**Religious freedom and the law: Polygamy in Canada**

2.11 analyze perspectives on the imposition of the principles of liberalism (Aboriginal experiences,contemporary events) (PADM, ER, TCC)

**Is polygamy responsible for society’s problems?**



**“Mommies”**

1. As a class, read and discuss the quotes and questions on pages 292 and 293 of the textbook. (10 minutes)
2. Make groups of 4 members
3. Each member of the four-member groups selects and reads one of the sources. In your groups, summarize each article (using the graphic organizer) and discuss the perspective found. Support your answer with proof from your article.
4. As a small group, formulate a policy on polygamy. What links exist between your policy and liberalism? (30 minutes)
5. On a sheet of paper, clearly explain your position by explaining its basic principles. Establish 3 to 5 arguments in favor of your position. (20 minutes)
6. Each group presents their policy and arguments in favor to the class. Members of the audience are encouraged to ask questions and present counter-arguments.
7. Wrap-up: individually, students choose the policy that appeals to them most (other than the one they developed themselves) and justify their choice. Explain the controversial nature of polygamy in a liberal society, from an ideological standpoint.

**Source 1**

**Bountiful leader calls polygamy charge 'religious persecution'**

***Last Updated: Thursday, January 8, 2009 | 4:24 PM PT*** [**Comments*377***](http://www.cbc.ca/canada/british-columbia/story/2009/01/08/bc-polygamy-winston-blackmore.html#socialcomments)[**Recommend*147***](http://www.cbc.ca/canada/british-columbia/story/2009/01/08/bc-polygamy-winston-blackmore.html)

[**CBC News**](http://www.cbc.ca/news/credit.html)

Winston Blackmore acknowledges Canada has a law against polygamy, but he also says his religious ways are protected under the Canadian Charter of Rights and Freedoms. (CBC)

The leader of a polygamous sect in Bountiful, B.C., says he is being persecuted for his religious beliefs and politics is behind the decision to charge him with polygamy.

Winston Blackmore said Thursday that by laying a charge against him, the B.C. Crown is attacking all fundamentalist Mormons in the country.

Blackmore and James Oler were charged with one count each on Tuesday of breaching Section 293 of the Criminal Code — which bans polygamy — by entering into a conjugal relationship with more than one individual at a time.

Blackmore read a prepared statement to the media on Thursday at a community school in Bountiful, but he did not answer any questions on the advice of his lawyer.

He acknowledged Canada has a law against polygamy, but he also said his religious ways are protected under the Canadian Charter of Rights and Freedoms.

"This is not about polygamy. To us, this is about religious persecution, for persecution has always been about politics," said Blackmore, standing at a podium in a black suit.

"It is therefore no surprise to us that this spectacular, grandstanding event has happened in the face of an up and coming provincial election. I hope this government has calculated all the risks," he said.

**Blackmore reportedly fathered 80 children**

The charge against Blackmore, 52, is linked to his alleged marriages to 19 women, dating back to May 2005. The charge against Oler, 44, is linked to his marriages to two women, dating back to November 2004.

Blackmore and Oler are scheduled to appear in provincial court in Creston on Jan. 21. The pair were released from custody Tuesday night under several conditions, such as remaining in B.C. and surrendering their passports.

Blackmore, the one-time bishop of the Fundamentalist Church of Jesus Christ of Latter-day Saints in the rural community in B.C.'s Southern Interior, has been reported to have fathered about 80 children by 26 wives, some as young as 15 when he allegedly married them.

In 2003, he and about 1,000 other members of the Bountiful community split from the church after rejecting Warren Jeffs, the church's U.S.-based leader, as a prophet. Jeffs then appointed Oler as his leader in the community.

While the church calls itself the Fundamentalist Church of Jesus Christ of Latter-day Saints, the mainstream Church of Jesus Christ of Latter-day Saints, or Mormon church, has distanced itself from the polygamous sect. The main Mormon church ended the practice of polygamous marriage in 1890 and eventually adopted a policy of excommunication for those who continued the practice.

**Source 2**

**Polygamy charges in Bountiful, B.C., thrown out**

***Last Updated: Wednesday, September 23, 2009 | 7:03 PM PT*** [**Comments*629***](http://www.cbc.ca/canada/british-columbia/story/2009/09/23/bc-polygamy-charges-blackmore-oler-bountiful.html#socialcomments)[**Recommend*212***](http://www.cbc.ca/canada/british-columbia/story/2009/09/23/bc-polygamy-charges-blackmore-oler-bountiful.html)

[**CBC News**](http://www.cbc.ca/news/credit.html)

*Winston Blackmore, a religious leader of the polygamous community of Bountiful, in the B.C. Interior, shares a laugh with six of his daughters and some of his grandchildren in April last year. (Jonathan Hayward/Canadian Press)*A B.C. court has thrown out polygamy charges against two religious leaders, ruling former B.C. attorney general Wally Oppal was wrong to ask a third special prosecutor to take the case after the first two prosecutors decided the men should not be charged.

