

Selective Amnesia Regarding Adult Consent in Polygamy: What We Must **Forget in Order To Justify Legalization or Decriminalization of Patriarchal Polygamy**

Why there is no such thing as “consenting adults” in religiously-mandated and patriarchal polygamy.

Below is a list of facts which must be forgotten or ignored in order to believe that patriarchal polygamy should be legalized as a free choice for adult females, that it takes place among consenting adults, and that it is a victimless crime.

Spiritual Blackmail

To justify legalizing polygamy as a free choice for women, we must forget that women in many Mormon offshoot polygamous sects believe that “living the principle” is a requirement if they want to be with their families in eternity, and that refusing to live it will cause severe consequences to their eternal welfare. For true believers, fear of this consequence is so terrifying, they have no viable alternative.

“Polygamy is not an Option” CNN Interview, Kristyn Decker, author, *Fifty Years in Polygamy*
<http://newsroom.blogs.cnn.com/2012/07/02/wife-speaks-out-against-polygamy/>

Victims of Undue Influence

To justify legalizing polygamy as a free choice for women, we must forget that women believe that their prophet receives revelation from God concerning them, granting him a staggering ecclesiastical and fiduciary power over them. When he imposes his will while disregarding the desires of the women, it is undue influence.

D exerts undue influence over C if: (i) C is willing to do whatever D tells her to do; and (ii) D uses that power he has over C to get C to act in a particular way. It also has to be shown that D used the power that he had over C to take advantage of her.

<http://mcbridesguides.com/2012/07/31/undue-influence/>

“In jurisprudence, undue influence is an equitable doctrine that involves one person taking advantage of a position of power over another person. It is where free will to bargain is not possible.”

<http://www.nacollawfirmblog.com/probate-and-will-contests/contesting-a-will>

“Evidence of such dominance of another's mind may result in invalidation of the will, gift or contract by a court if the will, gift or contract is challenged.”

<http://dictionary.law.com/Default.aspx?selected=2190>

Coercion Nullifies Consent

To justify legalizing polygamy as a free choice for women, we must forget that “coercion nullifies the morally transformative power of consent,” and that coercion can be situational, psychological, non-violent, and non-physical.

Coercion serves to “invalidate any consent that may have been given and to render impermissible any actions derived from the consent.”

Loyola Law Professor, Kathleen Kim, “The Coercion of Trafficked Workers”

Patriarchy & Imbalance of Power

To justify legalizing polygamy as a free choice for women, we must forget the gender inequality and imbalance of power between the man and his plural wives. We must forget that in some cases, women believe their husbands can determine their eternal outcomes, and if they displease their husbands in mortality, husbands have the power to damn them for all eternity. In most countries, a prisoner cannot consent to sexual relations with a jailer or someone who controls the conditions of the prisoner's confinement. How then is it possible for a woman to consent to have sexual relations with her prophet, priesthood leader, or assigned husband who she believes controls the conditions of her eternal life?

“In polygamous communities there is a hierarchy of polygamous marriages in the community existing under the control of a central leader. This leader is generally referred to as “the prophet” and is the leading patriarch of the community. One of the problems with a hierarchical structure has to do with the effects of power and control. Absolute power tends to corrupt, and it is not unusual for the patriarch or prophet in a polygamous community to become corrupted by the sweeping power he possesses (as evidenced by the history of these polygamous cults).”

Revelation from God dictates the words and acts of the central figure. This is the basis of the prophet's power and authority and in a corollary way, the polygamist father's power and authority over his wives and children. Followers are taught to worship the prophet as

a god. No matter what the prophet instructs a person to do, they should obey without question, and be “sweet” about it (cheerfully submissive). Even unreasonable and non-sensible directives can be made and are expected to be followed, because they “came from God.”

The Impact of Modern-Day Polygamy on Women & Children
<http://www.traumaawareness.org/polygamy-position-paper-2009-edit/>

See also:

Affidavit of John Lewellyn, Supreme Court of British Columbia
<http://stoppolygamyincanada.files.wordpress.com/2011/01/affidavit-of-john-llewellyn.pdf>

Clergy Abuse - Violation of Fiduciary Trust

To justify legalizing polygamy as a free choice for women, we must agree that protecting freedom of religion trumps crimes committed by those in ecclesiastical/fiduciary positions of trust, even when they issue terroristic threats to the woman’s eternal well-being if they do not subjugate themselves to the desires of the fiduciary spiritual advisor. This includes the requirement to consent to a felony being committed against them.

