this question

66. Participant #6.

67. Participant #12.

68. This is reminiscent of Geertz's argument that emphasizes the fundamental nature of religion and culture in the formation of identity. Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973). This analysis suggests that the law's potential for changing practices and perspectives that are rooted in deeply-held religious beliefs is limited.

69. In light of this, Michèle Alexandre concludes that: "Women should be able to decide for themselves whether polygamy is appropriate for them and not feel that they have to accept oppressive patriarchal terms." See Michèle Alexandre, "Big Love: Is Feminist Polygamy an Oxymoron or a True Possibility?" (2007) 18 *Hastings Women's L.J.* 3 at 30. For a consideration of the difficulties inherent in redirecting policies that affect family relationships through criminal law mechanisms in a context other than polygamy, see *R. v. Moore*, [1987] 30 C.C.C. (3d) 328 (N.W.T. Terr. Ct.).

70. Participant #5.

elicited comments from a couple of women about how removing the criminal dimension of polygamy would allow them to “get legal.” However, this statement appeared not to pertain to the legality of their polygamous marriages, but to their status as residents in Canada. One woman responded, “I would start my immigration process right now.”⁷¹ Another woman who ran a midwifery practice indicated that decriminalization could facilitate her ability to collect fees from American women residing in Bountiful who might ultimately be entitled to Medicare coverage.⁷²

A few women also reflected on the relief they would experience from decriminalization—in particular, being able to live without the stigma of being branded a “criminal.” They made statements such as: “I wouldn’t have people looking down on me,”⁷³ and “We’re upstanding citizens you know. ... Who wants to be a law breaker?”⁷⁴ Others believed that decriminalization would foster broader social acceptance of their lifestyle and reduce the hostility they occasionally encounter in interactions outside of Bountiful. One participant thus indicated that “[p]eople might like us better; [we’d] have way more friends.”⁷⁵ Another stated that “if we weren’t breaking the law, probably a lot of people’s opinions would be ‘that’s just their lifestyle, leave them alone.’”⁷⁶ According to a third woman, “[a]s a mother, it [*i.e.*, decriminalization] would have been nice. Because it’s really hard not to be able to say, ‘I have a husband.’ It hurts.”⁷⁷ Still others narrated incidences of having been spat on and verbally assaulted. They believed this would cease if polygamy were no longer a criminal act.

These responses suggest that the prospect of criminal sanction seemed less relevant to participants than the stigma or negative image that this lifestyle tends to attract in secular, mainstream Canada. While this idea of stigma is certainly relevant to the theory of criminalization and moral culpability,⁷⁸ it did

71. Participant #5.

72. Participant #9.

73. Participant #6.

74. Participant #5.

75. Participant #18.

76. Participant #5.

77. Participant #3.

78. *R. v. Martineau*, [1990] 2 S.C.R. 633; *R. v. Vaillancourt*, [1987] 2 S.C.R. 636; and *R. v. Creighton*, [1993] 3 S.C.R. 3.

not seem enough to thwart or dissuade the practice of polygamy in this particular setting.

But even though the threat of law enforcement does not necessarily have a practical impact on day-to-day life in Bountiful, the symbolism of criminalization may wield important effects. Connected to the matter of stigma is law's role as a vehicle of moral expression, which can muster hostility and intolerance for communities engaging in prohibited conduct.⁷⁹ This point undercuts arguments advanced to uphold the criminal prohibition of polygamy on the ground that it would only be invoked against serious offenders (*e.g.*, the community "leaders" arrested in January 2009), and that it would not be used to prosecute women in polygamous unions.⁸⁰

B. RAMIFICATIONS OF LAW ENFORCEMENT

Interviews with participants occurred just two months after the El Dorado raid on the FLDS "Yearning for Zion" ranch in Texas⁸¹ and less than two weeks after British Columbia's Attorney General named the third special investigator in less than twelve months to determine whether to initiate polygamy prosecutions in Bountiful.⁸² As a result, discussions with participants often turned to reflections about how criminal charges for polygamy

