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THE MORMONS.

SHALL UTAH BE ADMITTED INTO THE UNION?

IT seems to be generally expected that, at no very distant period, the Mormons will apply to Congress, to be admitted as an integral part into our Union—as a State of this Federacy of ours. We form the only Confederation that has ever existed with a coherent territory, a *country*, and that makes at the same time the admission of new members a part of its fundamental policy. The Hanseatic League was a league of scattered communities, whose union, if we may say so, was only on the seas, and in the foreign factories. We are, moreover, the only instance of a confederacy which leaves self-government to its components, and which, nevertheless, has a general government that goes far beyond a common league.* The relation which a State thus bears to the whole, is peculiar and complicated—a relation which must not be lightly treated. It produces problems that cannot be solved by a political formula of a few words, offered by the demagogue or the pettifogging politician, as panaceas are advertised, fit to cure all ills from scrofula and consumption, to melancholy and a fretful temper.

The Mormons will knock at our gate, as it is frequently and not inaptly called in the newspapers. Will they find written over it: Positively no Admittance, or will they meet with their peculiar advocates, and, after some wrangling in

Congress, which invariably grows more partisan-like the longer it lasts, become one of our sister States?

That knocking at the door of the Union, might suggest a scene somewhat of this sort:

Scene: The Gate of the Capitol, at Washington—Inside and Outside of the Gate.

The Mormons at the Gate.—Bang, bang, bang!

Speaker of the House, from within.—Who is there? Who makes this noise?

Mormons.—We are Latter-Day Saints, sir—Mormons, if you please.

Speaker, as before.—And what of that? Why such a noise?

Mormons.—We wish to be admitted; indeed, we want to be; we insist upon it; indeed, the Lord demands it.

Speaker, always through the key-hole.—And what sort of people are you? What is your religion, since you speak of the Lord?

Several voices from within.—No religion, no religion here! We have nothing to do with religion here.

Leader of the Mormon Delegation.—Sir, you have no right whatever to care a straw for religion. Religion is all on our side. All we do and say, is religion, but you have nothing to do with it. Obey the Lord, and let us in. But as it

* If the reader should insist upon it that the Achman League furnishes another instance of a federacy, with autonomy of the member States, and a general government so distinct, that Polybius says there was nothing wanting to make the Peloponnesus a *polis* (a State-city), but an encircling wall, we have no wish to enter into a discussion here, and are willing, for the sake of argument, to restrict our remark in the text to modern confederations. The position thus limited is unassailable, and requires no discussion.

is our mission always and everywhere to preach Joe Smith and Truth, we are willing to satisfy you. We do not only believe, like you, in a God who is good, but, more than that, we believe in a God that becomes better and better—not only in a perfect God, but one that becomes perfecter and perfecter, as he grows older—not only in a God that is a spirit, but one that has besides, limbs and local habitation. Oh, yes! Oh, yes! Believe ye outsiders inside, and open the door. We are a wondrous people. We do not only believe all things, but a great deal more. We do not only believe all things, but we know all things, and, we know, not only that we shall be redeemed, but that we ourselves shall become gods, with power and glory, at least so far as the pantaloony is concerned. The womankind—darling creatures—will follow us.

A voice through the key-hole, from within.—Can you not be a little in a hurry, and become gods before the next Presidential election? You might help us, and it would make you very popular, gentlemen. You know, you say the whole world will be at an end pretty soon, anyhow. Now, why won't you be quick about it?

Speaker.—Order! And how about your republicanism? You know, that old parchment says that none but republics shall be admitted as members of the confederacy.

Mormons.—We beg your pardon, sir; no such thing. The Constitution—which was inspired; everything is inspired—says that the United States shall guarantee to each State a republican government; but if a State has no republican government, they can't guarantee it. That is clear. Besides, sir, we are a republic, and we are not. The Lord rules his saints through Brigham, and Brigham has been appointed by the Lord, so we are not; and you need not trouble yourself about that guaranteeing business. And we are a republic, because every year, Brigham, appointed by the Lord, asks the Mormons whether that appointment suits them. Have you ever heard the like of such republicanism? Did we not tell you that all of us are going to be gods? Equality for ever! We are a "theo-democracy," sir. Only

think! Brigham is inspired every day and every hour, what to say and what to write, and what to do, and our newspaper contains the revelations as clearly as those shoulder-blades gave the inspirations of Mahomet. Numa, and all that sort of men, were inspired but once, and then their inspiration was at a dead halt. That was monarchical; but we have inspiration as long as a railway; running on at full speed, sometimes backing a little, to be sure; but what of that? Do you want more?

Voices from within.—Let them in! Let them in!

Speaker.—Order! I don't exactly want more. Indeed, Messrs. Saints, it seems a little too much already. And pray, how is it with some elements of civilization, such as property and marriage? Some people tell rather ugly stories about you.

