

THE BIOPOLITICS OF NORMATIVE MONOGAMY: A CRITICAL DISCOURSE
ANALYSIS OF THE POLYGAMY DEBATE AND BOUNTIFUL, BRITISH COLUMBIA

by

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Abstract

The issue of polygamy has become a political problem in the last twenty years in Canada, and in British Columbia specifically, because of legal ambiguity regarding the constitutionality of Canada's anti-polygamy law. This problem has been approached by academics primarily through a legal negotiation of women's rights versus religious minority rights. Popular polygamy discourse, however, is largely informed by a debate within the print media over core Canadian values regarding sexuality. This thesis examines the unequal power dynamics that serve as the preconditions for this debate and that are reinforced through the discourse. These dynamics form a complex web between various groups such as GLBTQ communities, social conservatives, secular feminists and those practising polygamy. I rely on a genealogical discourse analysis that traces the development of polygamy discourse in the mid-to-late nineteenth century, and the continuity of this discourse in the contemporary debate in Canada. Drawing on a critical analysis of Canadian print media, I argue that the contemporary polygamy debate reinforces a biopolitics of normalization in which a hetero-normative, monogamous and economically productive family unit is privileged at the expense of marginalized sexual-family structures that are characterized as a threat to the national population. I conclude that feminists concerned with equality within polygamous communities should take into account this exclusionary normalization while working against patriarchal forms of polygamy.

Table of Contents

Abstract.....	ii
Table of Contents.....	iii
Acknowledgements.....	iv
1 Introduction.....	1
2 Method: Why Discourse Analysis?.....	6
3 Context: FLDS Plural Marriage.....	11
4 Polygamy Discourse in the Late 19th and Early 20th Century.....	13
5 Contemporary Polygamy Discourse.....	21
5.1 Anxiety Over Marital Legislation.....	21
5.2 Canadian Values.....	26
5.3 Neo-Orientalism, The War on Terror/The War on Polygamy.....	28
5.4 Brainwashed Brides.....	31
6 Implications.....	34
7 Conclusions.....	42
Works Cited.....	45

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1. Introduction

The topic of polygamy has garnered substantial media coverage in the last several years in Canada. Though polygamy has been practised, and currently is practised, in many places around the world, and has been justified through various religious and non-religious belief systems,¹ the debate in Canada has come to focus on the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS) community of Bountiful, B.C., located near Creston in the Southeast of the province. As such, the controversy surrounding polygamy is generally concerned with a patriarchal form of Mormon polygyny (the family form of a patriarch with multiple wives) and the harms that this lifestyle inflicts on women and children in Bountiful. Particular focus has been on the leadership of James Oler and Winston Blackmore. The emphasis on Bountiful is the result of nearly two decades of RCMP investigations and failed attempts to lay charges against community members of Bountiful whose family structure contravenes Canada's anti-polygamy law, section 293 of the Criminal Code. The inability to prosecute anyone from Bountiful has largely been the result of a lack of witnesses, making a conviction on sexual abuse charges unlikely. In addition, the belief by many legal professionals, including some special prosecutors appointed by the Attorney General, that s. 293 may not withstand a challenge based on the Charter of Rights and Freedoms, which guarantees religious freedom, has contributed to this legal impasse.² The debate around polygamy will surely become more pronounced and more public in the months to come as the issue of the constitutionality of s. 293 goes to the B.C. Supreme Court in a reference case later this year.

It is perhaps somewhat of an understatement to say that the issue of polygamy in Canada is complex. On the one hand, polygamy gets at the core of conflicting Charter rights regarding

1 Nicholas Bala, Katherine Duvall-Antonacopoulos, Leslie MacRae, and Joanne J. Paetsch, "An International Review of Polygamy: Legal and Policy Implications for Canada," *Status of Women Canada*, 2005, p. 2.

2 Daphne Bramham, *The Secret Lives of Saints: Child Brides and Lost Boys in Canada's Polygamous Mormon Sect* (Random House Canada, 2008), p. 409-411.

religious freedom and gender equality. From a feminist perspective, the issue also gets at the heart of epistemological questions regarding voice and testimony; many feminists have privileged the notion that one's standpoint within power relations provides insight into the workings of oppression.³ Within the debate on polygamy, however, there are incommensurable women's narratives from within and outside closed polygamous communities. Some women who have left polygamous communities, such as Debbie Palmer and Jane Blackmore, have become vehement opponents and critics of the abuse of women and children that they have seen within Bountiful. Other women within these communities claim that they have freely chosen to live in polygamous relationships, seeing polygamy as an essential part of their religion and having benefits that do not exist in monogamous relationships. To deny agency to the women within polygamy risks infantilizing them; however, to take their stories at face value also risks marginalizing the voices of women who have left polygamy due to abuse.

As far as being an issue of identity politics, polygamy has created a complex web of intersecting and opposing interests. On the one hand are the interests of closed religious communities such as Bountiful, who would like to secure protection from state intervention in their internal affairs. In contrast, the feminist legal organization, West Coast LEAF, which has intervener status in the upcoming Supreme Court case, argues that "[t]he practice of polygamy can limit women's choices and create serious vulnerability for young women and girls to sexual and other exploitation."⁴ West Coast LEAF has argued that s. 293 should be upheld as constitutional as it protects women's equality rights.⁵ But to suggest that there is a unified feminist voice on the issue is to over-simplify. In a report commissioned by Status of Women

3 See for example D. Lynn Hallstein, "Where standpoint stands now: an introduction and commentary," *Women's Studies in Communication*, vol. 23, no. 1, 2000, for a survey of the various theoretical articulations of this position.

4 West Coast LEAF, "Current and Recent Cases," <http://www.westcoastleaf.org/index.php?pageID=58&parentid=20>.

5 Ibid.

Canada, a group of legal scholars from Queen's University agree with the B.C. Civil Liberties Association that s. 293 should be repealed as it unnecessarily criminalizes polygamy instead of focussing on spousal and child abuse which can be addressed with other provisions of the Criminal Code.⁶ Furthermore, Angela Campbell, through first hand interviews with women in Bountiful, has found evidence that while these women are aware of some of the abuses within Bountiful, they generally see polygamy as beneficial and display informed agency in choosing to remain part of the community.⁷

Beyond conflicting feminist views lie other identity groups with an interest in polygamy. Some commentators have argued that Bountiful is a gay issue both because many gay relationships are 'open' or 'polyamorous' and because the rhetoric of some anti-polygamy commentators is similar to social purity discourse which has historically been used against non-heterosexuals.⁸ However, like any identity group, there are differing opinions, and Marcus McCann gives anecdotal evidence that many people in queer communities and heterosexual polyamorous relationships have no qualms about using s. 293 to prosecute the leadership in Bountiful.⁹

Despite the recent explosion of interest in polygamy, the debate has largely focussed on the rights of women and children versus the rights of religious minorities in the context of the legality of polygamy. Little attention has been paid to the theoretical implications of the regulation of sexuality through polygamy discourse. Within the literature on polygamy in Canada there is an awareness that s. 293 is not simply a law to protect women and children, but

6 Martha Bailey, Beverly Baines, Bitu Amani, and Amy Kaufman, "Expanding Recognition of Foreign Polygamous Marriages: Policy Implications for Canada," *Status of Women Canada*, 2005, p. 19.

7 Angela Campbell, "Bountiful Voices," <http://ssrn.com/abstract=1376803>. p. 5.

8 See Jeremy Hainsworth, "Why Bountiful Matters to Gays," *Xtra!*, 5 October 2009, http://www.xtra.ca/public/National/Why_Bountiful_matters_to_gays-4-7569-viewstory4.aspx#continuearticle. and Marcus McCann, "Get Rid of Canada's Polygamy Law," *Xtra!*, 19 January 2010, http://www.xtra.ca/public/National/Get_rid_of_Canadas_polygamy_law-8092.aspx.

9 Marcus McCann, "Can We Get Rid of Canada's Polygamy Laws?" *Xtra!*, 14 May 2008, http://www.xtra.ca/public/viewstory.aspx?AFF_TYPE=2&STORY_ID=4772&PUB_TEMPLATE_ID=7.

rather carries symbolic importance in creating a public morality. Daphne Bramham approvingly quotes Chief Justice Beverly McLachlin who stated the following in her decision regarding the legalization of swingers' clubs:

According to contemporary Canadian social morality, acts such as child pornography, incest, polygamy and bestiality are unacceptable *regardless* of whether or not they cause social harm...The community considers these acts to be harmful in themselves. Parliament enforces this *social morality* by enacting statutory norms in legislation such as the Criminal Code.¹⁰

Similarly, the authors of "An International Review of Polygamy: Legal and Policy Implications for Canada" argue that s. 293 "plays an important symbolic and educational role, proclaiming Canada's disapproval of this type of relationship."¹¹ It would be wrong to fault a legal policy paper for not explicitly developing a political theory of social morality; however, these legal papers exemplify how unexamined and often exclusionary assumptions abound in the discourse on polygamy.

This paper will attempt to address this deficiency by engaging in a critical analysis of the discourse surrounding Bountiful and polygamy. Given the aforementioned complexity of the debate surrounding Bountiful and polygamy, this paper cannot hope to provide a definitive answer on whether polygamy is inherently oppressive or whether s. 293 is constitutionally valid. My aim is to examine these arguments by considering what elements of sedimented discourse they draw upon, under what conditions, and what groups may be marginalized through these tactics. I argue that anti-polygamy discourse normalizes the economically productive monogamous couple as the ideal family unit, and often does so in a hetero-normative way. Furthermore, the discourse reifies a specific form of liberal subjectivity that privileges rational autonomy while denying the critical consciousness of women in Bountiful. I draw on the

10 Bramham, p. 316, emphasis added.

11 Bala et. al., p. iv.

Foucauldian and Butlerian concepts of biopower and heteronormativity to argue that the process of normalization within the polygamy discourse reinforces a biopolitics of exclusion that targets a segment of the population for elimination under the guise of progressive liberal policy.

The paper contains five sections. The first section deals with methodology: what is discourse and why is discourse analysis important for understanding polygamy? The second section will briefly elaborate on the religious beliefs motivating plural marriage within the FLDS. The third section will engage in a survey and in-depth analysis of polygamy discourse that begins in the mid-nineteenth century and continues today. In order to respond to this complex debate, minority or dissenting discourses will serve to highlight certain repetitive tropes and themes regarding nation-building, economic productivity, social contamination, Orientalism and critical capacity within the polygamy debate. The next section will elaborate on the theoretical implications of the discourse and attempt to understand how the various threads of the discourse work to conceal a regulative form of power. The concluding section will suggest that the implications of the discourse should be taken seriously by both those in favour of enforcing and those opposed to s. 293 of the Criminal Code of Canada.