79. Bilz and Nadler make this point in connection with anti-sodomy laws in the United States. Even though very few individuals were prosecuted for gay sodomy in the United States, the declaration of such laws as unconstitutional by the United States Supreme Court in *Lawrence v. Texas*, 539 U.S. 558 (2003), was critical to the equality and dignity of gay people. See Kenworthy Bilz & Janice Nadler, "Law, Psychology, and Morality" in Daniel M. Bartels *et al.*, eds., *The Psychology of Learning and Motivation: Advances in Research and Theory*, vol. 50 (San Diego: Elsevier, 2009) 101.

80. The wording of s. 293(1) of the *Criminal Code*, *supra* note 15, is gender-neutral. Women and men are equally susceptible to the charge of polygamy where they take up concurrent conjugal relationships. Having said this, the provision has only been invoked once prior to the initiation of prosecutions in Bountiful in January 2009. See *R. v. Bear's Shin Bone* (1899), 4 Terr. L.R. 173. This provision has never been used to prosecute a wife.

81. During this raid, over four hundred children from this FLDS compound were apprehended by child protection authorities based on allegations of child abuse that were never substantiated. Ralph Blumenthal, "52 Girls Are Taken from Polygamist Sect's Ranch in Texas" *The New York Times* (5 April 2008), NYTF, Late Edition-Final, 11.

82. "B.C. Launches Probe into Polygamous Community" *CTV* (2 June 2008), online: <http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20080602/bountiful_prosecutor_080602/20080602/>.

might affect life in Bountiful. Participants shared the view that this would be devastating, not just for those subject to investigation or arrest, but for the entire community. One woman who had left her marriage and no longer lived in Bountiful indicated:

Participant #1: It [*i.e.*, a criminal prosecution] would be very, very hard on the community. ... I think back to when I was a little kid and every time there was talk about police, or the RCMP vehicle would drive around the community, and we were just all so terrified, you know, we just ran and hid and, certainly the kids aren't as afraid at this time, I don't think. ... But it would, it certainly would terrify the children and it would, you know, traumatize of course.

This participant, despite her own negative experiences in a polygamous marriage, felt that education, and ensuring freedom from coercion, was a more appropriate option for dealing with plural marriage than criminal law enforcement.

Participants also reflected on the perils of child welfare initiatives, such as the one that occurred in Texas in April 2008, suggesting how this threatened families with possibly more upheaval:

Participant #5: What happened in Texas, that would be the worst thing that's ever happened. Because in this situation, the children are everything. And you don't focus on the husband, or even the wives, as much as the children. They're your comfort and your job, your everything. Everything you do is for these children. So if you lose them it's like taking your life away.

Women in Bountiful have not spoken out in a concerted way since the arrest of two male community members in January 2009 on polygamy grounds. Given the views on law enforcement shared by some participants only a few months before these arrests, one can only speculate as to how families in the community have reacted to these events. In particular, it leads one to wonder whether the experience of "terror" alluded to in the comments of Participant #1, above, are being relived, whether pending charges associated with their polygamous lifestyle is something that Bountiful's residents can in fact take in stride, or whether these charges might spark movements of solidarity and resistance from within the group.

C. QUESTIONING OUR FIDELITY TO THE VERY IDEA OF FIDELITY

Some participants discussed the ways in which a criminal prosecution for polygamy would expose inconsistencies between this legal position and practices

accepted within mainstream Canadian society. They noted the irregularity in a prohibition against plural marriage, particularly when the marriage is neither coerced nor fraudulent, which coexists with the acceptance of adultery as a common social practice that has never been criminalized in Canada.⁸³ Participants offered a number of incisive comments on this topic:

Participant #15: You know, even polygamists aren't the only ones, so how could you ever say that polygamy is illegal with the way this world is? Women have affairs all the time; men have affairs all the time. So I don't think that polygamy should be legal, I feel like it should be decriminalized.