Mormon.—Have at you again, sir. You call marriage an element of civilization, do you? Why, sir, we swim in this element. You call the family the basis of all political society? We make families as plenty as chicken-coops. Didn't Mr. Ferris tell you that the saints build family houses like barracks—box to box—a new wife, a new coop? We do not only acknowledge the family and marriage as you do, who stop with such a heathen as Theseus, that was deified by his godless people for having established wedlock between one man and one woman; but we are a progressive and expansive people. Bless the Anabaptists! We make the family as wide as a lawyer's conscience. It is a lovely state, for it is full of love. Yes, sir, we do not only give wives to all men and gods,* but as many as they choose, and why should we not? Shall the liars, the Mahometans, have all the good things to themselves? Your Mr. Noyes, of Oneida county, says: Though a man love apples, may he not relish a peach too? We take peaches, apples, and all. And then, as to property, why, sir, we are—indeed—we—why, you know, sir, we are a holy mixture of socialism, and hierarchy, and individualism, and theocracy, and democracy, and all manner of things. Mixed governments, you know, are the best; we have, in fact, the government of the angels, we know

* The blasphemers actually assign a number of wives to the present Lord. We say the present Lord, for according to them, the Father had a father, and so on. There is no end to their revolting assertions and deeds. Already have they "sealed" half-sisters and brothers, and mothers with their daughters to the same man. Ten times rather would we vote for the admission of a piratical State into our Union, than allow such a crew to call itself a sister State.

we have; and "we know that we know it."

Speaker.—Very well, gentlemen, be pleased to be seated—outside there—somewhere. We shall take the matter into consideration. In the meantime, you need not thump again so furiously against our door. We shall let you know when we shall have come to a conclusion.

Speaker retires; the Saints curse.

And we *will* take the matter into consideration, as gravely and as briefly as we can.

Suppose then, the people of Utah district, that is the Mormons, having increased to that number which of late has usually been considered sufficient to form a State, come before Congress, with a Constitution of their own peculiar polity, and ask to be admitted into the Union, ought they to be admitted? We say, with a Constitution of their own peculiar polity, embodying the chief features of their present politico-religious organization, as we know it and as the Mormons proclaim it, and consider it necessary and divine. If they give up their organization, and everything that binds them together as a Mormon society, and do it thoroughly and sincerely, no discussion whether they ought to be admitted is necessary in this place.

We naturally turn, first of all, to our Constitution, to see what it permits or enjoins, regarding the admission of new States.

The first paragraph of section 3, article iv., runs thus:

"New States may be admitted by the Congress into the Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any other State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress."

This passage is absolutely all and everything positive that the great instrument contains regarding the subject of admission—a subject on which our confederacy so materially differs from the federal States that have existed or are still in existence.

The passage consists of two parts: the one, containing the first eleven words, gives to Congress the right of admitting States; the other limiting this right in some essential points. We have to do with the first part only.

A simpler, plainer sentence never was written. It confers a right, and in doing so it uses the subjunctive. Congress *may* admit new States. It imposes no duty, except, as a matter of course, those implied duties, which every right and privilege imposes upon us, namely, to use and exercise it fairly, judiciously, and as upright men, impartially and candidly weighing the interests and claims of all parties concerned. It imposes the duty upon Congress. Congress is an assemblage of legislators in a high sphere, and the very right that is granted imposes the solemn duty of handling it in a statesmanlike manner, considering the welfare of ourselves, of the applicants, and of our country at large, having an honest eye to the spirit in which the same right may have been exercised on former occasions, and to the claims which may have fairly sprung up accordingly, seeking at the same time to obtain ampler information from the Constitution itself, and from the state of things which existed when the Constitution was adopted, or, which amounts nearly to the same thing, endeavoring to find the meaning of its provisions from the sense which the framers must be supposed to have attached to the words they used.

We repeat once more, the Constitution says that Congress *may* admit States. The framers were not unacquainted with the word *shall*. They have used it many times in the pact which they drew up for the country. They were not unskilled in prescribing limitations. The Constitution has throughout a strongly limitary character, and, in one respect, it may be said to possess a peculiarly limitary character, inasmuch as it prescribes that Congress shall have no powers except those which are expressly granted in the instrument itself. In the case which occupies us, however, the Constitution is simply of a permissive character. It says: For fear that you may think we grant no power of admitting new States, if we do not mention it, we here declare that you may do so. And here it stops. It does not add: If such or such number of people, apply under certain and fixed circumstances, you must do it. The Constitution prevents the United States from being a closed confederacy; it infuses the principle of expansiveness; it prevents the United States, in this respect, from being considered like the other federal republics that existed at

the time of their birth, and in which the existing number of States or provinces was fundamental and final. Our Constitution is an abstemious document.

If Congress must decide whether a State is to be admitted or not, it must be decided by votes; and what considerations ought to guide each member of that body in deciding with manly directness of purpose and principle, waiving invidious secondary motives, what vote he ought to cast on so grave a question? The Constitution appeals to him for his vote, but he is not allowed arbitrarily, whimsically or selfishly, to decide the case "in his conscience;" as little as the jurymen is, though his conscience also is appealed to. Man has never the right to act arbitrarily, whimsically or selfishly, and certainly not when he acts for his country.

