



Is Polygamy Inherently Unequal?

Author(s): Gregg Strauss

Source: *Ethics*, Vol. 122, No. 3 (April 2012), pp. 516-544

Published by: [The University of Chicago Press](#)

Stable URL: <http://www.jstor.org/stable/10.1086/664754>

Accessed: 22/07/2013 16:28

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



The University of Chicago Press is collaborating with JSTOR to digitize, preserve and extend access to *Ethics*.

<http://www.jstor.org>

Is Polygamy Inherently Unequal?*

Gregg Strauss

This article begins the task of assessing polygamy as a moral ideal. The structure of traditional polygamy, in which only one central spouse may marry multiple partners, necessarily yields two inequalities. The central spouse has greater rights and expectations within each marriage and greater control over the wider family. However, two alternative structures for polygamy can remove these inequalities. In polyfidelity, each spouse marries every other spouse in the family. In “molecular” polygamy, any spouses may marry a new spouse outside the family. These new models of polygamy face additional difficulties, but they can be egalitarian in principle.

In America and Canada, the public controversy over polygamy has been rekindled by a police raid on a fundamentalist compound in Texas and a lawsuit challenging the polygamy prohibition in British Columbia, as well as popular television shows that humanize polygamists, such as HBO’s *Big Love* and The Learning Channel’s *Sister Wives*. Unlike the nineteenth-century furor over Mormon polygyny, contemporary debates can draw on richer anthropological data about multi-partner marriages.¹ The moral analysis, in contrast, remains shallow

* Portions of this article were presented at the 2010 “Conference of the Society for the Theory of Ethics and Politics” at Northwestern University, the 2010 New Mexico West Texas Philosophical Society conference, and the 2010 John Stuart Mill Memorial Philosophy Conference at Eastern Illinois University. I would like to thank the presenters for their numerous helpful comments. I would also like to thank Helga Varden, David Sussman, Steven Calderwood, Brendan Shea, and the graduate students at the University of Illinois, Urbana-Champaign, for insightful comments on several drafts.

1. “Polygamy” refers to marriages involving more than two people. “Polygyny” refers to one male marrying multiple females and “polyandry” to one female marrying multiple males. No accepted nomenclature exists for polygamous marriages with more than one spouse of each sex or with marriages between persons of the same sex. “Polyamory” refers to informal sexual relationships among partners of various sexes that are maintained by negotiation and do not necessarily involve marriage. This typology is sufficient for most purposes, but communities may practice several types of polygamy along with less formal sexual relationships. Miriam Zietzen, *Polygamy: A Cross-Cultural Analysis* (New York: Berg, 2008), 9–27.

Ethics 122 (April 2012): 516–544

© 2012 by The University of Chicago. All rights reserved. 0014-1704/2012/12203-0003\$10.00

and rhetorical. Polygamy has received sophisticated attention in legal and political theory, but these articles typically begin with the question of whether the state should punish, tolerate, or recognize polygamous marriages.² Instead of addressing political questions about polygamy, this essay begins addressing the underlying moral question. Can there be a morally acceptable ideal of polygamous marriage?

Section I argues that polygamy, as traditionally conceived, is morally objectionable because it precludes genuine equality between spouses. In traditional polygamy, only one person may marry multiple spouses. This central spouse divides him or herself among multiple spouses, but each peripheral spouse remains exclusively devoted to the central spouse. With this hub-and-spoke structure, even a perfectly virtuous central spouse has more rights and fewer obligations than each peripheral spouse. Moreover, a central spouse has more control over the family than each peripheral spouse. These inequalities are structural features of traditional polygamy, not merely contingent vices of modern polygyny. Section II describes two revised structures for polygamy that remove these two inequalities. It is possible for polygamy to be egalitarian, but only if each person in the marriage marries every other or if peripheral spouses may marry their own additional spouses. Although these two reformed models of polygamy generate new and largely unexplored moral difficulties, at the least they are egalitarian in principle.

To be clear, this essay is not an apology for contemporary polygyny. Polygyny advocates implicitly appeal to these two egalitarian ideals in their rhetoric, but their marriages could only approximate them after revolutionary changes. In addition, this article does not address the impact of polygamy on children, a pressing consideration in its own right.

I. MORAL OBJECTIONS TO THE POLYGAMOUS IDEAL

A. *Common Criticisms of Polygamy*

While moralists often assert that polygamy is always unequal, no one successfully identifies the source of this inequality. It is difficult to see

2. Academic interest was sparked by politicians and judges using polygamy in slippery-slope arguments against same-sex marriage. John Corvino, "Homosexuality and the PIB Argument," *Ethics* 115 (2005): 501–34. For prominent discussions of polygamy, see Cheshire Calhoun, "Who's Afraid of Polygamous Marriage?" *San Diego Law Review* 42 (2005): 1023–44 (arguing that "gender inequality is a contingent, not conceptual, feature of polygamy"); Shanya Sigman, "Everything Lawyers Know about Polygamy Is Wrong," *Cornell Journal of Law and Public Policy* 16 (2006): 166–84; Thom Brooks, "The Problem with Polygamy," *Philosophical Topics* 37 (2009): 109–22 (opposing legal recognition of polygamy); Maura Strassberg, "The Challenge of Postmodern Polygamy," *Capital University Law Review* 31 (2003): 439–563 (exploring practical difficulties in polyamorous relationships and their effect on children).

past the glaring vices of contemporary polygyny, such as pervasive gender discrimination, child abuse, and coercion. Nevertheless, these faults may only be associated contingently with polygamy per se.

First, most polygamist communities discriminate on the basis of gender and sexuality by permitting only polygyny. Men may marry multiple women, but women may not marry multiple men, and no one may marry someone of the same sex. However, polygamy can be gender, sex, and sexuality neutral. If polygamy is permissible, there seems to be no special reason why women may not marry multiple men or anyone may not marry persons of the same sex.³

Second, gender discrimination and domestic abuse are pervasive in many contemporary polygynist communities. Empirical studies suggest that women and children in polygynist families suffer higher rates of emotional, physical, and sexual abuse.⁴ Polygynist communities often coercively impose strict gender roles on women. Even if women are not physically forced into polygynous marriages, they face enormous familial, religious, and economic pressure. Their religious leaders often proclaim that salvation requires entering a plural marriage and giving blind obedience to male authorities. Often polygamist communities restrict women's educational and vocational opportunities so that marriage is their only means of financial support. Moreover, child abuse and neglect are common, likely because insular polygynist communities can only maintain the gender imbalance they require by exiling young boys and marrying young girls.

This correlation of polygamy with discrimination and abuse is seriously troubling, but its underlying causes are difficult to discern. Contemporary polygyny is often accompanied by sexist culture and theology, hierarchical power relations, and significant poverty. Many polygynists care for their spouses and their children and strive to avoid

3. For a more complete discussion, see Calhoun, "Who's Afraid," 1037–40. Brooks argues that even sex-equal statutes only permit polygyny in practice, because religions and cultures that support polygamy are heavily patriarchal. Brooks, "The Problem," sec. 4. The discriminatory consequences of legal recognition are important but beyond this article's scope.

4. For surveys of the empirical literature on polygamy's effect on women, see Brooks, "The Problem," sec. 2; and on children, see Salman Elbedour et al., "The Effect of Polygamous Marital Structure on Behavioral, Emotional, and Academic Adjustment in Children," *Clinical Child and Family Psychology Review* 5 (2002): 252–71. For sophisticated recent studies of how polygamy affects children, see Alean Al-Krenawi and Vered Slonim-Nevo, "Psychosocial and Familial Functioning of Children from Polygynous and Monogamous Families," *Journal of Social Psychology* 148 (2008): 745–64; Sami Hamdan et al., "Polygamy and Mental Health of Adolescents," *European Child Adolescent Psychiatry* 18 (2009): 755–60. Al-Krenawi and Slonim-Nevo found that Bedouin children in polygynous families are less flourishing but conclude that this effect is causally mediated by relative wealth and internal familial conflict.

unfair divisions of labor. If social features other than polygamy cause the abuse and discrimination, then the stigma that isolates polygamist communities may only exacerbate these harms.⁵ If polygamists could live openly, they might more readily report physical abuse. The law could enforce strict rules about marriage age, and it would be harder to coerce women into marriage by restricting their educational or economic opportunities. In any case, abuse, discrimination and economic coercion can and should be condemned wherever it occurs, independent of the type of marriage.

