EDITORIALS.

A STRONG DEFENCE OF PLURAL MARRIAGE.

UNDER the title of The "Mormon Problem," a pamphlet of seventy-six pages has been published in Boston, by a citizen of Massachusetts. It was written though not published prior to the passage of the Edmunds bill and is addressed to the Honorable Henry L. Dawes, George F. Hoar, William W. Crapo, Benjamin W. Harris, Ambrose A. Ranney, Leopold Morse, Selwyn Z. Bowman, Eben F. Stone, William A. Russell, John W. Candler, William. W. Rice, Amasa Norcross, George D. Robinson, Senators and Representatives of Massachusetts. It is mainly on the morality and lawfulness of plural marriage, and coming from a "Gentile" who has never had any connection whatever with the the "Mormon" Church it carries a force peculiarly its own.

The writer boldly assails the popular and incorrect notions on this subject, and reasons upon it on the basis of divine law, of natural law and of constitutional law. It is divided into two parts, the first treating of the subject on general principles, the second being a review of the decision of the Supreme Court of the United States in the Reynolds case.

Referring to the recent wild and unreasoning agitation by "ministers, priests and church people to instigate persecution against the 'Mormons,'" the author says he was incited by the cruel and improper methods thus advocated to rid himself of prejudices and pre-judgments as much as possible, and to examine the "Mormon" question candidly and without bias, and the first thing for him to solve was to determine from the evidence attainable, whether polygamy, as charged by its enemies is an evil in itself, an "abomination," a "stigma," and a "stench-heap" as elegantly proclaimed by its "Christian" assailants.

In the Brown University, in Providence, Rhode Island, we came across the famous work by Rev. Martin Madan, D. D., published in London in 1780, under the title of "Thelyphthora," being a treatise on female ruin in its consequences, prevention and remedy. He found within, on the fly-leaf of the book, in the handwriting of Judge Potter, by whom the volume was presented to the University library these words: "*I wish the subject could be ventilated anew. Upon these matters the clergy seem to act like the goose who hid her head in the wall.* E. R. Potter." This work is familiar to the leading men in this community as a vigorous supporter of the rightfulness, divinity and benefits to society, of plural marriage according to the regulations prevailing among the ancient Israelites and patriarchs. Dr. Madan was an English clergyman and was Chaplin of the Lock Hospital institution for the cure and reclamation of profligate persons, and so far conquered the prejudices of his class as to see the truth through the clouds of error which false religion and perverted customs had cast around it, and had the courage to advocate it in the face of a frowning world.

Copious extracts are given in the pamphlet from Madan's work, which show clearly that plural marriage is not adultery; that it is not contrary to the religion established by Jesus Christ; that it was approved of God; that if the Bible is any criterion of right and wrong no one has authority to say a man may not have more wives than one; that it is superstition not religion that condemns the practice; that the difference between the ancient Jews and modern Christians in this regard is, that the Jews took a plurality of women whom they maintained, protected and provided for, agreeably to God's word, and the "Christians" take a plurality of women and turn them out to ruin and destruction; that one system filled with obligations of men to women and women to men and was established by Infinite Wisdom; the other is of human contrivance and includes that which carries no obligation or responsibility either of man to woman or woman to man.

Quotations are also made from the works of Lork Bolingbroke the eminent philosopher and statesman, leading in the same direction. Excerpts are taken from "India, Ancient and Modern," by Rev. David O. Allen, an American missionary for twenty-five years in India, sustaining similar views and giving the decisions of the missionaries in relation to the retention of plural wives by converts to Christianity.