We are well aware that there are persons, who entertain strange notions regarding the right of their voting whichever way they please, so soon as a vote by ballot is required. The ballot, they say, appeals by its very character to their conscience, and by conscience they mean, in fact, perfect arbitrariness. We have heard of a case which, if it were as it was reported, would serve as an illustration of what we mean. We suppose that it was erroneously given to us, and we prefer, therefore, to use it for our purpose as a mere supposition. Suppose, then, there is a college, chartered and rechartered several times, and in each of its charters it is distinctly stated that no religious test whatsoever shall be applied in the appointment of professors or the admission of students. A chair of one of the natural sciences is to be filled. Among the candidates for this chair is an individual, readily allowed on all hands to be of unblemished character and pre-eminently qualified by his acquirements and reputation, as well as by his skill in teaching, to fill it with honor, yet the majority of trustees vote against him, according to their conscience, as they say, because he happens to be a Unitarian. In this supposed case we say the trustees did not vote conscientiously, because, although appealed to for their ballot, into which no person had any right to inquire, the express command of the charter demanded that they should use no religious test, and they were not, in good faith and strict duty, permitted to do that by secret ballot, which they could not openly avow, or justify.

It is equally plain that, on the other hand, a man has no right to determine his vote by any motive he chooses, provided it be not in so many words prohibited. Woe to the man who has no better support or excuse for his actions than the mere absence of direct prohibition—in politics, in morals, in religion. Such a man is exemplified by the bibbing parson in *Peregrine Pickle*, who prefers drinking strong whisky to wine, because the Bible nowhere prohibits the drinking of punch; or, if a historical instance be preferred, by the Danish baron von Viereck, with whom a friend expostulated on the outrage that he had allowed his daughter actually to marry the king, the undivorced queen still living; whereupon the baron answered that he could find no passage in the Bible that prohibits a Danish king from having two lawful wives.

A member of Congress, required to vote on the admission of a new State into the Union, ought to ask himself these three questions:

Have the United States, by uniform action, and the course of their history, entered into an implied compact, required by good faith fairly to be carried out, that in due time a certain number of settlers, with a certain territory, be admitted?

Does the Constitution directly, or interpreted—as all sound interpretation must be—by common sense and good faith, demand or prohibit anything regarding admissions into the Union?

Are there any considerations which demand of me to withhold my vote for admission, on the ground that by the admission, a foreign and disturbing element would be infused into that great and large State-system for which I, upon oath, am here to legislate?

The question of admission is one that relates to the Constitution, to good faith, to statesmanship and—like all acts of man—to sound morality in general.

The first of these questions can be easily answered. Ever since the passing of the famous ordinance of Congress, of the 13th of July, 1787—a law passed by the very founders of this government, and which, in its fifth clause, stipulates that whenever any of the said States (States contemplated to arise out of the territory to which this ordinance applies), shall contain 60,000 free inhabitants, such a State shall (and may before) be admitted on an equal footing with the original States in all respects whatever,

and shall be at liberty to form a permanent Constitution and State government, provided it shall be republican, &c.—ever since, we say, it has been held that if sixty thousand free inhabitants settled on a convenient territory, ask for admission, it ought not in fairness to be withheld. In many cases the population of the new State did not amount to that number. The Americans have set out in their history, and they set out to this day, in their policy, from the truth that this continent, vast, fertile, and beautiful, was made to be inhabited by men, who, with all the arts of civilization, would make it the support of as many free beings as can here find the reward of their lawful exertions. They adopted as a fundamental idea, that the first comers had no right to slam the door behind them; but that those who should come later had a fair claim to aid in settling this extensive land. They acted on the idea that the establishment of the government did not arrest the state of things, but that the Americans themselves would become an emigrating and settling race within the territory, and lastly, they set out with the noble idea that the States, forming the great pact, did not thereby constitute themselves into a closed society, to which the settlers of a new territory should be "subjects." Our State system was declared at once an "open" one. It is a feature in our Constitution, as great and wise, as the provision that says: Let all the rivers be free, and all they carry shall pass. We have uniformly acted upon these principles, and can never, in fairness, refuse a State admission, simply because we are asked for our vote, and do not choose to vote Aye. No one of us has arbitrary authority, for the very reason that all of us are free.

We pass to the second and third questions. And first, what does the Constitution enjoin or prohibit, that bears upon the question of admission, directly or indirectly? It enjoins, directly, that the States of the Union must have republican governments. It prohibits, indirectly, a voter on the question of admission, to be guided by religious preferences. As to the first, we have the 4th section of Article IV., which says:

"The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot

be convened), against domestic Violence."

Concerning the second, we find, as the first words of the Additional Articles:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

We find, moreover, the following words, closing Article VI. of the Constitution:

"No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

These are the only passages in which the words religion and religious occur in the whole Constitution and Amendments.

It will be admitted that the fourth section of Article IV., contains a rule applicable to him who votes on admission, although it speaks of States "in this Union," only. The question is, whether the applying State shall be "in this Union" or not. It would be sheer loss of time, were we to dwell on this subject. What we have to dwell upon, however, is that the provision uses the word *shall*, not *may*; that it *guarantees* a certain government to every State, and that this government must be *republican*.

The command expressed by the word *shall*, shows that the sequel is of paramount importance; and that which is held by the Constitution so important, is that a republican government be guaranteed to all States. Does this mean that the United States shall be ready to side with the republican party, should there ever be civil broils between republicans and monarchists in any State, if called upon to do so, but that the United States have no business with the form of State governments, monarchical, sacerdotal, or ochlocratic, if the State chooses to have a king, or live under a government of priests, or crouch beneath a succession of mobs, *en permanence*? Or does it plainly mean that republics alone can be tolerated in, and, therefore, received into the Union?