2. Method: Why Discourse Analysis?

As discussed in the introduction, Bountiful, and polygamy in general, has become a political problem. As such, it is ripe for discourse analysis as the social practice of polygamy has been *objectified* through the development of the practice into a political problem with related solutions. Regarding political problems, Foucault writes, "This development of a given into a question, this transformation of a group of obstacles and difficulties into problems to which the diverse solutions will attempt to produce a response, this is what constitutes the point of problemization and the specific work of thought."¹² An analysis of polygamy discourse will shed light on the conditions that have made possible the formation of polygamy as a problem to be solved. Through this analysis I hope to show that these conditions are the result of power struggles between various groups over what is considered 'acceptable' sexuality within the context of social anxiety regarding the institution of the family. A genealogical account of polygamy discourse can expose these relations of power by further problematizing the polygamy debate as historically contingent on discursive strategies of the mid-to-late nineteenth century. Furthermore, this type of analysis applied to the contemporary discourse makes explicit an underlying politics of exclusion by questioning the way that arguments about polygamy are put forward.

Before going further, it is important to clarify what is meant by the concept discourse. Discourse has variously been defined as "societal flows of knowledge through time,"¹³ as an action as well as a "social construction of reality,"¹⁴ and as "historically engendered, social practices which precede any speaker/author and, in addition, guide interpretive practices

12 Michel Foucault, "Polemics, Politics, and Problemizations," *The Foucault Reader*, ed. Paul Rabinow (New York: Vintage Books, 2010), p. 389.

13 Siegfried Jäger, "Discourse and Knowledge," *Methods of Critical Discourse Analysis*, ed. Ruth Wodak and Michael Meyer (Thousand Oaks, CA: Sage Publications, 2001), p. 46.

14 Ruth Woodak, "What CDA is About," *Methods of Critical Discourse Analysis*, ed. Ruth Woodak and Michael Meyer (Thousand Oaks, CA: Sage Publications, 2001), p. 9.

deployed on texts once they are produced."¹⁵ In a summary chapter concerning the field of critical discourse analysis, Ruth Wodak explains that there are many approaches to discourse analysis with some emphasizing formal linguistics and others privileging the social dynamics in which discourse takes place.¹⁶ What links these different approaches is that they are "fundamentally concerned with analysing opaque as well as transparent structural relationships of dominance, discrimination, power and control as manifested in language."¹⁷ The version of discourse analysis that this paper is concerned with is heavily influenced by Foucault's understanding of discourse.

Foucault comes closest to a definition of discourse when he writes:

Whenever one can describe, between a number of statements, such a system of dispersion, whenever, between objects, types of statement, concepts, or thematic choices, one can define a regularity (an order, correlations, positions and functionings, transformations), we will say, for the sake of convenience, that we are dealing with a discursive formation...¹⁸

However, the critical project in discourse analysis is not simply to find these regularities that constitute a discursive formation within the use of language, but to analyse the interrelation of power and knowledge that these regularities point to; this is something Foucault does through his various investigations of institutions and specialized discourses such as psychiatry. Power and truth are, in Foucault's words, "linked in a circular relation," whereby unequal relations of power give rise to truth and this 'truth' perpetuates relations of power.¹⁹ It is this interrelation of the discursive and non-discursive that Foucault terms a "regime of truth."²⁰ As such, an analysis of discourse must not bracket the text from political action, searching for the truth that lies behind a

15 Michael Shapiro, "Introduction," *Language and Politics*. ed. Michael Shapiro (New York: New York University Press, 1984), p. 2.

16 Woodak, p. 2.

17 Ibid.

18 Michel Foucault, *The Archaeology of Knowledge* (London: Routledge, 2004), p. 41.

19 Michel Foucault, "Truth and Power," *Power/Knowledge*, ed. Colin Gordon (New York: Pantheon Books, 1980), p. 133.

20 Ibid.

discourse, but rather understand discourse as a material reality itself. This conceptualization of discourse requires an analysis of the political context in which discourse is produced by actors and how this sets limits of intelligibility to what can be articulated; in the case of polygamy discourse, the regime of truth has historically and currently been established in the context of uncertainty over the institution of the family and its relation to the nation.

In the case of discourse surrounding polygamy, it would be unwise to assume one can simply take up the current debate and its discursive limits without a genealogical account of its formation. Who has been in the privileged position of developing the discourse? Whose interests are served through the continuance of certain limits of what can be said about polygamy? Where are the voices that destabilize discursive formations on polygamy and monogamy, and expose the workings of power? These are all necessary questions for understanding the current debate around polygamy; however, this project requires conciseness and my primary research contribution is a focussed exploration of the contemporary polygamy discourse. According to Foucault, genealogy "depends on a vast accumulation of source material."²¹ Fortunately, the historical investigation done by Sarah Carter into the development of the monogamous ideal and its ties to nation-building in Western Canada accomplishes much of the compiling and sifting of source material. In the US context, Joan Smyth Iverson has also simplified my work with her historical study on Mormon polygyny and its relation to the women's movement. The fact that others have investigated the historical contingencies that inform current discourse on monogamy and polygamy does not mean that further research in the archives would not be useful; however, it does mean that for my purposes in this project I can borrow from their conclusions in order to investigate the historical background behind the contemporary debate. This background is essential because it has created the legal context in

21 Michel Foucault, "Nietzsche, Genealogy, History," *The Foucault Reader*, ed. Paul Rabinow (New York: Vintage Books, 2010), p. 76-77.

which polygamy is a crime and because it continues to inform the limits of the contemporary debate.

The primary reason to approach polygamy from the lens of discourse analysis is that it destabilizes now taken for granted patterns of thought which reify oppressive power relations. I undertake the destabilization of these patterns, even as they appear in feminist interventions with which I align myself. One might argue that my project should analyse the discourse of patriarchy within FLDS literature in order to combat this obviously oppressive institution; however, this is something that has largely been accomplished as the vast majority of Canadians see polygamy as morally unacceptable and 64 per cent see it as grounds for prosecution.²²

A more insidious form of power is to be found not simply in the domination of one group over another, but in the way arguments are formulated. Foucault makes the point that "What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse."²³ It is this productive aspect of power that I hope to expose in my analysis of the contemporary debate on polygamy. My use of discourse analysis is not aimed at discrediting as false the discourse(s) on polygamy; it is, rather, an attempt to elucidate how it limits the intelligibility of certain arguments and marginalizes certain voices.

A 2005 Status of Women Canada report informs the reader that little published research exists on Bountiful, and thus most of what is known comes from media reporting;²⁴ therefore, my analysis will focus on mainstream print media as this is likely an influential source in shaping popular sentiment toward the problem of polygamy. Because of the substantial print media

22 Mario Canseco, "Canadians have made up their mind on polygamy and they don't like it," *The Vancouver Sun*, 5 November, 2009, <http://www.vancouversun.com/life/Canadians+have+made+their+mind+polygamy+they+like/2186532/story.html>.

23 Michel Foucault, "Truth and Power," *Power/Knowledge*, ed. Colin Gordon (New York: Pantheon Books, 1980) p. 119.

24 Bala et. al., p. 8.

coverage, and the controversial nature of polygamy, there is also a great deal of editorial content published on polygamy. Without a quantitative study of print media content it is difficult to say whether these opinion pieces are representative of a dominant, or majoritarian, line of thought; however, the fact that they appear in widely circulating Canadian newsprint suggests that they have significant impact on the contours of the discourse. I cannot hope to provide a definitive solution to the problem of polygamy, but perhaps this paper can provide a critical analysis that will make the search for solutions more equitable.

3. Context: FLDS Plural Marriage

First, let us examine the underlying belief system that justifies polygamy for members of the FLDS. Mormonism's original prophet, Joseph Smith, claimed to have direct revelations from God. In 1843, he declared "Doctrine and Covenants 132" as the "New and Everlasting Covenant of Marriage," which states that only men who take at least three wives will be able to enter the highest realm of heaven, The Celestial Kingdom.²⁵ The Latter Day Saint belief in continuing revelation means that Joseph Smith's declaration held the authority of God's word. In 1852, after Joseph Smith's death, the Mormon Church publicly declared the principle of plural marriage, leading to an explosion of anti-Mormon sentiment from non-Mormon Christian Americans.²⁶ Though the Mormon Church has long since prohibited plural marriage, members of the FLDS believe that these marriages will continue for eternity, with the patriarch as a god.

Another important belief governing family life is that human spirits pre-exist their earthly incarnation, and are waiting to be born into earthly bodies.²⁷ Daphne Bramham suggests that this is a motivating factor in the FLDS commitment to regular reproduction, as these spirits will be born into the righteous life of their religion instead of being damned if they are born outside of it.²⁸ In fact, the community name, Bountiful, replaced the original name of Lister to reflect this belief in the expansion of the FLDS population. Bramham suggests that the FLDS belief in expansive reproduction is responsible for a high number of young mothers in Bountiful; a full one third of females in the community become pregnant before the age of eighteen.²⁹

The religious justification of polygyny is highly patriarchal. There is no equivalent sanctioning of polyandry by the FLDS, nor was there by the original Latter Day Saints. In 1967,

²⁵ Bramham, p. 26.

²⁶ Joan Smyth Iverson, *The Antipolygamy Controversy In U.S. Women's Movements, 1880-1925*(New York: Garland Publishing, 1997), p. 4.

²⁷ Ibid., p. 5.

²⁸ Ibid.

²⁹ Ibid., p. 12.

then FLDS Prophet, LeRoy Johnson, told his followers:

Polygamy has no place in the Latter Day Saint religion. If you will define the word polygamy, you will find it is just as lawful for a woman to have more than one husband as it is for a man to have more than one wife. We don't believe in any such doctrine! Plural marriage is a sacred ordinance designed to take a man into the eternal worlds and exalt him and make a God out of him...you desecrate it by linking it up with the worldly idea of polygamy.³⁰

Though this passage shows clearly that the official FLDS position sets plural marriage in opposition to polyandry and secular polyamory, Canadian criminal law does not distinguish the various forms of polygamy, and thus this paper will often refer to the generic term polygamy.

The distinction between secular polyamory and FLDS plural marriage does have implications for how the practice could be justified under Charter law; polyamory could be argued as an equality right, whereas plural marriage could be seen as a freedom of religion right. However, as it stands, commentators often use the blanket term, 'polygamy'.

³⁰ Ibid., p. 98.

