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Sarah Barringer Gordon

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A WAR OF WORDS: REVELATION AND STORYTELLING IN THE CAMPAIGN AGAINST MORMON POLYGAMY

SARAH BARRINGER GORDON*

The war of words was fought over a new faith. The Church of Jesus Christ of Latter-day Saints was founded in 1830, the same year as the publication of its scripture, the Book of Mormon. Mormonism was born in a culture already saturated with religious messages.[1] The Second Great Awakening, as historians call the revivals of the early nineteenth century, generated intense and varied religious movements in the early Republic. The conviction that faith was essential to individual salvation, stability, and prosperity traveled across Protestant America, affecting legal and political thought as well as popular culture.[2]

Mormons were part of this religious revival, but they also rejected much of nineteenth-century American culture. The decision to become a Mormon was a commitment to step out of the profane world and into a new spiritual space. The early Church combined innovative methods of religious expression with the charisma and inspiration of founder Joseph Smith. Like other Americans of his day, Smith believed in the power of language. Smith countered what he called the Christians' "war of words" with a new Word. The Book of Mormon provided a concrete example of divine intervention in the

* Professor of Law and History, University of Pennsylvania. The author would like to thank many friends and colleagues, including but not limited to, Thomas Alexander, David Bitton, Michael Fitts, Kathleen Flake, Thomas Green, Hendrik Hartog, Laura Kalman, William Nelson, Nathan Oman, Jan Shipps, Richard Southgate, and Susan Sturm for their advice and critique. Thanks also to the Program in Law and Public Affairs at Princeton University and the Law School at the University of Pennsylvania for essential support and collegial environments, as well as to Kelly Neff and the editors of the *Chicago-Kent Law Review*, and the University of North Carolina Press for permission to draw upon my work in *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century America*.

1. This Article follows the common practice of referring to the members of the Latter-day Saints Church as "Mormons." This label was considered an insult in the nineteenth century, but is widely used today without controversy. No disparagement is intended here.

2. For useful descriptions of how Mormonism was both unique, and uniquely American, see WHITNEY R. CROSS, THE BURNED-OVER DISTRICT: THE SOCIAL AND INTELLECTUAL HISTORY OF ENTHUSIASTIC RELIGION IN WESTERN NEW YORK, 1800–1850 (Octagon Books 1981) (1965); JAN SHIPPS, MORMONISM: THE STORY OF A NEW RELIGIOUS TRADITION (1985). On Smith, see RICHARD L. BUSHMAN, JOSEPH SMITH AND THE BEGINNINGS OF MORMONISM 9–113 (1984).

lives of Americans and the promise of the Second Coming. Smith claimed to have translated plates of pure gold that predated biblical manuscripts and that were untainted by mortal scribes. Telling the story of two families who fled to the New World centuries before the birth of Jesus, the Book of Mormon united American history with religious truth.[3] Mormons also embraced other revelations that supplemented and elaborated on the founding text. God spoke to the prophet Joseph Smith through direct communication as well as through the Golden Plates. Revelation was not the stuff of a musty past, but the promise of a blessed present and an even more bountiful future. For Mormons, the "latter days" of the nineteenth century truly were filled with the wonder of God's Words.[4]

Mormonism created for its followers a new structure for faith and a new sense of cosmic history.[5] The Book of Mormon and ongoing revelations persuaded Mormons that the new Zion, the site of the millennium, would be in North America. Multiple worlds and multiple layers of revelation enveloped the Latter-day Saints in the sense of wondrous possibility for progress in heaven as on earth. To remake their lives and their society in light of God's law was the thrilling challenge of the New Dispensation. "Eternal progression" was the goal of Mormon life and ritual. The demands might have been heavy, but the prospect was exhilarating beyond all measure.[6]

Yet the Latter-day Saints were also part of a broader American society. Their clash with those outside the faith created a conflict that

3. On the Book of Mormon, see TERRYL L. GIVENS, BY THE HAND OF MORMON: THE AMERICAN SCRIPTURE THAT LAUNCHED A NEW WORLD RELIGION (2002).

4. For the quoted language regarding the "war of words," see PRESIDENT JOSEPH SMITH & APOSTLE HEMAN C. SMITH, 1 HISTORY OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS 1805–1835, at 4, 6 (1932). On the cultural power of the Book of Mormon, see SHIPPS, *supra* note 2, at 52–53; Paul Gutjahr, *The Golden Bible in the Bible's Golden Age:* The Book of Mormon *and Antebellum Print Culture*, 12 AM. TRANSCENDENTAL Q.: NINETEENTH-CENTURY AM. LITERATURE & CULTURE 275 (1998); Timothy L. Smith, *The Book of Mormon in a Biblical Culture,* 7 J. MORMON HIST. 3 (1980). On the importance of ongoing revelation, see HAROLD BLOOM, THE AMERICAN RELIGION: THE EMERGENCE OF THE POST-CHRISTIAN NATION 77–128 (1992).

5. Mormonism was fluid between the founding of the Church in 1830 and Smith's death in 1844. For an analysis of the relationship of internal and external challenges to Smith's leadership and their effect on the structure of Mormon doctrine and governance in the Kirtland and Nauvoo periods, see GLEN M. LEONARD, NAUVOO: A PLACE OF PEACE, A PEOPLE OF PROMISE (2002); MARVIN S. HILL, QUEST FOR REFUGE: THE MORMON FLIGHT FROM AMERICAN PLURALISM 194–207, 256–74, 380–95 (1989). *Cf.* FAWN M. BRODIE, NO MAN KNOWS MY HISTORY: THE LIFE OF JOSEPH SMITH THE MORMON PROPHET (1945)

6. For basic elaborations of Church experience and doctrine in the nineteenth century, see LEONARD J. ARRINGTON & DAVIS BITTON, THE MORMON EXPERIENCE: A HISTORY OF THE LATTER-DAY SAINTS (1979); SHIPPS, *supra* note 2.

endured for decades, sometimes growing white-hot as Mormons and their opponents fought over the true meaning of faith and the scope of religious liberty in the new nation. This Article describes one important venue for this war of words between the Latter-day Saints and their opponents. Mormon polygamous marriage became the vector for much of the conflict. Focusing primarily on popular fiction and its associated legal arguments, the Article first reviews the role of marriage in the New Dispensation, and then turns to the storytelling that was key to the development of anti-Mormon legal strategies. Popular writers created and exploited a market for fiction that explored the dangers of religious liberty, compared polygamy to slavery, and argued for intervention by the national government.

I. THE NEW WORD AND THE NEW LAW OF MARRIAGE

By the time polygamy became a topic of national attention in the early 1850s, Mormonism was two decades old. The faith was fast growing and structurally and theologically complex. Polygamy was not one of the original tenets of the faith. The official association of polygamy and Mormonism is dated to the Revelation on Celestial Marriage received by Smith in 1843, the year before his death.[7] The Revelation proclaimed that the marriage of one man to more than one woman was justified by the example of Abraham.[8] In these latter days, the heirs of Abraham were once again commanded to work "for their exaltation in the eternal worlds" (that is, the stages of heaven) by siring "the souls of men."[9] Men called upon to enter the celestial principle were thus sanctified in their union with additional virgins to promote procreation by righteous patriarchs as of old. A wife's consent was required for her husband to take additional wives, but wives who refused for selfish reasons would be damned. Only marriages celebrated in accord with the Revelation would endure after death, and "whatsoever things" that did not conform to God's

7. Rumors at the time, and evidence of experimentation disclosed by subsequent research, date the practice considerably earlier than 1843, however. For a review of the evidence of polygamy prior to 1843 (and after 1890), see RICHARD S. VAN WAGONER, MORMON POLYGAMY: A HISTORY, ch. 1–3, 15–19 (1986); D. Michael Quinn, *LDS Church Authority and New Plural Marriages, 1890–1904*, 18 DIALOGUE: J. MORMON THOUGHT 9 (1985). On Emma Smith's cleverly worded denials of polygamy after her husband's death, see LINDA KING NEWELL & VALEEN TIPPETS AVERY, MORMON ENIGMA: EMMA HALE SMITH 292, 298, 301, 302 (2d ed. 1994).

8. JOSEPH SMITH, DOCTRINE & COVENANTS § 132 (1876).

9. *Id.* § 132, at para. 65.

Words would "be shaken and destroyed."[10] Phrased in terms of "the law which was appointed . . . before the foundation of the world," the Revelation asserted control over marriage for church members, in the interest of their salvation, and as a prerequisite to achievement of the Kingdom of God.[11]

Smith also reinterpreted the political authority of religion. Especially in the series of revelations received shortly before Smith's death, Mormon metaphysics and political theory explicitly tied church and state. Smith, for example, had himself crowned king and became a candidate for president in 1844; his closest counselors also held the highest political offices of the Mormon settlement in Nauvoo, Illinois. In the rest of the country, cords linking church and state had painfully been cut over the past half-century.

Mormon leaders were also polygamists, tying political and economic power to plural marriage. The sweep of this religious authority over politics and law would become apparent in future decades, as the Latter-day Saints struggled to defend their practice and to explain why the defense was fundamental to their faith.[12] At the time of the Revelation in 1843, and for almost ten years afterwards, polygamy remained a secret revealed to trusted church leaders, and the women who married Smith and his closest advisers. Prior to his death, Smith publicly denied rumors of plural marriage, as did other Mormon leaders after Smith's martyrdom. Polygamy remained one of many rumors about Mormons and their alleged iniquities.[13]

10. *Id.* § 132, at para. 14.

11. *Id.* § 132 at para. 5.

12. B. CARMON HARDY, SOLEMN COVENANT: THE MORMON POLYGAMOUS PASSAGE 1–38 (1992); KATHRYN M. DAYNES, MORE WIVES THAN ONE: TRANSFORMATION OF THE MORMON MARRIAGE SYSTEM (2001).