We have already referred to the fact that all sound interpretation must be founded on common sense and good faith. The latter implies that we must take words as they were meant, not according to what skill or violence may possibly make them appear to mean; and, accordingly, we all know perfectly well, both that the framers of our Constitution meant to be republicans, and that they were sensible men. It would,

however, betray less than even ordinary common sense, had the framers entertained the idea that a confederacy of permanency, vigor, and vitality, could be established, with principalities and republics, theocracies, and communisms. They, as all great institutors, had in view to create a living organism, not to stitch together a quilt, the more liked the more the rags contrast. The provision says that the United States shall protect republicanism in each State, because all are republics, and because it is essential that they are, and remain so. The mere tyro in our history knows this perfectly well. The Constitution omits mentioning that all components of the Union shall be republics, for the same reason that it does not say a word of the publicity of Congress. That which is not only admitted by all, but which forms the original mould of our thoughts, is never mentioned except by the analyzing philosopher.

The member of Congress then, who must vote on the admission of a State, must ask himself, if it becomes necessary, Has this applying State a republican form of government? And thus we ask, do the Mormons form a republic? This leads to another question: What is a republic? Dictionaries, which hardly ever give definitions, but merely strive to indicate the sense of the word, are of no use to us in this case, and in an inquiry, which, if successful, would furnish authority for the lexicographer, but cannot take the lexical explanations as a standard. Above all, we are bound to take the word Republic in the sense in which it was usually taken at the time of the framing of our Constitution, and in which we know, or have good reason to believe, the framers to have taken it.

A State is not a republic, simply because its chief is non-hereditary. The Dalai-Lama is, if not elective, certainly elective and non-hereditary; but Thibet has never been considered a republic. Nor does the elective character of the chief magistrate stamp the State with republicanism. No man has ever called the States of the Church a republic, because the Pope proceeds by election from the conclave. Nor is a State a monarchy because the chief magistrate is hereditary, as the stadtholders of Holland were for a time. Napoleon went even so far as to have his first five-franc pieces inscribed, on the obverse, with the words: Napoleon, Emperor of the French, and on the reverse, with those

of: French Republic. We suppose they will be called in future, Transition Fivea.

However difficult it may be to give a perfect definition of the term Republic, simply because it has been used in many different meanings, we know thus much for certain, that our institutors understood by republic, a government of a popular cast, in which the legislature forms an organism through which public opinion shall pass into public will, that is, law; and in which the chief magistrate is limited, both in power, and in duration of office, which is filled, directly or indirectly, by the choice of the people. They meant, by Republic, a polity founded upon the broad principle that the first source and starting point of power is in the people. Never, even as colonists, have their political convictions been tinctured with the fabled *Jus Divinum*; for they were English by descent.

It is true, there existed a variety of republics when our institutors resolved on independence. There were especially before their eyes the Netherlands Republic, which had so decided an influence upon the framing and naming of our confederacy; and the republic of Venice, which was in former times often admired by political observers, for the wisdom and great power wielded by so narrow a State. Our Constitution, however, shows with perfect plainness, that no Venetian government, no aristocracy was meant to be included within the term Republic, as used in that instrument, for it contains the injunction that "no title of nobility shall be granted by the United States," and, for fear that this might not be considered to banish nobility from the land, the Constitution provides that "no State shall grant any title of nobility."

Whoever will study the Constitution, the debates, the times when the Constitution was framed, the political culture of the framers, the history of the colonies, and of the term Republic itself, will find that by Republic our fundamental pact means a popular and institutional polity with a representative government, in which its great powers or functions are clearly divided and distinctly limited, and in which no power, office, or distinction is hereditary, or derived from any principle or region beyond or without the popular State itself.

According to this standard, the Mormon polity is no republic. The Mormons themselves call it a theocratic

government, and a theocracy is not a republic, whatever words the Mormons may choose to jumble together, when, occasionally, they call their government a theo-democracy, which conveys about as distinct an idea as the imperial five-franc pieces we mentioned. The Mormon government is still less a republic than many other hierarchies have been, because the chief of that revolting system claims, and is considered by his subjects, to be daily and hourly inspired, by direct infusion of the Divine Spirit. We have been told that the present Emperor of Russia, when some person extolled his immense power in his presence, condescended to point to the heavens, saying: "There is one greater still." The Czar, we should think, considers himself pretty near to the heavenly quarters, but then he allows, and insists upon, that he is Czar; and what is his belief in himself, compared to Brigham, who publishes divine decrees in the "Day and Seasons," as Radway's Ready Relief is published in our papers. The most absolute chalf has never claimed any similar authority; no such authority even in Mohammed was acknowledged by any of his followers. Yet this man, with this running inspiration, is the head of a thoroughly organized government, over which he rules by this pretended inspiration. Where is the American that would dare to call such a state of things a republic? What are their two orders of priests, the highest of which, it has been hinted, will be made hereditary, and to preserve the blood of which *pure*, it is proclaimed that soon it will be made lawful to marry sisters and brothers of the same father, though of different mothers? What are these orders but a nobility? Let us not hear the objection that all this is "religious," with which, therefore, we have nothing to do. We shall presently show that we have a good deal to do with their "religion," but in this place we do not speak of their so-called religion. What we maintain is, that the form of government of the Mormons is a pretended theocratic government, and that, therefore, it can no more be admitted into the Union than the Grand Duke of Mecklenburg and his people, or the Pope, with his dominion could. The King of the Sandwich Islands would, no doubt, be very willing to be received as a member of the Union, could he remain on the throne—a sort of Attalus to us—and there would not be half the objection against his reception that exists against the admission of the Mormons.