Finally, many people openly doubt whether women ever voluntarily choose polygynist marriages. Some find it difficult to believe that a woman would ever choose such an oppressive lifestyle without being indoctrinated to believe in her natural inferiority. While it is difficult to ensure that women in polygynist communities genuinely consent to their marriages, such blanket assertions against all polygamy rest on unfounded generalizations. Many women profess a genuine desire for polygyny and report that they enjoy their family life. They can cite intelligible secular reasons for their desire and genuinely believe polygyny is a religious requirement.⁶ This objection must deny the truth of their religious beliefs, the authenticity of their desires, and their ability to think and decide for themselves. Moral philosophy must be careful to avoid conflating the moral ideal of polygamy with its manifestation in current polygynous marriages. The ideal of traditional polygamy does have a structural flaw, but it has not yet been identified.

B. Marital Inequality and Monogamous Marriage

Traditional polygamy is morally objectionable, because the spouses will always have unequal marital commitments and unequal control over their familial lives.⁷ The ideal of monogamy exhibited similar

5. In a fascinating and exhaustive opinion, a trial court in Canada determined that polygamy contributes to these harms and to other speculative wide-ranging sociological harms (Reference re: Section 293 of the *Criminal Code of Canada*, 2011 BCSC 1588, S.C.R., pars. 621(k)-(m), 628–40, 787–88), available online at <http://www.courts.gov.bc.ca/jdb-txt/SC/11/15/2011BCSC1588.htm>.

6. This is a common response to paternalistic treatment of polygynist wives. See, e.g., Olivia Newman, “Big Love in the Liberal State,” paper presented at the 2009 American Political Science Association annual meeting in Toronto, available online at <http://ssrn.com/abstract=1449789>.

7. Several philosophers claim that polygamy is inherently unequal, but no one satisfactorily explains why. For instance, Rickless suggests that polygamy is “essentially problematic” because it involves “asymmetric relationships.” His only explanation is that polygamy is less stable in the long term, because it is difficult for a spouse to manage her commitments. If one spouse gets sick, she will devote more time to him and her other spouses will “feel shortchanged.” While polygamists face practical difficulties in maintaining quality relationships, these conflicts seem no worse than when one monogamous spouse

inequalities historically, but monogamy can be reformed into an equal relationship. Traditional polygamy, in contrast, embeds these inequalities in its very structure. This section begins the argument by articulating a basic notion of marriage and explaining the two ways to remove inequality from the ideal of monogamy.

Marriage is a complex institution with layers of moral, social, and legal relations. As a legal relationship, marriage is a set of legal rights for spouses and their children during and after the marriage. While most discussions of marriage concentrate on this legal relationship, this emphasis is misleading as the law codifies only a small portion of marriage's relations. Marriage also structures spouses' social relations. Marriage legitimizes children but also alters the couple's relation to other adults. For example, as a matter of etiquette, it is easier to invite a friend to dinner without her girlfriend than without her wife. Finally, marriage creates a series of moral relations between the spouses. Spouses make moral commitments and obtain marital obligations, rights, and expectations. My concern in this article is with inequalities in these moral relations rather than the legal or social relations.

There are several competing theories about the nature of marriage as a moral relationship. Conceptions of marriage may emphasize different rights or expectations and use different arguments to justify uniting them in a single relationship. Most begin with the common-sense idea that marriage involves sharing lives, love, or raising children. Many present marriage as an ideal for a shared life, in which each spouse may claim their partner's attention, care, and resources and insist on a joint say in life decisions. Others emphasize the role of romantic love, giving each spouse a claim to emotional or sexual fidelity. Finally, some maintain that marriage, properly speaking, is oriented toward raising children. A lifelong commitment to a shared life is particularly well suited to parenting. For convenience, I will refer to the strict moral demands of marriage, like emotional or sexual fidelity, as "rights" and to the open-ended moral demands, like claims for time, care, love, or sex, as "expectations."⁸

One might naturally inquire whether a type of relationship or a particular relationship exhibits enough of the typical aspects to qualify as a marriage, as opposed to a friendship or affair. In this vein, some authors argue that polygamy is inconsistent with the necessary features

spends time with sick parents or friends. Samuel Rickless, "Polygamy and Same-Sex Marriage: A Response to Calhoun," *San Diego Law Review* 42 (2005): 1047–48.

8. One might more perspicuously think of these moral relations as perfect and imperfect duties, as long as one remembers that imperfect duties may be as stringent as the perfect ones. Both vocabularies have theoretical baggage, but I choose to rely on "rights" and "expectations" because they are part of our everyday moral vocabulary.

of moral marriage.⁹ For the most part, I avoid engaging such arguments that can only be addressed fully within a specific and controversial conception of marriage. Instead, my core argument is that traditional polygamy is unequal, regardless of which moral demands are characteristic of marriage. Accordingly, I hope to operate with the rough and intuitive notion of marriage. I will use typical aspects of marriage listed above as examples, but my argument assumes only that marriage involves some characteristic bundle of moral demands.

One prominent theory of marriage, however, rejects even this minimal premise. Under “contractualist” theories, the typical aspects of marriage are grouped only for contingent reasons. Cultural definitions inform spouses’ assumptions, but spouses may freely change any marital rights or expectations. For instance, spouses may promise to share a home and finances without making promises about care, sex, or children. This is sometimes referred to as “unbundling” or “disaggregating” marital rights. Moderate contractualism about moral marriage, which permits spouses to alter some rights but not “core” rights like mutual support, does not challenge my basic assumption.¹⁰ However, stronger forms of contractualism claim or imply that marriage is not a distinct type of relationship.¹¹ Marital obligations are simple promissory obligations, and marriage does not involve any specific promises. “Marriage” is a family resemblance term for relationships that happen to feature similar promises due to culture or history. I address strong contractualist theories in Section I.D. For the remainder of Sections I.B and I.C, I assume that marriage involves some characteristic moral demands.

Whatever moral demands are involved in marriage, many contem-

9. Kantians argue that only monogamy can enable rightful sexual relations or shared personal lives. Lara Denis, “From Friendship to Marriage: Revising Kant,” *Philosophy and Phenomenological Research* 63 (2001): 1–28; Helga Varden, “A Kantian Conception of Rightful Sexual Relations: Sex, (Gay) Marriage, and Prostitution,” *Social Philosophy Today* 22 (2007): 199–218. Finnis and other new natural law theorists argue that only monogamy can realize the teleological goods of marriage. John Finnis, “Marriage: A Basic and Exigent Good,” *Monist* 91 (2008): 388–406. Corvino responds to some of Finnis’s arguments that traditional polygamy is inconsistent with the telos of marriages. Corvino, “PIB Argument,” 515–25.

10. Contractualism is more often suggested as a theory of legal marriage than moral marriage. Lenore Weitzman, “Legal Regulation of Marriage: Tradition and Change: A Proposal for Individual Contracts and Contracts in Lieu of Marriage,” *California Law Review* 62 (1974): 1169–1288; Elizabeth Brake, “Minimal Marriage: What Political Liberalism Implies for Marriage Law,” *Ethics* 120 (2010): 302–37. These theories do not challenge my core premise, because they are typically committed to liberal neutrality about comprehensive moral values.

11. Richard Wasserstrom, “Is Adultery Immoral?” *Philosophical Forum* 5 (1974): 513–28.

porary Westerners insist that these demands should fall equally on both spouses. This is a salutary recent development. For most of history, the ideal of monogamous marriage was unequal. Consider the following caricature of traditional monogamy. Its sociological accuracy is less important than the ethical implications of rejecting such unequal relationships. In the official mythos, marriage united the husband and wife in a new life. In reality, the monogamous ideal involved the asymmetrical and hierarchical subordination of a wife to her husband. Both spouses were expected to identify with the family, but a husband retained exclusive control over major family decisions and economic resources and only he could retain a distinct public identity.