13. For a discussion of early polygamy and the secrecy that surrounded the practice, see VAN WAGONER, *supra* note 6, ch. 3; 15 LATTER DAY SAINTS MILLENNIAL STAR 18–23 (Supplement, 1853); 2 DESERET NEWS, Sept. 14, 1852, at Extra; Brigham Young, *Self-Government-Mysteries-Recreation and Amusements, not in Themselves Sinful-Tithing-Adam, Our Father and our God*, 1 J. DISCOURSES 46, 53–57 (1854). According to the Book of Mormon, "Behold, David and Solomon had many wives and concubines, which thing was abominable before me saith the Lord." THE BOOK OF MORMON, ANOTHER TESTAMENT OF JESUS CHRIST, *Jacob* 2:24 (1989) (1830). "Wherefore, my brethren, hear me, and hearken to the word of the Lord: For there shall not any man among you save it be one wife; and concubines he shall have none." *Id. Jacob* 2:27. Theologically, the Revelation given to Smith in 1843 superseded earlier commands. On the breadth of attacks on Mormons before the public announcement of polygamy in 1852, see generally A MORMON BIBLIOGRAPHY, 1830–1930: BOOKS, PAMPHLETS, PERIODICALS, AND BROADSIDES RELATING TO THE FIRST CENTURY OF MORMONISM (Chad J. Flake ed., 1978); A MORMON BIBLIOGRAPHY 1830–1930: TEN YEAR SUPPLEMENT (Chad J. Flake & Larry W. Draper eds., 1989) (listing only one of the hundred or so anti-Mormon books and pamphlets published prior to 1852 as primarily an antipolygamy

The Revelation on Celestial Marriage, which described the law and established that celestial marriage was essential for the faithful, is of course the single most important text in the conflict between Mormons and their opponents. Polygamy shocked and offended those outside the faith; nor was it readily accepted by many Mormons when they first learned of "the Principle."[14] Yet the Latter-day Saints' embrace and defense of polygamy only makes sense in light of the role of revelation and the promise of exaltation in all aspects of the faith. The sacrifice of deeply ingrained convictions in this life in return for rewards in the celestial worlds created a tangible tie between acceptance of the most controversial of all the Prophet's tests here on earth and glory in the afterlife. Crystallizing political, legal, and sexual commitments in the service of the faith, polygamy transformed daily life into the most profound of spiritual exercises.[15]

Rumors of sexual irregularities, aggressive proselytizing, and apparently unquestioning obedience to Smith made Mormon settlements unpopular with nearby residents. Mormons were derided, harassed, and sometimes killed. After he ordered a printing press destroyed when its owner published a story critical of his policies, Smith was arrested by state law enforcement officials. Despite promises by state officers to protect him, Smith was murdered by a mob that attacked the jail in 1844.[16]

After Smith's martyrdom and a brief but fierce battle for control, faithful members of the central Church migrated to the Great Salt Lake Basin with their new leader, Brigham Young.[17] The Saints needed isolation to ensure peace for their members. They also needed space, for church membership grew exponentially. Immigrants swelled the Mormon population first in Utah and eventually in

tract). Published privately by the author in 1847 in Lynn, Massachusetts, the pamphlet appears not to have been widely circulated.

14. On the reaction of Mormons to polygamy when first introduced, see, for example, HARDY, *supra* note 12, at 7–12; VAN WAGONER, *supra* note 7, at 47–69.

15. On Smith's plural marriages, see TODD COMPTON, IN SACRED LONELINESS: THE PLURAL WIVES OF JOSEPH SMITH (1997); HARDY, *supra* note 12, at 102.

16. On the deterioration of relations between Mormon settlements and surrounding communities in the 1830s and 1840s, see R. LAURENCE MOORE, RELIGIOUS OUTSIDERS AND THE MAKING OF AMERICANS 25–47 (1986); Marie H. Nelson, *Anti-Mormon Mob Violence and the Rhetoric of Law and Order in Early Mormon History*, 21 LEGAL STUD. F. 353. On the relationship between faith and economic industry, see CHARLES SELLERS, THE MARKET REVOLUTION: JACKSONIAN AMERICA 1815–1846, at 237–68 (1991). For a detailed account of Smith's murder, see BRODIE, *supra* note 5, at 380–95.

17. On Young's leadership, see LEONARD J. ARRINGTON, BRIGHAM YOUNG: AMERICAN MOSES (1985).

Arizona, Idaho, and California.[18] After the exodus westward, Brigham Young and other leaders relaxed their restrictions on polygamy, as they settled in to build the Kingdom of God. The authority and inspiration of the faith accomplished in Utah what other Americans yearned for—security, unity, and trust in community. As Mormons pointed out to their detractors, their faith "made the desert bloom as the rose."[19] They petitioned the national government for admission as the state of Deseret in 1849, with borders far exceeding the current boundaries of Utah.[20]

The much-reduced Territory of Utah was organized by Congress in 1850, temporarily dashing the Saints' quest for legal and political autonomy. Territorial offices, however, were filled by high Church officials; Brigham Young, for example, was the first governor of the Territory. The Latter-day Saints' confidence grew as their kingdom prospered. For the first time Mormons constituted a political majority; their leaders were patriarchs openly proud of their several wives and many children. The reality of plural marriage became more difficult to deny. At a special conference in 1852, the Church acknowledged what had long been rumored. Elder Orson Pratt read the 1843 Revelation aloud and delivered a lengthy sermon on the superiority of polygamy.[21]

Brigham Young sermonized on the topic frequently in the 1850s, urging faithful men to marry multiple wives and faithful women to

18. The Church remains one of the fastest growing religions in the world. Due to a missionary program that trains young Mormon men (and in recent decades, Mormon women as well) and sends them all over the world on two-year missions, Church membership in South America and in the South Pacific (including Polynesia and the Philippines) has grown exponentially. The demographic makeup of the Church (once primarily Yankee, English, and Scandinavian) has changed dramatically. ARRINGTON & BITTON, *supra* note 6, at 285–86.

19. Brigham Young is reported to have enjoined Mormons to make the desert bloom in fulfillment of Isaiah's prophecy. Hardworking and long-suffering Saints pointed to the injunction and their accomplishments in Utah with pride. *See, e.g.*, JAMES S. BROWN, GIANT OF THE LORD: LIFE OF A PIONEER 119–23 (1960); Joseph F. Smith, *Pioneer Reminiscences*, 8 UTAH GENEALOGICAL & HIST. MAG. 156 (1917).

20. D. MICHAEL QUINN, THE MORMON HIERARCHY: ORIGINS OF POWER 53–56, 115, 214–15 (1994); HOWARD ROBERTS LAMAR, THE FAR SOUTHWEST, 1846–1912: A TERRITORIAL HISTORY 315–26 (1966); William P. MacKinnon, *'Like Splitting a Man up his Backbone': The Territorial Dismemberment of Utah, 1850–1896*, 71 UTAH HIST. Q. 100 (2003).

21. See, for example, John Gunnison, who wrote of his stay in Salt Lake in 1850: "That many [Mormon leaders] have a large number of wives in Deseret is perfectly manifest to any one residing long among them. . . ." J. W. GUNNISON, THE MORMONS, OR, LATTER-DAY SAINTS IN THE VALLEY OF THE GREAT SALT LAKE: A HISTORY OF THEIR RISE AND PROGRESS, PECULIAR DOCTRINES, PRESENT CONDITION, AND PROSPECTS 67 (1860). The proceedings of the conference were published in the September 1852 edition of the LATTER-DAY SAINTS MILLENNIAL STAR. *See also* David J. Whittaker, *The Bone in the Throat: Orson Pratt and the Public Announcement of Plural Marriage*, 18 W. HIST. Q. 293 (1987).

encourage their husbands' polygamy.[22] Such sermons were widely circulated in the East and reappeared for decades in anti-Mormon speeches and tracts as evidence of Mormon depravity.[23] Yet the demands of polygamy were designed for the leaders of the faith; plural marriage was never the only or even the most common form of marriage within Mormonism.[24] Polygamy was the most exalted and exemplary marital structure practiced by those whose dedication and sacrifice qualified them as leaders in these latter days. Only true Saints could practice plurality in purity and rectitude.

Mormon leaders practiced polygamy for at least a half-century. Through its leaders, the Church dominated the economic life of the territory as well as its spiritual and political establishments.[25] This fusion of religious, economic, and political power was key to building the New Zion—the kingdom of God as envisioned by Mormon doctrine. It was also vital to the opposition that devastated the kingdom and its patriarchs in the latter half of the nineteenth century.[26]

The rest of the country was stunned by the news from Utah in 1852. Yet the religious world into which the Mormons dropped their bombshell was neither stable nor impermeable. Nor were Mormon claims to absolute control over marital structure unprecedented. Polygamy had been bruited about on the fringes of Protestantism long before the Mormon embrace of the "Patriarchal Principle." The Reformation in Europe spawned several arguments in favor of recreating the marital structure of the Old Testament.[27] Americans,

22. Young's sermon is reprinted in the *Journal of Discourses*. 4 J. DISCOURSES 51 (1856).

23. In 1870, just to give one example of later uses of such sermons, a leading antipolygamist senator from New York dredged up the 1850s sermons in support of legislation that would have limited the jurisdiction of Mormon-controlled courts and juries. *See* CONG. GLOBE, 41st Cong., 2d Sess. 2144 (1870) (quoting sermon of Brigham Young on Sept. 21, 1856).

24. The fact that most Mormon men married only one wife—despite the command to participate in plural marriage—is evidence, some scholars maintain, that even among the faithful, polygamy may have been quietly disapproved. Public dissent went hand-in-hand with excommunication. ARRINGTON & BITTON, *supra* note 6, at 203; Stanley Snow Ivins, *Notes on Mormon Polygamy*, 10 W. HUMAN. REV. 229, 231 (1956).

25. On the fundamental relationship between belief in polygamy and Mormonism before 1890, see DAYNES, *supra* note 12, at 73–75.

26. On Church control of the natural resources and industries of Utah, see LEONARD J. ARRINGTON, GREAT BASIN KINGDOM: AN ECONOMIC HISTORY OF THE LATTER-DAY SAINTS, 1830–1900 (1959); LAMAR, *supra* note 20, at 327–77. On the leadership of those who practiced plural marriage, see Orson Pratt, *Celestial Marriage*, 1 J. DISCOURSES 58. On the overlap between political and religious power, see KLAUS J. HANSEN, QUEST FOR EMPIRE: THE POLITICAL KINGDOM OF GOD AND THE COUNCIL OF FIFTY IN MORMON HISTORY (1967).

27. JOHN CAIRNCROSS, AFTER POLYGAMY WAS MADE A SIN: THE SOCIAL HISTORY OF CHRISTIAN POLYGAMY 1–53 (1974) (on the sixteenth-century Muenster Anabaptists).

too, were intrigued by such biblical primitivism. "Spiritual wifery" was a well-known concept outside Utah.[28]

In early nineteenth-century America, the relationship between religious and sexual fervor was especially clearly marked. New religious movements sprouted in the fertile soil of post-Revolutionary instability. Often, they turned to sexual innovation.[29] The notorious Matthias combined prophecy and spiritual wifery in a tantalizingly dangerous mix in the 1830s.[30] Jacob Cochran in Maine indulged in reenactments of the creation myth combined with sexual prowess. Oneida Perfectionists practiced group marriage and selective breeding.[31] Shakers blended ecstatic worship with total celibacy.[32] Mormon theology and sexual practice were thus innovative expressions of a dissenting tradition that tested authority and tolerance in post-Revolutionary America.

The Latter-day Saints, however, were the largest, the most powerful, and the best-organized group. They also had their own jurisdiction, Utah Territory. Mormons illustrated both the power and the instability of religious innovation in the young nation. Particularly unsettling were Mormon arguments based on the claim to an alternative, divine authority and accompanying social hierarchy.

Historians have studied the erosion of stable hierarchies in the early Republic, the democratization that characterized American freedom.[33] As traditional lines of authority frayed, however, others hardened and flourished. The growth of slavery in the South and West by the middle decades of the century qualifies claims that democracy or equality was truly characteristic of America in the antebellum years. Yet by the time Mormons announced their practice of polygamy in the early 1850s, slavery had become a "question" debated at the national level. The excess of authority, like its ab-

28. *Id.* at 173–78; LEO MILLER, JOHN MILTON AMONG THE POLYGAMOPHILES (1984).