Nor could it be of any avail were the Mormons to establish a *pro forma* political government, and were to insist upon it, that the organization of the Latter Day Saints is an affair of the church, with which our government has no business. The law does not allow subterfuges, nor do we mean to allow our great political relations to rest on falsehood. It would resemble too much the dozen of soda bottles, pretending lawful traffic, in a little entry, which leads to a brothel in the rear.

This consideration would be sufficient to prevent any citizen, loyally adhering to the Constitution, from sanctioning the admission of the Mormons into our circle of States; but there are other, and equally weighty reasons.

It has been shown on what two occasions the subject of religion is mentioned in our Constitution. It enjoins upon the United States never to make any law respecting an establishment of religion, or prohibiting the free exercise thereof, and ordains that no religious test be ever required as a qualification for any public office. At the same time, it prescribes certain oaths to be taken, for which, however, solemn affirmation may be substituted—a substitute which had been adopted in England, with reference to Quakers, prior to the framing of our pact.

We shall not inquire whether the prohibition of "establishing" a church, which means acknowledging and supporting it as part and parcel of the State, and the command of allowing "free exercise of religion," as well as the prohibition of any religious tests, whether these are sufficient to bind us in all cases of admitting a State, wholly to dismiss the question of religion—whether, in no case whatever, we ought to ask ourselves, Can people, with such or such a religious system, possibly form a wholesome part of our system; can the consideration of the commonest decorum be disregarded in admitting an ingredient with a revolting religion into the great organism?

Some vexing cases may be readily imagined. We must not forget that the Union, from being a neighboring State to Europe, has become a contiguous country to Asia, and our new and incipient relations to Asia might produce a large influx of Asiatic paganism, coupled with a distinct race, which, without any great stretch of our imagination, might be supposed to reach the point of application for admission, and it might, then, become necessary to ask the ques-

tion: What did our forefathers exactly mean when they used the word religion in the Constitution? Where are the limits of the word, or are there none? Have we to understand it according to the *usus loquendi*, the meaning it had at the time, among these men who used it, and the sphere of action and thought in which they used it? The *usus loquendi* is one of the elements of all safe interpretation. Or ought we to take the term religion in its widest sense, in which the philosophical writer uses it, for the aggregate of all relations which subsist, or which men imagine to subsist, between them and all that surrounds them on the one hand, and a superior, or many superior beings of influencing power on the other hand?

We waive this whole consideration. We grant that the member of Congress may dismiss the question of religion when a State calls upon him for admission, that is, we grant that he need not occupy himself with religion as religion. He need not trouble himself in the case we contemplate, with the exact relation in which the Mormon, in his own conscience believes himself to stand to his bodily, perfectible, married Buddah god. So far as this goes, he may leave the Mormons, to use a favorite expression of their own, "severely alone." But the question does not end here.

Religion, as we have considered it so far, is a purely mental or psychological matter. It is like the moral theory of ethical philosophers, who differ as to the moral sense. It is a very different matter when we come to morality and moral acts themselves, when we have to remember that all States and every compound of States are jural societies, and that the very idea of rights and justice is founded on the antecedent idea that man is an ethical being. Neither trees nor animals have rights, whatever obligations may be imposed upon us toward them as being the creatures of our own Creator. In looking, in this case, for the moral character of man, we do not go "behind the record;" on the contrary, we take political man in his constituent parts as we must take him, and as we must take all else if we wish to handle the given material wisely, rightly and righteously.

The first consideration that presents itself here is, that although we may have sound reasons for dismissing the subject of religion in certain spheres of reflec-

tion, this does by no means imply that, because a man chooses to call an act of his religious, therefore he can do it with impunity, or that it prevents us from taking cognizance of it. We enjoy religious liberty, and mean to perpetuate it for our children; but this liberty has never been understood to mean a license of doing anything, provided it be called religious. Religious liberty means that no one shall be troubled about his faith—his inner man; but acts remain forever subject to the law.

When the English took possession of the East Indies, they permitted, as a political government, the millions of Hindoo gods to be worshipped. They continue to rule the country on that principle, but they have put an end, without inconsistency, to the suttees, although the Brahmin asserts, and no doubt in the fullest good faith, that he firmly believes his religion recommends the self-immolation of the widow on the funeral pile of her husband, as a work most acceptable in the sight of Brahma. When the East India government had acquired sufficient strength, it caught the Thugs, and told them that they must be hanged for their regularly taught and systematically executed murder. It was of no use for the Thugs to assert, what they too, no doubt, faithfully believed to be true, that their gore-delighted goddess Kali commanded it, and rejoiced when they throttled their fellow-creatures—that it was their religious avocation. Infanticide was largely practiced toward female infants in Guzerat. That, too, was a "religious" procedure. Every custom becomes "religious" with early nations and with uneducated people. But the English did not hesitate on that account to put a stop to the murder.*

Frederic the Great distinguished between pretended religion and lawfulness, in his own impressive and sarcastic manner. A soldier had been sentenced to be shot for having robbed a costly ring from the finger of a Virgin Mary, in a Catholic church. The king, however, read with surprise in the minutes of the trial, that the soldier, himself a Catholic, had stoutly maintained the Virgin had made him a present of the ring. Frederic inquired of a high prelate of Silesia, where the crime had been committed, whether this was possible. After many fruitless attempts at avoiding a direct answer, the prelate was obliged to con-

* Account of the Abolition of Female Infanticide in Guzerat, by Rev. John Cornack. London, 1813.

less that similar miracles had taken place, and might, therefore, recur. The king at once wrote under the sentence, that the soldier should have the benefit of doubt, but that in future, every soldier or civilian should be prohibited, under penalty of death, to accept any presents from the Virgin, or any saint, male or female.