4. Polygamy Discourse in the Late 19th and Early 20th Century

The history of plural marriage, its renunciation by the mainstream Church of Jesus Christ of Latter Day Saints and its criminalization in the US and Canada is characterized by complex power dynamics that fostered the discourse on polygamy and inform the present debate. Joan Iversen's account of the anti-polygamy controversy in the U.S. in the late 19th and early 20th century shows how the debate played out largely through the women's suffrage movement. Iversen, drawing on Klaus Hansen, argues that the Church of Jesus Christ of Latter Day Saints (LDS) was founded in 1830 during the Second Great Awakening, a religious revival in the U.S. during the early 19th century, and served as a "counter-ideology" to the trend toward Protestant capitalist individualism.³¹ Likewise, Lawrence Foster argues that the LDS experiment in communal and family structure was an attempt "to overcome the rampant, exploitative Jacksonian individualism that surrounded them."³² From the start, then, the LDS found itself in an adversarial relation to the majority of non-Mormon Americans. The opposition to Mormonism in general focussed on the economic and political power that the Church held in the territory of Utah, its strong influence over its followers and aggressive missionizing; this general opposition, however, manifested itself in its most extreme form in the opposition to polygamy, which, like today, was framed as a problem of oppression of women.³³

One of the most fascinating aspects of the 19th century polygamy discourse is that Mormon women in Utah were given the vote in 1870, making Utah the second territory to extend the franchise to women, and creating an alliance with eastern suffragists. This alliance would ensure that the debate around polygamy largely took place within and through the women's movement. Iversen traces how this alliance, developed between the National Woman

31 Iversen, p. 4.

32 Bruce Baum, "Feminism, Liberalism and Cultural Pluralism: J.S. Mill on Mormon Polygyny," *The Journal of Political Philosophy*, 5 (3), 1997, p. 236.

33 Iversen, p. 4.

Suffrage Association (NWSA) led by Susan B. Anthony and Elizabeth Cady Stanton, exacerbated tensions with the rival American Woman Suffrage Association (AWSA) which, though supportive of Utah women's right to vote, took a more hardline stance against polygamy.³⁴ Mormon women, through the publication *Woman's Exponent*, worked to gather signatures for a national petition for women's suffrage, and in 1879 the alliance between the NWSA and activist Mormon women was formalized in a resolution which supported the "just and liberal spirit shown them [Mormon women] by Mormon men."³⁵

While being cautious not to idealize Mormon women's conditions during the 19th century, Iversen argues that "Mormon women's history has uncovered a story of women who ably and sincerely espoused the cause of women's rights within the context of their own religion, marital system, and experience."³⁶ Though many plural wives faced hardships during this period, LDS President Brigham Young encouraged a wider sphere of economic activity for women; this encouragement, combined with economic necessities of pioneer life and greater access to divorce, set Mormon women apart from non-Mormon American women.³⁷ Though this economic activity was not uncommon for settler women of all faiths, Burgess-Olson's historical investigation of Mormon women also finds that Mormon leadership and even the institution of polygamy encouraged a "more progressive attitude toward women than did American society at large."³⁸

Around the same time, however, the Women's Christian Temperance Movement started to gain popularity and influence in the suffrage movement. In the post-civil war period, evangelical Christian women's activism increased and their missionary work abroad was easily translated in

34 Ibid.

35 Ibid., p. 30.

36 Ibid., p. 54

37 Ibid., p. 56.

38 Vicky Burgess-Olsen, *Sister Saints* (Provo, UT: Brigham Young University Press, 1978), p. xii.

to the "home mission movement," which worked to convert aboriginals, 'Orientals', Catholics and Mormons.³⁹ The prevailing American animosity toward Utah, the linking of antislavery and anti-polygamy by reform Republicanism and fear over divorce and the breakdown of the family provided the necessary social conditions for anti-polygamy to become a discourse intimately connected to the domestication of nation building.⁴⁰ The push for women's suffrage was increasingly framed in terms of the middle-class ideal of the virtuous mother as a check to male licentiousness.

Some of the recurring themes in mid- to late-nineteenth century polygamy discourse were the construction of Mormon women as "beasts of burden and slaves," the lack of romantic love in plural marriages, nativism and Orientalist xenophobia, and fear of social degeneration.⁴¹ The common rhetorical linkage between slavery and polygamy would have been an easily accessible heuristic in post-Civil War America, but it also points to the idealization of bourgeois femininity and a general aversion to women engaging in difficult labour. The theme of xenophobia, related to the broader discourse of Orientalism, can be understood as being largely influenced by evangelical missionaries' involvement in the anti-polygamy movement; if the backwards ways abroad had to be fought against, then surely it was also important to convert (or eliminate) the foreigners within which Mormons represented. This fear of foreigners often took the form of literary, polemical and visual representation of the Turkish harem being imported to America.⁴² The fear of the Oriental other is exemplified by a case where a judge insisted that Brigham Young's real name was Jong, and by reformer Julia Ward who argued in 1888 that "in countries like the Territory of Utah and Turkey...woman's influence is...nil."⁴³ The result of these

39 Ibid., p. 104.

40 Ibid., p. 107.

41 Ibid., 134, 141, 145.

42 Ibid., p. 142.

43 Ibid.

discursive constructions in popular and academic works was to privilege a certain bourgeois Christian family structure as key to the strength of the nation.

The rise of this discourse privileged some voices while excluding others. As social purity reformers gained influence, Mormon women found it more difficult to engage with eastern suffragists. In 1881 two prominent Mormon women, Dr. Ellen Ferguson and Zina D.H. Young were invited to speak at the Woman's Congress in Buffalo; when they arrived they were denied the right to speak and were made to sit through an anti-polygamy speech by a social purity activist.⁴⁴ The converse of this exclusion was the increased legitimacy that Ann Eliza Webb Young, the ex-wife of Brigham Young, found with her profitable anti-polygamy lecture circuit.⁴⁵ The culmination of the anti-polygamy sentiment was the Edmunds Act of 1882 which disfranchised all polygamists followed by years of raids and eventually the 1887 Edmunds-tucker Act which disfranchised all Utah women and placed the territory of Utah under the control of a federally appointed governor.⁴⁶ Out of strategic necessity the LDS officially disavowed plural marriage in 1890 with the Woodruff Manifesto, and made a Second Manifesto in 1904 which led to the eventual fading away of the polygamy controversy in American politics.⁴⁷ As with "Doctrine and Covenants 132," these manifestos became official religious doctrine for the Mormon Church.

In this context of persecution, Charles Ora Card came to Alberta in 1886 to search for a town site to begin a Mormon settlement north of the border.⁴⁸ In 1888, after founding the settlement of Cardston, Charles Ora Card met with Prime Minister John A. Macdonald to request permission to bring plural wives into Canada.⁴⁹ Thus began the complex history of Canadian

44 Ibid., p. 165.

45 Ibid., p. 102.

46 Ibid., p. 114.

47 Ibid., p. 228.

48 Bramham., p. 31.

49 Ibid., p. 32.

government relations with polygamy; Mormon settlers were seen as a hard working settler population, which was an asset in Euro-Canadian expansion in the West, but polygamy ran counter to the dominant Christian ideal of monogamy.⁵⁰ Ora Card's request was denied, and polygamy was officially outlawed in Canada in 1890, with specific reference to Mormonism; it then entered Canada's criminal code in 1892.⁵¹

Like the polygamy discourse in the U.S., in Canada the debate also took the ideal family structure as essential in the creation of the nation. Sarah Carter, in her study of monogamy and nation building in Western Canada, similarly argues, "In the late nineteenth century there was widespread anxiety about the state of marriage, family, and home: all perceived to be the cornerstones of the social order."⁵² Carter argues that the national anxiety over the home was particularly pronounced in Western Canada because diverse aboriginal marriage practices, Mormon polygamy, same-sex relationships and single men and women were common in the 'untamed' West.⁵³ In Canada, there was also a fear of importing "lax" norms regarding divorce from the U.S., and thus a new discourse, supported by official government policy, justified the life-long monogamous ideal as a specifically Canadian national project.⁵⁴ The ideal of heterosexual, white, Christian monogamy was not a foregone conclusion in the West, and thus the family homesteading model was used to regulate family structure and ensure a majority white population in Aboriginal territory.⁵⁵ It was a federal initiative under the Dominion Lands Act which tied the dominant Christian ideal of gender relations in the home to colonial expansion;⁵⁶ moral norms, territory, population, economics and gender relations came together in the creation of a dominant discourse on monogamy near the turn of the century.

50 Sarah Carter, *The Importance of Being Monogamous* (Edmonton: University of Alberta Press, 2008), p. 44.

51 Beverly Baines, "Equality's Nemesis," *Journal of Law and Equality*, 5.1, pp. 63-4.

52 Carter, p. 4.

53 Ibid., p. 5.

54 Ibid., p. 6.

55 Ibid., p. 8.

56 Ibid., p. 73.

Though Carter's account is focussed on colonial subjection of First Nations, the discourse that normalized monogamy in the West was certainly intertwined with the American anti-polygamy discourse. Once again the Orient is summoned, suggesting that marriage in the 'East' is slave-like for women and "devoid of the romance and sentiment by which it is marked in the west."⁵⁷ The romance of the husband-wife pair in the West apparently set Westerners apart as less despotic than Eastern others. Social degeneration is also drawn upon in medical terms such as in an editorial from 1892 which read: "The question of erecting a quarantine barrier against the importation of cholera is a small one as compared with the protection from the deadly disease of family immorality."⁵⁸ The Mormons, with their association with slavery, the Orient and lax divorce rules created a dilemma for the Canadian government; they were white, hard-working homesteaders, but they represented a "serious moral and national ulcer," in the words of Liberal MP Edward Blake.⁵⁹

At the same time that politicians and popular commentators were consolidating the monogamous ideal by opposing it to the foreign slave-like relations of polygamy, prominent social scientists were developing their own theory of family structure. Anthropologist Lewis Henry Morgan's thesis of teleological development through the stages of savagery, barbarism and civilization placed monogamy as the defining characteristic of civilizational development; this theory influenced Canadian policy toward First Nations, according to Carter.⁶⁰ This theory of development was widespread, and was taken up by Engels in *The Origin of the Family, Private Property and the State*. Engels accepted Morgan's thesis with the caveat that the economic unit of the monogamous family will be superseded with the socialization of the means of

57 Ibid., p. 27.

58 Ibid., p. 57.

59 Ibid., p. 44

60 Ibid., p. 28.

production.⁶¹ Regardless of Engels condemnation of exploitative monogamy, his work perpetuated the idea that polygamy was a system from the past with 'scientific' evidence that capitalist relations require monogamy. Though Engels' work may not have been widely influential, it does provide evidence of the popularity of Morgan's thesis, as well as the broader developmentalist discourse.