29. LAWRENCE FOSTER, RELIGION AND SEXUALITY: THREE AMERICAN COMMUNAL EXPERIENCES OF THE NINETEENTH CENTURY (1981); LOUIS J. KERN, AN ORDERED LOVE: SEX ROLES AND SEXUALITY IN VICTORIAN UTOPIAS—THE SHAKERS, THE MORMONS, AND THE ONEIDA COMMUNITY 13–14 (1981).

30. PAUL E. JOHNSON & SEAN WILENTZ, THE KINGDOM OF MATTHIAS (1994).

31. *See generally* KERN, *supra* note 29, at 235–56.

32. *See generally id.* at 91–113.

33. NATHAN O. HATCH, THE DEMOCRATIZATION OF AMERICAN CHRISTIANITY 3–46 (1989); GORDON S. WOOD, THE RADICALISM OF THE AMERICAN REVOLUTION: HOW A REVOLUTION TRANSFORMED A MONARCHICAL SOCIETY INTO A DEMOCRATIC ONE UNLIKE ANY THAT HAD EVER EXISTED (1993).

sence, plagued early Americans as they wrestled with growth and instability.[34]

Mormons embraced authority, patriarchy, and certainty; they were convinced that the New Dispensation had created a new order that would usher in the Millennium. They challenged those around them to explain how such a faith could be inconsistent with religious freedom, and why liberty, marriage, and government depended on Christian monogamy. Polygamy, too, became a "question."

Antipolygamists could not, of course, summon new revelation to counteract Latter-day Saints' claims. Instead, they worked with another form of text. They appealed in ways that antislavery activists and other reformers had taught them were effective. They told stories.

II. THE WAR OF WORDS

Popular novelist Metta Victor claimed in 1856 that monogamous marriage was essential to "the spirit and intent of that Constitution which is to perpetuate the republic, and render it, in truth, the refuge for the oppressed, the *home* of liberty."[35] To Victor and other early antipolygamists, *true* marriage was a touchstone—the faithful *home* around which the Constitution revolved. Popular literature—novels, short stories, and newspaper exposes—created the initial rhetoric. Middle-class female authors in the East imagined the pain and humiliation that polygamy inflicted upon women.

34. ERIC FONER, FREE SOIL, FREE LABOR, FREE MEN: THE IDEOLOGY OF THE REPUBLICAN PARTY BEFORE THE CIVIL WAR 301–17 (1971); EDMUND S. MORGAN, AMERICAN SLAVERY AMERICAN FREEDOM: THE ORDEAL OF COLONIAL VIRGINIA 363–87 (1975); LEWIS PERRY, RADICAL ABOLITIONISM: ANARCHY AND THE GOVERNMENT OF GOD IN ANTISLAVERY THOUGHT 188–267 (1973); AMY DRU STANLEY, WAGE LABOR, MARRIAGE, AND THE MARKET IN THE AGE OF SLAVE EMANCIPATION 1–35 (1998); RONALD G. WALTERS, THE ANTISLAVERY APPEAL: AMERICAN ABOLITIONISM AFTER 1830 (1976). Ralph Waldo Emerson called the faith "an after-clap of Puritanism." As Emerson noted, the authoritarianism and communal ethic of Mormonism replicated explicit connections between belief and social standing that many nineteenth-century Americans associated with Puritan colonists of the seventeenth century. The quote is from a reminiscence published by James Bradley Thayer a dozen years after Emerson visited Salt Lake City with a party of friends in 1871. In response to an observation by one of the party that Mormonism appealed to common people through biblical names and imagery, Emerson is reported to have said, "Yes, it is an after-clap of Puritanism. But one would think that after this Father Abraham could go no further." JAMES BRADLEY THAYER, A WESTERN JOURNEY WITH MR. EMERSON (1884), *reprinted in* AMONG THE MORMONS: HISTORIC ACCOUNTS BY CONTEMPORARY OBSERVERS 384 (William Mulder & A. Russell Mortensen eds., 1958).

35. METTA VICTORIA FULLER, MORMON WIVES, A NARRATIVE OF FACTS STRANGER THAN FICTION viii (1856) (the Article textually refers to this author by her married name—Metta Victor).

Metta Victor's *Mormon Wives*, Maria Ward's *Female Life Among the Mormons*, Orvilla Belisle's *Mormonism Unveiled*, and Alfreda Eva Bell's *Boadicea* were the genre's cornerstones. Almost one hundred novels and many hundreds of magazine and newspaper stories (including the first Sherlock Holmes story, *A Study in Scarlet*, published in 1887) built on the market for antipolygamy fiction over the next half-century.[36] These popular writers dramatized the conflict, painting vivid word pictures of the disintegration of marriages in a far western territory. Stories of brides whose hopes were dashed by a husband's self-indulgence under the mantle of religious difference made thrilling and disturbing reading. These early works all placed ordinary women in extraordinary circumstances, challenging them to suffer with sanctity, and to reconstruct the home of liberty imagined in the Constitution.

Novels, especially, connected questions of constitutional meaning to religion and marriage. In the 1850s, fiction brought home to readers the fear of betrayal and desolation that novelists claimed were the consequences of polygamy.[37] These novels were designed to arouse sympathy and ultimately to inspire legal change. Popular writers explored the Constitution and its meaning in everyday life; they challenged legislators and jurists to create a legal system that mirrored the truths they insisted were the basis of all valid government. As Metta Victor put it, antipolygamy stories taught the reader that "whatever corrupts [the] moral, intellectual, and physical well-being [of the people] is inimical to the well-being of society, to the State, to the whole country."[38] There *must* be a way to prohibit polygamy, she reasoned, and thus to save the Constitution.

Metta Victor and other early antipolygamists relied on the national Constitution to shield themselves from the power of Latter-day Saints' revelation and practice. Their belief in constitutional power gave antipolygamists a solution to the dilemma of Mormon Utah; yet their understanding of constitutional structures and principles was untutored and arguably untenable. Nonetheless their appeal was grounded in Americans' vision of religious liberty and the importance of marriage. It carried the weight of overwhelming popular abhorrence of polygamy and the Mormons who practiced it.[39]

36. *See, e.g.*, *infra* note 44.
37. *Id.*
38. FULLER, *supra* note 35, at vii.
39. *Id.* at vii–viii.

The plot of Metta Victor's novel illustrates the genre's dramatic core. The heroine of *Mormon Wives* died in Utah, far from her native New England. Margaret Wilde's will to live was sapped by her husband Richard, who "dared to trample the heart of a woman under his foot."[40] Lured by promises of wealth and power to convert to Mormonism, he succumbed to polygamy only two years after the young couple migrated to Utah. The other woman was Sarah, Margaret's childhood friend. Assuaging her conscience with free-love pamphlets that argued monogamy was contrary to man's primitive nature, Sarah traveled to Utah and became Richard's second wife. Margaret developed a "brain fever" when she learned of the betrayal, but she forgave her killers before her death, begging only that Richard remain true to Sarah. However, Richard had taken a third wife that morning. Sarah was devastated by his duplicity as well as by her own role in Margaret's death. Reborn as a Christian penitent, Sarah vowed on Margaret's grave to devote herself to antipolygamy activism: "[a]lways, always, my voice shall rise in defense of one love, constant through life, and faithful in death—one home—one father and mother for the children—one joy on earth—one hope in heaven."[41]

Victor's book sold an atronomical forty thousand copies during the 1850s alone. The plot of *Mormon Wives* blended the central story of betrayal with themes of sexual and domestic abuse common to nineteenth-century reform fiction. Novelists described a shared nightmare—the perversion of liberty and the corruption of religion by those who turned the sanctity of marriage to selfish purposes. Their imagined world (in which marriage disintegrated, women suffered, and husbands called themselves priests) resonated with eastern

40. *Id.* at 226.

41. *Id.* at 316. Despite its claim of being factually based, *Mormon Wives* is clearly fiction and is one of the earliest antipolygamy novels. There have been several studies of antipolygamy fiction in recent decades, including TERRYL L. GIVENS, THE VIPER ON THE HEARTH: MORMONS, MYTHS, AND THE CONSTRUCTION OF HERESY, ch. 6–7 (1997); Leonard J. Arrington & Jon Haupt, *Intolerable Zion: The Image of Mormonism in Nineteenth Century American Literature*, 22 W. HUM. REV. 243 (1968); Charles A. Cannon, *The Awesome Power of Sex: The Polemical Campaign against Mormon Polygamy*, 43 PAC. HIST. REV. 61–82 (1974); Karen Lynn, *Sensational Virtue: Nineteenth-Century Mormon Fiction and American Popular Taste*, 14 DIALOGUE: J. MORMON THOUGHT 101 (1981); Gail Farr Casterline, *"In the Toils" or "Onward for Zion": Images of Mormon Women*, 1852–90 (1974) (M.A. thesis, Utah State University). Tales of virtuous women, legally bound to men who indulged their basest desires, figured prominently in the work of antebellum reform fiction. Mormon polygamy was just one of their targets: Victor, for example, wrote temperance and antislavery novels as well as antipolygamy fiction. Another antipolygamy author also wrote anti-Catholic stories, and Harriet Beecher Stowe was well known as an antipolygamist as well as an antislavery novelist.

audiences. For the most part we cannot recover the thoughts and reactions of readers, or even know how many men and women read these novels. We can surmise that stories of hopes dashed and wives lost were invigorating and inspiring, however. As one young reader put it on finishing Cornelia Paddock's *The Fate of Madame LaTour* in the early 1880s: "Resolved: If I should ever become a statesman, I will dedicate myself to exterminating this curse. Signed, A Reader."[42]

Antipolygamy novels sold well for decades. Edition after edition of Maria Ward's *Female Life Among the Mormons*, for example, was issued from 1855 until the final version in 1913. The same stories appeared in multiple formats. Predictable patterns, the inevitability of "[m]urders, seductions, thefts, [and] all manner of iniquity" in a polygamous society made these novels persuasive for readers who had been schooled in Christian reform.[43] Just as Harriet Beecher Stowe's *Uncle Tom's Cabin* transformed readers into emotional activists against slavery, the blueprint for legal reform to prohibit polygamy was complete in the novels themselves.[44]

Betrayal laid at the heart of antipolygamists' fears. They saw spiritual, marital, and political danger in polygamy, which they

42. CORNELIA PADDOCK, THE FATE OF MADAME LATOUR (1882) (on file with the Firestone Library, Princeton Univ.). Over the past twenty-five years, scholars who have studied antipolygamy fiction have concluded that these novels were products of the need for a "handy, ready-made Other," GIVENS, *supra* note 41, at 23, or "vehicles of erotica," Arrington & Haupt, *supra* note 41, at 244 n.5, or products of a widespread "fear of sexuality," Cannon, *supra* note 41, at 67, or deeply suppressed rape fantasies on the part of authors and readers, Lynn, *supra* note 41, at 108. Other standard works of Mormon historiography attribute the success of antipolygamy fiction to non-Mormons' "palpitating desire to be shocked by the hideous aspects of Mormondom," or simply to "fantasy." KERN, *supra* note 29, at 54–55; *see also* NORMAN F. FURNISS, THE MORMON CONFLICT 1850–1859, at 82–83 (1960); Lynn, *supra* note 38, at 108; KIMBALL YOUNG, ISN'T ONE WIFE ENOUGH 25 (1954). The content of antipolygamy fiction, these scholars agree, reveals more about the views of the authors than actual Mormon practice or experience. Mistakes of fact are rife in the portrait of polygamy that emerges from these novels.