There is not a crime or vice, however mean or frightful, in the long catalogue of sin and shame, that has not at some time or other formed an avowed element of religious systems. Cheating, theft, murder, and refined cruelty have been parts of religions. Prostitution and drunkenness have had their proclaimed share in worship. Children have been fattened like calves to be eaten, spicily dressed by elaborate cookery, in honor of the gods. Hosts of men have been slaughtered by priests and temple servants, religiously to honor the corpse of a king, and to magnify the glory of a departed despot. Hundreds of women have been thrown over precipices, because the gods demanded thus to honor the presence of an ambassador. This has been; this is still, and this will be again. Grievs as we may, it is but too true, not only that "everything happens,"* but also that everything happens over again. And is all this crime politely to be suffered because the perpetrator cloaks his misdeeds with the ragged mantle of his fiendish religion? Fantastic squeamishness is no element of statesmanship. There is nothing more calamitous in rulers than political conceits. If the worship of Astarte, with all its naked harlotry, were revived, should we countenance it? Do not charge us with unnecessarily travelling beyond the pales of actuality. There is, unfortunately, directness enough in all

we say, for the nearest purpose which we have in view. Suppose the blessed time of burning heretics should return, and one of your communities should make it lawful, would you take such a community as a sister-state to your bosom? Let us speak out like men, and have the truth in a bulk at once. The cunning king's malicious *Qui nescit dissimulare nescit regnare*, must be reversed into the republican Who cannot face the truth cannot rule.

To speak of all the immoralities and obscenities sanctioned by the Mormon Law, would be impossible here. It would be a loathsome task, and besides, it would be necessary to quote their chapter and verse for each statement of ours, because without it, happily, many readers would not believe us. This, however, would obviously lead us beyond reasonable limits. We shall then restrict ourselves to their acknowledged polygamy. They avow it; they boast of it; they challenge the world on this ground; they do not only sanction it by their law, but they proclaim it as an essential part of their whole polity and religious system; they carry it to their celestial spheres; they revel in it, and not only has it already borne the poisonous fruits which it always produces, but that peculiar element of vulgarity and knavery which has passed from the characteristic foulness and cheating jugglery of the founder into all Mormonism, has also shown itself, even at this early period, in the "divine institution," as the Mormons actually call their polygamy, to such an extent that Eastern polygamy appears like a state of refinement compared to this brutality.†

Yet, Mormon polygamy is a "religious institution." Be it so. Let us not touch their religion. It defiles. Polyga-

* It was Tall-yrand who said: *Tout arrive.*

† We could almost ask the Mormons: Why not improve upon state Asiatic polygamy? Nothing so easy as a choice *ouper curra*, and why not have *marriages curra*? The sinful register of human outrages and wicked insanities, makes mention of this abhorrent thing as having been among the sad realities. We were obliged to dwell on it in another place, but did it for decency's sake, in Latin. Polygamy must make wives pretty rare for some poor fellows in Utah. Why, then, do not the Mormons publish a revelation of occasion, as they have done so often, which should permit polyandry? That, too, exists in some parts of the world, and, since the followers of Smith have, on several occasions used the mere absence of a prohibition in the Bible, as a positive permission, they may use the argument that polyandry is, we believe, prohibited in direct terms nowhere in that book. It would be so Mormonian, in logic as well as in morals!

All this is disgusting in the last degree; but what of that? Mormonism, from its very beginning, has been encrusted with vulgarity, jugglery, license and muddy materialism. That our propositions are loathsome, cannot be urged as a fair objection to them—at least not by the Mormons.

Mormonism is one of those subjects in history, which, like the Reign of Terror, the Vice and crime of Louis the Fifteenth and his court, or the periods of stinking infamy in imperial Rome, make the beholder bend down with averted face and exclaim—"I, too, belong to this race!" The mischief which large crimes bear upon the whole race, is as great in its downward direction, as the instances of noble individuals and nations are in their elevating efforts. Those make us stagger and almost despair; they throw mankind back. These reassure and encourage; they strengthen our faith. Those embitter; these are calming and ennobling. It is a fearful thing for the best as for the worst, for single men and for communities, to become familiarized with grossness and wickedness, and yet, there stands the unchanging, primary condition of all reform and progress: Know the truth; act, and neither wince nor dabble.

my may be their religion, and so far we have as little to do with it as the law would have to do with a man, who like Madan,* should write a book in defence of a plurality of wives. But the polygamy of the Mormons is no book speculation; it is an act, a fact, and the legislator has to do and deal with acts and facts.