In regard to the supposed criminality of plural marriage because it is contrary to law, we clip from the pamphlet:

Is every violation of a Congressional or State statute a crime, and is every such violator a criminal? Were the men who came forth unharmed from Nebuchadnezzar's burning fiery furnace, criminals, because they violated his decree? Was Daniel a criminal in not obeying an established statute of King Darius? It was charged against Socrates, that he corrupted the youth; against Jesus, that he blasphemed. The charges being proved to the satisfaction of their judges, both of those teachers and examplars of morality and religion died the deaths of criminals. Was Roger Williams a criminal in maintaining, as he did, "that anything short of unlimited toleration for all religious systems was detestable persecution"? For it he was banished: an act that disgraced Massachusetts, and honored Rhode Island, into whose territory he was welcomed. Were the founders of our Republic criminals, or patriots, in resisting and violating as they did certain laws of the English Parliament? Are the Mormons to be adjudged criminals if they do not obey Sect. 5,352 of the Revised Statutes of the United States, which statute makes every married person who marries another in a Territory or other place over which the United States have jurisdiction, guilty of bigamy and punishable by fine and imprisonment? All these questions can be clearly answered. A distinct conception of the nature of "human rights" and of *human crimes* answers the question, and solves the Mormon problem.

First. What is the nature of human rights? I conceive it to be a power, a capacity in human beings, of acquiring or receiving sensations, emotions, mental or spiritual influences. This power or capacity is born in human beings, not derived from church or state, is a part of their nature, and hence is natural. Exercised in their normal direction, these powers and capacities are *rights*, because they are in the lines, the *right* lines, or direction of nature. Hence the normal exercise of human powers or capacities, in acquiring or receiving sensations, emotions, mental, spiritual, and perhaps other influences, constitute natural *human rights*. It is not right for any legislature to abridge them, except so far as it may be necessary to prevent their possessor from infringing on the corresponding equal rights of other persons. An act of a sovereign, or of a legislature to curtail natural human rights, except for that purpose, is itself a crime, and its promoters are criminals. Hence, Nebuchadnezzar, King Darius, the Judges of Socrates and of Jesus, the colonial authorities of Massachusetts, and the English ministries, were criminals, not their victims.

He argues that human crimes are violations by one or more human beings of the natural rights of other human beings; and goes on to say:

"The plural marriages of the Mormons, if there be no force nor fraud used in effecting or maintaining them, do not violate the rights in person or property of other people or of any person: they are not overt or 'open acts against peace and good order.' They are not in opposition to his social duties; but are, on the contrary, in the performance of what the parties to them most religiously believe to be their social duties. A marriage is a civil contract between a man and a woman for social purposes. The parties thereto have each one a natural right to enter into such contract, if thereby they violate no other person's rights. In the case of a proposed second marriage of the same man and another woman, no person, so for as I can see can reasonably object to it, unless it be the first wife. If she do not object, much more if she favor the proposed second marriage, I do not see any reasonable objection to it. It may not be to my taste, nor to your taste; but we are not parties to it; our tastes ought not to control other independent persons' marriage preferences. It certainly is against our prejudices. But prejudices are subtle enemies. They enslave and dwarf every person who entertains them. As I have said, the parties to a second marriage have a natural right to enter into such contract, if thereby they violate no other person's rights. No other person or legislature is rightfully entitled to oppose or remonstrate against it otherwise than by moral means. Force or fraud authorized or employed against any of the married parties, is itself a crime. Legislators who authorize it are, in my opinion, greater criminals than the ignorant, poverty-stricken, or money-making officials who execute their statutes."

He speaks in favor of toleration as follows:

"Let it not be forgotten, nor misapprehended that Mormon plural marriages are, by the parties to them, revered and held as sacred a part of their worship, as circumcision is by the Jews, or immersion or sprinkling is by Baptists and Congregationalists, or as celibacy is by the Shakers and by the Roman Catholic priesthood. If a ship (in Roger Williams' day a ship was of only some few hundred tons burden) could carry hundreds of Papists, Protestants, Jews, and Turks on a long voyage (the voyage of life to most of us is but a short one) without internal religious strifes, simply by these different sects and nationalities mutually abstaining from persecution of one another, then certainly it is not impossible in the vast territory of the United States (where each State is at liberty, without let, hindrance, or other restraint than moral ones, to establish monogamy, polygamy, or any other marriage institution that the people of each State may respectively desire) for Americans of all creeds, modes of faith, and republican social institutions, to dwell together in peace, harmony, and prosperity, if they will abstain from persecution or violation of one another's natural rights..

"In my Father's house are many mansions." For aught I known to the contrary, Jesus may have prepared, among those many mansions, a place for the Mormons."

The first part of the pamphlet closes with the question:

"If the Mormon house of worship is destroyed, whose house will next burn?"