43. ALFREDA EVA BELL, BOADICEA; THE MORMON WIFE 82 (1855).

44. For lists of antipolygamy novels (newspaper and magazine serials are not included, but were plentiful) see Arrington & Haupt, *supra* note 41, at 257–60; Lynn, *supra* note 41, at 110–11. For examples of later fiction, see ROSETTA LUCE GILCHRIST, APPLES OF SODOM: A STORY OF MORMON LIFE (1885); CORNELIA PADDOCK, IN THE TOILS; OR, MARTYRS OF THE LATTER DAYS (1879); THE WOMEN OF MORMONISM; OR, THE STORY OF POLYGAMY (Jennie Anderson Froiseth ed. 1882), which replicate the literature of the 1850s in many essentials. The legal relevance of sentimental storytelling in nineteenth-century America has been established by studies of lawyers' courtroom strategies and validation of strategic storytelling in jury verdicts. DANIEL A. COHEN, PILLARS OF SALT, MONUMENTS OF GRACE: NEW ENGLAND CRIME LITERATURE AND THE ORIGINS OF AMERICAN POPULAR CULTURE, 1674–1860, ch. 9 (1993); Robert A. Ferguson, *Story and Transcription in the Trial of John Brown*, 6 YALE J.L. & HUMAN. 37 (1994); Hendrik Hartog, *Lawyering, Husbands' Rights, and "the Unwritten Law" in Nineteenth-Century America*, 84 J. AM. HIST. 67 (1997).

condemned as a breach of the trust essential to marriages (and republics). The novelists rallied to the defense of monogamy as the centerpiece of true religious liberty and constitutional rectitude. They, too, drew on the lessons of religious feeling and communication that sustained and invigorated faith in the early Republic and that prepared Smith and his followers to step onto a very different path.[45] Stories connected antipolygamist storytellers and listeners; the power of sympathy and the energy unleashed by emotional outrage were antipolygamy novelists' stock-in-trade. The danger they described was all too understandable because the people involved were so typical and so vulnerable.[46]

The connective threads spun in antipolygamy novels illustrated the perceived danger and created a call to action. They also drew strength from related endeavors. Antipolygamists, like their Mormon counterparts, were part of a world already galvanized by the power and perils of Christian storytelling in a disestablished country. Such spiritual tales implicitly rejected theological rigor in favor of more intuitive forms of communication.[47]

The focus on sentiment and intuition came at a price. The novels are full of mistakes; their authors frequently were not really interested in investigating life in Utah. Instead they wrote polemically and dramatically. Antipolygamy novels also were frequently as superficial in their examination of mainstream doctrine and practice as they were in their investigation of Mormonism. One novelist, for example,

45. Elizabeth B. Clark, *The Sacred Rights of the Weak: Pain, Sympathy, and the Culture of Individual Rights in Antebellum America*, 82 J. AM. HIST. 475–81 (1995); *see also* ANN BRAUDE, RADICAL SPIRITS: SPIRITUALISM AND WOMEN'S RIGHTS IN NINETEENTH-CENTURY AMERICA (1989); DAVID S. LOVEJOY, RELIGIOUS ENTHUSIASM IN THE NEW WORLD: HERESY TO REVOLUTION (1985); JOHN MULLAN, SENTIMENT AND SOCIABILITY: THE LANGUAGE OF FEELING IN THE EIGHTEENTH CENTURY (1988); SANDRA S. SIZER, GOSPEL HYMNS AND SOCIAL RELIGION: THE RHETORIC OF NINETEENTH-CENTURY REVIVALISM (1978).

46. For the growth of sentiment in popular literature, see ANN DOUGLAS, THE FEMINIZATION OF AMERICAN CULTURE (1977); TOMPKINS, SENSATIONAL DESIGNS: THE CULTURAL WORK OF AMERICAN FICTION 1790–1860, at 122–46 (1985). For legal storytelling, see COHEN, *supra* note 44, ch. 4; Ferguson, *supra* note 44; Laura Hanft Korobkin, *The Maintenance of Mutual Confidence: Sentimental Strategies at the Adultery Trial of Henry Ward Beecher*, 7 YALE J.L. & HUMAN. 1 (1995); Hartog, *supra* note 44. For the popular appeal in political rhetoric, see RICHARD J. CARWARDINE, EVANGELICALS AND POLITICS IN ANTEBELLUM AMERICA (1993); JAMES M. MCPHERSON, THE ABOLITIONIST LEGACY: FROM RECONSTRUCTION TO THE NAACP (1975); HARRY L. WATSON, LIBERTY AND POWER: THE POLITICS OF JACKSONIAN AMERICA (1990).

47. Elizabeth B. Clark documents the multiple intellectual and spiritual sources of this shift from external measures to subjective conscience as the only reliable guide to authenticity. Elizabeth B. Clark, Anticlericalism and Antistatism 2–13 (unpublished manuscript, on file with the author).

described a burial scene in which a surviving woman read "inimitably beautiful" prayers over the grave of a woman who died of a broken heart on the trip to Utah. Her prayer service was vague, but indubitably Protestant, and clearly designed to draw a contrast between the tender sentiment of mainstream faith and the presumed autocratic power of Mormon leaders.[48]

To focus exclusively on the mistakes of fact that run throughout antipolygamy fiction is to miss the key point, however. There is a fundamental difference between the inaccuracy and the effectiveness of this form of fiction. Antipolygamy novels were by no means reliable guides to how Mormon polygamy was experienced by those who practiced it. The novels were effective tools for advocacy, however. Their persuasive power is deeply connected to law and legal theory, especially constitutional law.

III. THE PARADOX OF RELIGIOUS LIBERTY

Antipolygamist writers reframed the traditional American condemnation of formal ties between church and state. To drive home the dangers of clerical power, they focused on the political power of the Mormon priesthood. Maria Ward's *Female Life Among the Mormons* was direct and explicit. Her novel told the story of a young bride whose experiences finally persuaded her that escape dressed as an Indian was preferable to life among the Mormons.[49] In one scene, an old man purchased two young women from their father for two horses and a cow. He explained: "Polygamy, as I take it, is the legitimate offspring of the union of Church and State. The Church is more . . . tender of the interests of believers, than the State, when divorced from her, could ever be." Plural marriage, he claimed, was "the chiefest of our blessings, . . . that will be what the heathen will attempt to root out and destroy."[50]

Although the union of church and state was a frequent target of antipolygamy theory, confusion about the precise relationship of

48. MARIA WARD, FEMALE LIFE AMONG THE MORMONS; A NARRATIVE OF MANY YEARS' PERSONAL EXPERIENCE 173 (1855).

49. *Id.* at 350–51.

50. *Id.* at 325. For an anti-Catholic allusion, see ORVILLA S. BELISLE, THE PROPHETS; OR, MORMONISM UNVEILED 227 (1855):

> I am no apologist for lynch or mob law, but there have occasions occurred, and may again, when the people have arisen in their might and bade the tyrant's vice and oppression begone. So they did at Lexington and New Orleans, and so they did at Philadelphia in 1844, and so they were doing [in anti-Mormon mob violence] now.

church and state was common across the country. Massachusetts was the last state to formally disestablish in 1833, but Bible reading in public schools, challenges to Sunday delivery of the mail, and most divisively the legal protection of slavery, all linked questions of politics and religion. In one sense, therefore, antipolygamy was a valuable arena for debate about what separation of church and state really meant. To early antipolygamists, the purported evils of an established church were easily spotted in Utah, especially in celestial marriage and in the political power of the polygamists. As a Mormon leader in Ward's novel put it, polygamy was protected by a legal order in which priests made laws: "Mormonism can only flourish as a theocracy; but so long as the head of the church makes the laws we are safe." Antipolygamists charged that when religious leaders wielded such power and based legislation and political favors on personal revelation, they betrayed the Constitution as well as God's law.[51]

If spiritual union in marriage was the true source of the faith and virtue essential to republican government, the argument went, then any official empowerment of religion would degrade religion and marriage. Ultimately, the Constitution itself would be compromised. Utah, in this view, was not only overgoverned (by an interventionist priesthood), but also undergoverned (by the absence of protective legislation for marriage). Mormonism, antipolygamists charged, which placed priests in charge of legislatures and households, had gotten the source of valid government wrong. By undermining the distinctions between church and state, and between church and home, Mormons jeopardized all three. Their error led them into fundamental mistakes of belief and practice, antipolygamists insisted, of which polygamy was the most egregious and the most telling.

Life in Utah, according to the novelists, belied the claim that polygamy and democracy could coexist. Brigham Young, Orvilla Belisle charged, tyrannized Utah, where the entire legislature was composed of his "creatures" that did his bidding.[52] Utah homes, which should have been "secluded retreat[s]" from oppression, were denied the "peculiar sanctity" unique to Christian homes.[53] Instead, only some households were venerated as Young and other leaders cast "the

51. WARD, *supra* note 48, at 325.
52. BELISLE, *supra* note 50, at 409.
53. BELL, *supra* note 43, at 24.

burdens . . . upon the labourers to wring from them the means to support" their "largely stocked harems."[54]

Constitutional freedoms, although they created the potential for true homes of liberty, also carried grave risks in the wrong hands, these writers claimed. Mormons were not the first to confuse religious freedom with sexual license, according to antipolygamists. Metta Victor described Sarah Irving's temptation by free-love pamphlets that assured her marriage was not sacred. Reading tracts on *Psychological Twinships* and *Passional Attractions*,[55] Sarah convinced herself that her own desires were the appropriate guides for action. Richard Wilde created the opportunity for betrayal by converting to Mormonism; Sarah completed it by indulging herself in another heresy—free love. By constructing an alliance between polygamy and free love, antipolygamists insisted that distinct and antithetical forms of dissent produced parallel threats. Sexual indulgence flowed from heretical faith, Metta Victor claimed, and flourished in an atmosphere of freedom that created room for licentiousness as well as liberty.[56] Free thought and Mormonism, however "fair and proper [their] language," Victor wrote, "have cursed the ground with thistles and thorns, instead of blessing it with the lilies and roses of purity and love."[57] The danger lurked in the misapprehension that the Constitution shielded all manner of iniquity.

Danger also lurked in the power of persuasive language. The "glory and fascination of genius" cloaked evil as well as good, Victor lamented, tempting the weak or trusting with fine phrases and flattery.[58] Even "elegant, refined" men could be seduced in the "murky lake" of religious error, wrote Orvilla Belisle in *Mormonism Unveiled*.[59] Belisle's heroine died of shock when her husband brought a second wife into her house and made love to the interloper in the very next room. The betrayal was accomplished under the influence of "unhallowed tenets" and "mystic vapours"[60] that the Prophet whispered in the ears of his followers, leading them to "perjure [their] souls."[61]

54. BELISLE, *supra* note 50, at 404.
55. FULLER, *supra* note 35, at 139.
56. *Id.* at 313–14.
57. *Id.* at 139.
58. *Id.*
59. BELISLE, *supra* note 50, at 107.
60. *Id.* at 177.
61. *Id.* at 195.