While this marriage relation is formally symmetric, its attendant rights and expectations are not. Traditional monogamy actually consists of two asymmetrical marital relations. The wife's relation to her husband is a "strong marriage." A wife should fully commit her time, resources, and affection to her husband. He obtains the right to her exclusive devotion. In contrast, the husband's relation to his wife is a "weak marriage." He retains the right to control family resources and make major decisions. He may maintain nonfamilial commitments and demand his wife's assistance in them (such as by relocating for his job), but he recognizes little obligation to contribute to her nonfamilial concerns because she should abandon her nonfamilial desires and projects. The modifiers "strong" and "weak" refer to the strength of the moral demands in the ideal of marriage embedded in traditional institutions and embodied in many particular marriages.¹²

Traditional monogamy is morally objectionable for numerous reasons, most importantly because its gendered assignment of marital roles fosters the oppression of women. Without diminishing this criticism, I submit that such asymmetric relations are morally objectionable independent of the gender discrimination. It would be wrong to expect any spouse to occupy this subordinate role. In practice, marriages often involve temporary and contingent forms of inequality. One spouse may provide greater economic support while the other attends school, or one spouse may need more care during an illness. Moral problems arise, however, if inequality enters the moral rights or expectations of a marital relationship. It is *prima facie* morally objectionable for any spouse to act as if he or she is entitled to demand more than he or she ought to reciprocate. An ideal of marriage that endorses or facilitates such inequality in moral demands is morally problematic.

Within the scope of this article, I cannot defend the moral prem-

12. Even within patriarchal institutions, spouses may adopt a more symmetrically structured relationship that embodies a more egalitarian ideal.

ise that an asymmetry in the kind or extent of moral demands in personal or intimate relationships is *prima facie* morally objectionable.¹³ I hope this claim can rest on common, intuitive moral judgments. Most moral theories, I believe, would support this proposition in the context of marriage. A Kantian may argue that the spouse with the weak marriage uses the spouse with the stronger one. The spouse who demands much but disavows reciprocal obligations violates her perfect duty of respect and her imperfect duty of beneficence. A consequentialist may argue that marriages with asymmetric rights treat one spouse's welfare as more valuable and undermine the benefits of marital friendship articulated by Mill in *On the Subjection of Women*.¹⁴ Virtue theorists may argue that marital asymmetry is inconsistent with the dispositions that are constitutive of a companionate marriage.

It is easy, at least conceptually, to remove structural inequality from the moral ideal of monogamy. Simply extend the same relations to both partners. The monogamous ideal can be made symmetrical by either strengthening the demands on the superior partner or weakening the demands on the subordinate partner. For instance, either wives should have full rights in all the family's economic activity or we should jettison the idea of marriage as a joint economic venture.¹⁵ These two options actually represent vague endpoints for a range of possible ways to make monogamous marriage symmetrical. Various theories of marriage may modify the typical demands in different ways, so long as they remain symmetrical. This does not mean, of course, that spouses must fulfill identical roles. Whatever moral demands are characteristic of marriage, they should be roughly equal in extent and kind. If marriage requires spouses to merge their interests into a shared life,

13. The objection is not limited to marital relationships. Friendships with structural asymmetries also raise moral problems. Friendships often involve unequal affection, and friends often help one more than one returns. Problems arise when a friend acts as if the friendship entitles her to more. Say my friend worships me, but I secretly despise him. He often pays for dinner but I never pick up the check. I ask him to help me move but will not help him. I use my friend by continuing to expect and accept displays of friendship without acknowledging reciprocal obligations. Relationships of unequal affection are prone to devolve into manipulative relationships in which the disinterested partner uses the other's affections for his ends. Abusive sexual relationships often have this structure.

14. Mary Lyndon Shanley, "Marital Slavery and Friendship: John Stuart Mill's 'The Subjection of Women,'" *Political Theory* 9 (1981): 229–47.

15. American family law typically used the first option to make marriage as a legal relation symmetrical. Under the common law, husbands had exclusive dispositional rights over all property owned by either spouse. Now both spouses retain full rights over property owned prior to the marriage and shared rights over property earned during the marriage (if not during the marriage, at least in divorce). In contrast, alimony reformed in the other direction. Instead of giving husbands lifetime alimony, states typically limit each gender's support obligations to amounts that alleviate economic dependence fostered by the marriage.

then both spouses should commit to joint decision making. If marriage requires sexual or emotional fidelity, both should remain faithful. If marriage requires dedication to sharing a household or raising children, both should contribute.

Of course, conceptual revisions to the ideal of monogamy do not make actual marriages egalitarian. Many spouses fail to live up to this demanding ideal. The ideal may not even be fully realizable as long as cultural and economic forces undermine gender equality. Equal marriages are difficult to maintain as long as women face subtle and overt pressure to adopt “traditional” gender roles as mothers, homemakers, and sexual objects. However, such failures should guide social reforms, not condemn monogamy. Despite personal failings and systemic resistance, it is conceptually simple to eliminate the inequalities from the ideal of monogamous marriage.

C. Two Necessary Inequalities in Traditional Polygamy

Traditional polygamy, in contrast, can never be equal. In traditional polygamy, only one person in the family may marry multiple spouses.¹⁶ This structural feature is present in most cultural traditions of polygamy, from Mormon and Islamic polygyny to Tibetan polyandry. Within this structure, it is conceptually impossible to construct an egalitarian ideal of polygamy. Spouses in traditional polygamous marriages cannot treat one another as equals, even if the obvious sexual inequality is removed because the society permits polyandry and even if the spouses are perfectly virtuous and strive to treat one another as equals.

In traditional polygamy, only one central spouse may marry multiple peripheral spouses. The central spouse, C, marries each peripheral spouse, $P_1 \dots P_4$, and each $P_1 \dots P_4$ marries C. The peripheral spouses $P_1 \dots P_4$ have no marital relation with one another. Peripheral spouses share what I call a “sibling relation,” because plural wives sometimes call one another “sisters.” Represented visually, the relations of traditional polygamous marriage create the type of hub-and-spoke structures depicted in figure 1. The symmetry in traditional polygamous marital relations is only superficial. The center-peripheral distinction creates two types of inequality: one within each marital relation and another in the spouses’ relative control over the wider family.

The first inequality is in the relations between each married cou-

16. I use the term ‘spouse’ only to refer to a person in the marital relationship. Thus, peripheral spouses in the same family are not one another’s spouses. I use ‘may’ to indicate a moral norm within actual relationships, although in most societies it is reinforced by social expectations and legal rights that are enforced coercively by social and political sanctions.

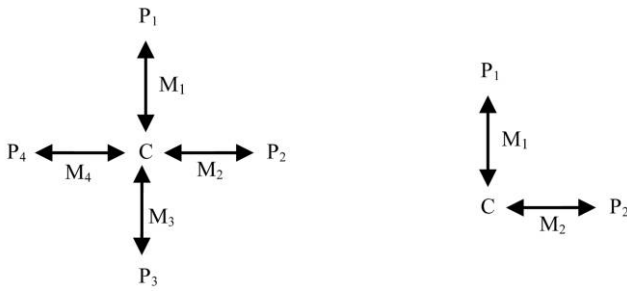


FIG. 1.—Hub-and-spoke structure of traditional polygamous marriage

ple. Peripheral spouses are expected to give themselves wholly to their central spouse. The central spouse, in contrast, is expected to split his or her commitment between peripheral spouses. Each peripheral spouse has a strong marriage to the central spouse, but the central spouse has only a weak marriage to each peripheral spouse. Figure 2, therefore, represents the structure of traditional polygamy more accurately. The dotted arrows indicate weak marital relations and the full arrows indicate strong marital relations. Sexual relations offer a physical enactment of this moral asymmetry. Polygynists often struggle to “split” the husband’s sexual attention equally among his wives. Islamic doctrine, for instance, tries to reduce jealousy and hierarchy among polygynous wives by instructing husbands to maintain a strict nightly rotation.¹⁷ This purported solution belies the real problem. A wife should reserve herself exclusively for her husband, but her husband should split himself between multiple wives.¹⁸ This sexual rotation is one instance of an inequality that pervades polygamy’s moral rights and expectations. P_3 should share all her income and domestic services with C, but C should split his with three other spouses. P_3 should have children only with C, but C may have children with three other spouses. P_3 should seek romance only with C, but C may seek it with three other spouses. Even an ideal central spouse, perfectly

17. Michel Alexandre, “Big Love: Is Feminist Polygamy an Oxymoron or a True Possibility?” *Hastings Women’s Law Journal* 18 (2007): 3–30.