The second part is worthy of a more extended notice than we have space for to-day. It is an able criticism of the decision in the Reynolds case case and points out its weak and illogical parts with great clearness and force. The work is worthy of the consideration of thoughtful people everywhere and is calculated to correct many erroneous notions that have prevailed upon a subject important to the whole human family.

THE ANTI-POLYGAMY DECISION REVIEWED.

THE second part of the pamphlet on "The Mormon Problem," by a citizen of Massachusetts, treats of the decision of the Supreme Court of the United States on the anti-polygamy law of 1862. The writer takes the ground that "nothing is law that is not reason," and that although it is popularly supposed that the Supreme Court decision settles the matter, it is one of the rights of the people, under the Constitution, to criticize the acts of their public servants, including the judges.

It is well known that the "Mormons" view the decision as illogical, unjust, and in some portions absurd. For expressing their views and pointing out the inconsistencies of the Opinion, they have been declared "rebellious," "contumacious" and "defiant." But we hold, with the writer of the pamphlet under consideration, that we have a perfect right to say what we please about the ruling of the judges, freedom of speech, and of the press not yet being denied to the "Mormons" more than any one else; and the reasoning of the judges bears us up in this position. As a legal proposition the constitutionality of the law of 1862 may be considered settled; but as a question for argument it is still open, and the inherent rightfulness or wrongfulness of polygany is just as fair a subject for discussion to-day as it was before the Reynolds case was adjudicated.

The writer gives a brief history of the case and then takes up the attempt of the Court to define "religion," having conceded that the provision of the Constitution against Congressional interference with religion applies to the Territories. For this definition the Court had to go outside of the Constitution, and the writer maintains that the term religion is "too broad, too high, too profound, too subtile, too spiritual, to be comprehended in any network of words," and that a definition of it by law is both "an establishment of a religion" and a "prohibiting of the free exercise thereof," because it is a "limitation, restriction and circumscription of religion." He shows that the "history of the times," from which the Court drew its definition of religion, does not disclose any circumstances analagous to those existing in connection with this case, and that in it the question of the constitutional powers of Congress to legislate in respect to marriage was for the first time brought before the Court.

The objects of the Constitution, and particularly in regard to its provision concerning freedom of religion, are shown to be "to establish justice and secure the blessings of liberty." On this point we clip the following from the pamphlet:

"The aim and object of the Constitution was to secure the *blessings of* LIBERTY to each and every person of the United States then living, and to each and every one of their posterity. The *blessings of liberty* in every department of human thought and action, without any restriction of *liberty*, whatever, with no possible limitation of that *liberty*, provided that it did not work injustice to any other person (for to *establish justice* was another object and aim, mentioned in the preamble), were to be secured to each and every one of the people of the United States, and to each and every one of their posterity. It was to secure the blessings of *liberty* in politics, in trade, in action, in speculation, in religion, and in every other conceivable sphere of mind and matter that human beings can engage in, with the single limitation of doing injustice to no one, that the Constitution was orbained and established. Its purpose was not merely to secure fragments of liberty, such as popes, bishops, ministers, kings and princes might permit or dole out to the people, that they were to possess. No! the representatives of the United States in their Declaration of Independence declared that all men were created equal, and were endowed with the right, among other rights, of the pursuit of happiness. Illumined by this light from the Declaration of Independence, it is clear that the purpose, object, end, and aim of the Constitution was to secure to the people of the United States and their posterity, to each and every one of them individually, all the blessings of universal liberty in his pursuit of happiness, with no limitation or restriction whatever, save the single one of not doing injustice to any one. Constitutionally, therefore every American is a free man with liberty to do all that he may wish to do in his pursuit of his individual and social happiness, provided that he do not injustice to any person. This liberty declared, and limited by avoidance of injustice to any one (for "to establish justice" was another purpose mentioned in the preamble) coincides in meaning with the first principle of ethical science stated by Herbert Spencer in his "Social Statics, or the Conditions essential to Human Happiness" (p. 121); viz., that "every man has freedom to do all that he wills, provided that he infringes not the equal freedom of any other man," a principle which he declares to be "a law of right social relationships."