B.C. Supreme Court Judge Sunni Stromberg-Stein ruled Wednesday that the attorney general did not have the authority to appoint a new special prosecutor to consider the cases of Winston Blackmore and James Oler of Bountiful, B.C., after the first special prosecutors recommended against charges.

Blackmore and Oler had petitioned the court to stay the charges, arguing that the B.C. attorney general had gone "special prosecutor shopping" until he found someone who would go ahead with charges.

The judge agreed, ruling the appointment of special prosecutor Terrence Robertson — and therefore the decision to charge the men — was "unlawful."

"This has been a long, hard year for us. It's been stressful for my family, stressful on me," Blackmore told CBC News after getting word of the court's decision.

"I'm relieved and happy and am going to carry on with my life," Blackmore said.

B.C. Attorney General Mike de Jong said the provincial government will consider an appeal.

"The first order of business will be to read the decision in its entirety, which I haven't done yet," de Jong said. "Obviously, I will talk to officials within the ministry and a decision will be made around a possible appeal."

De Jong said Oppal made a difficult decision with the best of intentions when he appointed the third prosecutor.

**RCMP probe led to charges**

Blackmore and Oler, leaders of two factions of the Fundamentalist Church of Jesus Christ of Latter-day Saints based in the southeastern Interior B.C. community of Bountiful, were arrested earlier this year and charged with one count each of breaching Section 293 of the Criminal Code — which bans polygamy — by entering into a conjugal relationship with more than one individual at a time.

*The judge ruled former attorney general Wally Oppal was wrong to appoint a second prosecutor to take up the case against Blackmore and Oler.* *(CBC)*The charges against Blackmore, 52, were linked to his alleged marriages to 19 women, dating back to May 2005. The charges against Oler, 44, were linked to his marriages to three women, dating back to November 2004.

The RCMP investigation into allegations of polygamy in the isolated, rural community began in 2005 and included interviews with 90 people in B.C., Utah, Idaho and Nevada.

After the investigation, B.C.'s Crown prosecutors remained reluctant to lay polygamy charges for fear they would be declared unconstitutional on the basis of religious freedom.

Oppal then appointed special prosecutors Richard Peck and later Len Doust, who both recommended the government get a court ruling on the constitutionality of Canada's anti-polygamy laws before trying to press charges against men in the polygamous community.

Special prosecutors are used in B.C. to replace regular Crown counsel in politically sensitive cases, to avoid the possibility of political interference.

Oppal was a high-profile member of the B.C. Liberal government but failed to win a seat in the May 2009 provincial elections after switching to the Delta South riding from Vancouver-Fraserview.

Source 3

A Modest Defense of Polygamy

*Polygamy is sinful, but living in a pluralistic society demands we tolerate some practices we believe to be wrong.*

BY: [Richard Mouw](http://www.beliefnet.com/Columnists/k-s/Richard-Mouw.aspx)

For almost four decades in the 19th century, the Mormon community officially sanctioned polygamy (the more common term among Mormons is "plural marriage"). The Church of Jesus Christ of Latter-day Saints (LDS) finally banned the practice in the 1890s, a decision that paved the way for Utah to be granted statehood. But Mormon polygamy never really disappeared. Splinter groups of Mormon "fundamentalists" have continued to practice plural marriage. And now the subject is in the news because one of these dissidents--an outspoken husband of at least five wives--is being tried as a criminal for his polygamous lifestyle.  
  
There aren’t too many folks willing to defend the rights of the Mormon dissidents. Mainstream LDS members would rather not have the spotlight aimed at their own past sanction of plural marriage. Many feminists, inspired by reports about abuse of women in plural marriages, have portrayed polygamous wives as victims of "enslavement." Nor have the leaders of Protestant, Catholic, and Jewish groups been quick to defend the rights of polygamists.  
  
For what it is worth, I want to offer a modest defense of the right to practice polygamy in our pluralistic society. Let me make it clear right off, however, that I do not believe that polygamy is a good thing. It goes against some of my deepest evangelical convictions about marriage and family life. As I read the New Testament, monogamy is the pattern that God has willed for the marital relationship. To put it bluntly, I believe that polygamy is sinful. But I also believe that not everything that is sinful should be viewed as illegal. In our pluralistic society, where people of various worldviews and value systems are attempting to live together with some semblance of harmony, we need to tolerate many things we consider morally wrong. We should only legislate against those practices that pose serious threats to the fundamental rights of other human beings. This means, as I see things, that we ought to go out of our way to tolerate practices based on the sincerely held convictions of people with whom we disagree.  
  