18. Kant noted that this sexual inequality uses the other person as an object rather than an end, but he did not note that this use extends throughout all aspects of these relationships. “The relation of the partners in a marriage is a relation of equality of possession . . . (hence only in monogamy, since in polygamy the person who surrenders herself gains only a part of the man who gets her completely, and thus makes herself into a mere thing).” Immanuel Kant, *The Metaphysics of Morals*, in *Immanuel Kant: Practical Philosophy*, ed. Mary J. Gregor (New York: Cambridge University Press, 1996), sec. 26 (AK 6:278).

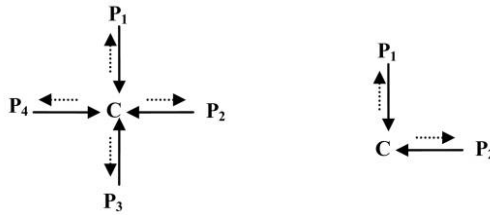


FIG. 2.—Strong (*solid arrows*) and weak (*dotted arrows*) marital relations in traditional polygamy.

motivated to share himself equally, returns only a fraction of the commitment that he demands of each peripheral spouse. This asymmetry of moral demands is intrinsic to traditional polygamy. The simple reforms that saved monogamy cannot save polygamy.

As long as polygamy retains the hub-and-spoke structure, the inequality in each marriage cannot be removed by strengthening the demands on central spouses or by weakening the demands on peripheral spouses. Central spouses simply cannot fulfill the strong marital commitments typically demanded of peripheral spouses. The problem is clearest in conceptions of marriage where spouses share a joint life. Once C commits to sharing his life fully with P_1 , he cannot consistently commit to also sharing his life fully with P_2 . He simply does not have any of himself left to give. Expressed differently, his life is no longer his to offer. Similar problems frustrate attempts to extend any strong marital demand individually. For instance, monogamy can retain strong demands about shared finances and be egalitarian, but only if both spouses have equal rights to joint property.¹⁹ Traditional polygamy cannot adopt similar arrangements. Once C shares his property entirely with P_1 , C simply has no separate property to share with P_2 .²⁰ Similarly, once C commits to building a shared home with P_1 , C's home is no longer distinctly his own, and he cannot then offer to share it with P_2 . These difficulties will undermine any attempt to extend a bundle of strong marital demands to the central spouse, whatever their content.

19. For simplicity, I am ignoring the powerful feminist criticism that women's earning power is reduced by the care they provide dependents, creating a position of economic dependence that makes divorce a less viable option. See, e.g., Susan Okin, *Justice, Gender and the Family* (New York: Basic Books, 1989), 170ff.; Ann Cudd, *Analyzing Oppression* (New York: Oxford University Press, 2006), 119–54.

20. More accurately, whatever property is properly shared as "marital" is no longer his to share with another.

Weakening the demands on peripheral spouses does not remove the inequality either, despite promising initial appearances. If one weakens the marital demands on peripheral spouses so they may form commitments outside the marriage, then the central and peripheral spouses seem to make equal commitments. Defenders of traditional polygamy may be tempted to think of marital commitments quantitatively. When C is only entitled to demand a fourth of P_1 's time and devotion, then C can demand only as much from P_1 as she can commit in return. While C spends three-quarters of her time on her other marriages, P_1 may spend three-quarters of her time bowling, hiking, visiting friends, or whatever. Their relationship appears equal.

However, this quantitative language is misleading. Weakening the moral demands leads to a dilemma: if the marital relationship between central and peripheral spouses retains any distinctive features, then the inequality remains, and if this marital relationship no longer has any distinctive features, then peripheral spouses may form external commitments equivalent to marriage and the solution abandons the defining feature of traditional polygamy.

The first horn of the dilemma is to weaken the marital demands while holding onto the idea that there is something distinctive about marital relationships. In this case, the equality will remain precisely insofar as marriage involves any distinctive way of sharing lives, property, care, love, or children. A peripheral spouse may make many friends, but she may not form other romantic or sexual partnerships. She may spend three-quarters of her income on business contracts or leisure activities, but she may not commit to sharing finances with another person for engaging in a joint personal life. Although this option allows a peripheral spouse to fill his or her life with other nonmarital relationships or activities, only a central partner retains the right to engage in additional marital and nonmarital relations and activities.

A peripheral spouse might, of course, consent to a trade that forecloses her options but not her spouse's. One might argue that polygamy is equal, because the peripheral spouses regard this exchange as a fair trade.²¹ If P_1 would derive less value from two marriages than from marrying C with a restriction to nonmarital activities (friendships, business contracts, leisure activities), then P_1 can maximize her preference satisfaction by accepting unequal marital rights. Apologists for polygyny often use a similar argument. Critics object that polygyny unfairly benefits husbands. Husbands receive multiple sexual partners and domestic laborers, while wives receive only distant husbands. Polygynists respond by listing the benefits that wives receive

21. For a more detailed criticism of this exchange model of marriage, see Sec. I.D.

from their extended family. Sibling wives divide child care and domestic labor, enabling them to pursue outside interests. The wives may develop deep emotional ties with one another and their children. Anecdotes abound about older wives taking younger ones under their wing and being genuinely invested in their personal development. Polygyny apologists are arguing that polygynous wives may regard the benefits of labor sharing and sibling-wife relationships as satisfactory compensation for the unequal benefits of their marriage. This hypothetical response to the structural inequality is similar. Peripheral spouses may be satisfied with their traditional polygamous marriage, because they value the nonmarital benefits more than they value the possibility of entering additional marriages.

These arguments miss the point, in two very important senses. Insofar as they focus on marital benefits, they are irrelevant. The objectionable feature of traditional polygamy is not, at least primarily, that a central spouse benefits more than her peripheral spouses. The problem is the asymmetry in moral demands. Regardless of the value of benefits a peripheral spouse receives, he or she may not enter relationships with the characteristic moral rights and moral expectations of marriage (whatever those are). The sibling relation is derivative of the central marital relation. Their sibling relation does not entitle peripheral spouses to the same level of involvement, intimacy, or obligations. In polygynous marriages, the obvious difference is that sibling wives cannot expect sexual or romantic relationships, but similar differences pervade their relationship. For example, sibling wives may care deeply for one another's children, but they are not their children. Limitations such as these will remain until the distinction between central and peripheral spouses disappears.

Second, a peripheral spouse's voluntary choice to enter an unequal relationship does not make it an equal relationship. Say P_1 is madly in love with C and cannot imagine living without her. Or, perhaps P_1 cares about C but is deeply invested in a time-consuming profession. If C insists that she will live with P_1 only in a polygamous marriage, P_1 may regard the trade as worthwhile. We have good reasons, based on respect for other adults and epistemic uncertainty about value, to take P_1 's judgment about the value of her marital rights at face value. However, in analyzing the moral ideal, we should not forget that we assume that her choice reveals a subjective preference that makes the unequal marital rights preferable to not marrying. The fact that an unequal trade is in her rational self-interest does not make the relationship equal. A peripheral spouse receives a weak marriage plus several sibling relations, her central spouse receives just as many strong marriages, and both remain free to enter nonmarital relations. Peripheral spouses give up rights and expecta-

tions that their central spouse retains and receive no additional rights or expectations in return. We can acknowledge this inequality without assuming that marriage is more valuable than nonmarital relationships, sibling relations, or personal time. It may be rational to choose an asymmetric relationship, but the relationship remains unequal. A person deciding whether to enter an unequal monogamous marriage faces the same unfortunate choice; the difference is that every traditional polygamous fiancé faces this choice.²²

The second option for weakening marital demands, leading to the second horn of the dilemma, is to insist that marriage does not restrict a peripheral spouse's pursuit of nonmarital relationships or activities. Peripheral spouses may form all the same relations with another person as with their central spouse, including commitments to romantic love, life sharing, and child rearing. However, this solution to the marital inequality abandons traditional polygamy's defining feature: marital exclusivity. Whether or not one labels these external relationships "marriages," they are the functional equivalent. This turns traditional polygamy into the molecular polygamy that I describe in Section II.B. Traditional polygamy cannot be made egalitarian simply by weakening the moral demands on peripheral spouses. As long as polygamy retains its hub-and-spoke structure, then each marriage will involve unequal moral demands.