Monogamy is sanctioned by our religion, indeed, as everything pure and holy is, but monogamy goes beyond our religion. It is "a law written in the heart" of our race. The Greeks, the Romans—whose history is rich with noble mothers, wives, and matrons—and the Germans, were monogamists before St. Paul denounced the gods of Greece, at Athens, or Boniface applied the axe to the oak trees in the sacred groves of Germany. Monogamy does not only go with the western Caucasian race, the Europeans and their descendants, beyond Christianity, it goes beyond Common Law. It is one of the primordial elements out of which all law proceeds, or which the law steps in to recognize and to protect. Wedlock, that is, the being locked of one man in wedding to one woman, stands in this respect on a level with property.† Property antecedes law, as values, and with them a currency, or circulating medium long precedes money. Wedlock, or monogamic marriage, is one of the "categories" of our social thoughts and conceptions, and, therefore, of our social existence. It is one of the elementary distinctions—historical and actual—between European and Asiatic humanity. It is one of the frames of our thoughts, and moulds of our feelings; it is a psychological condition of our jural consciousness, of our liberty, of our literature, of our aspirations, of our religious convictions, and of our domestic being and family relation, the foundation of all that is called polity. It is one of the pre-existing conditions of our existence as civilized white men, as much so as our being moral entities is a pre-existing condition of the idea of law, or of the possibility of a revelation. Strike it out, and you destroy our very being; and when we say *our*, we mean our race—a race which has its great and broad

destiny, a solemn aim in the great career of civilization, with which no one of us has any right to trifle.

There have been a few exceptions to the pervading monogamic spirit of our western Caucasian race. The Papal See is reported to have permitted bigamy in one or two cases, when a man had married a second wife, erroneously believing that the first was dead. The aberration of Luther regarding the Landgrave of Hesse is well known. Though he erred, he still erred from a desire to save a fellow being, under peculiar circumstances, from the sin of adultery. The most remarkable fact, however, in this connection seems to us, that Napoleon, according to his own dictation, had seriously occupied himself with the introduction of lawful bigamy in the West Indies. In the first volume of the "Mémoires pour Servir à l'histoire de la France," by Count Montholon, we find a passage which seems to us of an interest, sufficient to warrant us in extracting it at length:

"The question of liberty of the blacks, is a very complicated and very difficult. In Africa and in Asia it has been solved, but it has been done by polygamy. The whites and the blacks form parts of the same family. The chief of the family [how naturally Napoleon here falls at once into the Asiatic view, in speaking of the chief, not of the father of the family!] having white, black and colored wives, the white and mulatto children are brothers, are brought up in the same cradle, have the same name, and sit at the same table. Would it then be impossible to authorize polygamy in our islands, restricting the number of wives to two, a white and a black one? The First Consul had some exchange of ideas on this subject with some theologians, in order to prepare this great measure. The patriarchs had several wives. In the first centuries of Christianity, the church tolerated a species of concubinage, the effect of which allowed several women (or wives, the original is *femmes*) to one man. The Pope, the council, have the authority and the means to authorize a similar institution, since its object would be civilization, the harmony of society, and not to spread the

* Rev. Martin Madan, author of *Theology, a Defence of the Plurality of Wives*. He lived about 1767. Horace Walpole (page 180, vol. v. of his Letters) calls him "the rogue Madan."

† The attention of the philosopher cannot help being arrested by the fact, that at all times property and marriage have stood or fallen together. Wherever fanatics, Protestants, Catholics, and even Mahometans, have attacked the one, they have attacked the other. In Europe, Asia, and America, in ancient times, and in modern, from the Spartan communists to the German Anabaptist, from the Anabaptist to the French communist, and American Occida men. The reader will find this subject touched upon by Lieber, in his *Essays on Labor and Property*.

lust of the flesh; the effect of these marriages would be limited to the colonies: proper measures would be taken, so that they should not carry disorder into the present state of our society."

A volume might be written on this wild passage, which, nevertheless, is thoroughly Napoleonic, yet, on the other hand, self-contradictory throughout. A pity, that it will not serve the Mormons; for, although favoring bigamy, it founds this "institution" on amalgamation, and the Mormons consider the poor blacks a cursed race, proving the curse by their sable skin.

In spite of these exceptions it is, nevertheless, true that monogamy, together with the endeavor to establish political liberty, the abolition of castes, and a spirit of criticism and freedom in inquiry, opposed to mere tradition, as well as creative freedom in the arts and letters, constitute the main distinctions between Asiatic and European mankind. We know that this does not apply to Russia, but Russia is a mere hybrid between Asia and Europe, a historical intruder, whose destiny is the same with that of Turkey—of being broken up.

We return to our subject. We maintain that in this light, the Mormon polygamy is a subject of the weightiest importance to be considered by him, whose duty it is to decide whether he shall give his assistance to instil so foreign an element into our system, or lend his aid in keeping it at a distance; for, decide he must, since his Constitution demands a Yes or No of him, and does not say, So soon as asked to admit a State you shall vote Yes. If that had been the intention of the framers, they would have made the whole question a matter of judicial record, as our law makes naturalization, but admitting a State into an organism of States is a subject somewhat graver than merely naturalizing an individual.