Participant #17: My biggest fear isn't that they'll take my kids away from me, but they'll put my husband in jail for polygamy because he's married to more than one wife. Well he's not really. I'm not even married to him, not legally: I can't be. He can't claim me, he can't claim my children. ... All he did is just break the same rule as every other man in the world that has no [legal] relationship with their ... wife. If so, can they put him in jail for that? He's the same as all those other guys, except he takes care of me. He takes care of the kids.

Participant #13: You could say ... every guy in the whole nation is living in polygamy, because you hear all the time about people taking on other wives and stuff like that. Is that ... different? The only difference is, I know about it, in my opinion.

Participant #6: I don't feel I'm breaking any laws. Because you go out in the world and there's ladies sleeping all around with whoever and the men aren't caring for their kids. And here I have children with this man ... and it's no different than ladies out there going around sleeping with whoever they want.

Participant #3: If a man out of our religion decided to have another relationship, would have a one night stand, no one would care. I know that. I was in town about a year ago, where I met a friend who told of her daughter, not associated with the FLDS, who has three children, by three different fathers. She and her children are being supported by the government through social services. And that would not be acceptable among our people. But if that were *us* they would have a royal fit!

Participant #16: Women everywhere choose harmful situations. Like women in abusive situations? [They] go back nine times out of ten. ... We know why they go back. We choose to put ourselves in situations and the law can't change that, the law can't

83. While there has never been a criminal sanction linked to adultery or infidelity, the *Criminal Code* did include a qualified offence related to adultery until 1985, which required the Crown to show that the action occurred in a child's home and compromised the child's moral well-being. *Criminal Code*, *supra* note 15, s. 172(1) as am. by R.S. 1985 (3d Supp.), c.19, s. 6. Note, too, that the Supreme Court of Canada has recently found "swinging" to be a tolerable practice when engaged in by consenting adults in private. See *R. v. Labaye*, [2005] 3 S.C.R. 728.

tell me I can't go back to an abusive situation. And that's how polygamy is; like, the law can't tell me who I can and can't sleep with. Because adultery is viewed as negative but there's no criminal [results]. You couldn't prosecute me for adultery. So that's, I guess that's kind of how I view polygamy except I view it in the light of this is a situation that I agreed to and I know who my husband is sleeping with, you know, and I've agreed to that. So if you're going to prosecute polygamy, well, prosecute adultery.

Given this parallel between secular social practices and plural marriage, participants at times seemed unsure about the rationale underlying the prohibition of polygamy. Many acknowledged the concern that plural marriage might lend itself to the abuse of women and children, and noted how this theme was central to some autobiographical accounts written by women who have left FLDS communities in Canada and the United States.⁸⁴ While no participant indicated having been subject to violence or abuse, many stressed that law should target these specific ills where there's evidence that they have occurred, rather than assuming that they are inherent to polygamy:

Participant #11: A law against polygamy doesn't make [less] abuse. [Law] should be geared at the problem, and I don't think that polygamy necessarily is a problem. Polygamy is a lifestyle choice and it's a legitimate lifestyle choice for consenting adults, for people that chose it.

Participant #2: I feel like polygamy should be decriminalized. It's not polygamy that's the problem. If there's abuse, or if there's underage marriage, that's the problem. And that should be solved.

Participant #3: If there's abuse, sure go after the abuser! And of course that happens. If there's a man abusing his wife and children then go after him!

The public focus on polygamy in Bountiful, rather than on crimes such as sexual assault or sexual exploitation, which are not vulnerable to a *Charter* challenge, lies in the difficulty of proving the latter offences.⁸⁵ The 2007 *Special*

84. Palmer & Perrin, *supra* note 3; Carolyn Jessop with Laura Palmer, *Escape* (New York: Broadway Books, 2007).

85. A prosecution on polygamy charges will prompt the defence to argue that the *Criminal Code* provision banning this practice violates the accused's rights to religious freedom, equality, and liberty. For the protection of these rights, see the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11, ss. 2(b), 15(1), 7. Should a court find that any of these rights is compromised by the criminal prohibition of plural marriage, the state will bear the onus of

*Prosecutor's Report on Allegations of Misconduct Associated with Bountiful*⁸⁶ indicated that, given available evidence, there was no substantial likelihood of a conviction for sexual exploitation in this community.⁸⁷ Because polygamy would be easier to establish (indeed, some members of the community have made explicit, public statements about how many wives they have), this offence has been the focus of the Attorney General's attention, despite the controversy and vulnerabilities with which it is fraught.