The second inequality in traditional polygamy concerns the spouses' relative control over the wider family. A central spouse always has greater control over the whole family than each peripheral spouse. Each marriage forms a sort of subfamily within the larger polygamous family. The central spouse is a member of each subfamily in virtue of his or her marriages. This gives the central spouse direct moral standing in every decision by every subfamily. A peripheral spouse, in contrast, has only indirect moral relations to the other peripheral spouses. Pe-

22. Even if consent does not remove the inequality, some argue that obtaining another person's consent is sufficient to obviate any moral objections to inequality in interpersonal relations. Genuine consent can turn rape into sex and exploitation into employment. Actual consent to a political system may undermine objections to material inequality. The relation between consent and inequality is a fundamental problem in social and political philosophy, but I do not address whether consent would undermine the moral objections to marital inequality—either in polygamy or monogamy. Consent is a powerful moral tool, but to evaluate the effect of consent, one must first be clear about the morally salient features of a situation or action. Consent is relevant only if there is a *prima facie* moral problem and is effective only if the person consents to the problem under the right description. I do not need your consent to walk down a dirt road, unless you own it. My consent to a contract is irrelevant, if you withheld material facts. Before latching onto consent as a moral savior, a more productive first inquiry is to ask what problematic features of polygamy require consent and whether they justify greater scrutiny of consent by polygamous fiancés than monogamous ones.

ripheral spouses do not, in virtue of their status as “another wife” or “another husband,” gain a right to a say in decisions of the other subfamilies. The lives of peripheral spouses are intertwined with their other subfamilies, but they have no say in decisions by these subfamilies that may deeply affect them. This consequence of traditional polygamy’s structure gives the central spouse greater power in the family than each peripheral spouse.²³

This inequality in moral standing and power extends from small decisions about spending money or allocating time to large decisions about having children or changing jobs. To illustrate, suppose C and P_1 are deliberating about a skiing vacation. P_2 has no right to a say in their deliberations, as he lacks direct moral standing in the C- P_1 subfamily. He may demand that C retain some vacation days to spend with him. He is not entitled, however, to a say in the decision between C and P_1 about what they do for their vacation. His only form of direct moral address is to ask P_1 to consider how the choice affects other family members. This request is less of a moral demand than an impersonal plea for P_1 to be benevolent. From P_1 ’s perspective, P_2 is just another one of C’s spouses. P_1 is not bound by C’s marital obligations. P_1 may be considerate out of prudence or benevolence, but he has no special relationship with P_2 that might ground a personal obligation to consider P_2 ’s preferences.

Well-functioning traditional polygamous families do not, of course, tolerate such stark forms of indifference. They implicitly acknowledge this moral standing problem and alleviate it in two ways. Some diminish the harshest effects of this inequality by having common deliberations about decisions affecting the entire family. Although a step in the right direction, this is usually only a palliative for the inherent unfairness. A peripheral and central spouse typically retain special status for certain decisions, such as having children or buying a new home. Consulting the other peripheral spouses remains a courtesy. Consequently, the method works only if spouses reliably act benevolently. Joint deliberations do not reestablish equality. They rely on the spouses’ goodwill to alleviate the effects of the inequality. The spouses are truly equal only if they have an equal say in all family decisions, but then the distinction between married and sibling spouses would

23. This is a generalized version of an asymmetry identified by Thom Brooks, but he only considers the inequality in legal divorce rights. Brooks, “The Problem,” sec. 5. Brooks points out that peripheral spouses can only divorce the central spouse, because they are not married to sibling spouses, but the central spouses can divorce any spouse. This creates an unequal threat value, because peripheral spouses must either accept or reject the entire family as a whole. Brooks does not explain why this is an inherent feature of polygamy, but the reason must be similar to the structural argument I constructed here.

disappear. The family has switched to the polyfidelity model that I describe in Section II.A.

Other polygamous families alleviate the moral standing problem by separating the subfamilies. While practicing polygynists rarely manage to separate their families to a significant degree, it is imaginable that spouses might maintain separate homes, accounts, and lives. Untangling the lives of the subfamilies reduces the effect that decisions in one subfamily have on the others. Again, however, this ignores the underlying problem. When a peripheral spouse changes jobs, buys a new home, or has a child, these decisions affect the central spouse in ways that will reverberate in the other subfamilies. The only way to fully address this problem is to switch entirely to the molecular model that I describe in Section II.B. Traditional polygamists may alleviate the effects of the inequality in moral standing by requiring joint decisions or separating the subfamilies, but neither response is sufficient without more extensive reforms.

D. Polygamy on the Contractualist Model of Marriage

This section returns to the contractualist conception of marriage set aside in Section I.B. Readers unsympathetic to this conception should skip to Section II. According to contractualist theories, marital obligations are simple promissory obligations, and the typical bundle of marital promises may be fully disaggregated. Social expectations offer a default set of marital promises that spouses may renegotiate. A marriage is a set of promissory obligations specified entirely by the spouses' explicit promises and, perhaps, implicit promises supplied by the default rules that they did not renegotiate.

The promise of marital exclusivity is negotiable, like any other marital promise. If one spouse promises not to marry a second person but the other does not, then spouses may re-create a polygamous marriage with the hub-and-spoke structure. They have asymmetrical rights to enter other marriages, but the spouse with the nonexclusive marriage need not retain greater rights if they readjust other marital promises. Polygamy is similar to any contract with asymmetric exclusive rights, such as attorney retainers. For a nonrefundable advance, an attorney may promise to remain available for a client's case even if the client retains the right to hire other attorneys. The attorney must turn down prospective clients, but the client may never use him. This asymmetry is unproblematic, because both recognize the value of their exchanged rights. Perhaps a spouse who agrees to an asymmetrically exclusive marriage values greater support rights more than marrying another spouse. The contractual conception apparently enables marriages with the structure of traditional polygamy but not its intrinsic inequalities.

Although initially appealing, this contractualist response suffers from two problems. The first problem is that it appears internally incoherent. If marriage has no distinctive aspects, then the right to marry a second spouse is meaningless. Suppose that C and P agree that C may marry another spouse but P may not. What right does C retain and P give up? If the bundle of promises that constitute a marriage is fully contingent, then when P forms a new relationship with a third person F, there is no way to determine whether F is a second spouse or a friend, partner, lover, or roommate. Conversely, why does C need a right to marry a second person? C has not promised exclusivity of any kind, so she may enter any relationship with any other person. She does not need a special right to “marry” another person, because she already has the distinct rights to take other lovers, form other lifelong romantic attachments, or raise children with other people. The promise not to marry another and the right to marry another are indeterminate.

A contractualist defender of polygamy must say more about what it means when one person promises not to marry again. I can imagine two ways for a contractualist to give content to this promise. Either the spouses define explicitly the scope of any future relationships or they rely implicitly on the social definition of marriage. The former appears to succeed but is actually impracticable, and the latter re-creates the structural inequality.

The first option lets the spouses’ explicit intentions determine what constitutes a second “marriage.” Suppose P promises exclusive romantic devotion and C promises nonexclusive financial support and romantic devotion. On this interpretation, P’s promise not to “marry” another person means only that P promises not to become romantically involved with another. She may promise to share her home, raise children, or maintain lifelong emotional attachments with others. When C retains a right to “marry” a second person, that simply means C made no exclusive promises. She may make any promises to another person that she prefers, including promises of financial support, romantic devotion, and children. The promise not to “marry” another person is simply a redundant promise to fulfill one’s explicit promises of exclusivity, which makes polygamy unproblematic and rather uninteresting. Nevertheless, if a “marriage” is limited to the spouses’ explicit promises, then the contractual model can yield polygamy with the hub-and-spoke structure but not its traditional inequalities.

It is, however, impossible for spouses to form explicit intentions regarding every aspect of their relationships. Spouses exchange explicit promises, but the range of their moral rights and expectations outpaces their explicit intentions. Imagine how difficult it would be

to articulate the core of one's relationship with a friend, much less to articulate in advance the permitted scope of all future relationships. In Section I.B, I used a simplified model of moral marriage that may encourage misleading contractualist intuitions. A marriage is not a set of discrete promises to share a home, share resources, maintain devotion, and so on. Spouses make explicit promises, but most features of their relationships remain inarticulate. The details of a marital relationship cannot be hashed out around the kitchen table and memorialized in a written contract. The features of intimate relationships evolve over time as partners navigate their relationship. When P promises not to marry anyone else, it is implausible to constrain the content of her promise to their explicit intentions; more plausibly, P promises not to violate explicit promises and not to form another relationship with promises characteristic of the social definition of marriage. If spouses must rely on a social definition of marriage to define the promise of marital exclusivity, then they assume that marriage involves a characteristic set of promissory rights or expectations. Thus, the contractualist defense of polygamy cannot avoid the argument described in Section I.C.