In regard to the limits on religion which the Court prescribed, the writer says:

Now, when the Supreme Court say that Congress "was left free to reach actions which were in violation of social duties, or subversive of good order," in my judgment,—and I desire to speak with proper deference,—it says what the Constitution has not authorized it to say. A man's social duties grow out of his capabilities and his natural rights. His natural rights do not spring from his social duties, but are inherent in and essential to him as being a man. He can perform his social duties, only as he has capacities for their performance, and by being left in the full and unrestrained possession and enjoyment of all his natural rights. It may be a man's and a woman's social duty to attend dancing parties and prayer meetings. But whether it is a duty thus to do, they must decide for themselves. It is their exclusive right to decide it. Any statute of Congress compelling such attendance under pains and penalties, or any court's interpretation of the Constitution, or of such statute, to the effect that, not attending such dancing parties or prayer meetings, they thereby violated social duties, or subverted good order, would be an infringement of their natural rights, and would be an act of despotism on the part of Congress, or of usurpation on the part of the court making such interpretation.

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"The Constitution does not, either in words or by implication, allude to 'social relations, social obligations and duties.' It may be a social duty for me to enlarge my circle of acquaintances, to reciprocate friendly offices, and to help on Christian missions, or infidel sciences, as I may prefer; but they are not legal duties, required of me by the Constitution. The Congress or the court that assumes to coerce me in 'social relations, social obligations and duties,' or to restrain me in the exercise of them, where I do injustice to no one, transcends its constitutional powers, and becomes a despot. * * *

Not less unconstitutional and indefensible is the Supreme Court's selection of the words "good order," as a criterion of the legislative power of Congress over the actions and *natural rights* of the people. The words "social deeds" and "good order" have no exact, precise, and legal meaning. They are indefinite expressions. Their meanings shift and vary, and are as many and as diverse as are the sects, partisans, and people that all over the world, use these words. "Order reigns in Warsaw," was the official proclamation, when the capital city of the Poles was crushed beneath the feet of the Russian despot. But it was oppression and slavery of the Poles, which was interpreted as "order" by the Czar.

In answer to the statement of the Court that "polygamy has always been odious among the northern western nations of Europe," it is shown that democracy has been equally odious among those nations, but that is no reason why it should not exist in the United States. Whether it is odious or not is a question of taste and not of natural rights. The argument of the court that "polygamy has been treated as an offence against society" in England and punished by ecclesiastical courts, is taken up and it is shown that the political status in England is different from that of this country, and the Constitution does not recognize ecclesiastical courts and their decisions are of no assistance in ascertaining the natural rights of the "Mormons."

The admission of the Court that marriage is "from its very nature a sacred obligation" is well handled, and evidence is given proving that marriage is and has been a matter of religion. In answer to the quotation of the Court from Professor Lieber that "polygamy cannot long" exist in connection with monogamy, he says:

"If that be a truth, then let there be no legislation favoring or discouraging either polygamy or monogamy; but let polygamy cease to exist, simply and because (as Professor Lieber and Chancellor Kent perhaps mean in their remarks) the moral and social influences of monogamy will necessitate the exit of polygamy. That is the American, the constitutional, the moral, the Christ-like and apostolic mode of getting rid of a supposed evil. Compulsion is a feudal, a barbarous, a brutal mode, frequently if not always generating and entailing other, perhaps greater evils.

The incorrectness of drawing any parallel between the polygamy of Asiatic countries and "Mormon" plural marriage is pointed out, and the following is quoted from a recent book by Lady Hardy, who visited Utah and studied its institutions, entitled "Through Cities and Prairielands:"

"There is a wide difference between the Mohammedan and the Mormon—the two polygamic nations. Whereas the former keep the women in a state of slavery, idleness, and ignorance, the Mormons give their wemen every possible advantage of education, and permit, nay, encourage, them to take their part in the world's work, and in the management of affairs generally."

The following answers are given to the Court's inquiry whether human sacrifices or the practice of widow-burning would be allowed in this country if attempted under the plea of religion:

"To these questions, the answers arising are as follows: viz., 1. In the supposed human sacrifice, if injustice were to be done to the proposed victim, or if he did not voluntarily consent to the sacrifice, then