Belisle implied that the instability of religious words and ideas was manifest in Joseph Smith's success. Antipolygamists thus drew on the painful lesson that as mainstream religious storytelling acquired pride of place, new venues for dissent also mushroomed. With legal constraints protecting the content and structure of faith removed, religious fervor nurtured a fruitful environment for dangerous words and ideas. Antipolygamists fed the insecurities that plagued nineteenth-century Americans, who both gloried in and feared the power of words.[62]

A religious language of emotion—pulsating senses and palpitating hearts—was all too easily perverted into runaway sensationalism. By midcentury, the human body had become, in many evangelical Protestants' eyes, "a physiological companion to the Bible," and the cultivation of healthy bodies had become a means of embodying the Word.[63] At the same time, the relationship of the body to words of less elevated origins was also called into question. Thus the ties between sexual morality and Christian belief acquired new urgency. "The fanatic is of logical necessity either an ascetic or a sensualist," one antipolygamist concluded, arguing that polygamy and celibacy were cut from the same cloth. "He either gives full rein to his baser propensities under the specious name of 'Christian liberty,' or with a little more conscientiousness, swings to the opposite extreme and forbids those innocent gratifications prompted by nature and permitted by God."[64]

Exploring the excesses of dissidents, sensational writers and lecturers satisfied the urge to probe the sexual consequences of religious lapse. Antipolygamists fanned the flames, dwelling on the "modern Sodom . . . where women are bought and sold, not forcibly seized and imprisoned in a harem, and where a Bashaw's passions are under more restraint than during the reign of Mormonism."[65] Reflecting on the connection between all forms of heresy, Metta Victor claimed that

62. For an insightful critique of the motivations behind such criticism, see David Brion Davis, *Some Themes of Counter-Subversion: An Analysis of Anti-Masonic, Anti-Catholic, and Anti-Mormon Literature*, 47 MISS. VALLEY HIST. REV. 205 (1960).

63. ROBERT H. ABZUG, COSMOS CRUMBLING: AMERICAN REFORM AND THE RELIGIOUS IMAGINATION, ch. VII (1994).

64. J.H. BEADLE, LIFE IN UTAH; OR, THE MYSTERIES AND CRIMES OF MORMONISM 332–33 (1870). For overviews of the three groups, see generally FOSTER, *supra* note 29; LAWRENCE FOSTER, WOMEN, FAMILY AND UTOPIA: COMMUNAL EXPERIMENTS OF THE SHAKERS, THE ONEIDA COMMUNITY AND THE MORMONS (1991); KERN, *supra* note 29; CAROL WEISBROD, THE BOUNDARIES OF UTOPIA (1980).

65. BELISLE, *supra* note 50, at 352.

"yielding to a belief [in free love]" was the first step into Mormonism, for both deluded their followers that "lust was love."[66] To its opponents, polygamy united the specter of sexual indulgence with religious difference. The turn to law and constitutional theory for answers was predictable, if freighted with difficulty and uncertainty. Christians had learned to exploit the power of law in earlier battles against other dissenters.

By the time the Book of Mormon was published in 1830, the outpouring of religious expression had eroded the credibility of eighteenth-century deism and secularism frequently associated with the Enlightenment. In the opening years of the nineteenth century, evangelical Christians saw themselves battling the forces of disbelief, led by the "arch-infidel, the Virginia Voltaire," Thomas Jefferson.[67] And although infidelity (originally a theological, rather than a marital or sexual term) was less prevalent than its opponents claimed, skepticism was nonetheless the visible wing of a more broadly based anticlericalism. Deeply suspicious of an "evangelical juggernaut," for example, Jefferson refused, while president, to follow the Federalist tradition of proclaiming fast and thanksgiving days.[68]

66. FULLER, *supra* note 35, at 313. For analyses of the phenomenon of fascination with forbidden forms of sexuality in their nineteenth-century incarnations, see COHEN, *supra* note 44, at 167–246; KAREN HALTTUNEN, MURDER MOST FOUL: THE KILLER AND THE AMERICAN GOTHIC IMAGINATION, ch. 3 (1998).

67. The quoted language is from the EVENING AND MORNING STAR, June 1832, at 3. A similar point has been made in connection with other forms of social belief as influencing the available means of rebellion. The most obvious example is that of witchcraft, a practice condemned by Cotton Mather as "rebellion against God," the inversion of faith—incantation rather than prayer. On witchcraft beliefs and punishment in colonial America, see PAUL BOYER & STEPHEN NISSENBAUM, SALEM POSSESSED: THE SOCIAL ORIGINS OF WITCHCRAFT (1974); JOHN PUTNAM DEMOS, ENTERTAINING SATAN: WITCHCRAFT AND THE CULTURE OF EARLY NEW ENGLAND (1982); CAROL F. KARLSEN, THE DEVIL IN THE SHAPE OF A WOMAN: WITCHCRAFT IN COLONIAL NEW ENGLAND (1987). On the legal context in which witchcraft trials were held, see DAVID THOMAS KONIG, LAW AND SOCIETY IN PURITAN MASSACHUSETTS, 1629–1692 (1979).

68. LEO PFEFFER, CHURCH, STATE, AND FREEDOM 119–20 (1953); *The Dangers of Our Country*, CHRISTIAN WATCHMAN 195 (Dec. 4, 1829); TIMOTHY DWIGHT, THE TRIUMPH OF INFIDELITY (1815). The "evangelical juggernaut" phrase is used in Daniel Walker Howe, *The Evangelical Movement and Political Culture in the North during the Second Party System*, 78 J. AM. HIST. 1226 (1991). As late as 1830, Senator Richard Johnson of Kentucky, chairman of the Senate Committee on the Post Office and Post Roads, accused opponents of Sunday mail delivery of "religious despotism" and treason. RICHARD M. JOHNSON, REPORT . . . ON THE SUBJECT OF MAILS ON THE SABBATH, S. DOC. NO. 46, at 4 (1829). On the Sunday mail controversy, see Bertram Wyatt-Brown, *Prelude to Abolitionism: Sabbatarian Politics and the Rise of the Second Party System*, 58 J. AM. HIST. 316 (1971); James R. Rohrer, *Sunday Mails and the Church-State Theme in Jacksonian America*, 7 J. EARLY REPUBLIC 53 (1987); Richard R. John, *Taking Sabbatarianism Seriously: The Postal System, the Sabbath, and the Transformation of American Political Culture*, 10 J. EARLY REPUBLIC 517 (1990).

Fanny Wright, known as the "Red Harlot of Infidelity," was even more outspoken. She combined religious free thought with free love, opposing marriage and its restrictions. Her enemies called her a "voluptuous priestess of licentiousness" and linked "Fanny Wright-ism" with the French Revolution.[69] The political dangers of religious skepticism, argued defenders of Christianity, were proven by the ideas that led to the Reign of Terror in France in the 1790s.[70] Popular criticism of Wright focused on the special evils associated with women who abandoned traditional faith and indulged themselves into experimental sexual practices.[71]

The tools Christians used against such freethinkers were effective and adaptable. Many of the arguments made in attacks on Thomas Jefferson and Fanny Wright were recycled for use by antipolygamists, who insisted that polygamy and infidelity were cut from the same cloth. Sexual experimentation, whether in free love or Mormon dress, argued Metta Victor, betrayed the essence of true liberty. Only Christian monogamy, she insisted, would preserve the structures of freedom that supported the home of liberty. Mormons and infidels, antipolygamists charged, gave in to their passions, covering self-indulgence with fraudulent arguments about religious freedom. No sooner was free thought vanquished, they claimed, than a new threat appeared.[72]

IV. THE *HOME* OF LIBERTY

In response to this new threat, nineteenth-century novelists argued that household relationships were the key to national survival. In their best-selling advice book, *The American Woman's Home*, for example, popular writers Harriet Beecher Stowe and her sister

69. Lori D. Ginzberg, *"The Hearts of Your Readers Will Shudder": Fanny Wright, Infidelity, and American Freethought*, 46 AM. Q. 185 (1994) (quoting *Female Infidelity*, ADVOCATE OF MORAL REFORM (1836)).

70. For examples of claims of freethinkers' inherent depravity, immorality, and criminality, as well as their bloodthirsty proclivities, see the sources quoted in ALBERT POST, POPULAR FREETHOUGHT IN AMERICA, 1825–1850, at 199–204 (1943).

71. CELIA MORRIS ECKHARDT, FANNY WRIGHT: REBEL IN AMERICA (1984).

72. In recent scholarship, historians have argued Mormonism incorporated what the historian Michael Quinn called the "magic world view." D. MICHAEL QUINN, EARLY MORMONISM AND THE MAGIC WORLD VIEW xvi (1987) (explaining "connections between magic and early Mormonism"); JOHN L. BROOKE, THE REFINER'S FIRE: THE MAKING OF MORMON COSMOLOGY, 1644–1844 (1994). Such scholarship attempts to connect early Mormonism to other forms of dissent in the late-eighteenth and early-nineteenth centuries. Certainly antipolygamists saw such a connection, although Mormonism is also distinguishable in fundamental ways from other dissenting movements. See SHIPPS, *supra* note 2.

Catharine Beecher blended family, church, and home in the person of the housewife. The glue that held the whole structure together was sacred emotion—love of a husband for his wife, love of children for their mother, and the returning love for them all from a devoted woman, whose spiritual wisdom made her God's representative in the family.[73] The family home truly became a "sacred circle," as Metta Victor put it.[74] Husbands and wives, as the historian Karen Lystra pointed out, found God in their conjugal love.[75] In these terms, adultery acquired heightened importance and visibility not only as the violation of an ancient commandment, but also as an act of sacrilege—a violation of the union with God in the person of the spouse. The mix was a heady one. Marriage became the apogee of human potential and constitutional design. It was also unbearably fragile, exposed, as Victor said, to "chance and change."[76]

The challenge, then, was to create a legal structure that mirrored the moral and spiritual structure of marriage. The authors who championed legal reform and the readers who made their work popular called on the federal government to protect *true* marriage in Utah. They maintained that Mormons in Utah Territory were not only relevant to the rest of the nation, but that the Mormons' assault on the law of monogamy exposed the fundamental weakness of constitutional liberties. If liberty included the right to differ on questions of vital importance such as polygamy, then morality itself was subject to diverse interpretations in the name of liberty.

Legal difference in a federal system implied actual moral difference across space, across religions, and across marriages. The weakness in the constitutional system exposed by Mormon polygamy,

73. CATHERINE E. BEECHER & HARRIET BEECHER STOWE, THE AMERICAN WOMAN'S HOME (1869).

74. FULLER, *supra* note 35, at 316; *see also* BARBARA LESLIE EPSTEIN, THE POLITICS OF DOMESTICITY: WOMEN, EVANGELISM, AND TEMPERANCE IN NINETEENTH-CENTURY AMERICA (1981); MARY P. RYAN, CRADLE OF THE MIDDLE CLASS: THE FAMILY IN ONEIDA COUNTY, NEW YORK, 1790–1865 (1981). According to many mid-century treatise writers, male and female alike, woman's natural state, contrary to earlier conceptions of rampant female sexuality, was one of moderation, constancy, and self-restraint in sexual matters. *See generally* Nancy F. Cott, *Passionlessness: An Interpretation of Victorian Sexual Ideology, 1790–1850*, *in* A HERITAGE OF HER OWN: TOWARD A NEW SOCIAL HISTORY OF AMERICAN WOMEN 162–65 (Nancy F. Cott & Elizabeth H. Pleck eds., 1979); CARL N. DEGLER, AT ODDS: WOMEN AND THE FAMILY IN AMERICA FROM THE REVOLUTION TO THE PRESENT 253–63 (1980); SELLERS, *supra* note 16, at 242–45; Carroll Smith-Rosenberg, *Beauty, the Beast and the Militant Woman: A Case Study in Sex Roles and Social Stress in Jacksonian America*, 23 AM. Q. 563–83 (1971).