A resolute contractualist might describe parties who rely on the social definition as making implicit promises. Like business partners in long-term and multifaceted enterprises, spouses may deliberately rely on default promises or promises with necessarily vague terms. They may prefer the social definition or settle on it because renegotiating the terms would damage their trust and threaten the engagement. Perhaps marital relationships can only be described in vague terms that require spouses to exercise their best judgment in good faith, similar to when commercial dealers rely on reasonableness clauses. This analogy between marriage and long-term, indeterminate business contracts is revealing, but not in ways that help a contractualist. In the law, when contractual partners rely heavily on ambiguous terms, courts either deny that a contract exists or impose special fiduciary duties. The latter is likely if it is clear that the parties intended to form a relationship but used ambiguous terms that give one party discretion to act in ways that may dramatically affect the others' rights. The law ensures that the dominant party does not abuse his or her discretion to the other's detriment. When parties exchange asymmetrical promises that are significantly vague, even the law rejects the assumption that the exchange was equal. Thus, the analogy to business contracts cannot sustain the assumption that spouses treat one another as equal parties in a promissory exchange.

In summary, the contractualist defense of traditional polygamy conflicts with the commitment to marriage as a fully contingent set of promises. A spouse can promise marital exclusivity only if it is pos-

sible to distinguish spouses from friends, roommates, lovers, or business partners. This distinction cannot rest entirely on the spouses' explicit intentions, and the inequality reappears if the distinction must rest on implicit promises.

The second problem with the contractualist defense of hub-and-spoke polygamy is that it assumes that the social background includes some egalitarian model of polygamy. A bargaining process demonstrates genuine respect only if both parties have some alternative to accepting the other's proposal. Spouses lack equal bargaining positions if hub-and-spoke polygamy is the only available model. Even if both C and P_1 would prefer letting P_1 have additional marriages, P_1 must choose between becoming a peripheral spouse and not marrying C at all. Of course, the roles may be reversed. In any case, polygamy is only a genuine option for one spouse. One spouse must either give up his right to marry a second person or give up the chance to marry his desired spouse. The contractualist defense of traditional polygamy presupposes that other forms of polygamy are genuinely possible.

II. EGALITARIAN POLYGAMY

Two modifications to the structure of traditional polygamy can remove its inherent inequalities. First, one may retain strong marital relations, if each spouse marries every other spouse in the family. This model is called "polyfidelity." Second, one may retain a version of the center-periphery distinction, if the marital relation is weakened so that peripheral spouses may enter additional marriages. I am unaware of any name for this model, which I call "molecular polygamy." This section describes these models in detail. My central argument is that they avoid the inequalities faced by traditional polygamy. While I identify and begin addressing some new and difficult moral issues raised by polyfidelity or molecular polygamy, a full defense is beyond the scope of this article.²⁴

A. *The Polyfidelity Model*

The first option is polyfidelity.²⁵ Polyfidelitous marriages eliminate the center-periphery distinction. Each spouse enters a strong marriage with every other spouse. Figure 3 offers a visual representation of the marital relations in polyfidelity. Each double arrow represents a strong marital relation that is binary, symmetrical, and transitive. Each spouse fully commits to every other spouse, accepting the full range of moral

24. A full defense must address claims that multimember families cannot fulfill the ideal or function of marriage as it has developed in monogamy.

25. Strassberg adopts this term from a small, but extant, polyfidelity movement. Strassberg, "Postmodern Polygamy," 440.

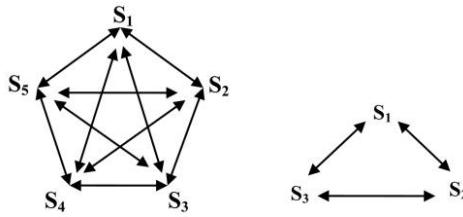


FIG. 3.—Marital relations in polyfidelity, showing strong marital relations (*double arrows*).

expectations and rights attendant on marriage.²⁶ Polyfidelity replaces the bilateral and asymmetrical demand of exclusivity in traditional polygamy with a multilateral exclusivity—no marital relationships outside this family. Each individual marriage must involve the same moral demands, but spouses may fulfill those demands in distinct fashions. For example, S_1 may expect companionship from both S_2 and S_3 , but they may fulfill his expectations in different ways. S_1 and S_2 may share long walks, while S_1 and S_3 share silly movies.

The structure of polyfidelity addresses both inequalities from traditional polygamy. The inequality within each individual marriage is eliminated, as each pair shares a strong marriage in both directions. Unlike traditional polygamy (or the molecular model), polyfidelitous spouses may maintain multiple strong marriages because their marital relations are symmetric and transitive. To illustrate, consider the triadic marriage in figure 3 consisting of the marriage S_1 - S_2 - S_3 . If S_1 is married to S_2 and S_3 , then S_2 must be married to S_3 . Consequently, S_1 may commit to a fully shared life with both S_2 and S_3 , because S_2 and S_3 are also committed to a fully shared life with one another. For example, all three spouses can have identical property rights if all the marital relations arise in a joint act of commitment or if all spouses in an existing marriage simultaneously marry a new spouse. Each spouse can have full dispositional rights to family property and the associated obligation to account for its use to every other spouse. For similar reasons, polyfidelitous spouses can share a home. The transitivity of these marital relations enables polyfidelitous families, as a whole, to maintain the collective aspects of monogamous marriage.

Moreover, polyfidelity also avoids the moral standing problem. Since all the spouses are married to one another, each spouse has

26. A family may have this structure with only weak marital relations, but the benefit of multilateral exclusivity is that it permits strong marital relations that retain some of the collectivist features of traditional polygamy.

direct and equal moral standing in every subfamily. When S_1 and S_2 plan their skiing vacation, S_3 may rightfully protest directly to S_1 and S_2 if their vacation neglects her legitimate expectations.

Polyfidelitous relationships may appear difficult to sustain. Practical difficulties arise whenever fulfilling individual obligations to one spouse excludes the others. When S_1 is sharing long walks with S_2 , she cannot fulfill S_3 's otherwise valid claims for time and care. Such conflicts might lead one to conclude that polyfidelitous marital relations are necessarily weaker than the fully shared life envisioned by some ideals of monogamy. This problem is largely illusory. Only an exceptionally demanding conception of monogamy would entail that spouses cannot accept any external obligations, such as friendship or employment, that happen to conflict with their shared lives. While it may be difficult to balance marital obligations in a polyfidelitous family, it is always difficult to balance our many obligations. The moral rights and expectations of polyfidelity are not exclusive in an especially problematic fashion.

Inequalities will reappear, however, if the binary marriages differ in any central features. Unlike traditional polygamy, where the ideal structure causes inequalities that permeate each marriage, asymmetries in polyfidelity will arise only in limited spheres from spouses' contingent choices. Sex may present special challenges in this regard. Sexual relations pose no conceptual problems as long as each spouse remains open to sex with every other spouse.²⁷

On the other hand, a problematic inequality may remain if any spouses are not sexually committed to one another. Traditional polygamy involves a glaring inequality in sexual relations, because only the central spouse receives a moral expectation of sex with multiple partners. In polyfidelity, the spouses' contingent choices may re-create similar inequality. Inequalities will persist if any spouses choose not to engage in sexual relations, for whatever reason, from gender or sex preference to taste in hair color. Nevertheless, such factual inequalities may not pose significant moral problems. Whether an inequality in the sexual relations of a polyfidelitous marriage is morally significant depends on whether sex is a right or expectation of marriage.

