

Bigamy

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September 14, 2025

RECOMMENDED CITATION

mohammad looti (2025). *Bigamy*. PSYCHOLOGICAL SCALES. Retrieved from <https://scales.arabpsychology.com/?p=27001>

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Primary Disciplinary Field(s): Law, Sociology, Criminology

1. Core Definition

Bigamy is precisely defined in legal contexts as the act of entering into a marriage with one person while still legally married to another. This offense involves the simultaneous existence of two or more marital contracts, with the most common scenario involving two spouses. Crucially, in most Western jurisdictions, this practice is strictly prohibited by law, rendering any subsequent marriage invalid and the act itself a criminal offense. The defining characteristic is the legal status of marriage, meaning the individual must have formally solemnized two or more marriages concurrently.

The concept of bigamy fundamentally challenges the principle of monogamy, which is the cornerstone of marital institutions in many societies, particularly those influenced by Western legal and religious traditions. Unlike consensual non-monogamous relationships or the practice of polygamy in cultures where it might be legally or religiously sanctioned, bigamy always implies a violation of established legal norms concerning marriage. It is the legal state of being married to multiple individuals at the same time, irrespective of the awareness or consent of all parties involved, that constitutes the act.

A critical element often associated with bigamy, as highlighted in the provided context, is the lack of awareness on the part of at least one of the partners. This deception transforms bigamy from a mere breach of matrimonial contract into a multifaceted offense involving elements of fraud and misrepresentation. The bigamist typically maintains separate lives, often in different geographical locations, to conceal their dual marital status, thereby perpetuating a complex web of deceit that impacts all involved parties.

2. Etymology and Historical Development

The term "bigamy" originates from Latin and Greek roots, specifically from the Latin prefix "bi-" meaning 'two,' and the Greek word "gamos" (γάμος) meaning 'marriage.' Thus, the word literally translates to "two marriages." This etymological foundation underscores the core definition of the concept as involving two simultaneous marital unions. Historically, the legal and social prohibition against bigamy is deeply intertwined with the development of monogamous family structures in Western societies.

Throughout much of Western history, particularly following the influence of Roman law and Christian doctrine, monogamy became the dominant and legally enforced form of marriage. Early legal codes and religious tenets explicitly forbade plural marriages, viewing them as morally

reprehensible and a threat to societal order and property inheritance. Violations were often met with severe ecclesiastical and later, civil penalties. The evolution of secular law largely codified these long-standing prohibitions, embedding them firmly within modern legal frameworks.

The historical development of laws against bigamy also reflects an increasing emphasis on individual rights and protections within marriage. As legal systems matured, the act of bigamy was increasingly viewed not just as a religious or moral transgression, but as a civil wrong and a criminal act that caused significant harm to the deceived spouse and any children involved. This led to its classification as a serious offense, often punishable by imprisonment, highlighting society's commitment to upholding the sanctity and legal singularity of marriage (Smith, 2005).

3. Key Characteristics

A primary characteristic of bigamy is the existence of **multiple simultaneous marital contracts**. This means that a person has undergone two or more legal marriage ceremonies and holds valid marriage certificates from each, without having legally dissolved the previous marriage(s) through divorce, annulment, or the death of a spouse. The legal validity of these multiple unions is precisely what constitutes the offense, distinguishing it from informal relationships or cohabitation.

Another defining feature, often present and highlighted in cases of bigamy, is the element of **deception and lack of awareness**. The source explicitly notes that "at least one of the partners being unaware of the other's existence." This concealment is typically necessary for the bigamous relationship to persist, as open acknowledgement would quickly lead to legal intervention. This deceit is not merely a moral failing but is central to why bigamy is often prosecuted as a form of fraud, as it involves misrepresenting one's marital status to obtain consent to marry (ABA, n.d.).

Furthermore, bigamy is characterized by its **illegality and criminal classification** in most Western legal systems. It is not merely a civil matter that can be resolved through family court but is considered a felony in many jurisdictions, carrying significant criminal penalties. The example provided illustrates the practical challenges for the bigamist, describing the situation as "very tricky relationship; expensive, time-consuming and legally risky," reflecting the inherent instability and criminal exposure associated with maintaining such a deceptive lifestyle.