Though public opinion and government policy sought to eliminate polygamy from Canada, a small number of Mormons who chose not to follow the recent LDS Manifestos against plural marriage continued the practice. From the original settlement of Cardston, the Blackmore family rose to prominence as John Blackmore was the leader of the federal Social Credit Party until 1944.⁶² His son Harold had a revelation in 1946 of founding a polygamous community, and soon after purchased the property that would become Bountiful.⁶³ In 1984, Harold's nephew Winston was appointed as the Bishop of Bountiful, a title he held until 2002 when Prophet Warren Jeffs stripped Blackmore of the title giving it to James Oler and creating a rift in the community between followers of Jeffs and Blackmore.⁶⁴

Since the 1990s Bountiful has been on and off the political radar for federal and provincial politicians. After a 1992 RCMP investigation into abuse in Bountiful, the RCMP recommended charges of polygamy against leadership in the community. Crown Counsel, Herman Rohrmoser, decided against charges as he saw them as likely in conflict with freedom of religion under the Charter of Rights and Freedoms.⁶⁵ Around the same time, the federal justice minister, Kim Campbell, took up the case of Bountiful to try to get charges laid against Blackmore in order to protect the women and children of Bountiful.⁶⁶ Penny Priddy, who was a

61 Friedrich Engels, *The Origin of the Family, Private Property and the State* (New York: International Publishers, 1972), p. 139.

62 Bramham, p. 45.

63 Ibid.

64 Ibid., p. 19.

65 Ibid., p. 231.

66 Ibid., p. 232.

provincial MLA from 1991 to 2001, has also been a vocal critic of the alleged abuses in Bountiful.

The most recent episode in Bountiful's ongoing conflict with the state began in 2007, when Attorney General Wally Oppal began investigating if Blackmore and Oler could be charged with polygamy. Oppal eventually went through three special prosecutors before finding one who would recommend charges against Oler and Blackmore. The case was eventually thrown out on the grounds of political interference by Oppal in the supposedly 'apolitical' special prosecutor process. This brings us to the current situation where the BC government has begun a reference case in the Supreme Court of BC to determine the constitutionality of s. 293 of the Criminal Code before laying any more charges. It is in this context that the discourse on polygamy has taken its contemporary form.

5. Contemporary Polygamy Discourse

Polygamy discourse is different today because the social relations that conditioned the discourse in the past are no longer present today. It is generally accepted (though not universally) that women's sphere of activity is not limited to the domestic, that the right to divorce is an important freedom and that the state should not attempt to impose one religious conception of the family on all of society. However, it is wrong to assume that there is no continuity between then and now.

5.1. Anxiety Over Marital Legislation

The era in which the current debate on polygamy is taking place is characterized by a social anxiety regarding the state of marriage in Canada. On July 20, 2005, Canada legalized same-sex marriage. In the lead up to the legislation, and in its aftermath, a national debate erupted over the "traditional" family, marriage, Canadian values and equality rights. Despite evidence that polygamy and same-sex marriage involve quite distinct legal consequences (one being an issue of equality and the other of religious freedom), the two issues became linked through a series of political events and discursive articulations.

In February 2003, Liberal MP Pat O'Brien, at a federal committee hearing into same-sex marriage, asked a witness, "What's wrong with me having one wife and one husband? It's a serious question. If we're going to open it up, why don't we just totally open it up?"⁶⁷ Then, in January 2005, Conservative Leader Stephen Harper also warned of the danger of opening up marriage to further demands: "I don't want to get into the polygamy debate but I fear if we do this, the next thing on the Liberal agenda will be polygamy and who knows what else."⁶⁸ In February of the same year, it was reported in the national print media that reports commissioned by Status of Women Canada and the Justice Department regarding polygamy were in part a

67 Andrew Chung, "Polygamy crowding out gay-union debate: MP," *Toronto Star*, 14 February 2003, A06.

68 Kathleen Harris, "Harper Blasts Gay Law," *The Toronto Sun*, 21 January 2005, p. 16.

response to growing anxiety over the definition of civil marriage caused by the proposed same-sex union legislation; this was in direct contradiction to Justice Minister Irwin Cotler's reassurance that same-sex marriage and polygamy had nothing to do with one another.⁶⁹

After same-sex unions were legalized in Canada, several more events ensured that polygamy and same-sex marriage would remain intertwined in public discourse. Winston Blackmore's former lawyer, Blair Suffredine, proposed making the argument for recognition of polygamous marriages based on the 2005 Supreme Court decision on same-sex marriage. The judge who authored the opinion stated, "frozen concepts...run contrary to one of the most fundamental principles of Canadian constitutional interpretation: that our Constitution is a living tree which, by way of progressive interpretation, accommodates and addresses the realities of modern life."⁷⁰ Also, in 2006, Lorraine Johnson and Shelina Palmer, both plural wives to Winston Blackmore, were married as a same-sex couple; there was speculation that the marriage was one of convenience in order to keep Johnson, an American, in Canada.⁷¹ These developments sealed the connection between same-sex marriage and polygamy that had been developed in the discourse initiated by conservative politicians and opponents of same-sex marriage.

There are several recurrent themes in the debate that connects same-sex marriage and polygamy. In many cases, same-sex marriage legislation is referred to in print media as 'a floodgate', 'Pandora's box', or a 'slippery slope'.⁷² The argument being made is that tampering with the "traditional" definition of marriage, as a union between one man and one woman, will

69 Dean Beeby, "Same-sex bill sparked urgent call for polygamy data, document shows," *The Globe and Mail*, 28 February 2005, A8.

70 Hainsworth, "Why Bountiful Matters to Gays."

71 Daphne Bramham, "Gay union poses trouble for Bountiful," *Vancouver Sun*, 7 April 2006, <http://www.vancouver.sun.com/life/union+poses+trouble+Bountiful/1227490/story.html>.

72 See Ron Csillag, "Marriage by the numbers," *The Toronto Star*, 5 February 2005, L10; Jane Armstrong, "Same-sex marriage won't open floodgates, lawyers say; Justice Minister denies polygamy study tied to impending legal changes," *The Globe and Mail*, 22 January 2005, A6; Bouddwyn Van Oort, "Polygamous polemic," *The Globe and Mail*, 28 December 2004, Letter to the editor A16.

destroy any hope of defending against more and more radical demands on the institution. A commentary by Margaret Somerville in *The Globe and Mail* is characteristic of this argument, though she places more emphasis on the biological naturalness of heterosexual monogamy:

Same-sex marriage opens up the possibility of polygamy because it detaches marriage from the biological reality of the basic procreative relationship between one man and one woman and that means there is no longer any inherent reason to limit it to two people whether of the same or opposite sex. Once that biological reality is removed as the central, essential feature and "limiting device," marriage can become whatever we choose to define it as.⁷³

All three terms (floodgate, Pandora's box, slippery slope) invoke the idea of an onslaught of uncontrollable modifications to marriage. The argument is mostly made by conservative opponents to same-sex marriage, with the assumption that polygamy and homosexuality are equally morally reprehensible; however, many of the articles in which these terms appear are counter arguments that same-sex marriage is not a slippery slope.

The attempt by proponents of same-sex marriage to dissociate same-sex marriage and polygamy is useful in understanding the normalization of a certain form of partnership in the discourse. For example, a 2005 *Globe and Mail* editorial argues that gay marriage is not a slippery slope but, rather, "'the natural stopping place' for the slope. Marriage remains the legal union of two people in romantic love who commit themselves to a stable, monogamous life partnership."⁷⁴ Here naturalism is invoked to normalize a very specific, and palatable, form of same-sex union: one that is romantic, stable and monogamous for life; this union is acceptable because it is so similar to heterosexual monogamy. The implication of this 'natural' pairing assumes that polygamy, in contrast, is inherently unstable, short-term and lacking in romance. As in turn-of-the-century discourse, romance is an indicator of egalitarian relationships in

73 Margaret Somerville, "If same-sex marriage, why not polygamy?," *The Globe and Mail*, 11 August 2007, A15.

74 "What does polygamy have to do with it?," *The Globe and Mail*, 22 January 2005, A20.

opposition to despotic family structures.

Further, same-sex marriage is constructed as an economically productive family structure in comparison to polygamous marriage. This message is clearly articulated in a 2005 letter to the editor, where the letter writer argues, "With same-sex marriage, I as a taxpayer am not affected. The same-sex marriage may result in tax credits and death benefits that any heterosexual couple might receive. Since gay people contribute to society in much the same way as straight people, they deserve normal benefits."⁷⁵ In this assessment, "normal benefits," should go to normal, i.e. productive, family structures. Another measure of productivity is the ability of a family to produce offspring that can perform "normally" within society at large. Nicholas Bala argues that one of the fundamental differences between the case for same-sex marriage and polygamy is that same-sex marriage legislation "was based on the promotion of equality, and was premised on research establishing that children raised by same-sex couples *do as well as* children born to heterosexual parents."⁷⁶ But what if research found that children with same-sex parents fared less well? What about the prospects of children from poor and single parent families? The assumption is that there is a certain norm of success to which other family structures can be evaluated as normal and acceptable to the majority of society. In her analysis of the intersection of the gay union and polygamy debates, Margaret Denike argues that attempts to distance same-sex marriage and polygamy have led to a discourse of "homonormativity" which relies on this very assumption of similarity to the heteronormative ideal.⁷⁷

A major argument made against polygamy is that it is not an economically viable family structure. For good reasons many social scientists have expressed concern over lack of financial independence of wives in plural marriages stemming from a lack of education and workforce

75 Norman Rosencwaig, "Same-sex taxes," *The Globe and Mail*, 26 January 2005, A16.

76 Nicholas Bala, "Not cut out for polygamy," *The Globe and Mail*, 18 January 2006, A17.

77 Margaret Denike, "What's Queer About Polygamy?" *Queer Theory: Law, Culture, Empire*, ed. Robert Leckey and Kim Brooks (Routledge, 2010), p. 143.

training.⁷⁸ However, in popular media reporting the concern over home economics is framed as a danger to the taxpayer. Consider Bala's assertion that "polygamy also imposes economic costs on society: Polygamous families are often unable to support their many children and resort to social assistance."⁷⁹ *The Vancouver Sun* has recently reported on Winston Blackmore's financial problems, and tells the reader, "His biggest debt is to taxpayers."⁸⁰ *The Sun* goes on to say that the Blackmore family, "could be getting at least \$88,000 a year in child benefits."⁸¹ Evidence that the economic imperative of efficiency permeates the discourse can be found in the fact that even Winston Blackmore justifies polygamous families in economic terms when he publicly questioned "why a government presiding over this economy, would target them as employers, students, workers, taxpayers, all the while wasting enormous amounts of their hard earned dollars waging a political religious campaign."⁸² It is entirely reasonable to question instances of fraud and tax evasion, especially as social spending is cut in the name of fiscal austerity, but considering the limited impact of the small community of Bountiful on government revenues, the focus on burden to the taxpayer is arguably a rhetorical technique to draw on popular sentiment against tax 'cheats'. This is not a novel part of the polygamy discourse as it has ties to the highly gendered discourse around "welfare moms" which stigmatizes single (non-white) mothers and normalizes the economically productive two parent family.

Some conservative commentators explicitly normalize heterosexual monogamy by opposing it to 'deviant' relations such as homosexual and polygamous families. Proponents of progressive interpretations of marriage, however, have been forced to engage with the issue of

78 Angela Campbell, "How have policy approaches to Polygamy responded to women's experiences and rights? An International Comparative Analysis," *Status of Women Canada*, 2005, p. 15.

