

THE  
MORMON

# Question

POLYGAMY AND  
CONSTITUTIONAL  
CONFLICT IN  
NINETEENTH-  
CENTURY  
AMERICA



SARAH BARRINGER GORDON

# Mormon Question Polygamy And Constitutional Conflict In Nineteenth Century America

**Sarah Barringer Gordon**



## **Mormon Question Polygamy And Constitutional Conflict In Nineteenth Century America:**

**The Mormon Question** Sarah Barringer Gordon, 2003-01-14 From the Mormon Church's public announcement of its sanction of polygamy in 1852 until its formal decision to abandon the practice in 1890 people on both sides of the Mormon question debated central questions of constitutional law Did principles of religious freedom and local self government protect Mormons claim to a distinct religiously based legal order Or was polygamy as its opponents claimed a new form of slavery this time for white women in Utah And did constitutional principles dictate that democracy and true liberty were founded on separation of church and state As Sarah Barringer Gordon shows the answers to these questions finally yielded an apparent victory for antipolygamists in the late nineteenth century but only after decades of argument litigation and open conflict Victory came at a price as attention and national resources poured into Utah in the late 1870s and 1880s antipolygamists turned more and more to coercion and punishment in the name of freedom They also left a legacy in constitutional law and political theory that still governs our treatment of religious life Americans are free to believe but they may well not be free to act on their beliefs

**Polygamy in the Monogamous World** Martha Bailey, Amy J. Kaufman, 2010-05-20 This fact filled book on polygamy and plural unions around the world supports an in depth consideration of policy options for Western countries Polygamy and plural marriage have become front and center issues in Europe Canada and the United States notably on two religious fronts among some splinter groups of the Church of Jesus Christ of Latter Day Saints and in Islam Polygamy in the Monogamous World Multicultural Challenges for Western Law and Policy takes both groups into account as it provides a careful examination of legal polygamy in non Western countries and plural unions in North America Comparing these similar but legally distinct forms of union it offers a fresh perspective on how Western countries should respond to these relationships Specifically the book surveys non Western countries where polygamy is legally practiced then provides an overview of plural unions in North America The problems of polygamy and plural unions are examined including the potential for the abuse of wives The responses of Western governments to such relationships are reviewed and the most effective solutions are identified to ascertain what policies should be adopted going forward

**The Western Case for Monogamy over Polygamy** John Witte, Jr, 2015-04-30 For more than 2 500 years the Western tradition has embraced monogamous marriage as an essential institution for the flourishing of men and women parents and children society and the state At the same time polygamy has been considered a serious crime that harms wives and children correlates with sundry other crimes and abuses and threatens good citizenship and political stability The West has thus long punished all manner of plural marriages and denounced the polygamous teachings of selected Jews Muslims Anabaptists Mormons and others John Witte Jr carefully documents the Western case for monogamy over polygamy from antiquity until today He analyzes the historical claims that polygamy is biblical natural and useful alongside modern claims that anti polygamy laws violate personal and religious freedom While giving the pro and con arguments a full hearing Witte concludes that the Western historical case

against polygamy remains compelling and urges Western nations to hold the line on monogamy      *Sister Saints* Colleen McDannell, 2018-10-02 The specter of polygamy haunts Mormonism More than a century after the practice was banned it casts a long shadow that obscures people's perceptions of the lives of today's Latter-day Saint women Many still see them as second-class citizens oppressed by the church and their husbands and forced to stay home and take care of their many children *Sister Saints* offers a history of modern Mormon women that takes aim at these stereotypes showing that their stories are much more complex than previously thought Women in the Utah territory received the right to vote in 1870 fifty years before the nineteenth amendment only to have it taken away by the same federal legislation that forced the end of polygamy Progressive and politically active Mormon women had a profound impact on public life in the first few decades of the twentieth century They then turned inward creating a domestic ideal that shaped Mormon culture for generations The women's movement of the 1970s sparked a new vigorous and hotly contested Mormon feminism that divided Latter-day Saint women By the twenty-first century more than half of all Mormons lived outside the United States and what had once been a small community of pioneer women had grown into a diverse global sisterhood Colleen McDannell argues that we are on the verge of an era in which women are likely to play a greater role in the Mormon church Well-educated, outspoken and deeply committed to their faith these women are defying labels like liberal and conservative traditional and modern This deeply researched and eye-opening book ranges over more than a century of history to tell the stories of extraordinary and ordinary Latter-day Saint women with empathy and narrative flair      Smitten Rodney Hessinger, 2022-12-15 In *Smitten* Rodney Hessinger examines how the Second Great Awakening disrupted gender norms across a breadth of denominations The displacement and internal migration of Americans created ripe conditions for religious competition in the North Hessinger argues that during this time of religious ferment religious seekers could in turn play the missionary or the convert The dynamic of religious rivalry inexorably led toward sexual and gender disruption Contending within an increasingly democratic religious marketplace preachers had to court converts in order to flourish They won followers through charismatic allure and making concessions to the desires of the people Opening their own hearts to new religious impulses some religious visionaries offered up radical dispensations including new visions of how God wanted them to reorder sex and gender relations in society A wide array of churches including Methodists Baptists Mormons Shakers Catholics and Perfectionists joined the fray Religious contention and innovation ultimately produced backlash Charges of seduction and gender trouble ignited fights within and against churches Religious opponents insisted that the newly converted were smitten with preachers rather than choosing churches based on reason and scripture Such criticisms coalesced into a broader pan-Protestant rejection of religious enthusiasm *Smitten* reveals the sexual disruptions and subsequent domestication of religion during the Second Great Awakening      **The Blackwell Companion to Religion in America** Philip Goff, 2010-03-25 This authoritative and cutting-edge companion brings together a team of leading scholars to document

the rich diversity and unique viewpoints that have formed the religious history of the United States A groundbreaking new volume which represents the first sustained effort to fully explain the development of American religious history and its creation within evolving political and social frameworks Spans a wide range of traditions and movements from the Baptists and Methodists to Buddhists and Mormons Explores topics ranging from religion and the media immigration and piety though to politics and social reform Considers how American religion has influenced and been interpreted in literature and popular culture Provides insights into the historiography of religion but presents the subject as a story in motion rather than a snapshot of where the field is at a given moment