75. KAREN LYSTRA, SEARCHING THE HEART: WOMEN, MEN AND ROMANTIC LOVE IN NINETEENTH CENTURY AMERICA 257–58 (1989).

76. FULLER, *supra* note 35, at 315.

antipolygamists argued, could topple the whole structure. In the wrong hands, precious liberties were perverted into justifications for licentiousness. Maria Ward, for example, condemned the local power that allowed the Mormons to establish "a social system founded on radically different principles" than those of the rest of the country. By traveling to the Great Salt Lake Basin, Mormons eluded the oversight of "neighboring communities . . . whose influence might retard their growth," Ward argued.[77] She called upon the country to exercise such oversight, insisting that physical distance should not excuse moral difference.[78]

The dangers of migration to new and uncharted legal terrains pervaded antipolygamy novels. Metta Victor's tale of *Facts Stranger than Fiction* was an emotional journey for the reader, a witness designed to provoke commitment to antipolygamy activism. Ward's *Female Life Among the Mormons* gradually exposed the "truth" about Mormonism as the narrator traveled westward; her life was forever changed. Women, Ward claimed, were relegated to ever more marginal and degraded positions as they traveled into Mormon territory: "As the principles of Mormonism developed, it became evident that the females were to be regarded as an inferior order of beings. One by one the rights to which they had been accustomed, as well as the courtesies generally conceded to them, were taken away."[79]

The journey to a different moral place challenged migrants to resist or adjust. In popular fiction, the challenge was felt directly by women, whose spiritual and material circumstances were altered so drastically. Faced with polygamy, women took two approaches: the virtuous suffered, even died, and the weak descended into viciousness and vulgarity. In antipolygamy fiction, first wives overwhelmingly fell into the former category. An example gives the flavor of the deadly consequences. Mrs. Murray learned that her husband had taken a second wife. She called Mrs. Ward to her deathbed:

77. WARD, *supra* note 48, at 294.

78. *Id.*

79. *Id.* at 321.

> Knowing, as I do, the evils and horrors and abominations of the Mormon system, the degradation it imposes on females, and the consequent vices which extend through all the ramifications of the society, a sense of duty to the world has induced me to prepare the following narrative, for the public eye.

Id. at iii–iv.

> "You have sympathized with me in my great affliction; . . . once I believed in Mormonism. . . . But the estrangement of my husband opened my eyes, and . . . I knew . . . that a belief which sanctioned such sinful practices, must be of the Evil One. . . ."
>
> "You weary yourself, Mrs. Murray," I said; "here, take this," and I administered a pleasant cordial. . . . I saw that she was sinking rapidly.
>
> "Joy! joy!" she said. "I go."[80]

Such melodramatic scenes occur throughout the genre. The deaths of broken-hearted wives were never wasted. Margaret Wilde's death in *Mormon Wives*, for example, converted Sarah Irving to a life of antipolygamy activism. Death, in this sense, was not defeat, but a Christian exercise in reformation. By dying, Margaret escaped the power of her husband to harm her further. She also provided a compelling example to those left behind of the price paid by women for abandoning Protestant faith. Margaret was the real victor, although she died to win her point.[81]

Second wives rarely received such sympathetic treatment. The potential for real moral difference between women was among the most nagging problems for popular novelists. The glorification of the household and its guardian angel was undermined by the presence of women whose behavior defied the claim that women were by nature monogamous. Novelist Maria Ward described one aspiring Mormon wife as a coquette, who was in part responsible for "the continuation of polygamy . . . [because she] preferred a rich man, with a dozen wives, to a poor one without any, and, though repentance must inevitably ensue, it would be too late."[82] First wives were terrorized by such jades who destroyed "all domestic peace . . . and all house-

80. *Id.* at 172.

81. The deaths of young women and children, and the tears of release and regret that accompanied an untimely death, constituted a special language in domesticity. The virtuous died young in a cruel world, because heaven was where they belonged. Jane Tompkins makes this point eloquently in her analysis of *Uncle Tom's Cabin*:

> Stories like the death of little Eva are compelling for the same reason that the story of Christ's death is compelling; they enact a philosophy, as much political as religious, in which the pure and powerless die to save the powerful and corrupt, and thereby show themselves more powerful than those they save.

TOMPKINS, *supra* note 46, at 127–28. Sentimental writers advocated the recreation of that heaven on earth through marriage—in the "sacred circle of home," as Metta Victor put it. METTA VICTORIA FULLER, THE SENATOR'S SON, OR, THE MAINE LAW (1853). Destruction of marital happiness (through polygamy or other means, such as slavery or alcoholism) meant that angels could not long survive. In antipolygamy fiction, the home was the metaphor for women's souls; it was the "charmed precinct" where "peace and love and innocent joy" were realized. FULLER, *supra* note 35, at 197.

82. WARD, *supra* note 48, at 224, 318.

hold affection."[83] The bitterness of betrayal by another woman, as Margaret Wilde discovered, was devastating in the deepest sense. "[W]omen of genius . . . polluted the gifts which God had graciously bestowed upon them," Victor said alluding to Fanny Wright, showing how duplicity could lurk in women's hearts.[84]

The corruption of women was the most deadly, antipolygamy novelists claimed, because the "true mission of woman" was compromised from within: "It [was] as if angels, who have pure vessels of incense, breathing fragrance and delight upon all who approached, should fill them up with the fires and flames of the lower world, and tempt other spirits to taste, unawares, of the draughts which blight them eternally."[85]

But in antipolygamy fiction most women shunned polygamy. Fundamentally, the stories implied, women could not be really different from one another—they shared an innate sense that revolted against polygamy. How, then, could one explain the presence of thousands of women in Mormonism in the first place? Novelists agreed that women whose husbands converted to Mormonism had little choice but to follow them to Utah, because all women shared a deep desire to obey their husbands, and especially since polygamy was concealed until escape was out of the question.[86] But what about those unmarried women who converted and those who remained despite plural marriage?

83. *Id.* at 410.

84. FULLER, *supra* note 35, at 140.

85. *Id.* "Discord, confusion and misery reigned supreme" in polygamous families, Maria Ward claimed. Ward, *supra* note 48, at 409. Wives refused to work in harmony with one another; one put the cutlery away as soon as another set the table. She described the household of Brigham Young, whose wives were consumed with jealousy of one another:

> [E]ach one wishes to take precedence of the others. The eldest fancies that her age entitles her to the place of honor. The youngest, because she is a beauty, and a favorite; and the middle-aged, on account of her wealth. They will not eat together, because each one wishes to sit at the head of the table; each one also aspires to superintend and direct the affairs of the household, while the others perform the labor.

Id. at 300–01.

86. This argument indirectly encouraged women *not* to follow their husbands into a faith (and perhaps into anything else) that did not appeal to their own sense of what was right. The justification for challenging the authority of husbands was usually based on a reference to an external power figure, be it a mother or a clergyman (note, however, that the appeal was made to a "female" personage, rather than a father or brother). In Ward's novel, for example, as one woman lay dying of a broken heart, she lamented that she had "forgot[ten] the dying admonitions of my mother." *Id.* at 172. On occasion, women openly defied authority when commanded to enter plural marriage: "I dare to disobey any man, who seeks to make me a slave, and whose tyranny would embitter my whole life," declared a spirited young woman to her father. *Id.* at 358.

Maria Ward gave two explanations, both widely advanced in subsequent novels and magazine literature. The first described how single women were recruited and the second focused on the apparent acquiescence of women in Utah. Ellen's description of her seduction illustrated the first category. Joseph Smith used the hypnotic power of *animal magnetism*:

> His presence was of the basilisk. He exerted a mystical magical influence over me—a sort of sorcery that deprived me of the unrestricted exercise of free will. It never entered into my brain that he could cherish impure motives, . . . could seek the gratification of lawless passions. No friendly voice was near to warn me, and I fell.[87]

Once in Utah, novelists claimed, the great difficulty of escape and brutal retaliation against dissent prevented women from voicing their opinions. Ward argued that "[t]he most . . . that a woman can do, is to conform to her circumstances, and be satisfied with her lot. Who would complain, when conscious that the complaint would only make matters worse?"[88] According to one of Ward's "informants," wives were confined in cellars for revealing any information that "can have a tendency to bring the institution of polygamy into disrepute."[89] One wife threatened to run away if her husband brought home a second wife. He was not impressed: "No, madam, you won't [leave]. Among the Mormons, husbands are lords. They have the privilege of punishing disobedient wives, and enforcing their homage." Ward accused the Mormons of instituting a "Lynch law" of which "women were mostly the victims" for daring to "expose the weakness or sensuality of an elder." Wives, she said, were trapped in Utah.[90]

Popular novelists contrasted men's nature. Ward, for example, attributed polygamy to men's "passion for variety." Betrayal and adultery, the argument went, already lurked in men's hearts; Mormonism elevated such base inclinations to religious precept. The polygamist's acceptance of moral difference, antipolygamists claimed, was linked to his appetite for sexual variety.[91] The legalization of such

87. *Id.* at 65. According to Ward, Smith then murdered the product of their union—his own child—and commanded Ellen to become the plural wife of another man, "who, to excessive boorishness of manner united a most repulsive countenance and forbidding disposition." *Id.* at 78. Ellen's suicide came as no surprise to Mrs. Ward, who accused Smith of her murder: "Whose fanaticism blighted the hopes of that pure spirit, degraded her aspirations for love and truth, and turned the sweetness of her life to gall and wormwood?" *Id.* at 80.

88. *Id.* at 421–22.

89. *Id.* at 314.

90. *Id.* at 90, 428.

91. *Id.* at 219.

a double standard for men spelled the end of all affection, they charged, and eventually of all law. A plural wife explained that her husband was "for ever smitten with new faces; and that is the abomination of polygamy. Men are naturally inclined to variety, but habit, public opinion, everything, tends to restrain that inclination, in most communities. Among us, however, polygamy gratifies and encourages it."[92]

Connected to the theme of adultery was the claim that greed—for money and power as well as women—motivated men's conversion to Mormonism. In Metta Victor's *Mormon Wives*, for example, Margaret's husband Richard urged her to join him in converting to Mormonism. He "painted their future success and prosperity in almost too glowing terms; for Margaret apprehended that his mind was more captivated by the projected splendor of their worldly enterprises, than by their religion."[93] In her novel *Mormonism Unveiled*, Orvilla Belisle claimed that Mormon men were foolish or "steeped in crime."[94] Belisle argued that these were the very people whose ability to follow strange new religions should be circumscribed. Once they had converted to Mormonism, men were freed from the marital rules that protected women, and thus all other rules crumbled, too. They were not troubled by adultery or other misdeeds, Belisle claimed, because Mormon leaders assured them that no crime could undermine the power of a Mormon baptism: "if you have murdered all your days, . . . you would arise at the resurrection, and your spirit be restored to your body, because you have received the baptism which cleanseth from sin. A Mormon can no more be lost than a [non-Mormon] unbaptized saved."[95] Maria Ward also condemned Mormonism's appeal to men:

> "The way of the truth is so plain," said [Joseph] Smith, "that a fool can point it out just as well as anybody. Let those who are considered fools by their neighbors and relations come to us—we will make them kings and priests." And certainly a multitude of fools accepted the invitation.[96]

92. *Id.* at 312.