“There are many myths associated with adult clergy sexual abuse. These myths are damaging and inhibit justice for victims within the court systems in the United States. The clergy/parishioner relationship is no different than other professional relationships where there is a fiduciary duty. The "professional", whether it be a teacher, therapist or clergy has a fiduciary duty to whomever they have a professional relationship. A fiduciary duty is a relationship based on trust. The trust does not have to be earned. In most cases a person grows up with the belief system that certain professionals can be trusted with no questions asked.

The most damaging myth is the belief that the sexual relationship between clergy and parishioner is a consensual affair. The reality is the sexual relationship is a sexual assault. No matter if it happened once or if the sexual relationship lasts for 30 years. A sexual relationship between clergy and parishioner can never be consensual. The power differential is too great.”

Dispelling Myths: Adult Clergy Sexual Abuse
<http://www.educatingtoendabuse.com/id22.html>

See also - *The Silent Majority: Adult Victims of Sexual Exploitation by Clergy*
<http://www.adultsabusedbyclergy.org/statelaws.html>

Some Scientists Believe Brainwashing Impairs Agency

To justify legalizing polygamy as a free choice for women, we must forget that a body of scientific work shows that the neuronal behaviors of brainwashed people behave so differently, critical thinking is nearly impossible. In her book *Brainwashing - The Science of Thought Control*, neuroscientist Kathleen Taylor utilizes neurological science to show that brainwashed individuals have more rigid pathways in their deep convictions, and that rigidity can make it unlikely that the individual will rethink situations or be able to later reorganize these pathways.

“Brainwashed people no longer have free will: they must act as the brainwasher commands. Yet successful brainwashing leaves victims unaware of their new-found slavery; they still regard themselves as free, responsible agents. Unless their brainwashing becomes a matter of public knowledge, society will make the same judgement.”

Brainwashing, Kathleen Taylor, p. 187

“A devout believer in God does not hold this conviction in isolation from all his other beliefs; rather, it provides the emotional bedrock for much of his existence. Such beliefs can be extremely hard to change. Changing a strong belief is like cutting one of the main supporting strands: the entire structure of the (neuronal) web may be changed or even destroyed.”

Brainwashing, Kathleen Taylor, p. 129

“When one has committed to a belief, renouncing it is unpleasant in any situation; it is renouncing part of one’s own identity.”

Brainwashing, Kathleen Taylor, p. 42

“Brainwashing involves stealth or coercion rather than rational persuasion. It shares many similarities with torture, from which it evolved, and many descriptions of alleged brainwashing situations include psychological or physical torture. Both brainwashing and torture seek to dominate the victim.”

Changing Conditions

To justify legalizing polygamy as a free choice for women, we must forget that even when women do choose their partners, conditions can change. Consent at one stage should not constitute consent at every stage. In some polygamous cultures men take other wives without the knowledge or approval of the first wives. Even though the circumstances of marriage have altered as economic, emotional and physical resources must now be shared with a stranger, the wives are already bound.

Do Not Self-Identify as Victims

To justify legalizing polygamy as a free choice for women, we must forget that women are pressured to suffer in silence while portraying an outward happiness, and that exploited people commonly do not realize they have been manipulated, or realize how deeply they have been victimized until they have had time away from their situation, learned to develop critical thinking skills, become educated on their rights and have had time to heal.

“The most disconcerting thing about some victims of brainwashing is the vehemence with which they claim to have free will, to have chosen their destiny rather than to have been coerced into it.”

Kathleen Taylor, *Brainwashing - The Science of Control*, p. 12

“Trafficking victims who were “rescued” from the trafficking situation may not identify themselves as victims. They may be skeptical, or even resentful, of your services.”

Meeting the Legal Needs of Human Trafficking Victims: An Introduction for Domestic Violence Attorneys and Advocates. American Bar Association
<http://bit.ly/YCOVpk>

Women Are Frequently Disempowered and Manipulated

To justify legalizing polygamy as a free choice for women, we must forget the “patriarchal, anti-democratic nature of polygamous communities that disempower women, individually and collectively, from being educated and making informed choices about their lives.” Furthermore, women are manipulated through a series of rewards and punishments in an authoritarian

structure that permits limited feedback, inhibits the woman's natural personality and behavior, often makes her feel powerless and teaches her to deny her natural feelings.