79 Bala, "Not cut out for polygamy," A17

80 Daphne Bramham, "Ex-millionair polygamist deep in debt," *The Vancouver Sun*, 1 April 2010, <http://www.vancouversun.com/life/millionaire+polygamist+deep+debt/2752341/story.html#ixzz0r2agkpBB>

81 Ibid.

82 Winston Blackmore, "Winston Blackmore's Statement," *The Vancouver Sun*, 8 January 2009, <http://www.vancouversun.com/life/Winston+Blackmore+statement/1156396/story.html#ixzz0r2qldpR9>

polygamy because of this discursive formation. In doing so, many have echoed the polygamy discourse of the turn of the century while incorporating a specific form of same-sex pairing into the social 'norm'; in fact, Daphne Bramham has gone as far as calling same-sex monogamous families 'traditional'.⁸³ Both in past polygamy discourse and present, widespread anxiety about the institution of marriage has created the conditions under which polygamy becomes problematized politically.

5.2. *Canadian Values*

The contemporary polygamy discourse, with its ties to anxiety over marital reform, has located core Canadian values in the family. The Federal Justice Minister has claimed that the criminal prohibition against polygamy is "consistent with Canadian values," and former B.C. Attorney General has publicly stated that if the prohibition was struck down Canadians would not stand for it.⁸⁴ The values that polygamy is inconsistent with are rarely named, but it can be assumed, considering the framing of the debate, that one is speaking of equality and autonomy. Jancis Andrews, a well known anti-polygamy activist is clear in her formulation that "Polygamy has absolutely no place in a democratic society in which all citizens are considered equal."⁸⁵ This statement appeared in a letter to the editor, with the title, "Polygamy repulsive," which suggests moral disapproval of polygamy rather than inequality within polygamy.

Political scientist Tom Flanagan has argued in popular print media that monogamy should be considered a value in itself, as it is necessary for the proper functioning of a liberal

83 Daphne Bramham, "Anti-polygamy case gives rise to all kinds of family forms," *Vancouver Sun*, 10 June 2010, <http://www.vancouversun.com/Anti+polygamy+case+gives+rise+kinds+family+forms/3130406/story.html#ixzz0r3PU9zS8>.

84 Jennifer Saltman, "A-G won't pursue polygamy appeal; seeks clarification of law," *The Province*, October 2009, <http://www.theprovince.com/life/pursue+polygamy+appeal+seeks+clarification/2133359/story.html#ixzz0r3JH7y6M> and Elaine O'Connor, "No sex-abuse charges to be laid against Bountiful sect," *The Province*, 7 January 2009, <http://www.theprovince.com/news/2007+abuse+charges+laid+against+Bountiful+sect/1151553/story.html#ixzz0r3JzB1Wf>

85 Jancis Andrews, "Polygamy repulsive," *The Globe and Mail*, 9 October 2002, A16.

democracy.⁸⁶ He argues that "Polygamous societies tend toward extreme authoritarianism and arbitrary government, with Draconian punishments to protect harems and control slaves and soldiers," and thus Canada should maintain criminal prohibition on polygamy as a representation of Canadian sexual norms; he calls this our "sexual constitution."⁸⁷ In another letter to the editor titled, *Polygamy Peril*, Jancis Andrews seems to agree with Flanagan that polygamy is "inherently destructive of good social order."⁸⁸ The choice by the editor to use the word 'peril' together with Andrews' "destruction of good order" draws, perhaps unwittingly, on xenophobic discourses of the past such as "The Yellow Peril" and the fear of social contamination. The fear of a foreign peril related to polygamy is again articulated in *The Globe and Mail* when Flanagan writes the following:

The small cult of fundamentalist Mormons will not bring down the social order by itself, but Canada is now accepting substantial immigration from Africa and the Middle East, where polygamy is widely practised. If we don't enforce our existing laws against polygamy, we will jeopardize the fundamental institution of our free society and constitutional government.⁸⁹

In the U.S., Democratic Senator, Harry Reid has described the polygamy issue as an "epidemic of lawlessness in polygamous communities,"⁹⁰ using the biological metaphor of contagion to describe polygamy.

It is possible to argue that this theme of an outside danger (from within) to Canadian institutions and values represents only a marginal voice in the discourse; there are of course different voices in the debate, such as those who tend toward a libertarian justification of

86 Tom Flanagan, "Our sexual constitution: the link between monogamy and democracy," *The Globe and Mail*, 4 September 2007, A21.

87 Ibid.

88 Jancis Andrews, "Polygamy peril," *The Globe and Mail*, 19 January 2006, A18.

89 Tom Flanagan, "The biological and philosophical reasons why we should prosecute polygamy," *The Globe and Mail*, 24 April 2008, A19.

90 Robert Matas, "Special prosecutor targets polygamy 'epidemic'; Probe could halt cross-border trade in young women," *The Globe and Mail*, 9 May 2008, A1

polygamy and those who see the fundamental problem as inequality in resources and power rather than the threat of polygamy to the institution of monogamy. Nevertheless, within the public debate there is a strong tendency to reify a Canadian consensus against polygamy as an oppressive *institution*, that is a social organization with relative permanence and consistency, rather than as a variable *practice* between individuals within unequal gender relations. Consider the headline of a 2009 *Vancouver Sun* article, "Canadians have made up their mind on polygamy and they don't like it."⁹¹ Canadians are plural, however "their mind" is singular; also the fact that Canadians "have made up" employs the present perfect tense, suggesting a finished action. The article goes on to explain that 64% of Canadians support prosecution of polygamy, a statistic that does not justify the presentation of a unanimous Canadian opinion. Furthermore, the study does not gauge whether respondents support criminalization because of pragmatic concerns over gendered inequality in Bountiful, or whether their opinion is based on moral disapproval of the idea of multiple spouses. The terms of the debate have been reduced to like/dislike—where the reader is presented with the simplified fact that Canadians do not approve of polygamy.

5.3. *Neo-Orientalism, The War on Terror/The War on Polygamy*

One of the defining features of turn-of-the-century polygamy discourse was the rhetorical use of "the harem" as a tool to radically other Mormons in opposition to a Christian American identity. Perhaps unsurprisingly, given the resurgence of Orientalist discourse in North America and Europe after the attacks of 11 September 2001, this rhetorical tool is now also commonly used in contemporary polygamy discourse. The term 'harem' is frequently used in reporting on polygamy in Canada.⁹² When questioned about the accuracy of using the terms 'harem' and

91 Marcio Canseco, "Canadians have made up their mind on polygamy and they don't like it," *Vancouver Sun*, 5 November 2009, <http://www.vancouversun.com/life/Canadians+have+made+their+mind+polygamy+they+like/2186532/story.html>

92 See Chris Theobald, "Don't allow religious 'rights to be for men only," *The Vancouver Sun*, 27 April 2010, <http://www.vancouversun.com/life/allow+religious+rights+only/2955672/story.html#ixzz0r2RHauLh> and Justin

'concubine' to describe Muslim polygamous marriages in Toronto, the editors at *The Toronto Sun* simply replied, "We're sticking with our call on harem."⁹³ The choice to use the term 'harem' has rhetorical power in its appeal to popular western images of submissive women whose sole purpose is to sexually please the patriarch.

As discussed earlier, part of the turn of the century discourse on polygamy was informed by an anthropological model that understood polygamy as part of a social structure that precedes civilization. This teleological model has ties with a common theme in Orientalist discourse, which often portrays the eastern other as frozen in time. A perfect example of this is Karl Marx's writing on India where he describes pre-industrial village life as "undignified, stagnatory, and vegetative."⁹⁴ This theme abounds in writing on Bountiful: "the most notorious polygamous community in Canada is *stuck in time*..."⁹⁵; "Polygamy is designed by men for men from the *ancient times* when women were chattels"⁹⁶; "[decriminalizing polygamy would be] a huge step backward into pre-biblical time."⁹⁷ The flip side of this assertion is that secular Canadian society and monogamy represent progress. Though these statements do not explicitly link polygamy to the East, they draw on a long tradition of defining the other through a lack of historical progress.

Polygamy, and specifically Mormon polygamy, is also commonly associated the Taliban regime in Afghanistan. Daphne Bramham, a journalist for *The Vancouver Sun*, begins her book on Bountiful with a quote from George W. Bush concerning the Taliban regime:

Women are imprisoned in their homes, and are denied access to basic health care and education. Food sent to help starving people is stolen by their leaders. The religious monuments of other faiths are destroyed.

Hunter, "Trying to challenge polygamy stretches the long arm of the law," *The Globe and Mail*, 9 May 2008. S3.
93 "Letters of the Day Column," *The Toronto Sun*. 12 February 2008, p. 20.

94 Karl Marx, "The British Rule in India," *Dispatches for the New York Tribune: Selected Journalism of Karl Marx*, ed. James Lebetter (London: Penguin Books, 2007) p. 218.

95 Conesco.

96 Chantal Eustace, "Most Canadians want polygamists prosecuted," *The Vancouver Sun*, 28 January 2009, <http://www.vancouversun.com/Most+Canadians+want+polygamists+prosecuted/1227584/story.html#ixzz0r35E2hqO>

97 Beeby.

Children are forbidden to fly kites, or sing songs.... A girl of seven is beaten for wearing white shoes.⁹⁸

Bramham then goes on to say, "the Bushes were referring to the Taliban in Afghanistan, but they might well have been talking about women and children... under the tyranny of the FLDS."⁹⁹

This characterization is not unique; Bramham has also compared the FLDS to al-Qaida. In an article in *The Vancouver Sun*, she argues that the Canadian government, by not intervening in the case of a Canadian child taken into state custody after the 2008 raid on the Yearning for Zion ranch in Texas, "is leaving a child at the mercy of the American justice system as it did with 16-year-old Omar Khadr, whose indoctrination to al-Qaida is scarcely different from the programming of FLDS children."¹⁰⁰ Andrea Moore-Emmett's important collection of first hand accounts of women who have left polygamous relationships also compares polygamous communities to the Taliban.¹⁰¹

What is important here is not simply that a comparison is being made, since there is never in-depth comparative analysis, but that in invoking the idea of Islamic terrorism the author also draws on institutionalized power that has crafted the limits of what can intelligibly be said.