V. CONCLUSION

The question of what—if anything—to do about polygamy in Canada is one that embodies the perils of relying exclusively on “the situated knowledge of the golden few”⁸⁸ whom we typically imagine as wielding moral prominence and authority. Legislators, policy makers, the media, and interest groups weave a discourse on plural marriage in Bountiful without spending time in the community, seeing how its members live and interact, or inquiring about what—other than brainwashing in the case of women, and lechery in the case of men—might prompt their lifestyle. In addition, like most religious communities, Bountiful's own spokesperson is its patriarchal leader. But his own preoccupations about his community and plural marriage diverge from those suggested by the participants in this research study. In a recent interview,⁸⁹ Winston Blackmore offered a narrative that focused almost exclusively on his power struggle with Warren Jeffs. Blackmore's Bountiful seems to be more about authority, leadership, and control (and justifications for who should exercise these things) than about the tenets of plural marriage. Compare this to the emphasis that participants, in the stories retold here, placed on the religious, social, emotional, and practical value of polygamous life.

The empirical work that has, thus far, been undertaken in this project allows for a move beyond the authorities on Bountiful that are currently avail-

justifying this limitation by demonstrating that its objective is pressing and substantial, and not outweighed by the impairment of the accused's rights.

86. Peck, *supra* note 4.

87. *Ibid.*

88. Matsuda, *supra* note 20 at 1764.

89. See “Bust-up in Bountiful” *CBC News: The Fifth Estate* (January 2006), online: <http://www.cbc.ca/fifth/bustupinbountiful/interviews_winston.html>.

able to the public towards the insights of constituents whose voices are submerged in extant texts on polygamy. Such texts framed my prior expectations about the women of Bountiful until my visit with them a year ago. After meeting and interviewing some of these women, however, I have reservations about the way in which they are configured in the popular, political, and academic imagination, and especially about criminalizing their spousal relationships. Participants presented themselves as thoughtful, articulate, and alive to the distinctions and parallels between their lives and those of women beyond Bountiful. Today, their choices about marriage, reproduction, residence, work, and education might be characterized as active, deliberated, and in the service of their own interests. Their stories are nuanced and dynamic.

This study afforded an opportunity to garner insights that would remain inaccessible through a traditional, doctrinal, academic study. While this article attempts to demonstrate the relevance of participants' stories for analyzing the law as it relates to plural marriage, it could not put forward all of the small instances that offered what seemed to be some of the most valuable and insightful glimpses of life in Bountiful. These included such moments as watching women and children working in the community's common garden, overhearing two teenage girls in a heated discussion about an MP3 player carrying downloaded Eminem music, postponing an interview with one participant who had taken her rambunctious child to the Creston hospital after he'd fallen from a tree and broken his arm, being asked by curious children whether we were journalists or with the RCMP, hearing cohabiting wives call to one another by intercom to take the phone (their houses were large!), and being offered ice cream bars by a woman during a long day of interviews.

Ostensibly, there is nothing "law-related" about these snapshots. But, like the narratives offered by participants, their value rests in presenting this community as rather un-exotic and ordinary in some important respects. In fact, we might find similar moments in any community across the country, particularly one located in a rural area or one that has come under public scrutiny. Similarly, conversations with participants exhibit their preoccupation with managing and maintaining harmony in their homes and families, their interest in being seen by broader society as "normal," and their ability to advance their own interests with respect to marriage and reproduction. Their stories are diverse, and while they expose some important trials of plural marriage, they also speak to the factors that drive this practice in this community.