Is it? This question implicates deep controversies about the nature of marriage. Cultural trends and moral arguments support a close connection between sex and marriage. Strassberg, who presents a compelling ethnography of multimember relationships, classifies re-

27. Logistical and jealousy problems remain, but these practical difficulties appear manageable at least in smaller marriages. For a contrary position, see Strassberg, "Post-modern Polygamy," 439–563.

relationships by their depth of commitment and extent of their sexual relations. She defines polyfidelity as a “primary” commitment to fully shared lives and to nonsporadic sex.²⁸ Anthropologists claim that a primary function of marriage in most cultures is to regulate sex and legitimize children. Historically, the common law treated sex as a necessary condition of marriage. Failure to consummate a marriage was grounds for annulment, and refusal to engage in sex was grounds for divorce. Many prominent philosophers have argued that sex and marriage are deeply connected, either because marriage is necessary for rightful sexual relationships or because sex is essential for the intrinsic good promoted by marriage.²⁹

While sex remains central to the social definition of marriage and to most spouses’ expectations, some trends indicate a loosening of these ties. Modern western societies seem less inclined to regard sex as a necessary component of marriage. Marriages between elderly spouses incapable of sex and celibate marriages between asexual spouses receive social and legal recognition. These partners maintain marital-level commitments to a shared life of intertwined interests, children, and deep emotional connections. While sex supports the other aspects of marriage, celibate marriages are no less marriages. A significant part, perhaps the core, of marriage can persist without sex. From this perspective, a spouse may hope to have a shared sexual life with their partner, but one has no moral right or expectation to sex with one’s spouse.³⁰ However, this article cannot resolve the debate about the role of sex in marriage. If sex is merely one marital activity, then the equality created when only some polyfidelitous spouses have sexual relations does not present a significant moral problem. If sex is a central aspect of marriage, either by the nature of marriage or by the spouses’ expectations, then polyfidelitous marriages can be equal only if all spouses remain open to sexual relations.

28. *Ibid.*, 444.

29. Kant argues that sex involves using the body (or perhaps the person) of another and, thus, can only be rightful if both persons obtain a reciprocal right to one another’s body in marriage. Kant, *Metaphysics of Morals*, secs. 24, 27 (AK 6:277, 6:279). Finnis develops Aquinas’s argument that the intrinsic good of *fides* is only realized in lifelong relationships oriented toward sexual reproduction. Finnis, “Marriage,” 388–406.

30. Sexual fidelity might still be part of their commitment to a shared life. On this ground, sex would not differ in kind from other emotionally loaded marital activities. For instance, if one spouse loved ballroom dancing and her spouse was unwilling to take dancing lessons, perhaps she may seek out other dance partners without violating her commitment to a joint life. She would violate their commitment, however, by taking another dance partner without first offering to share this activity with her spouse.

B. Group Marriage or a Plural Marriage?

Depending on one's tastes, polyfidelity may appear too individualist or too collectivist to be a valid form of marriage. Consider, first, the claim that polyfidelity is too individualistic. If the primary moral relations in a polyfidelitous family are the binary marriages, these numerous relationships may lead to irresolvable conflicts. Should S_1 attend a baseball game with S_2 or the symphony with S_3 ? Should he comfort and nurse S_3 over her cold or go watch and support S_2 's band? Similar decisions and conflicts proliferate. The problem is not merely that spouses have conflicting obligations but that the conflicts may become so pervasive that a spouse's obligations are often indeterminate. Polyfidelitous marriages need a way to resolve spouses' obligations.

Monogamous spouses settle their conflicting demands by deliberation and negotiation leading to shared decisions. They accept decisions made in this process as "their collective preference," even if it is not what either personally prefers. Spouses are expected to transcend consideration of their private interests and do what is best for the marriage.³¹ This ideal of deliberative unanimity may suffice for marriages of three members, but it is not promising for larger groups. Large polygamous families, similar to small associations, need decision-making mechanisms to resolve their obligations. This mechanism must, at least as an ideal, enable the spouses to transcend factionalism and reach decisions with which each spouse can be expected to identify.

A form of polyfidelity centered on the binary marriages may be too individualistic to meet this demand. With only binary marital relations, each spouse lacks a direct claim on family decisions. Suppose a family with five spouses is trying to decide whose parents to visit for Christmas. No individual spouse can negotiate these conflicts on his own. They need a collective decision. Suppose the family decides by majority vote. If all marital obligations are grounded in the binary marriages, then S_1 may insist that each spouse vote for her home in some year. Even if each spouse sometimes votes for S_1 , the majority may never vote to spend Christmas with her parents. Their votes may never coincide, and she cannot insist they vote collectively. The substantively fair outcome is to rotate among the extended families, but the voting procedure is blind to that substantive claim. Even with ideally virtuous spouses, S_1 may lack the ability to insist on her valid

31. In a comprehensive conception of marriage emphasizing its collective nature, this is the moment when the spouses form a genuine collective "we" distinct from its individual members. What is best for the marriage no longer simply dissolves into an aggregate of the separate interests of the spouses.

marital expectation. When each spouse has only several distinct, binary marital obligations, polyfidelity may re-create a form of moral powerlessness similar to the moral standing problem.

The natural way to resolve this difficulty is to recognize claims and duties to the family as a collective entity. If a spouse may hold the group as a whole accountable, then the family should not be blind to her valid claims. Once four years pass without spending Christmas with S_1 's parents, she may insist that the family decide according to the substantive standard of fairness.³² Some will think this solution is too collectivist because it abandons the idea of *plural* marriages in favor of a *group* marriage. Collective rights make the moral structure look less like a marriage with particular obligations than a small association or community with impersonal civic duties. By joining a club, I obtain rights, duties, and expectations relative to the other members, such as to attend its fund-raisers. What happens if I skip them? I fail to be a good member. I disappoint my fellow members, but I do not fail any of them in particular. I owe duties to the group rather than to each individual. Similarly, one might object that moral demands mediated by the collective family are not the type of particular demands characteristic of marriage.

This objection is mistaken for several reasons. First, it adopts a form of essentialism about marriage that favors monogamy by simply assuming that all marital obligations are particular. This assumption is controversial even in the context of monogamy. On some conceptions of monogamy, marriage forms a collective entity with interests that are not decomposable into the private interests of each spouse. A spouse may act in ways that are good for the marriage but not good for either spouse individually. Couples in marriage counseling often have this experience. Second, binary marital relation and the group familial relations are not exclusive, so polyfidelity may involve personal and collective obligations. For example, the obligation to provide economic support is likely collective. Each spouse is obligated to contribute to the family, but the family as a whole is obligated to fulfill any individual's claims. Suppose S_1 is laid off. The family should provide S_1 with financial support, but S_1 cannot demand support specifically from S_2 . The family may, nevertheless, expect contributions

32. This may not be sufficient. A comprehensive conception of monogamy might regard unanimity as essential for spouses to transcend their distinct interests and form a genuine unity. A marriage becomes a genuine collective when spouses reach and accept decisions for the marriage instead of simply aligning personal interests. If the binary relations remain primary, polyfidelity is liable to factionalism that prevents spouses from forming a viable collective entity. Spouses may continue thinking of their interests as individuals or as married pairs but never as a whole.

from S_2 . However, not all marital obligations are likely collective in this fashion. The expectation of emotional support is likely particular. After S_1 loses her job, S_2 can show her support by taking her out for ice cream. This cannot fulfill S_1 's expectations of support from S_3 , which is a personal expectation grounded in their bilateral marriage. Polyfidelity will likely involve moral demands of both the particular (bilateral) and collective (familial) varieties.³³

C. *The Molecular Model*

Polyfidelity eliminates the asymmetry of the hub-and-spoke model by strengthening all of the marital relations. The alternative, which I call "molecular polygamy," is to weaken all the marital relations and permit peripheral spouses to marry additional spouses of their own. Figure 4 offers a visual representation of molecular marriage, in which each dotted arrow represents a weak marital relation that is binary, symmetrical, and intransitive. The molecular model eliminates the traditional inequality within the marriages by extending a weak marriage relation in both directions. Peripheral spouses are no longer expected to remain devoted exclusively to the central spouse. Most importantly, they may enter additional marital commitments, becoming the central spouse in their own polygamous family. Thus, each spouse is both a peripheral and a central spouse. From A's perspective, she is a central spouse c^a and B is one of her three peripheral spouses, p_1^a . From B's perspective, he is a central spouse c^b and A is one of his two peripheral spouses, p_1^b . In the molecular model, it is crucial that the social practice or particular spouses specify the number of permissible spouses in advance.³⁴

The molecular model has two superficial difficulties. First, it seems to merely delay the inequality. Persons at the edge of a polyg-

33. It is theoretically possible for a family to have only collective obligations. Members address their moral demands to the family as a collective and only to individuals in the family's name. Each spouse owes a duty to the family to satisfy the demands of their individual relationship. If A fails to develop her relationship with B, then she fails C and D as much as B. I find it difficult to imagine intimate relationships that are so impersonal that they could sustain this degree of mediation by the collective family. If I must spend all weekend cleaning, the person who made the mess without cleaning fails *me*, even if they also fail the family.