Judith Butler convincingly shows that after September 11th a discourse was developed where seeking explanation for the root causes of the attacks were seen as inherently unintelligible.¹⁰²

This limiting of "what we can hear" has very real non-discursive—i.e. physical and embodied—consequences as can be seen by the death threats received by academic and activist Sunera Thobani after she spoke out against the role U.S. imperialism played in the attacks of September 11th; Thobani also became the target of a hate crime investigation related to her comments. If polygamy is the same as the Taliban, then it is inherently evil and cannot be understood; those

98 Bramham, p. 1.

99 Ibid., p. 2.

100 Daphne Bramham, "Time to do something about Bountiful," *The Vancouver Sun*, 28 January 2009, <http://www.vancouversun.com/Time+something+about+Bountiful/1227581/story.html>

101 Andrea Moore-Emmett, *God's Brothel* (San Francisco: Pince-nez Press, 2004), p. 37.

102 Judith Butler, *Precarious Life* (New York: Verso, 2004), p. 5.

who attempt to understand the complexity of women's lives who remain in polygamy are unintelligible. The fight against polygamy becomes associated with the righteous War on Terror and the dichotomous logic of us versus them:

The international coalition has been fighting to eradicate the Taliban in Central Asia longer than it took the Allies to oust the Nazis from Europe. Whether denominated in lives, dollars or political capital, the cost has been staggering. Yet we fight on, convinced that it is the right thing to do. Imagine if Canadian and American governments stood up for their own citizens with the same moral certainty, refusing to back down from petty tyrants such as Warren Jeffs [and] Winston Blackmore....¹⁰³

5.4. *Brainwashed Brides*

The last element of the contemporary discourse that this paper will examine is the way in which the capacity for critical self-reflexivity is denied in the representation of women living in Bountiful. In an article focussed on Deborah Palmer, a former plural wife in Bountiful who eventually left because of sexual abuse by her husband Marvin Palmer, the journalist writes, "She didn't object. This was, after all, a way of life for Mrs. Palmer...."¹⁰⁴ The implication of this statement is that living a "way of life" precludes questioning power relations within that "way of life." Clearly, though, the author cannot mean that any religious belief eliminates the ability to criticize, so one is left with the conclusion that there is something that sets Bountiful apart from the rest of mainstream Canadian society, where citizens retain critical capacity despite being implicated in unequal relations of power themselves. This theme is articulated again by journalist Valerie Fortney when she writes, "It was a terror with absolute certainty at its foundation; to think anything different would have been in direct opposition to their upbringing, their faith, and the men who ruled their lives with an iron fist -- a life that demanded complete

¹⁰³Bramham, *Secret Lives*, p. 438-439.

¹⁰⁴Caroline Alphonso, "Speaking out against polygamy; Wife who fled marriage in B.C. hopes bigamy conviction in U.S. draws attention to abuse she says young women suffer," *The Globe and Mail*, 21 May 2001, A9. On the case of Palmer, see Bramham, *Secret Lives*, p. 200.

obedience."¹⁰⁵ The word choice, "absolute certainty," makes clear that the ideology of the patriarchal community is unquestionable by women within the community.

The issue of critical consciousness is perhaps one of the most complex aspects of the polygamy debate as it demands weighing the voices of those plural wives who 'consent' to remaining in Bountiful against what we know about oppressive community structure from women who have left Bountiful. In his analysis of J.S. Mill's take on 19th century polygamy, Bruce Baum explains the dilemma:

Since people are always starting with some pre-given concepts and understandings, we ought to take seriously their own reasons for doing what they do. Yet, insofar as people are never fully aware of all the social forces and power dynamics that shape them, their self-understandings will not tell the whole story of their freedom or unfreedom.¹⁰⁶

Unfortunately, the contemporary discourse limits the ability to examine these complex relationships by denying any agency to women within Bountiful.

The way in which women in Bountiful are described as property and as animals demonstrates how the polygamy discourse frames them as merely passive victims of male abuse. When commentators describe the place of women within Bountiful they often use the word "chattel."¹⁰⁷ According to the Merriam-Webster dictionary, the etymology of the word dates to 14th century Anglo-French origin and is related to cattle and livestock; the word is now commonly used to define any movable property as well as slaves.¹⁰⁸ Both the association with slavery, a common feature of polygamy discourse, and cattle imply something less than human agency for women in Bountiful. The reference to animality is also present when commentators describe reproduction in the community; they often use expressions like "sired" and "herd of

¹⁰⁵Valerie Fortney, "Women from Bountiful, B.C., offer rare glimpse into 'cult'," *The Vancouver Sun*, 6 May 2010, <http://www.vancouver.sun.com/life/news/2995762/story.html?tab=PHOT#ixzz0r2QjUcHY>

¹⁰⁶Baum, p. 244.

¹⁰⁷See Flanagan, "Sexual Constitution"; Gayle MacDonald, "One woman's heroic journey" *The Globe and Mail*, 23 January 2007, R4; and Theobald, "Religious 'rights.'"

¹⁰⁸Merriam-Webster Online, "Chattel," <http://www.merriam-webster.com/dictionary/chattel>.

children."¹⁰⁹ The result is that women are constructed as nothing more than breeding stock, especially with the use of 'sired' which emphasizes male reproduction in animals.

The constraints imposed by the legal system, and the choice by politicians to address the issue of polygamy through criminal law, mean that the discourse is further limited to making black and white statements about consent. Faced with a lack of willing witnesses, former Attorney General Wally Oppal, was forced to admit that there was no evidence of exploitation (in a legal sense) of young women in Bountiful.¹¹⁰ In reaction to this statement an opinion piece in *The Toronto Sun* shot back: "What's Oppal been smoking in Lotusland? What did he expect from girls who've been raised in a cloistered community where men have all the power, independence and education is [sic] discouraged and females are brainwashed for years to believe their role is to breed and serve men."¹¹¹ The institutionalized constraints of the judicial system, coupled with the representation of women in Bountiful as "brainwashed," have created a discourse where women remaining in Bountiful are virtual non-actors in a debate that will shape their relation to the state in the future.

109Jane Armstrong, "B.C. weighs charges against polygamist," *The Globe and Mail*, 7 June 2007, A1.

110Stephanie Levitz, "Time to clear up polygamy law," *The Toronto Star*, 2 August 2007, A02.

111Mindelle Jacobs, "Religious rape?," *The Toronto Sun*, 3 August 2007, p. 18.

6. Implications

As I argued earlier, contemporary polygamy discourse is not a simple continuation of turn of the century discourse. Unlike nineteenth century discourse, which arose within the power struggles of nation building in the West, the current discourse largely centres around the maintenance and consolidation of a pre-existing national identity.¹¹² Despite this crucial difference, there are significant similarities in the rhetorical use of images of infiltration, contagion and social degeneracy that threaten core Canadian values. This threat is characterized as 'other' through association with Islamic terrorism and exoticized as the threat of the harem. The threat is also economic, with the danger of creating a haven for a sexual/family structure that drains social assistance without productive contribution. As in past discourse, non-polygamous voices are constructed as fully informed, belonging to autonomous agents, while women within Bountiful are characterized as passive and slave-like.

Why should we care about this discourse, though? Why should we care if one thousand or so residents of bountiful are marginalized when the aim is to eliminate a religious-sexual order that subordinates women? A simple answer could be that a feminist analysis should take seriously self-interpretations of women in order to understand the relations of power in which they voice these interpretations. No doubt, women in Bountiful should have more say in legal proceedings in which others will argue that they are being exploited.

However, another important reason to pay attention to this discourse is that it may shed

¹¹²The main difference between the Canadian nation-building projects of the nineteenth century and contemporary national identity consolidation and maintenance is the shift away from overt racism to liberal multiculturalism. As mentioned earlier, Sarah Carter argues that the imposition of monogamy in Western Canada was part of a colonial project aimed at white European dominance. Today, while racism remains a major problem within Canadian society, official multicultural policy means that Canadian national identity is less and less associated with an ethnic or 'racial' identity, and increasingly associated with the often contradictory values of liberalism and pluralism. So, the maintenance of this values based identity still requires exclusion, but this exclusion is often targeted at those groups who are seen to be a threat to the liberal values of individual freedom and self-direction. This type of exclusion, however, often draws on racist discourse and ends up supporting the ideal of a Euro-Canadian identity as the norm. The case of polygamy points to the limits of multicultural pluralism in Canada, and suggests that it is a pluralism that must conform to a set of core national values.

light on the more insidious workings of power within Canadian society; biopolitical power that does not simply prohibit and dominate, but that appears to encourage the healthy growth of society. Both Judith Butler and Michel Foucault were concerned with the critical project of exposing the regime of truth that naturalizes and obfuscates the power relations inherent in the category 'sex'. For Foucault, it was a matter of showing how sex functioned as a pivot point between disciplinary power on the body and regulative power on the population.¹¹³ For Butler, it was a matter of exposing heteronormativity in the naturalization of sex.¹¹⁴ Though the polygamy discourse deals with sexual family structure rather than the category 'sex', similar mechanisms of power operate in the discourse. Foucault's concept of biopolitics and Butler's theory of heteronormativity provide tools to understand the normalization within polygamy discourse as a form of biopolitical exclusion that does not primarily rely on state violence.

One of Butler's central concerns in *Gender Trouble* was to expose the central assumption of heteronormativity as the naturalized linking of sex, gender and desire within binary sexuality, thus destabilizing this heterosexual matrix.¹¹⁵ Although her work has grown beyond this focus on heteronormativity, her most pressing concern remains the question of "what will and will not constitute an intelligible life, and how do presumptions about normative gender and sexuality determine in advance what will qualify as the 'human' and the 'livable'?"¹¹⁶ While her earlier work may provide a framework to understand the discursive normalization of a certain family structure in the polygamy discourse, it tells us little about the interplay of economics and nation-building in this normalization—two crucial elements of the discourse.

Butler's exchange with Nancy Fraser regarding cultural recognition versus economic exploitation provides a theoretical basis for understanding what is being normalized as

113Foucault, "Truth," p. 125.

114Judith Butler, *Gender Trouble* (New York: Routledge, 1999), p. 11.

115Ibid., p. 30.

116Ibid., p. xxii.

'intelligible' within the debate on Bountiful. Butler argues that "struggles to transform the social field of sexuality do not become central to political economy to the extent that they can be directly tied to questions of unpaid and exploited labour, but rather because they cannot be understood without an expansion of the 'economic' sphere itself to include both the reproduction of goods as well as the social reproduction of persons."¹¹⁷ Essentially, she calls for a blurring of the Marxian base/superstructure binary where sexuality is considered part of the mode of production. Following this logic, polygamy discourse can be seen as part of the mode of production. This is so because this discourse tends to normalize the economically productive heterosexual dyad. Understanding the discourse in this way explains the fervour with which commentators like Flanagan defend monogamy as essential to liberal capitalist democracy: the belief that monogamous heterosexual family unit and its social reproduction is essential to the economy.

Unfortunately, Butler's attempt to tie the social reproduction of sexuality to the mode of production fails to explain why any *specific* form of reproduction is economically essential. As Nancy Fraser argues, despite social conservatism, capitalist enterprises in the U.S. have proven that there is room to accommodate gays and lesbians as both workers and consumers.¹¹⁸ This accommodation can be seen in the polygamy discourse with the normalization of monogamous gay families as functional, stable and economically productive. This is evidence of the resiliency of the social reproduction of workers to adapt to changing social relations. It suggests that queer politics should be concerned with economics not because any specific sexuality or family structure is necessary for capitalism but, rather, because commentators have historically and continue to use the 'naturalness' of the market to normalize certain sexual relations, such as

¹¹⁷Judith Butler, "Merely Cultural," *Social Text*, 52/53, 1997, p. 272.