All this, of course, matters for law, which has, until now, treated this community (and others like it) as an “othered” space. Casting Bountiful as monolithic, cloistered, hostile, perverse, and aberrant fuels the current legal rejection of polygamy. But once residents of Bountiful start to resemble “us” in some important ways, it becomes more challenging to come up with persuasive rationales as to why their lifestyle should trigger a risk of incarceration while “ours” (*i.e.*, monogamous unions, particularly heterosexual ones that have proceeded through the formal step of marriage) is not only tolerated, but actively promoted by the state.

While the trials for polygamy charges in Bountiful are no longer pending, Canadian law will eventually be forced to reckon with the “polygamy problem.”⁹⁰ Stories and narratives alone cannot answer the question of how the formal law ought to engage with the women of Bountiful. This article offers a caution that the dominant story, told by non-members of the community and reflective of many of the larger societal biases about marriage, should not be the only story told. Instead, policymakers must grapple with a more complex tale and must address explicitly the rationales driving law’s approach to plural marriage. Only then will a robust and informed consideration of Canada’s current legal approach to polygamy, particularly within the criminal law, be possible.

90. As this article was going to print, the British Columbia Supreme Court issued a judgment quashing charges against the two men from Bountiful who were arrested for polygamy in January 2009. See *Blackmore v. British Columbia (Attorney General)*, 2009 BCSC 1299. It held that the Attorney General of British Columbia lacked jurisdiction to issue these charges, given the decision of a special prosecutor—who had been appointed in 2007 to conduct a charge assessment in relation to polygamy in Bountiful—against laying charges and indicating that a reference on the constitutionality of s. 293(1) of the *Criminal Code*, *supra* note 15, should instead be sent to the BC Court of Appeal. While this decision was meant to be “final” under the terms of British Columbia’s *Crown Counsel Act*, R.S.B.C. 1996, c. 87, s. 7(5), the Attorney General proceeded to appoint a subsequent special prosecutor who ultimately favoured bringing polygamy charges. The appointment of this subsequent special prosecutor, and the ensuing charges, were thus quashed. While it is no longer the case that charges are pending in Bountiful, the central question about the propriety of criminalizing plural marriage remains unanswered. Whether and how British Columbia proceeds to deal with polygamy in Bountiful remains to be seen, but equitable and effective next steps will surely still require a careful and rigorous consideration of allegations and assumptions about polygamy’s nefarious effect on gender equality.

APPENDIX A: BACKGROUND ON METHODOLOGY

This article draws on interviews with twenty women who live, or who once lived, in the community of Bountiful, British Columbia. Interviews were held over five days in June 2008. During this time, two student research assistants and I conducted thirteen individual interviews, one interview with a pair of women together, and one focus group discussion attended by seven women. Most interviews were held at the Bountiful Midwifery Centre, a birthing home that services both local women and women from nearby towns. We also met with women in other locations: one interview was held at a participant's home, another at a participant's workplace, and a third visited us at our accommodations in Creston. One interview was carried out by telephone, as the participant was in the midst of pursuing postsecondary studies in Utah.

Interviews ranged from thirty to seventy-five minutes in length; the duration of each was determined by the style and flow of each discussion. Interviews were semi-structured, in that a predetermined set of questions was put to each participant, but not necessarily in the same order. Other issues of interest that were raised by participants were pursued through further inquiry, even when these did not relate directly to preset questions. Participants were asked to address four main topics: their experiences as wives and mothers in a plural marriage community; their perception of the challenges and benefits of polygamous life; their responses to common claims about the gender inequality or oppression embedded in plural marriage; and their perspective on Canada's legal approach and response to polygamy, especially its criminalization.