Yet, it has been asked: Have we not already sanctioned their polity, by allowing them to carry it out in our territory? We do not believe that the Emperor of Russia is answerable for every villainy committed by the Bashkeers. There is one act, indeed, which has appeared like an acknowledgment on our part—we mean the appointment of Brigham Young as governor of Utah, by President Fillmore. This is a single act of a single branch of our government. Every one can err, and this was an error; but errors ought to be retracted. At any rate,

the member of Congress who will be obliged to vote on the admission, must decide the matter in his own conscience, according to the Constitution, good faith, and duty. The decision is his own affair, upon his own responsibility. He must vote as trustee for his country. The wisest farmer may not always be able to prevent degrading irregularity in his outhouses, but he would sink below all hope of rising again to a fair level in the opinion of his neighbors, were he to introduce the corrupt one into the dwelling house as his wedded wife.

Our task has been to answer the question whether the Mormons ought to be admitted into the Union. We have answered some of the main points as well as we are able to do it, and here we take leave of the subject, at least for the present.

We are aware that the perusal of this paper will call up in the mind of many a reflecting reader, a point, which, so far as we know, has never been discussed, and well it is that it has not. If we lay so much stress upon the necessity of keeping the Mormons out of our Union, as we have done, because they would be a sloughing member of the body, what is to be done, if a State, fairly admitted, and forming an integrant part of our system, should become as foul and festering as they now are? Mr. Calhoun, it seems to us, must have found it easy to answer this question; for if, upon the mere ground of a federal contract, a State has the right to secede from the Union, because the contract, according to the conviction of the State has been violated, it logically follows that the Union has a corresponding right of expelling a State, when, according to the conviction of the Union, the contract has been violated. It is upon this ground that the views of Mr. Calhoun have ever appeared to us dangerous to the very States whose especial champion he was considered.

We, whose views on our State-system lie between the two poles marked by Mr. Calhoun and Mr. Webster, do not find it so easy to answer the question. Let us suppose that a State were to turn a sort of former Algiers; or suppose a State were to adopt French communism in the present Proudhon style—no God, no government, no property, no wives, not even polygamy, but with cynicism, in the literal sense of the word—a doggerly proclaimed universal; suppose a State should become so filled with Chinese, that the whites were absorbed; or sup-

pose a State should become *bona fide* Africanized; or let us imagine that a territory has formed itself with the consent of Congress into a State, thus being, of course, sovereign, and then applies for admission into the Union. Congress votes No, and the State declines removing the difficulties that may have been in the way. What becomes of the State? An independent empire in the midst of us?"

We might suppose a number of cases of this kind, which do not belong to the politics, but rather to the hyper-politics of a country, and can as little be brought within the sphere of rule and regular action, as the subject of revolution. Blackstone, when he touches upon the question, what is to be done when the crown breaks the British contract? says that the law does not contemplate the case, and that history furnishes the example of James II. being sent off for having done so. So we would say, there is no rule without exception, and there is no institution, which in the combination of certain circumstances, can help dealing

with subjects that must be decided, but for which its own distinct law and character does not furnish the regular means. The knot must be loosened; untie it, if feasible; if not, use Alexander's way. Modern English judges never answer speculative cases; they have invariably replied, When the case comes up, I shall decide it after hearing the law and the facts. Suppositions, as we have made them, would have been in their proper place when the Constitution was formed, if even then, for it has proved a great blessing to our country, that the framers were far-seeing and practical men, who neither threw away the past, merely that they might contrive something new, nor lost themselves in speculative subtleties, or a desire to play at political omniscience, regulating beforehand, all possible combinations. It is an error into which, strange enough, those are now continually falling that arrogate themselves the name of "men of progress."

Once more—the question we proposed to ourselves was: Ought the Mormons to be admitted? And we answer NO.

THE COSSACKS.†

THERE is a great deal of speculation, though but very little known about the origin of this strange race of people, who have contributed so much by their arms to the aggrandizement of the Russian Empire. Historians and geographers generally treat of them under two distinct heads—the Cossacks of the Don, and the Cossacks of the Dnieper. All the various tribes of Cossacks of which we read, are probably offshoots from the one or the other of these two principal stocks.

We will speak first of the Cossacks of the Dnieper. So long ago as the 15th century, they had their home on the banks of this river, which flowed through their country from North to South. On their north lived the Poles and the Russians. On their south, the Empire of

the Turks extended along the entire Northern coast of the Black Sea. Their country was very appropriately called the *Ukraina*, that is, the Frontier Country. Its natural situation made it the bulwark of Christendom, against Mohammedanism, in this part of the world, and its inhabitants always had to bear the brunt of the battle, in the long and bloody wars between the Turks and their northern neighbors. Even in times of peace, they were never free from the dangers of sudden invasion. They were obliged to keep themselves continually on the lookout for the enemy. Thus, from the beginning, they became a nation of soldiers. In the times when the Poles were prosperous and powerful, the Cossacks of the Dnieper acknowledged

* The whole subject of transition from dependence to sovereignty is involved in theoretical difficulty. In strict philosophy, there is no real source of sovereignty but revolution. Napoleon, when he made his brother kings, always used the term of *acknowledging* them as kings, or sovereigns. It was felt by him that the making or constituting a sovereign, implied a contradiction in terms; but if he *acknowledged* Joseph as sovereign king of Naples, when had Joseph become such? Not, certainly, by declaring himself a sovereign. He was *made* a sovereign by the Emperor's proclamation, yet the conqueror merely *acknowledged* him. Happily, reality goes on in spite of theoretical difficulties of theories.

† Brockhaus' *Gegenwart*, band II. — Hanthausen; *Studien über Russland*.