¹¹⁸Nancy Fraser, "Heterosexism, Misrecognition, and Capitalism: A Response to Judith Butler," *Social Text*, 52/53, 1997, p. 285.

monogamy. In the polygamy discourse it is used in just this way by proponents of gay marriage to normalize the gay dyad in opposition to deviant and unproductive polygamy.

But what explains the power of economic efficiency discourse to so easily normalize, in rhetoric, non-hetero sexualities that GLBTQ social activists have struggled for decades to have recognized? Here, perhaps, Foucault's concept of biopolitics can be of use. Foucault famously argues in *The History of Sexuality: Volume 1*, that the rise of biopolitics can be seen when "the ancient right to *take* life or *let* live was replaced by a power to *foster* life or *disallow* it to the point of death."¹¹⁹ This shift, according to Foucault, can be traced through a new governmental rationality based on the internal limitation of political economy in the mid-eighteenth century.¹²⁰ He argues that "political economy does not discover natural rights that exist prior to the exercise of governmentality; it discovers a certain naturalness specific to the practice of government itself."¹²¹

Unlike the old *raison d'état*, which sought the enrichment of the state for its own purpose, the liberal biopolitical order came to be based on efficient limitation of government, the management of a healthy population, and the balancing of individual freedom and collective interests based on the 'natural' limitations of market logic.¹²² Thus, it is only within the bases of liberalism with its twin economic imperatives of population growth and growth of means of subsistence that one can grasp biopolitics and biopower.¹²³ This governmental rationality is arguably stronger than ever in Canada with infrastructure projects framed as PPPs (Public Private Partnerships), the provision of social goods such as low-income housing through private developers and even the special earmarking of social science research funding through SSHRC

¹¹⁹Michel Foucault, *The History of Sexuality*, trans. Robert Hurley (New York: Pantheon Books, 1978), p. 138.

¹²⁰Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978-79*, ed. Michel Senellart, trans. Graham Burchell (New York: Palgrave MacMillan, 2008), p. 10.

¹²¹*Ibid.*, p. 15.

¹²²*Ibid.*, p. 44.

¹²³*Ibid.*, p. 22.

for business related research.

If one accepts that this constitutes a distinct regime of truth and governance in our society, then one can see this as the basis for naturalizing monogamous sexuality through a discourse of efficiency: polygamy (and polygamists) then comes to be seen as a deviation from the Canadian norm. This norm comes to be defined in opposition to polygamy and is characterized by an emphasis on the agents' capacities for autonomy and critical reflection, economic productivity and Western progressiveness. It is not so much that monogamy is *necessary* for reproduction of the population and economic productivity, but that it is discursively linked with a governmental rationality that appears to operate on quasi-natural principals of economics. Under this rationality, polygamy occupies a paradoxical position as both a threat to the norm and as a family structure that will *naturally* die out in competition with monogamy. The normalization of monogamy gains rhetorical purchase through association with efficient productivity, while the biopolitical rationalization of government is reified through its uncritical use as a fact-of-life within the polygamy discourse.

Another aspect of biopolitics is that though its foundation lies in the logic of free competition, and thus implies inherent conflict between competing interests, a certain normalization of the economic/political subject is required to safeguard against internal conflict in a given society. Foucault describes this tension when he writes:

At the heart of this liberal practice is an always different and mobile problematic relationship between the production of freedom and that which in the production of freedom risks limiting and destroying it... Liberalism must produce freedom, but this very act entails the establishment of limitations, controls, forms of coercion, and obligations relying on threats, et cetera.¹²⁴

This problematic inter-relationship of liberalism can be seen in the attempt to limit illiberal uses of freedom, such as patriarchal polygyny; though polygamy may be prohibited by law, the

¹²⁴Ibid., p. 64.

discourse on polygamy serves to limit the practice through normalization of monogamy as an institution that produces autonomous subjects.¹²⁵ We can then understand the representation of women in Bountiful as passive and slave-like as a threat to the security of the population that rests on the freedom to reproduce liberal subjects. Foucault argued, "There is no liberalism without a culture of danger."¹²⁶ The fear of the "polygamy peril" in the discourse provides evidence to support this statement.

At this stage, one might simply argue that, indeed, Bountiful is a threat to secular Canadian society which praises self-direction and gender equality; therefore, it should be a goal of those concerned with social justice to normalize autonomous subjectivity. On one level, I am very sympathetic to this argument and would like to see a secular curriculum taught in Bountiful to provide alternative world views and plausible alternatives to those who might consider leaving the community. However, the discourse that privileges autonomy in mainstream society obfuscates the power relations, especially concerning gender, that make any 'autonomy' within Canadian society a limited autonomy. Since no one operates outside the limitations of social structures, including gender relations, it would be wrong to assume that a liberal education will solve the problem of creating autonomous agents. A liberal education would likely expand the choices available to children in Bountiful, and increase their autonomy, but the focus on an insular community like Bountiful may very well distract from limitations on autonomy in the rest of Canadian society. While promoting autonomy may be beneficial for women in Bountiful, on another level, the appeal to normalizing a certain subjectivity further entrenches the need for "control, screening and improvement of the human capital of individuals, as a function of unions and consequent reproduction."¹²⁷ We can see why family structure and sexuality gain a

125Here, by autonomy, I mean simply the ability to make uncoerced decisions and give reasons for them.

126Ibid., p. 67.

127Ibid., p. 228.

privileged position within this form of biopolitics. It is not solely polygamous families that could face coercion, but any family structure that deviates from the ideal reproduction of autonomous liberal citizens.

The themes of Orientalism and xenophobia within the discourse point to this attempt to define a closed Canadian norm against which deviation is measured. In *Society Must Be Defended*, Foucault asks how biopower, which is designed to foster the life of the population, can be used to kill. His answer is that racism serves to differentiate the population in terms of those who should live and those who must die in order to create a healthy social body.¹²⁸ What is perhaps most problematic in the polygamy discourse is the construction of the threat of polygamy as a foreign threat that has infiltrated (or threatens to infiltrate if we let our guard down) Canadian society. It is the least of my concerns that Winston Blackmore and James Oler might be 'othered' from mainstream society; what concerns me is the uncritical reproduction of a discourse which, in Butler's words, makes some lives 'unintelligible' and hence 'unlivable'. This exclusionary aspect of the discourse has dangerous ties to the most violent incarnations of biopolitics.

I suggest that this analysis of contemporary polygamy discourse nuances Foucault's theory of racism within biopolitics. He argues that Nazi racism, as a justification for killing within a biopolitical regime, spread the sovereign power to kill throughout the social body.¹²⁹ Foucault himself, however, noted that the power to kill should also be read to mean political expulsion, not just physical death.¹³⁰ He was also aware that this type of state racism is not limited to Nazism; it was also a feature of the socialist state's way of dealing with internal threats.¹³¹ What one sees in polygamy discourse is the use of 'othering', drawing on Orientalist

¹²⁸Michel Foucault, *Society Must Be Defended*, trans. David Macey (New York: Picador, 1997), p. 255.

¹²⁹Ibid., p. 259.

¹³⁰Ibid., p. 256.

¹³¹Ibid., p. 262.

racism, not for the purpose of extermination but to purify the social body through normalization of a certain sexual-family structure. Whereas Foucault limits his discussion of bio-political violence to a discussion of racism (broadly understood), as a way of eliminating an unhealthy segment of the population, polygamy discourse—with its intersecting themes of economic family structure, sexuality and critical consciousness—shows that state racism is but one tactic to justify the biopolitics of exclusion. Given this concern with consolidating and safeguarding the Canadian social body, polygamy discourse shows that one should not rely on state violence as a measure of oppressive power within biopolitics; social exclusion can take on much more mundane (and democratic) forms, while essentially supporting the same technology of power.

7. Conclusions

In this paper, I have attempted to trace the development of contemporary polygamy discourse with the goal of problematizing unarticulated power relations that are naturalized within the discourse. These power relations are not simply between straight social conservatives and GLBTQ advocates, nor are they simply between xenophobic Canadians and 'foreigners'; these relations are also between the 'normal' Canadian population and anyone who is part of a marginalized sexual-family structure. As it stands, the current discourse reifies a false consensus on Canadian values while normalizing the monogamous family as the economic foundation of society in a way that draws on xenophobic Orientalism. Central to this normalization is the representation of women in Bountiful as lacking critical capacity in contrast to the normal autonomous subject. While some of the discourse is outright homophobic, other aspects normalize gay monogamy while ignoring the fact that many queer relationships are 'open' or polyamorous. The discourse also shows how family structure and sexuality occupy a privileged space in biopolitics and the maintenance of national identity. Discourse, however, is never truly hegemonic, and the very fact that polygamy has been problematized in the public sphere has opened up the possibility of questioning the assumptions behind the ideal monogamous family.

While I have exposed some of the assumptions behind polygamy discourse, this does not mean that many of the criticisms of polygamy (as practised by the FLDS) are not valid. We might reasonably believe that assimilation to a social norm of equality and autonomy is a valid political goal, even as these concepts remain problematic and unrealized in secular Canadian society. From a feminist perspective, it seems that a certain biopolitics of assimilation is required in order to promote sexual, reproductive and economic autonomy for women and girls in Bountiful. But we should be aware that this can naturalize both gender relations outside of Bountiful as well as a much further reaching biopolitics of normalization.

A critical take on polygamy discourse also does not preclude the use of s. 293 of the criminal code to address oppression in closed FLDS communities. It does, however, suggest that there is significant danger of political exclusion through a law that normalizes monogamy. Perhaps, as West Coast LEAF is suggesting, a reading down of the law to require evidence of exploitation will provide a way of intervening in Bountiful without promoting a sexual witch hunt. The treatment of a person as a means to an end is certainly unjust, and the use of the law to prevent such exploitation is perhaps the best use to which the law may be put. The problem with criminal law, in the words of Margaret Denike, is that it is a "blunt tool" with which to approach a complex and delicate issue.¹³² Any attempt to criminally define exploitation within polygamy will necessarily require subjective judgement, and this will likely be based on prevailing discourse that limits what can be understood as normal and non-exploitative. Perhaps the best legal solution is to create a test based on observable indicators of participation in sexual, economic and community decision making to determine if a polygamous relationship is exploitative and, thus, illegal. This would steer the discourse away from the abstract concept of capacity for critical reflection and could incorporate an appreciation for the self-understanding of the women who are involved in these practices as agents. Certainly not all power imbalances can be easily observed; however, participation in sexual, economic and community decision making are at least reasonable proxies for equality.