The diversity of women interviewed for this project was striking. Some came to interviews alone, others with their young children. Some wore traditional dress, and others wore jeans and t-shirts, making them indistinguishable from any young, urban woman. Some had lived in polygamous relationships for three generations, while others were newlyweds (although only adults, aged nineteen or more, were interviewed). While most lived in Bountiful proper, a few resided in nearby towns like Cranbrook and Creston. We also met a handful of other community members who spoke with us only off-record. While they were not opposed to our presence in their community, their apprehension was generated by what they perceived as abuses of trust by prior interviewers.

Though many interviews were arranged onsite, some participants had been recruited through contacts developed during prior research on polygamy. Some of these contacts were women in the community. Others were women who had left the community on difficult terms, while others still were journalists or advocates critical of polygamy and who had written against the practice and lobbied the British Columbia government to press charges against male polygamists in Bountiful. The inclusion of individuals who had previously left Bountiful, or who had written critically about this community, alleviated the concern that my participant group would be purely self-selected and monolithic.

Eliciting interest in this research, and a willingness to participate in it, among community members was not a straightforward task. Many women seemed wary of the legal implications of participation, particularly given recent public scrutiny of their community. Prospective participants wanted reassurance that my interest in their stories was motivated by a genuine academic project. To this end, I drafted a document (Appendix B), which described the purpose of my project and set out measures to protect participants' anonymity. This document also explained that participants could stay informed about my research and that they would have an opportunity to verify for accuracy comments from their interviews that I intended to publish.⁹¹

As indicated in the article, narratives revealed here are not presented as necessarily representative of the experiences of all polygamous wives, or even as authentic. There is no clear way to ascertain whether or not some women in Bountiful felt apprehensive about participating due to fear or coercion, and thus opted not to be interviewed. Further, no criteria were deployed to "screen" women who *did* participate; they were not subject to inquiries about whether they had come to be interviewed of their own volition, or whether they promised to tell "the truth" about polygamy. Such a mechanism would only have undermined a central objective of this project: the collection and sharing of participants' observations about polygamous life, with a view to reflecting upon how such first-hand observations compare to conventional assumptions about plural marriage in Canada.

91. Only three participants replied to my correspondence inviting them to verify their statements, and each of these three people suggested revisions that offered minor clarifications and did not alter the substance of their statements.

APPENDIX B: BACKGROUND DOCUMENT GIVEN TO PARTICIPANTS

A. THE PERSPECTIVES OF WOMEN IN PLURAL MARRIAGE ON THE MEANING AND SIGNIFICANCE OF LAW AND POLYGAMOUS LIFE: RESEARCH OVERVIEW AND BACKGROUND INFORMATION

1. THE RESEARCHER AND THE RESEARCH PROJECT

I am a law professor at McGill University, and I am currently working on a research project that aims to study plural marriage in Canada. The goal of this research is to learn more about how women currently (or formerly) in plural marriage families or communities understand and view law's approaches to polygamy. I am also interested in learning how women see both plural marriage and formal law as shaping their day-to-day lives. By law, I do not mean only the criminal law, but also, the law related to issues such as family law, immigration, estates, and children. A central part of my research methodology will involve interviews with women, so that their narratives and experiences can be gathered and shared. This is done with a view to allowing the voices and perspectives of women in polygamy to reach academics (professors) and possibly, policymakers, primarily in Canada.

2. INTERVIEWS IN CRESTON/BOUNTIFUL

To accomplish my research, I intend to visit the Creston/Bountiful area **from June 16, 2008 to June 20 2008, along with** two research assistants, both of whom are female undergraduate law students. Our goal will be to conduct interviews with women who are currently, or who at one time have been, in a polygamous marriage or a polygamous family.

All interviews will be about 40-45 minutes in length (they may go a little longer if the interviewee wishes). They will be preceded by a discussion with the interviewee to ascertain whether she wishes any further information about the project. We are glad to provide as much detail as possible about this work and our goal is to ensure that all participants understand the project fully before consenting to take part in an interview.