Affidavit of Dr. Stephen A. Kent, Supreme Court of British Columbia

<http://www.scribd.com/doc/46984970/Affidavit-of-Stephen-Kent-for-Polygamy-Reference-Case>

Loss of Choice Over Intimacy & Reproduction

To justify legalizing polygamy as a free choice for women, we must forget that when women must share their husbands with other women, personal desires for affection can not be freely met. The human need for affection must be restrained and scheduled, causing women to subdue their natural desires and spend countless lonely nights alone. In numerous sects, sexual relations can not be for pleasure, but only take place during fertile times for the specific purpose of conceiving children. Women are prohibited from using birth control are commanded to continually bear children.

Sex With Religious Counselor Non-Consensual

To justify legalizing polygamy as a free choice for women, particularly if a woman is called to be a 'wife' of a religious leader, we must forget the description of non-consensual sex. Example:

Utah Code § 76-5-406. Sexual offenses against the victim without consent of victim --
Circumstances

An act of [sexual contact] is without consent of the victim under any of the following circumstances . . .

(12) the actor is a health professional or religious counselor

(b) "religious counselor" means a minister, priest, rabbi, bishop, or other recognized member of the clergy.

Consent achieved **through pressure, coercion, or threats** is also **not considered voluntary consent**. Sexual activity obtained through involuntary consent (or **coercion**) is against the law.

Slave-like Conditions

To justify legalizing polygamy as a free choice for women, we must forget that women often live in poverty and if they work, it is frequently under slave-like conditions, working for little or no pay but giving it to the "building of the kingdom" which is run by men. This is also known as human trafficking.

“One of the most common misconceptions about human trafficking is that it is primarily a crime of movement. It is not. In fact, the law does not require any movement or crossing of jurisdictional boundaries for a trafficking crime to occur. Human trafficking is primarily a crime of exploitation. Human trafficking occurs when an individual’s freedom is curtailed and labor or other services are extracted through force, fraud, or coercion by another individual.”

Meeting the Legal Needs of Human Trafficking Victims: An Introduction for Domestic Violence Attorneys and Advocates. American Bar Association
<http://bit.ly/YCOVpk>

Consent Impossible for Enslaved, or Trafficked, Women

In order to view polygamy as a free choice for women, we must forget that legally, there is no such thing as ‘consent’ to being trafficked, and in the law, consent is irrelevant.

<http://www.polarisproject.org/human-trafficking/overview/myths-and-misconceptions>

(See Myth #4)

“Reality: A victim cannot consent to be in a situation of human trafficking. Initial consent ... is not relevant to the crime, nor is payment.”

<http://www.polarisproject.org/human-trafficking/overview/myths-and-misconceptions>

(See Myth #9)

CONSENT INVALID DEFENSE IN BELGIUM

The Belgian law on trafficking in human beings recognizes that consent is irrelevant (See: Belgium Law containing provisions to combat trafficking in human beings and child pornography, Chapter 1, Art. 3 amending Art. 380bis §1.1, 1995 available at legislationline.org)

CONSENT INVALID DEFENSE IN COLOMBIA

The Colombian law states that “the consent given by the victim to any form of exploitation defined in this article will not construe a cause for exoneration from personal responsibility.” (See: Colombia Human Trafficking Law, Article 3, 2005 (Spanish))

ABUSE OF POWER

Some international standards such as The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (UN Protocol) recognize that traffickers often use subtle forms of “deception or the abuse of power or a position of vulnerability” to ensnare their victims.

Certainly, a prophet is in a position of power over those who believe that he speaks for God.

The Protocol holds a trafficker accountable if he commits the acts described in any of the following three situations:

1. When the trafficker uses “threats or use of force” to achieve the consent of a person having control over another person, for the purpose of exploitation; OR
2. When the trafficker uses “other forms of coercion, of abduction, of fraud, of deception, or the abuse of power or a position of vulnerability” to achieve the consent of a person having control over another person, for the purpose of exploitation; OR
3. When the trafficker uses the “giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

SOURCE: <http://www.endvawnow.org/en/articles/549-force-fraud-or-coercion.html>

Rampant Psychological Abuse

To justify legalizing polygamy as a free choice for women, we must forget that they do not choose the inter-family politics and rivalries, sister-wife cruelty, psychological manipulations, and unmet needs for intimacy.

