

Wives galore

Just part of being free?

AFTER decades of tolerating what has come to be seen as a dirty little secret, British Columbia's government is at last taking action to end the practice of polygamy by a Mormon sect. This week two leaders of a commune called Bountiful appeared in court to answer criminal charges. But the case may expose a conflict between constitutional guarantees of freedom of religion on the one hand and the criminal law on the other.

Bountiful was set up in 1946 after half-a-dozen men were excommunicated from the mainstream Mormon church, which banned polygamy in 1890. They moved north to practise it in British Columbia's Creston Valley. The commune, whose thousand or so residents are almost all progeny of the male founders, follows the precepts of the breakaway Fundamentalist Church of Latter-Day Saints based in Utah. This sect teaches that to enter heaven, men must have three or more wives and as many children as possible. Women are taught that their role is to serve men.



Blackmore and a small sample of his daughters

The patriarchal leader directs who is to marry whom and when. Some women who have fled have described how teenage girls (as young as 15) have been married off to polygamous men three times their age, and are then having babies (the teenage birth rate of Creston is three times the provincial average). They also say that under-age girls are swapped with similar communes south of the border for arranged marriages and as "breeding stock".

The sect has never hidden its beliefs. One of the two men charged, Winston Blackmore, the former "bishop" of the community, who has had 26 wives and 108 children, spoke candidly about polygamy in a television interview in 2006.

The police first investigated Bountiful in 1991. But the province's attorney-general decided against charges, arguing that Canada's Charter of Rights and Freedoms, which guarantees freedom of worship, would trump the criminal code. The current occupant of the job, Wally Oppal, disagrees. But the outcome of the case is uncertain. If found guilty, the defendants may appeal all the way to the Supreme Court.

The charter, approved in 1982, has expanded civil rights. But some lawyers and victims' groups complain it has encouraged courts to throw out well-founded cases because of technical flaws in police procedure. "It has become a charter of rights for criminals," says Wallace Craig, a retired British Columbia judge. It is the (often unjust) fate of human-rights legislation to attract such populist criticism. But if the charter allows the leaders of Bountiful to flout the law, many may believe that the critics have a point.

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