34. If the number of marriages is not set, one's marital rights and expectations are always conditional, subject to the choice of one's spouse to enter another marriage and alter their rights and expectations. Helga Varden, "Commentary on Martha C. Nussbaum's *From Disgust to Humanity: Sexual Orientation and Constitutional Law*" (paper presented at the Author-Meets-Critics Panel, American Philosophical Association, Eastern Division, Boston, December 29, 2010). Even if a spouse retains the right to veto other marriages, the power to marry again will alter the spouses' negotiating position in ways that may foster significant manipulation.

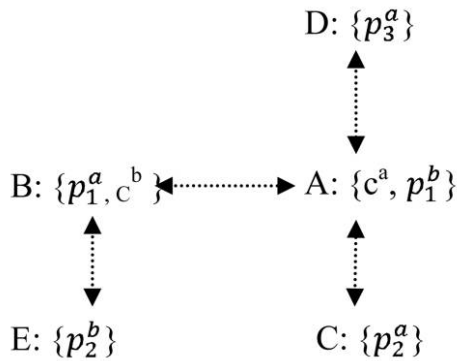


FIG. 4.—Marital relations in molecular marriage, showing weak marital relations (*dotted arrows*).

amous family will have fewer spouses.³⁵ Spouse B, for instance, has two peripheral spouses while his spouse A has three. If B devotes half of his time and resources to A, a factual inequality will exist, because A is only capable of sharing a third of his time and resources. Such contingent inequalities, however, are not necessarily morally objectionable. A is only entitled to demand a third of B's time and resources, so B may decide how to spend the remaining two-thirds of his time and resources. This solution works for molecular polygamy but not traditional polygamy, because the molecular model extends the same rights to all spouses—including the right to marry another person with all the attendant marital rights and expectations. A and B may have an unequal number of spouses yet remain equals, if B is entitled to marry again and A is only entitled to a third of B's time, resources, care, and so on. The moral norms underlying their relationship determine whether it is possible for it to be equal. As long

35. A molecular 'family' containing more than three persons would not have any person on the edge if the marriages "looped" around, such that in a family with n adults, X_1 marries X_2 , X_2 marries X_3 . . . , and X_n marries X_1 . More complicated permutations are possible if all marriages remain within the core family, such as if each person in a six-member family marries exactly three other adults in the family and none outside the family. This solves the unequal number of marriages problem, but these are highly unlikely relationship structures.

as the moral demands remain reciprocal, molecular polygamy can form the basis of an egalitarian ideal.³⁶

The second apparent difficulty is that the molecular model exacerbates polygamy's moral standing problem. A spouse still lacks direct moral relations with the other peripheral spouses. D is not married to A's other spouses, B and C. Even worse, peripheral spouses may have third-degree (or further removed) relationships. D has a third-degree relationship with E and will gain a fourth-degree relationship if E marries again. If the indirect relation between "sibling spouses" created moral difficulties, surely their doubly indirect relation to "cousin spouses" is worse. Paradoxically, however, weakening the relation to the central spouse diminishes these difficulties by disentangling the lives of the subfamilies. Spouse A should give each of her three peripheral spouses, B, C, and D, a third of her time, resources, care, and so on. She must accordingly reduce her correlative demands on them and only expect a third of their time. With weaker binary marital relations, a spouse is less invested in their spouse's relationship with his or her other subfamilies. And, each spouse has equal control over what happens in each of his or her families.

Molecular polygamy abandons the attempt to maintain a single overall family. Spouses keep their families genuinely distinct. A glimmer of this ideal is reflected in modern polygynous families that maintain distinct homes for each subfamily out of respect, rather than to pacify unhappy wives; however, to approximate an egalitarian ideal, each wife must be permitted to start her own polygamous family. The moral standing problem is tractable if one abandons the demand of marital exclusivity and the expectation that peripheral spouses will live as a single family.

The problems with molecular polygamy are primarily practical. Polyfidelity is practically difficult, but at least its closed nature limits the complexity of its moral relations. When all spouses are married, the moral relations are clear even if the implications are not. In contrast, the indirect moral relations in molecular polygamy are extremely messy. Despite this complexity, the moral implications of molecular polygamy are manageable. A spouse's rights and expectations can be specified in principle without reference to any other spouse. Her primary duty is to keep her moral house in order by meeting her spouse's expectations. Consider the relations between A, B, and C in

36. To be truly equal, these rights must be part of the background norms and reflected in the parties' actual expectations. In cultures that permit polygyny, many women report that their husband's right to take a second wife shapes their marriage even if he has no such intentions. Zietzen, *Polygamy*, chap. 4 (describing women's experience in Malaysia where men may take second wives, but it is rare due to the expense).

figure 4. Anne is married to Barb and Carrie, but Barb and Carrie are not married. If Barb thinks Ann spends too much time with Carrie, her primary moral complaint is with Ann, not Carrie. Ann's obligations to Barb are personal, based in their marriage. If Ann does not fulfill her obligations to Barb, it is Ann's failing, not Carrie's. On the other hand, Carrie should not demand more than her share of Ann's time. Such excessive demands violate Carrie's commitment to Ann. Barb may remind Carrie of this obligation but cannot assert it personally. Perhaps Carrie's excessive demands also violate a weaker commitment to the wider molecular family or to the institution of marriage generally. In any case, Barb can only appeal to Carrie by indirectly asserting Ann's rights or by relying on these weaker impersonal commitments.

The moral relations in molecular polygamy are similar to familiar, albeit also poorly understood, indirect moral relations such as in-law relationships or third-party contracts. For instance, my relationship with my in-laws is mediated by my marital relationship. If my innocent possessiveness prevents my wife from visiting her relatives, my primary failure is to my wife. Her relatives may rightly point out that I fail to respect my wife by impinging on their valuable relationships. On their own behalf, her relatives may request that I respect their desires out of benevolent concern or out of respect for our wider family. Third-party contracts create similar structures of promissory obligations. Suppose A promises to build a house for B and then enters a construction contract with C. If A breaks her promise to pay C, C cannot insist that B pay her. C has no direct moral relation with B. Moreover, A, B, and C have no joint enterprise or institution on behalf of which C can demand B's fidelity. The indirect moral relations in molecular polygamy appear no more problematic than these structurally similar practices.

Molecular polygamy may magnify a troubling feature common in indirect moral relations. The value of a nonexclusive right is always subject to our partner's choices and the choices of others with whom we have no relationship.³⁷ If C enters a second construction contract with D, the value of A's contractual rights are subject to increased risk. If C underestimates the difficulty of the new contract with D, C may neglect A's house. Moreover, if D files for bankruptcy, C may lose her investment and be less able to fulfill her contract with A. Similarly, molecular marriage subjects the value of one's marital rights and expectations to additional risk. For example, Anne's marriage to Carrie may be affected by her obligations to Dianne. If Dianne becomes sick or decides to return to school, Ann will need to spend additional

37. Varden, "Commentary on Martha C. Nussbaum's *From Disgust to Humanity*."

energy supporting Dianne and, consequently, less on Carrie. Events in the life of other peripheral spouses can alter the effective terms of one's own marital rights and expectations. Marriage involves exceptionally vulnerable aspects of our life, which makes this increased contingency troubling. Nevertheless, the risks are similar to those in other indirect relationships and may be addressed with similar methods. One can almost eliminate this risk by demanding exclusivity, as monogamy does; alternatively, one may reduce the risks by choosing new relationships carefully and devising other methods of self-insurance.

III. CONCLUSION

Traditional polygamy is inherently unequal. Its hub-and-spoke structure creates two inequalities that would remain even if the sexual discrimination disappeared and spouses were fully virtuous: peripheral spouses will always have greater commitments within their marriage and less control within their family. It is only possible for polygamous spouses to treat one another as equals if each spouse marries every other spouse in the family or if peripheral spouses may marry outside the family. Polyfidelity and molecular polygamy significantly revise the traditional conception of polygamy and challenge our understanding of marriage, but they at least eliminate the inequalities that will otherwise pervade polygamous marriages.