*Affidavit of Susan Stickevers, Supreme Court of British Columbia
Section 293 of the Criminal Code of Canada, 2011 BCSC 1588
<http://www.rickross.com/reference/polygamy/polygamy1412.html>*

“It has been important to the author that in this field of “the psychological impact of polygamy on its victims,” there is a great deal of convergence of data, too much in fact, to ignore.”

The Impact of Modern-Day Polygamy on Women & Children, Larry Beall, Ph.D.
<http://www.traumaawareness.org/polygamy-position-paper-2009-edit/>

See also:

<http://abc.go.com/watch/2020/SH559026/VD55250801/2020-1123-breaking-polygamy-secrets-of-the-sect>

Survivors Often Traumatized

To justify legalizing polygamy as a free choice for women, we must forget that many consider polygamy a form of slavery, or human trafficking, and we must forget that women who escape almost always have post-traumatic stress disorder at levels akin to torture.

The Impact of Modern-Day Polygamy on Women & Children
<http://www.traumaawareness.org/polygamy-position-paper-2009-edit/>

“Property! is not a misnomer. It accurately depicts how the women in the sect were treated. Carol Christie reveals the degradation, abuse, and brainwashing that the Church Wives endured. She exposes the physical abuse, the mental cruelty, the slave labour, and the sexual deviance that took place in Owen Sound, a small community just a few hours north of Toronto. She describes the many opportunities that officials had to investigate but walked away from, swayed by the charismatic Prophet.”

<http://www.ctvnews.ca/w5/allegations-of-polygamy-abuse-and-psychological-torture-within-secretive-sect-1.1041913>

Doesn't Polygamy Sometimes Work Well?

To justify legalizing polygamy as a free choice for women, we must forget that the benign media portrayal of the ‘normal’ polygamous Browns on the TV show ‘Sister Wives’ is entertaining propaganda, and does not represent the true realities and choices of the women in polygamy. The Browns are members of the Apostolic United Brotherhood (AUB). Three stories from women in the AUB appear in “God’s Brothel” by Andrea Moore-Emmett, which was quoted by the State of Utah in their defense of the polygamy lawsuit by the Brown family.

“Regarding one former member of the AUB, Emmett-Moore writes:

Still, as Lillian gained a foothold in a new world on the “outside,” panic attacks began to grip her. Then came flashbacks in fragmented scenes. “In these snippets, I see the house where my dad has always lived. I’m down inside the basement wearing a white dress, and the men in The Order are all there. They’re wearing their white shirts,” she says... “I’m raped by my father and other members of ‘The Order’.”

Other equally egregious stories from other Utah polygamous communities are reported in the book as well. “As God’s Brothel makes clear, fundamental Mormon polygamy can lead to pedophilia, rape, domestic violence... incest and welfare fraud.”

(Case: 2:11CV00652 Defendant Jeffrey R. Buhman in his official capacity as County Attorney for Utah County, in reply to Plaintiff’s Memorandum)

“But can’t it work for some families?”

“In all my years living polygamy, I never knew a happy family. I knew many who would put on a happy family show for the media, but behind closed doors, the women were always suffering.”

Vicky Prunty, co-founder, Tapestry Against Polygamy

“Over the 20 years in which I was associated with the AUB (same sect as those in the TV show ‘Sister Wives’), I was not aware of a single family, including families of key priesthood members, that did not have serious problems. Many women had serious emotional problems.”

Affidavit of John Lewellyn, Supreme Court of British Columbia
<http://stoppolygamyincanada.files.wordpress.com/2011/01/affidavit-of-john-llewellyn.pdf>

“There is no such thing as so-called ‘good polygamy’.”

Supreme Court of British Columbia
Decision November 23, 2011

Negative Harms of Polygamy

To justify legalizing polygamy as a free choice for women, as if it is a victimless crime between consenting adults, we must forget the plethora of studies documenting the harmful effects of

polygamy. Some of these harms are listed in an affidavit by Susan Stickevers, M.D., but this is the tip of the ice berg.