For example, I believe that Jehovah’s Witnesses are wrong to refuse blood tranfusions, but I want to respect their views on the subject. I do favor having the state declare the child of a Jehovah’s Witness family a temporary ward of the court when a blood tranfusion is necessary to save the child’s life. But even in such extreme cases, I regret the need to violate sincerely held convictions.

Source 4

Women Speak Out Against Polygamy

Posted: September 25, 2009, 3:20 AM by Matt Gurney

**By Patricia Paddey, Listen Up TV**

A woman who grew up in a polygamous family and lived for 28 years in a polygamous marriage says she’s shocked and saddened to learn Canada has quashed an opportunity to put polygamy on trial.

“If something isn’t done, women will keep on being abused and coerced into living lives that they don’t want to [live],” said Irene Spencer in a telephone interview from her home in Lodi, California. “It breaks my heart because I’ve been there.”

In a case that was widely anticipated to test Canada’s polygamy laws against freedom of religion, B.C. Supreme Court Judge Sunni Stromberg-Stein yesterday threw out polygamy charges against Winston Blackmore and James Oler, two rival leaders from polygamous communities near Bountiful, B.C.

The charges against Blackmore, 52, were linked to his alleged marriages to 19 women. The charges against Oler, 44, were linked to his alleged marriages to three women.

According to previously published reports, documents presented in court earlier this year, which were compiled by the RCMP, indicated Blackmore had taken several underage brides.

Spencer, 74, says it’s concerns over the effects of polygamy on women and children that has her devoting her energies to speaking out against polygamy.

Author of *Shattered Dreams: My Life as a Polygamist’s Wife,* she was born into a polygamous family in Utah, like her mother, grandmother and great-grandmother also had been before her.

Raised in a fringe community of Mormon fundamentalists, Spencer was one of 31 children in her large family. “You can imagine being lost in the shuffle of 31 children,” she said

The Mormon Church banned polygamy 119 years ago this week, but FLDS groups continue the practice.

“My own father was arrested in 1944 for polygamy in Salt Lake City,” said Spencer. “He spent more than two years in prison for polygamy … so it was our mothers’ duty to indoctrinate us.”

Taught to believe that polygamy was not only expected — but required — to receive the rewards of heaven, in 1953, she married Verlan LeBaron, a man who was already married to her half-sister. She was 16 on her wedding day. Spencer would go on to have 13 children with LeBaron, and to see him take another eight wives. She describes her life at the time as one of poverty, drudgery and despair.

“Girls are denied education. Many girls married at 14 and 15. The men always say ‘marry them young so you can train them.’ They’re told all they need to know is how to keep house and raise children, so it makes it impossible for women to move into the outside world. They can’t leave the family because they don’t have the skills to survive on their own. The men make the rules.”

Told of the September 23 ruling, Spencer said Canada has lost an important opportunity to ensure equality for all, no matter their age or gender. “Religion has no right to cover up abuse,” she said. “Abuse hidden under the guise of religion is absolutely wrong.”

FLDS groups aren’t the only ones who practice polygamy. Other fringe sects and some fundamentalist Muslims also engage in polygamous marriage. But according to Farzana Hassan, president of the Muslim Canadian Congress, polygamous marriage is an “oppressive institution.”

“It’s all about dominance, control and power structures,” she says, noting that “extremely young” Muslim women have been imported to Canada for the purpose of becoming polygamous wives. “I’m not even sure that their consent counts in such cases,” Hassan said.

“Freedom of religion has to be seen within the larger human rights issue. And if human rights are being trumped by a religious practice, then that’s not acceptable.”

Spencer agrees. A self-described born-again Christian today, living in a monogamous marriage, she says she found real freedom only through coming to a new understanding of and relationship with God, and it’s her faith that motivates her today.

“It is abuse for parents to marry [their girls off as] child brides, and for them to have babies so soon. I think it’s an absolute crime when a woman has a dozen or more children, so five-year olds have to change diapers and work, work, work. It is child slavery,” Spencer said.

“I want to be that voice for every woman who through fear, remains silent.”

Holy Post

Summary of article

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| Who  Proof | What  Proof | Where  Proof |
| Why  Proof | When  Proof | Perspective of article  Proof |

Policy on polygamy

If you could influence the government of Canada’s policy on polygamy, what policy would you like to see put in place?

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| --- |
| How should Canada deal with polygamy? |
| Give 3 to 5 arguments that would support your position  •  •  •  •  • |
| How does your policy relate to liberalism? |