93. FULLER, *supra* note 35, at 103. The same was true for Arthur Guilford in Orvilla Belisle's MORMONISM UNVEILED; after losing an ill-conceived and poorly-run race for governor, Arthur fled to Mormonism as a means of recovering his lost wealth and self-esteem. Greed for money soon evolved into greed for women, as Mormon converts lost control over their sense of what was right. Once he left the East, Arthur careened downward morally, finally killing his wife by his cruel treatment of her. *See generally* BELISLE, *supra* note 50.

94. *Id.* at 52, 109.

95. *Id.* at 259.

96. WARD, *supra* note 48, at 101.

Alfreda Eva Bell, author of *Boadicea; the Mormon Wife*, graphically probed the violence by men she argued was the consequence of polygamy and its attendant lawlessness. Mary Maxwell, escaped wife of Bernard Yale (a pseudonym for Brigham Young), was on the verge of giving birth when Yale found her in Boadicea's home:

> "Will you go with me?" asked he.
>
> "No," answered the dying woman.
>
> "Then you are done for," said Yale; and deliberately, before my very eyes, in spite of my wild screams for his mercy, he fired at her, and scattered her brains over the floor. I fell down in a death-like swoon.[97]

Because restraints were removed in the West, antipolygamists insisted, Mormonism attracted men who wished to rise above their origins. But the real danger was that instead of raising themselves, Mormons would drag others down. Novelists depicted converts lured by promises of wealth, only to be exploited by the polygamous Mormon elite. Orvilla Belisle, for example, insisted that Mormonism divided society, with a few men enjoying luxury at the expense of all women and most men: "[In Utah] with thirty thousand subjects, [Brigham Young] reigned supreme autocrat, holding the wealth, labour, liberty[,] and lives of his followers at his mercy, which was swayed by the passions that held him in bondage, and whose slave he had become."[98]

V. SLAVERY AND LEGAL REFORM

Portraits of a divided society with a much married male aristocracy at one end and oppressed wives and poor men at the other end, the violence of polygamous husbands, and the death of those wronged by an abusive system all point to a connection that popular authors drew early and often. Polygamy, they claimed, was a form of slavery. Alfreda Eva Bell insisted that women in Utah "are in fact white slaves; are required to do all the most servile drudgery; are

97. BELL, *supra* note 43, at 49. Boadicea herself was the victim of physical abuse by her husband's second wife, poisoning, and even an attempted assassination at a fancy dress ball. Boadicea was a survivor, however; disguised as a man, she escaped to tell her shocking tale in the East. Bell also wrote an antislavery (and anti-Confederacy) novel in 1864. See BERTHA STEPHENS, THE REBEL COUSINS; OR, LIFE IN SECESSIA (1864) (prepared for publication by her friend Alfreda Eva Bell).

98. BELISLE, *supra* note 50, at 404. The defense of class structure as the best protection for all levels of society, of course, is deeply conservative at its core. Economic (and geographic) mobility might not look so threatening to the masses Belisle claimed made up the bulk of converts to Mormonism.

painfully impressed with their nothingness and utter inferiority, in divers ways and at all seasons; and are frequently . . . subjected to personal violence and . . . corporeal punishment."[99] Like southern slaveholders, Bell argued, Mormon men bought and sold women—even their own daughters—and were "to the last degree demoralized, effeminate, and lazy."[100] Maria Ward maintained that surveillance in Utah was fully as "cruel and remorseless" as the "bloodhounds" who tracked "runaway slave[s]."[101] Ward even claimed she had seen the prophet Joseph Smith "sitting lazily on the door-stone, basking in the sun, while [two of his wives] were at work in the neighboring corn-field."[102] The analogy to slavery drove home the threat of regional differences to concepts of liberty and freedom.[103]

The comparison of polygamy to slavery also highlighted the role of law. Like the abolitionists, antipolygamists claimed that the lack of legal protection transformed white women in Utah into slaves. Such rhetoric is especially evident in the work of Maria Ward:

> Had injured wives possessed the chance of redress by law, or even the opportunity of flying from the scene of such licentious habits, polygamy, even in its infancy, would have received a death-blow; but these, the ones most interested in its suppression, and upon whom fell the burdens of its intolerable evils, were constrained to abide by it, and, in most cases, without murmur or complaint.[104]

Instead of protecting vulnerable women, legal power, Metta Victor argued, had been vested in "those who made their own laws to suit their own purposes, who brought strange doctrines out of the depths of their own foul imaginations and called them revelations." The novelists understood that Mormons claimed a legal foundation for

99. BELL, *supra* note 43, at 54.

100. *Id.* at 34.

101. WARD, *supra* note 48, at 438.

102. *Id.* at 103.

103. BELL, *supra* note 43, at 54; WARD, *supra* note 48, at 438. Bell also graphically described a callous father who sold his daughter to a Mormon elder. The girl was beaten to death after she refused to become the elder's plural wife. The elder refused to pay the purchase price:

> "But then you've cheated me," answered old Boisrouge; "it ish not so much la fille, ze girl hercef; it is mine monish, mine monish, vat you did promish me for her, if I did try for make her be our vife; vat vat you did promish me, entends tu scélérat!"
>
> "None of that eternal gibberish," answered Holmes. "I don't like it, and I won't stand it,—no, I won't. She's dead, and I'm sorry for it; but a bargain's a bargain. I bargained for a live girl, and not a dead girl, Boisrouge!"

Id. at 91.

104. WARD, *supra* note 48, at 294–95.

polygamy and that it would require positive legal action to destroy it.[105]

The connection to slavery provided a blueprint for legal action. If empathic identification with women in Utah was the goal of anti-polygamy fiction, the right of the sufferer (that is, the eastern reader) to legally challenge the authority of the tyrant was the prerequisite for antipolygamists' activism. Abolitionists made the logic of such appeals compelling. The popularity of *Uncle Tom's Cabin* was not lost on antipolygamists, who capitalized on the sympathy generated by antislavery fiction. Stowe, too, recognized the connection, arguing that the "degrading bondage" of women in Utah could not survive if met by "combined enlightened sentiment and sympathy."[106]

Antipolygamist authors of the 1850s advocated stringent federal oversight of territorial lands, readily enforceable laws, and unequivocal punishment of polygamists, all to protect monogamy in Utah and to reinforce the political value of Christian marriage to the national government. They argued for the creation of new legal authority to protect the home of liberty. It would be an exaggeration to assert that popular authors had a detailed understanding of constitutional law or how federal enforcement of antipolygamy legislation would or could be carried out. Instead, they explored the nature of spiritual union between spouses as they probed the relationship between marriage and constitutional law.[107]

Under the best of circumstances, these authors implicitly conceded, marriage entailed a sacrifice of the self for women. The wifely sacrifice of self essential to marriage was exploited and undermined by plurality, according to antipolygamists. Marriage itself would not survive long, and with its collapse civilization would disintegrate. In polygamy, the corruption of marriage was felt immediately by women, but men were also vulnerable. Her husband's sudden and powerful (if temporary) contrition at Margaret Wilde's death, novelists implied, proved that Mormon men knew in their hearts that they had betrayed their wives. The immediate solution to plural marriage

105. FULLER, *supra* note 35, at 198.

106. Harriet Beecher Stowe, 1 ANTI-POLYGAMY STANDARD 1 (1880).

107. Their discourse was, as a scholar of antislavery has pointed out in a related context, "a lay, rather than a legal, tradition, fluid precisely because it did not depend on the revealed word of a statute or constitutional amendment." Clark, *supra* note 45, at 487.

was death or escape. The long-term solution was legal reform to impose uniformity on all regions of the country.[108]

The Territory of Utah had provided the space and power for Mormons to create a legal system in their own interest, antipolygamists charged. The national government was the only solution to a runaway territory. In Maria Ward's novel, for example, a fictive Brigham Young bragged to a beautiful young woman of his power to make whatever laws he wished:

> 'Laws of the land! now that is too good—laws of the land! indeed, what laws of the land are there, but my will? What State? what government has power or authority here? No! my beauty.... Here I do as I please with my own. I consider myself amenable to no law, but the code of Mormon, and that places all authority in my hands.'[109]

To antipolygamists, the notion that one man could create law and that the national sovereign could not step in to protect marriage meant that legal authority itself could not survive.

The presumed connection between polygamy and tyranny reinforced the dangers of regional difference, revealing yet again the relationship of polygamy to slavery, these authors argued. Orvilla Belisle described a Mormon missionary attempting to seduce an English girl. When the young woman demurred that polygamy was illegal, the missionary replied that in America there was no single legal code:

> The Union is made up of distinct States... and whatever laws the people of any one state construct for their own government, the other states have no right to interfere with; therefore, it is not necessary for the whole Union to give their assent to any custom to make it legal, or to have custom sanction it; if one state sanctions it within her territory, it is both legal and right.[110]

108. The delicate balance between womanly spiritual superiority and the gracious act of subordination in wifehood is illustrated in Metta Victor's MORMON WIVES. The heroine counseled her (soon to be faithless) friend that someday she would meet a man "whom you can not help obeying." FULLER, *supra* note 35, at 29.

109. WARD, *supra* note 48, at 292. Metta Victor, for example, believed that when positive legislation to protect wives was in place, behavior would actually change. In temperance novel, she pleaded for enactment of the Maine law in all states, arguing that human nature alone could not accomplish the reform of society.

> As long as men must be governed, let them have as many laws as are necessary and just. If this was the millenium [sic] reign of love, when the lion and the lamb are to lie down together, we should not need those restrictions. Now they are wholesome, necessary, and wise.

FULLER, *supra* note 81, at 44.

110. BELISLE, *supra* note 50, at 153.

This was a reprise of the territorial sovereignty argument current among many Democrats in the 1850s. Stephen Douglas, Democratic Senator from Illinois and Abraham Lincoln's chief rival, is commonly associated with the claim that local self-determination should allow voters to decide basic questions of domestic governance. Territorial sovereignty would dictate that slavery (and polygamy, as Republican polemicists claimed in an attempt to embarrass Democrats) was not a question for national resolution. But territorial sovereignty was anathema to antipolygamists as it was to abolitionists. The moral code that protected democratic processes was imperiled, in this view, by toleration of abuse in the name of localism. Such "squatter sovereignty," argued Metta Victor, was unconstitutional.

> Reject [polygamy], and we accomplish the first step in a reform which shall restore our country to its once proud purity.... Under its laws we ought to be the best, the purest, the wisest, the bravest people on earth; and this we shall be are we but true to the first principles laid down by our Revolutionary fathers—the nobility of man.[111]

Thus, antipolygamists argued that local difference and local control were contrary to the design of the Constitution because they allowed Mormons to claim protection for polygamy.

