



Memorandum

To: [Redacted]
From: Avon Global Center for Women and Justice at Cornell Law School
Date: October 22, 2010
Re: **Resources relating to the effects of polygamy**

This Memorandum and the accompanying documents respond to your request for assistance from the Avon Global Center for Women and Justice. You have requested articles and Internet resources on the effects of polygamy.

We have surveyed various fee-based and freely available databases and legal resources, and have selected the below as most responsive to your request. For your convenience, we have drafted short summaries of the selected articles and resources and, where possible, have included links to the original document online. We have also included pdf files of those documents that are not freely available online.

We hope that you find the below and attached useful. Further legal resources on a broad range of topics relating to gender-based violence are available at our website: www.womenandjustice.org.

Please do not hesitate to contact us should you have further questions or requests:
womenandjustice@lawschool.cornell.edu

ARTICLES AND REPORTS:

Vanessa von Struensee, *The Contribution of Polygamy to Women's Oppression and Impoverishment: An Argument for its Prohibition*, Murdoch University Electronic Journal of Law (2005) available at <http://www.austlii.edu.au/au/journals/MurUEJL/2005/2.html>.

This article provides a broad overview of the effects of polygamy with a focus on how polygamy can negatively impact women. The author looks at the effect of polygamy in exacerbating impoverishment of women and the complex inheritance issues and public health concerns raised by polygamy. The article gives examples of provisions in international conventions that support the elimination of polygamous marriage. Finally, the author also provides an overview of reports or opinions published by international bodies and special rapporteurs, which speak about the negative effects of polygamy.

Salman Elbedour, Anthony J. Onwuegbuzie, Corin Caridine and Hasan Abu-Saad, *The Effect of Polygamous Marital Structure on Behavioral, Emotional, and Academic Adjustment in Children: A Comprehensive Review of the Literature*, 5 (4) *Clinical Child and Family Psychology Review* (2002) [attached as a PDF].

This article reviews the literature on polygamy with a special focus on the development of children raised in polygamous family structures. The author begins with an overview of polygamy and briefly analyzes the negative impact of polygamy on wives, noting that wives in polygamous marriages may report lower marital satisfaction, higher incidences of health problems and greater risk of unequal treatment and domestic abuse than wives in monogamous marriages. Despite these harmful effects of polygamy, the article notes that polygamy may also provide certain benefits for women, such as companionship and the sharing of household work and childcare responsibilities.

The article pays special attention to the impact of polygamy on children and notes that children of polygamous marriages may face an increased likelihood of neglect, distress related to conflict between the parents and economic hardships. However, there is a lack of consensus on whether polygamous marriages have a beneficial impact on children's psychological development by providing a larger base of warmth and affection and a larger number of possible role models. The article concludes that further study is required on the effect of polygamous marriage on the psychological development of children, but that studies suggest that children are usually resilient enough to cope with polygamous family structures.

Alice Armstrong et al., *Uncovering Reality: Excavating Women's Rights in African Family Law*, 7 *International Journal of Law and the Family*, 314 (1993) [attached as a PDF].

This article examines the various concepts of "marriage" and "family" in African customary law in the context of international human rights law. As part of this analysis the authors discuss polygynous marriage, its historical background and current practice. The authors analyze polygamy from the perspective of women's emotional and psychological needs and interests, women's economic interests and women's long-term interests, finding that polygamous marriages seem to have a negative impact overall. The article also discusses related topics of bride price and marital property in terms of women's autonomy.

OTHER RESOURCES

Rebecca J. Cook and Lisa M. Kelly, *Family, Children and Youth Section, Department of Justice Canada, Polygyny and Canada's Obligations under International Human Rights Law* (2006) available at <http://www.justice.gc.ca/eng/dept-min/pub/poly/poly.pdf>.

This report examines polygynous marriage, where a man has two or more wives at the same time, within the context of international human rights law. In the section on "Harms of Polygyny," the report presents the negative effects of polygamy, beginning with an overview of polygamy as a patriarchal institution. This section also examines other harmful aspects of polygamy, such as competitive relationships between co-wives. Additionally, the report also presents the negative impact of polygamy on the mental, sexual and reproductive health of co-wives, with a special focus on the increased risk of transmission of HIV/AIDS. Furthermore, the report explains that polygamy can lead to an increased risk of economic instability and vulnerability for women. Finally, the section examining the harms of polygyny also looks at the negative effects on children raised within polygynous families.

Committee on the Elimination of All Forms of Discrimination Against Women, General Recommendation No. 21 (13th session, 1994) available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>.

The Committee on the Elimination of All Forms of Discrimination Against Women has stated that the institution of polygamy denies women equal rights with men and that it can have serious detrimental effects on women. In its General Recommendation No. 21, the Committee notes:

“Polygamous marriage contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependents that such marriages ought to be discouraged and prohibited. The Committee notes with concern that some States parties, whose constitutions guarantee equal rights, permit polygamous marriage in accordance with personal or customary law. This violates the constitutional rights of women, and breaches the provisions of article 5 (a) of the Convention.”