Polygamy will certainly remain a topic of much debate in the years to come as the issue works its way through the Supreme Court. In light of the political forces shaping the discourse, it will be important to follow who is privileged to speak as experts in the reference case, what aspects of the discourse are drawn upon, what is considered intelligible within legal argumentation and in the end how the state decides to regulate sexual relations in relation to

¹³²Denike, p. 149.

"Canadian values." Whatever the result of the reference case, everyone concerned with the polygamy issue should realize that power relations are not limited to those between FLDS patriarchs and FLDS women; polygamy discourse originates in and reinforces biopower.

Works Cited

- Alphonso, Caroline. "Speaking out against polygamy; Wife who fled marriage in B.C. hopes bigamy conviction in U.S. draws attention to abuse she says young women suffer." *The Globe and Mail*. 21 May 2001.
- Andrews, Jancis. "Polygamy repulsive." *The Globe and Mail*. 9 October 2002.
- . "Polygamy peril." *The Globe and Mail*. 19 January 2006.
- Armstrong, Jane. "Same-sex marriage won't open floodgates, lawyers say; Justice Minister denies polygamy study tied to impending legal changes." *The Globe and Mail*. 22 January 2005.
- . "B.C. weighs charges against polygamist." *The Globe and Mail*. 7 June 2007.
- Bailey, Martha *et al.* "Expanding Recognition of Foreign Polygamous Marriages: Policy Implications for Canada." *Status of Women Canada*. 2005.
- Baines, Beverly. "Equality's Nemesis." *Journal of Law and Equality*. 5 (1): 57-80.
- Bala, Nicholas *et al.* "An International Review of Polygamy: Legal and Policy Implications for Canada." *Status of Women Canada*. 2005.
- Bala, Nicholas. "Not cut out for polygamy." *The Globe and Mail*. 18 January 2006.
- Baum, Bruce. "Feminism, Liberalism and Cultural Pluralism: J.S. Mill on Mormon Polygyny." *The Journal of Political Philosophy*. 5 (3). (1997): 230-253.
- Beeby, Dean. "Same-sex bill sparked urgent call for polygamy data, document shows." *The Globe and Mail*. 28 February 2005.
- Blackmore, Winston. "Winston Blackmore's Statement." *The Vancouver Sun*. 8 January 2009.
<http://www.vancouversun.com/life/Winston+Blackmore+statement/1156396/story.html#ixzz0r2qldpR9>
- Bramham, Daphne. "Gay union poses trouble for Bountiful." *Vancouver Sun*. 7 April 2006.
<http://www.vancouversun.com/life/union+poses+trouble+Bountiful/1227490/story.html>.
- . *The Secret Lives of Saints: Child Brides and Lost Boys in Canada's Polygamous Mormon Sect*. Toronto: Random House Canada. 2008.
- . "Time to do something about Bountiful." *The Vancouver Sun*. 28 January 2009.
<http://www.vancouversun.com/Time+something+about+Bountiful/1227581/story.html>

- . "Ex-millionair polygamist deep in debt." *The Vancouver Sun*. 1 April 2010.
<http://www.vancouversun.com/life/millionaire+polygamist+deep+debt/2752341/story.html#ixzz0r2agkpBB>
- . "Anti-polygamy case gives rise to all kinds of family forms." *Vancouver Sun*. 10 June 2010.
<http://www.vancouversun.com/Anti+polygamy+case+gives+rise+kinds+family+forms/3130406/story.html#ixzz0r3PU9zS8>.
- Burgess-Olsen, Vicky. *Sister Saints*. Provo, UT: Brigham Young University Press. 1978.
- Butler, Judith. "Merely Cultural." *Social Text*. 52/53 (1997): 265-277.
- . *Precarious Life*. New York: Verso. 2004.
- . *Gender Trouble*. New York: Routledge. 1999.
- Campbell, Angela. "Bountiful Voices." <http://ssrn.com/abstract=1376803>.
- . "How have policy approaches to Polygamy responded to women's experiences and rights? An International Comparative Analysis." *Status of Women Canada* 2005.
- Canseco, Mario. "Canadians have made up their mind on polygamy and they don't like it." *The Vancouver Sun*. 5 November 2009.
<http://www.vancouversun.com/life/Canadians+have+made+their+mind+polygamy+they+like/2186532/story.html>
- Carter, Sarah. *The Importance of Being Monogamous*. Edmonton: University of Alberta Press. 2008.
- Chung, Andrew. "Polygamy crowding out gay-union debate: MP." *Toronto Star*. 14 February 2003.
- Csillag, Ron. "Marriage by the numbers." *The Toronto Star*. 5 February 2005.
- Denike, Margaret. "What's Queer About Polygamy?" in *Queer Theory: Law, Culture, Empire*. Edited by Robert Leckey and Kim Brooks. Routledge. 2010: 137-153.
- Engels, Friedrich. *The Origin of the Family, Private Property and the State*. New York: International Publishers. 1972.
- Eustace, Chantal. "Most Canadians want polygamists prosecuted." *The Vancouver Sun*. 28 January 2009.
<http://www.vancouversun.com/Most+Canadians+want+polygamists+prosecuted/1227584/story.html#ixzz0r35E2hqO>

- Flanagan, Tom. "Our sexual constitution: the link between monogamy and democracy." *The Globe and Mail*. 4 September 2007.
- . "The biological and philosophical reasons why we should prosecute polygamy." *The Globe and Mail*. 24 April 2008.
- Fortney, Valerie. "Women from Bountiful, B.C., offer rare glimpse into 'cult'." *The Vancouver Sun*. 6 May 2010. <http://www.vancouver.sun.com/life/news/2995762/story.html?tab=PHOT#ixzz0r2QjUcHY>
- Foucault, Michel. "Polemics, Politics, and Problemizations." in *The Foucault Reader*. Edited by Paul Rabinow. New York: Vintage Books. 2010: 381-390.
- Michel Foucault, *The Archaeology of Knowledge* (London: Routledge, 2004), p. 41.
- . "Truth and Power." in *Power/Knowledge*. Edited by Colin Gordon. New York: Pantheon Books. 1980: 109-133.
- . "Nietzsche, Genealogy, History." in *The Foucault Reader*. Edited by Paul Rabinow. New York: Vintage Books. 2010: 76-100.
- . *The History of Sexuality*. Translated by Robert Hurley. New York: Pantheon Books. 1978.
- . *The Birth of Biopolitics: Lectures at the Collège de France 1978-79*. Edited by Michel Senellart. Translated by Graham Burchell. New York: Palgrave MacMillan. 2008.
- . *Society Must Be Defended*. Translated by David Macey. New York: Picador. 1997.
- Fraser, Nancy. "Heterosexism, Misrecognition, and Capitalism: A Response to Judith Butler." *Social Text*. 52/53. (1997): 279-289.
- The Globe and Mail*. "What does polygamy have to do with it?" 22 January 2005.
- Hainsworth, Jeremy. "Why Bountiful Matters to Gays." *Xtra!*. 5 October 2009. http://www.xtra.ca/public/National/Why_Bountiful_matters_to_gays-4-7569-viewstory4.aspx#continuearticle.
- Hallstein, Lynn. "Where standpoint stands now: an introduction and commentary." *Women's Studies in Communication*. 23.1. 2000.
- Harris, Kathleen. "Harper Blasts Gay Law." *The Toronto Sun*. 21 January 2005.
- Hunter, Justin. "Trying to challenge polygamy stretches the long arm of the law." *The Globe and Mail*. 9 May 2008.
- Iverson, Joan Smyth. *The Antipolygamy Controversy In U.S. Women's Movements, 1880-1925*. New York: Garland Publishing. 1997.

- Jacobs, Mindelle. "Religious rape?" *The Toronto Sun*. 3 August 2007.
- Jagar, Siegfried. "Discourse and Knowledge." in *Methods of Critical Discourse Analysis*. Edited by Ruth Wodak and Michael Meyer. Thousand Oaks, CA: Sage Publications. 2001.
- Levitz, Stephanie. "Time to clear up polygamy law." *The Toronto Star*. 2 August 2007.
- MacDonald, Gayle. "One woman's heroic journey." *The Globe and Mail*. 23 January 2007.
- Marx, Karl. "The British Rule in India." *Dispatches for the New York Tribune: Selected Journalism of Karl Marx*. Edited by James Lebetter. London: Penguin Books, 2007.
- Matas, Robert. "Special prosecutor targets polygamy 'epidemic'; Probe could halt cross-border trade in young women." *The Globe and Mail*. 9 May 2008.
- McCann, Marcus. "Can We Get Rid of Canada's Polygamy Laws?" *Xtra!*. 14 May 2008.
http://www.xtra.ca/public/viewstory.aspx?AFF_TYPE=2&STORY_ID=4772&PUB_TEMPLATE_ID=7.
- . "Get Rid of Canada's Polygamy Law." *Xtra!*. 19 January 2010.
http://www.xtra.ca/public/National/Get_rid_of_Canadas_polygamy_law-8092.aspx.
- Merriam-Webster Online. "Chattel." <http://www.merriam-webster.com/dictionary/chattel>.
- Moore-Emmet, Andrea. *God's Brothel*. San Francisco: Pince-nez Press. 2004.
- O'Connor, Elaine. "No sex-abuse charges to be laid against Bountiful sect." *The Province*. 7 January 2009.
<http://www.theprovince.com/news/2007+abuse+charges+laid+against+Bountiful+sect/1151553/story.html#ixzz0r3JzB1Wf>
- Rosencwaig, Norman. "Same-sex taxes." *The Globe and Mail*. 26 January 2005.
- Saltman, Jennifer. "A-G won't pursue polygamy appeal; seeks clarification of law." *The Province*. October 2009.
<http://www.theprovince.com/life/pursue+polygamy+appeal+seeks+clarification/2133359/story.html#ixzz0r3JH7y6M>
- Shapiro, Michael. "Introduction." in *Language and Politics*. Edited by Michael Shapiro. New York: New York University Press. 1984.
- Somerville, Margaret. "If same-sex marriage, why not polygamy?" *The Globe and Mail*. 11 August 2007.

Theobald, Chris. "Don't allow religious 'rights to be for men only." *The Vancouver Sun*. 27 April 2010. <http://www.vancouversun.com/life/allow+religious+rights+only/2955672/story.html#ixzz0r2RHauLh>

The Toronto Sun. "Letters of the Day Column." 12 February 2008.

Van Oort, Bouddwyn. "Polygamous polemic." *The Globe and Mail*. 28 December 2004.

West Coast LEAF. "Current and Recent Cases." <http://www.westcoastleaf.org/index.php?pageID=58&parentid=20>.

Woodak, Ruth. "What CDA is About." in *Methods of Critical Discourse Analysis*. Edited by Ruth Woodak and Michael Meyer. Thousand Oaks, CA: Sage Publications. 2001.