In addition, all interviews will be preceded by the interviewee's signing of a consent form, to communicate formally her willingness to participate in this

research. This form will set out potential risks of giving an interview. The largest risk that I have identified relates to keeping a participant's story anonymous. While my research assistants and I will make every effort to ensure that identities of all interviewees are concealed (most importantly, no names will be used in anything written or communicated publicly about the interviews), it is always possible that a story is so unique that linking it to its narrator will be possible. It is important that potential interviewees are aware of this.

The interviews will focus on themes related to how women currently or formerly living in a polygamous marriage or family view formal laws related to plural marriage, and whether and how they are affected by these laws. Questions might also inquire as to how women see the justifications for plural marriage, and how plural marriage actually "happens" (for example, to what extent are women involved in choosing their spouse; or in decisions by a husband to take concurrent wives). In addition, our questions might also seek to learn about participants' views of the idea of a family, for example: "How do you define a 'family'?"

We will **NOT** ask questions that deliberately seek to identify participants' family members. We therefore will not ask who a participant sees herself as married to (now or ever in the past), nor will we inquire as to facts such as: the identity and number of a participant's "sister wives," the number of children a participant has, or who shares the participant's household. While the participant might disclose these facts if she so wishes in an interview, our questions are not designed to elicit this information.

3. WHO WILL BE INTERVIEWED?

For the purposes of this research project, we will be interviewing women who currently live in polygamous marriages or families, as well as women who no longer live in plural marriage, but at one time, lived in a polygamous marriage or family.

While our initial focus is women in, or associated with, polygamy in Bountiful, our research might also consider the perspectives and experiences of women who live in plural marriage, whether in other religious or in secular contexts.

4. ENSURING ACCURATE REPRESENTATION OF AN INTERVIEWEE'S STATEMENTS

A concern participants might have is that anything written about the interviews might take a statement out of its proper context and/or might misrepresent a statement made in an interview. To ensure this does not occur, all participants will have the chance to verify comments taken from their interviews, where I plan to use these in a written publication. So, for example, if a woman agrees to be interviewed, she will have the chance to check off a box on the consent form to indicate her wish to verify the accuracy of anything I attribute to her interview.

The following fictional situation helps to illustrate how this will work. Suppose a woman named Elizabeth says, during an interview: "*Growing up in a plural marriage family was difficult at times, but overall, never lonely.*" I might say in an article that I write something like: "*One participant found growing up in a polygamous family difficult at times, but indicated that this never resulted in loneliness.*" You will note that I did not attribute this comment to a particular person (i.e., Elizabeth). However, before publishing a statement such as the one here, I would contact Elizabeth—that is, if she had indicated on her consent form that she wanted to verify her interview statements prior to any publication—to ensure that what I have written reflects accurately what she said in her interview.

Keep in mind that all research participants will have the chance to verify their comments for accuracy (ideally by email, however communication by post is possible, as is telephone contact), but if someone does not wish to be contacted after the interview, we will of course respect that position. Also, please note that no one but my research assistants and I will have access to our research documents (e.g., files, notes, and interview transcriptions) in which participants and their statements are identifiable.

5. UPDATES ON THE PROJECT

An additional concern that participants might have is that they will lose track of what is occurring with this research once the interviews are complete. This is understandable. On the consent form that participants will sign before being interviewed, they may check a box to signal their interest in being updated as to the progress of this research. For all those who check this box on the consent form, we will email (or send by post mail) an update every 3-4 months, until the project winds up (this is expected to occur in 2010). The updates will ex-

plain how I am using the information derived from the interviews, and will list academic papers, media or policy work, and public lectures or conferences in which I might discuss this research project.

6. TO LEARN MORE ABOUT OR TO PARTICIPATE IN THE PROJECT

I am pleased to respond to any questions about this project. I am reachable by email at: angela.campbell@mcgill.ca or by telephone at 514-398-6694.

If you would like to take part in an interview, we would be delighted to meet with you when we are in Creston/Bountiful from June 16 to June 20. You can schedule an interview by emailing or calling me. I would be delighted to hear from you.

Thank you very much for considering this research project.

Sincerely,

Angela Campbell