- Higher rates of depression
- Higher rates of anxiety
- Higher rates of psychiatric hospitalization and outpatient psychiatric treatment
- Higher rates of marital dissatisfaction in wives of polygamous marriages
- Lower levels of self esteem in wives of polygamous marriages
- Higher levels of somatization, phobia and other psychological problems in wives of polygamous marriages
- Lower levels of academic achievement in wives of polygamous marriages
- Lower levels of academic achievement and more difficulty with mental health and social adjustment in the children of polygamous marriages

*Affidavit of Susan Stickevers, Supreme Court of British Columbia
Section 293 of the Criminal Code of Canada, 2011 BCSC 1588*

See also : *A Comparison of Family Functioning, Life and Marital Satisfaction, and Mental Health of Women in Polygamous and Monogamous Marriages*, by Alean Al-Krenawi <http://isp.sagepub.com/content/52/1/5.abstract>

Canadian Conclusions

To justify legalizing polygamy as a free choice for women, we must forget that Canada, a country so liberal that they legalized same-sex marriage in 2004, and prostitution in 2012; then sought to overturn the ban on polygamy. But after “the most comprehensive judicial record on the subject ever produced,” Chief Justice Bauman wrote the following.

“I have concluded that the Attorneys General and their allied Interested Persons have demonstrated a very strong basis for a reasoned apprehension of harm to many in our society inherent in the practice of polygamy as I have defined it in these reasons...

- Women in polygamous relationships are at an elevated risk of physical and psychological harm.
- They face higher rates of domestic violence and abuse, including sexual abuse.
- Competition for material and emotional access to a shared husband can lead to fractious co-wife relationships.

- These factors contribute to the higher rates of depressive disorders and other mental health issues that women in polygamous relationships face.
- They have more children, are more likely to die in childbirth and live shorter lives than their monogamous counterparts.
- They tend to have less autonomy, and report higher rates of marital dissatisfaction and lower levels of self-esteem.
- They also fare worse economically, as resources may be inequitably divided or simply insufficient. [Decision, Item 8]

Regarding Harms to Children

- Children in polygamous families face higher infant mortality, even controlling for economic status and other relevant variables.
- They tend to suffer more emotional, behavioral and physical problems, as well as lower educational achievement than children in monogamous families.
- These outcomes are likely the result of higher levels of conflict, emotional stress and tension in polygamous families.
- In particular, rivalry and jealousy among co-wives can cause significant emotional problems for their children.
- The inability of fathers to give sufficient affection and disciplinary attention to all of their children can further reduce children's emotional security.
- Children are also at enhanced risk of psychological and physical abuse and neglect. [Decision, Item 9]

Supreme Court of British Columbia
Section 293 of the Criminal Code of Canada, 2011 BCSC 1588
For a more exhaustive list of documented harms, please visit
<http://stoppolygamy.com/court-decision-on-polygamy/>

United Nations: Women Deserve Equality

To justify legalizing polygamy as a free choice for women, we must forget that polygamy suffers the opprobrium of international human rights condemnation, that it contravenes a woman's right to equality with men, can have serious emotional and financial consequences, and that it undermines the rights of women in relation to family life, security and citizenship.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Violation of Human Rights

To justify legalizing polygamy as a free choice for women, we must forget that polygamy is replete with violations of the Universal Declaration of Human Rights, which recognizes the “inherent dignity and of the equal and inalienable rights of all members of the human family.”

<http://www.un.org/en/documents/udhr/index.shtml>

Harms Are Endemic

To justify legalizing polygamy as a free choice for women, we must forget that Canadian Chief Justice Bauman wrote in his decision that “the harms associated with the practice are endemic; they are inherent,” and that the harms “are not simply the product of individual misconduct; they arise inevitably out of the practice.” In other words, he was not talking about the harms that come from specific crimes or abuses committed by individuals living in polygamy, but the harms of polygamy even when there is no religion or abuse involved.

“Polygamy’s harm to society includes the critical fact that a great many of its individual harms are not specific to any particular religious, cultural or regional context. They can be generalized and expected to occur wherever polygamy exists.” ~Justice Bauman

PATRIARCHAL POLYGAMY IS NOT ABOUT CONSENTING ADULTS

POLYGAMY IS NOT A VICTIMLESS CRIME