The connection to slavery also provided a blueprint for the expansion of constitutional rights consciousness. Antipolygamists embraced the theory that marriage was key to the Constitution itself. The right to emotional and spiritual fulfillment, conceived as the "spirit and intent of th[e] Constitution," was integral to antipolygamists' claim that polygamy entailed an illegitimate exercise of authority.[112] The "*home* of liberty," as Metta Victor put it, was the ultimate goal of the Constitution and thus of American citizens.[113] Constitutional rights rhetoric in this vein called for "destabilization," as one scholar put it in a related context, "of the settled rights of those who oppressed [wives and slaves]."[114] This logic rested on a theory of the government's obligation to protect constitutional rights and rights bearers. Antipolygamists implied that anything less would betray the

111. FULLER, *supra* note 35, at vii.

112. *Id.* at viii.

113. *Id.* For an interesting parallel to this argument, see Laura F. Edwards, *"The Marriage Covenant Is at the Foundation of all Our Rights": The Politics of Slave Marriages in North Carolina after Emancipation*, 14 L. & HIST. REV. 81, 81–82 (1996).

114. Hendrik Hartog, *The Constitution of Aspiration and "The Rights That Belong to Us All*, *in* THE CONSTITUTION AND AMERICAN LIFE 353, 362 (David Thelen, ed., 1987); *see also* Clark, *supra* note 47, at 9–13, 41–47.

constitutional order. Failure to act would corrupt the broader government that failed to intervene, as well as those who practiced polygamy.

Though they entreated federal politicians to protect otherwise helpless women in Utah, the novelists were careful not to directly challenge legislators' views of themselves as husbands or their relationships with their wives. Metta Victor, for example, asked legislators only to recognize the traditional legal rights of women in the home. National intervention to protect monogamy, it was argued, could adequately protect marriage against betrayal. In other words, antipolygamists argued for the moral evaluation of polygamous marriage by insisting that most marriages would not be subject to scrutiny. They appealed instead to legislators' obligations to protect and cherish their wives as autonomous beings, whose support provided their husbands with spiritual, emotional, and moral security. While men might technically have the legal power to tyrannize their wives, monogamous men were restrained by the very structure of marriage.[115]

Denying men's power to legally engage in polygamy could be reasonably understood as a reinforcement of husbands' power in monogamy. The appeal itself reaffirmed both the power of men in law and the power of husbands in marriage. Legislative action, like husbands' restraint, was an act of grace, a gift of reform by thoughtful men—a reaffirmation of the validity of the system rather than a fundamental reworking of it.[116]

115. Hartog notes that his study of the career of Mrs. Packard "suggests the need for a rethinking of domestic feminism and its relationship to its supposed opponent, political feminism," a point that bears emphasis in the antipolygamy context. Hendrik Hartog, "*Mrs. Packard on Dependency*," 1 YALE J.L. & HUMAN. 94 n.50 (1988). A growing literature on masculinity addresses some of the issues raised here. *See, e.g.*, MEANINGS FOR MANHOOD: CONSTRUCTIONS OF MASCULINITY IN VICTORIAN AMERICA (Mark C. Carnes & Clyde Griffen eds., 1990); *see also* SELLERS, *supra* note 16. On the self-made man as the flip side of the domestic coin, see RYAN, *supra* note 74, ch. 4.

116. For an exploration of such a discourse, see Gail Bederman, *Civilization, the Decline of Middle-Class Manliness, and Ida B. Wells's Anti-Lynching Campaign (1892–94)*, 52 RADICAL HIST. REV. 5–22 (1992). In studies of Old South slave codes, slave historians have argued that the manipulation of the master class's ideological tools may have given some slaves temporary refuge from individual masters, but the act of supplication to the slaveholders' restraint ethic drove slaves deeper into an acceptance of paternalistic logic, if not slavery. EUGENE D. GENOVESE, ROLL, JORDAN, ROLL: THE WORLD THE SLAVES MADE 25–49 (1976). Such an analysis of the hegemony of law would label antipolygamist women's appeal to legislators' ethic of husbandly restraint as a flawed form of subversion at best and a kind of false consciousness, especially if the law of monogamy was the source of wives' oppression, as the law of slavery was the source of the slaves' oppression. And yet this was precisely the concession that antipolygamists were not prepared to make. From their perspective, true slavery lay in the uncontrolled

Antipolygamists thus handed legislators a tool for discrediting woman's rights activists in the East. Into waters stirred by abolitionism, utopianism, evangelicalism, and other reforms in the 1830s and 1840s, woman's rights activism poured more turmoil. Quaker abolitionist Angelina Grimke's investigation of the disabilities of the slave, for example, convinced her that thanks to the law of coverture married women endured many of the same handicaps, and suffered from legal invisibility like slaves.[117] Feminist abolitionists, while a small minority, nonetheless made telling arguments about the resemblance of the laws of marriage and slavery that threatened to unsettle all of society.[118]

Woman's rights theorists attacked the laws of marriage, especially the legal doctrine of coverture that treated husband and wife as a single entity, arguing instead for equality and equity in the distribution of marital power.[119] Many of their criticisms mirrored earlier critiques made by freethinkers and other religious dissidents. Conservative defenders of Christian monogamy, disturbed by the rhetoric of equality, bitterly opposed woman's rights by the mid-1850's.[120]

Antipolygamists added a new argument, claiming that Mormon polygamy demonstrated that traditional marriage protected and respected women. The popular appeal of antipolygamy gave legislators a convenient out—here was a form of marriage, they reasoned, that *truly* replicated slavery for white women. By enacting laws to prohibit the "enslavement of women in Utah," congressmen could deflect attention from domestic relations in their own states, and

redefinition of marriage, moral difference, and too much patriarchy, rather than in monogamy, which needed legal reinforcement to achieve stability and protect the sanctity of the marital unit, but which was essential to the well-being—the very spiritual nature—of women.

117. ANGELINA EMILY GRIMKE, LETTERS TO CATHARINE E. BEECHER 114 (Books for Libraries Press 1971) (1836); *see generally* BLANCHE GLASSMAN HERSCH, THE SLAVERY OF SEX: FEMINIST-ABOLITIONISTS IN AMERICA (1978).

118. ABZUG, *supra* note 63, at 204–29; NANCY ISENBERG, SEX AND CITIZENSHIP IN ANTEBELLUM AMERICA 155–90 (1998); LINDA K. KERBER, NO CONSTITUTIONAL RIGHT TO BE LADIES: WOMEN AND THE OBLIGATIONS OF CITIZENSHIP 38–39 (1998); MARYLYNN SALMON, WOMEN AND THE LAW OF PROPERTY IN EARLY AMERICA (1986); JEAN FAGAN YELLIN, WOMEN & SISTERS (1989).

119. On the limitations of statutory inroads into the common law rules of coverture, see Richard H. Chused, *Married Women's Property Law: 1800–1850*, 71 GEO. L.J. 1359 (1983); Reva B. Siegel, *The Modernization of Marital Status Law: Adjudicating Wives' Rights to Earnings, 1860–1930*, 82 GEO. L.J. 2127 (1994); Reva B. Siegel, *Home as Work: The First Woman's Rights Claims Concerning Wives' Household Labor, 1850–1880*, 103 YALE L.J. 1073 (1994).

120. For attacks on liberalized marital relations, see Hartog, *supra* note 44, at 69–71, 90.

direct it toward a rebellious territory.[121] In this sense, Utah became a handy foil. Legal reform would reaffirm the existing order and codify the political importance of marriage as the central site of Christian virtue. Popular novels allowed readers to appreciate the moral and emotional power of the argument for legal reform, to internalize the threat, and to condemn polygamy.

CONCLUSION

The power of fiction was as disturbing to Mormon leaders as it was appealing to antipolygamist authors. Brigham Young warned that novels were "falsehoods got up expressly to excite the minds of youth";[122] other leaders condemned fiction for distracting readers from "the plain truth" and "real life as it exists." The "startling and thrilling dramas" of Mormon revelation, argued one Mormon writer, were the proper focus of literature.[123] To be a Latter-day Saint, argued Brigham Young, was to dedicate oneself to building up the Kingdom of God in every waking moment.[124] The urgency of this command resonated with a people convinced of the perfectibility of their own society.[125]

The very different dramatic histories in antipolygamy fiction grated against the Mormon injunction to accept the "realities of life," rather than "warp[ing] the imagination" and "pining and fretting."[126] As historians of Mormonism quite correctly point out, moreover, antipolygamy novels invigorated and sustained anti-Mormon prejudice.[127] The fact that they were polemical and full of mistakes, of course, does not mean they were ineffective. While Metta Victor probably knew little about the real experience of women in Utah, the

121. This dual function is not unique to antipolygamy fiction: it runs throughout the American tradition of rights talk. Hartog, *supra* note 115, at 356 n.7.

122. Brigham Young, *The Order of Enoch*, 15 J. DISCOURSES 220 (1872).

123. 5 JUVENILE INSTRUCTOR 4 (Jan. 8, 1870).

124. Brigham Young, *Salvation and Condemnation-Improvement*, 8 J. DISCOURSES 294 (1860).

125. Richard H. Cracroft, *"Cows to Milk Instead of Novels to Read": Brigham Young, Novel Reading, and Kingdom Building*, 40 BYU STUD. 103, 121–25 (2001).

126. 16 JUVENILE INSTRUCTOR 15 (Apr. 15, 1881).

127. Givens maintains that antipolygamy fiction effectively marginalized the Latter-day Saints, portraying them as outside the pale of civilization. GIVENS, *supra* note 38, at 108–30. As Givens points out, this pattern of attack in novels outraged and repelled Mormon readers, helping to explain their condemnation of novel reading and the "falsehoods" of fiction. *See also* Arrington & Haupt, *supra* note 41.

world she described reveals the strategies antipolygamists employed.[128]

The popularity of antipolygamy fiction showed Mormons and their opponents that storytelling and constitutional theory could be linked in powerful and enduring ways. Equally important, novelists were integral in producing widespread belief in the relationship between monogamy and constitutional liberty. As the massive legal campaign against Mormon polygamy unfolded after the Civil War, the stories that sustained the forcible separation of Mormon families and the incarceration of Mormon men rested on the assumption that the "home of liberty" could flourish only in traditional monogamy, safeguarded by the Constitution against the dangerous power of new Words.

128. Other writers followed this pattern of claiming knowledge about life in Utah. For example, Arthur Conan Doyle's *A Study in Scarlet* (1887) opened with a blood-curdling murder in London, fulfilling the murderer's long quest for revenge against Mormons who had captured his young fiancee for the seraglio of an elder. By the time Conan Doyle wrote in the 1880s, anti-Mormon fiction was a well-known literary device in the United States and England. Michael W. Homer, *Sir Arthur Conan Doyle: Spiritualism and "New Religions,"* 23 DIALOGUE 99 (1990). In fact, several fictional and nonfictional accounts of Mormonism were widely available in London in the 1880s. JACK TRACY, CONAN DOYLE AND THE LATTER-DAY SAINTS 15–7 (1978).