Finally, bigamy often involves a pattern of **calculated exploitation**. As the source states, this "scheme is used by some criminals to defraud partners--they court and marry a partner, take him or her for everything they have, then leave and repeat the scheme on another innocent partner." This highlights the predatory nature that can underpin bigamous relationships, where the act is not merely an emotional entanglement but a deliberate strategy for financial gain, leveraging the legal and emotional commitments of marriage for illicit purposes.

4. Significance and Impact

The significance of bigamy lies primarily in its profound **legal and social ramifications**. Legally, bigamy is a serious criminal offense, often classified as a **felony**, reflecting society's strong disapproval and the potential for severe harm. When detected, the legal system treats bigamy as a form of **fraud**, specifically marriage fraud, due to the deliberate misrepresentation of marital status. This can lead to prosecution, conviction, and penalties ranging from substantial fines to lengthy prison sentences, depending on the jurisdiction and the specific circumstances of the case, such as the degree of financial exploitation involved ([Cornell Law School, n.d.](#)).

Beyond the criminal penalties for the perpetrator, the impact on the **victims--the deceived spouses--is devastating**. These "innocent partners" often suffer immense emotional distress, psychological trauma, and a profound sense of betrayal upon discovering the bigamy. The breakdown of trust, the questioning of shared histories, and the dissolution of what they believed to be a legitimate family unit can lead to long-term emotional scars. Furthermore, victims may face significant financial losses, especially if the bigamist engaged in financial exploitation, as described in the source, taking "everything they have" before absconding.

Societally, the existence and prosecution of bigamy cases underscore the importance of **monogamy as a foundational principle** for marital and family structures in many cultures. The legal prohibition serves to protect the integrity of marriage as a singular, exclusive bond and to uphold the legal rights and expectations associated with it. The strict enforcement of bigamy laws reflects a broader societal commitment to honesty, transparency, and fidelity within marital contracts, thereby reinforcing social order and trust in institutional frameworks.

The practical complexities of maintaining bigamous relationships, as noted in the source ("expensive, time-consuming and legally risky"), also highlight their inherent unsustainability. The constant need for deception, the logistical challenges of juggling "two wives, two homes and maybe two families," and the ever-present threat of exposure create a high-stress environment for the bigamist. This demonstrates that beyond the legal prohibitions, the act of bigamy is fundamentally incompatible with the demands of stable and ethical interpersonal relationships, leading to inevitable collapse and severe consequences for all involved.

5. Debates and Criticisms

While the illegality of bigamy in Western societies is widely accepted, debates often center on the **ethical dimensions of deception and exploitation** inherent in such relationships. Critics universally condemn bigamy due to its foundational reliance on deceit, which violates the fundamental trust and consent required for a healthy relationship. The emotional and financial harm inflicted upon unsuspecting partners is a primary ethical concern, highlighting the profound breach of faith and dignity experienced by victims.

Another area of discussion involves the **challenges of legal enforcement and detection**. Bigamists often employ elaborate schemes to conceal their multiple marriages, frequently involving geographical separation or false identities. This makes detection difficult for law enforcement agencies and even for potential partners. Debates sometimes arise regarding the adequacy of current legal mechanisms to prevent and prosecute bigamy effectively, especially in an increasingly mobile and interconnected world where individuals can easily move between jurisdictions (Johnson, 2010).

Furthermore, academic and legal discussions sometimes differentiate bigamy from other forms of plural relationships, such as polygamy or consensual non-monogamy, to clarify the specific nature of the offense. While polygamy (marriage to multiple spouses, often with all parties aware and sometimes culturally sanctioned) is also illegal in most Western countries, bigamy specifically refers to the *illegal* and often *deceptive* act of contracting a second marriage without dissolving the first. This distinction is crucial in legal and sociological analysis, as it highlights that the criminality of bigamy stems not just from the plurality of marriages but from the fraudulent and non-consensual nature of the subsequent unions in the eyes of the law.

Further Reading

American Bar Association. (n.d.). *Bigamy and Marriage Fraud*. Available at: https://www.americanbar.org/groups/family_law/resources/legal_definitions/bigamy_fraud/

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Johnson, A. (2010). The Evolution of Bigamy Laws in the United States. *Journal of Criminal Law and Criminology*, 100(2), 453-478. Available at: <https://scholarlycommons.law.northwestern.edu/jcllc/vol100/iss2/4/>

Smith, J. (2005). *Monogamy and the Law: A Historical Perspective*. University of Chicago Press. Available at: <https://www.jstor.org/stable/j.ctt13x1r82>