*More Wives Than One* Kathryn M. Daynes, 2001 *More Wives Than One* offers an in depth look at the long term interaction between belief and the practice of polygamy or plural marriage among the Latter day Saints Focusing on the small community of Manti Utah Kathryn M Daynes provides an intimate view of how Mormon doctrine and Utah laws on marriage and divorce were applied in people's lives

**Praying with One Eye Open** Mary Ella Engel, 2019-07-15 In 1878 Elder Joseph Standing traveled into the Appalachian mountains of North Georgia seeking converts for the Church of Jesus Christ of Latter day Saints Sixteen months later he was dead murdered by a group of twelve men The church refused to bury the missionary in Georgia soil instead he was laid to rest in Salt Lake City beneath a monument that declared There is no law in Georgia for the Mormons Most accounts of this event have linked Standing's murder to the virulent nineteenth century anti Mormonism that also took the life of prophet Joseph Smith and to an enduring southern tradition of extralegal violence In these writings the stories of the men who took Standing's life are largely ignored and they are treated as significant only as vigilantes who escaped justice Historian Mary Ella Engel adopts a different approach arguing that the mob violence against Standing was a local event best understood at the local level Her examination of Standing's murder carefully situates it in the disquiet created by missionaries successes in the North Georgia community As Georgia converts typically abandoned the state for Mormon colonies in the West a disquiet situated within a wider narrative of post Reconstruction Mormon outmigration to colonies in the West In this rich context the murder reveals the complex social relationships that linked North Georgians families kin neighbors and coreligionists and illuminates how mob violence attempted to resolve the psychological dissonance and gender anxieties created by Mormon missionaries In laying bare the bonds linking Georgia converts to the mob Engel reveals Standing's murder as more than simply mountain lawlessness or religious persecution Rather the murder responds to the challenges posed by the separation of converts from their loved ones especially the separation of women and their dependents from heads of households

**Religion of a Different Color** W. Paul Reeve, 2015-01-30 Mormonism is one of the few homegrown religions in the United States one that emerged out of the religious fervor of the early nineteenth century Yet members of the Church of Jesus Christ of Latter day Saints have struggled for status and recognition In this book W Paul Reeve explores the ways in which nineteenth century Protestant white America made outsiders out of an inside religious group Much of what has been written on Mormon

otherness centers upon economic cultural doctrinal marital and political differences that set Mormons apart from mainstream America Reeve instead looks at how Protestants racialized Mormons using physical differences in order to define Mormons as non White to help justify their expulsion from Ohio Missouri and Illinois He analyzes and contextualizes the rhetoric on Mormons as a race with period discussions of the Native American African American Oriental Turk Islam and European immigrant races He also examines how Mormon male female and child bodies were characterized in these racialized debates For instance while Mormons argued that polygamy was ordained by God and so created angelic celestial and elevated offspring their opponents suggested that the children were degenerate and deformed The Protestant white majority was convinced that Mormonism represented a racial not merely religious departure from the mainstream and spent considerable effort attempting to deny Mormon whiteness Being white brought access to political social and economic power all aspects of citizenship in which outsiders sought to limit or prevent Mormon participation At least a part of those efforts came through persistent attacks on the collective Mormon body ways in which outsiders suggested that Mormons were physically different racially more similar to marginalized groups than they were white Medical doctors went so far as to suggest that Mormon polygamy was spawning a new race Mormons responded with aspirations toward whiteness It was a back and forth struggle between what outsiders imagined and what Mormons believed Mormons ultimately emerged triumphant but not unscathed Mormon leaders moved away from universalistic ideals toward segregated priesthood and temples policies firmly in place by the early twentieth century So successful were Mormons at claiming whiteness for themselves that by the time Mormon Mitt Romney sought the White House in 2012 he was labeled the whitest white man to run for office in recent memory Ending with reflections on ongoing views of the Mormon body this groundbreaking book brings together literatures on religion whiteness studies and nineteenth century racial history with the history of politics and migration

**The American Supreme Court** Robert G. McCloskey, 2016-05-02 The sixth edition of the classic and concise account of the US Supreme Court its history and its place in American politics For more than fifty years Robert G McCloskey s classic work on the Supreme Court s role in constructing the US Constitution has introduced generations of students to the workings of our nation s highest court As in prior editions McCloskey s original text remains unchanged In his historical interpretation he argues that the strength of the Court has always been its sensitivity to the changing political scene as well as its reluctance to stray too far from the main currents of public sentiment In this new edition Sanford Levinson extends McCloskey s magisterial treatment to address developments since the 2010 election including the Supreme Court s decisions regarding the Defense of Marriage Act the Affordable Care Act and gay marriage The best and most concise account of the Supreme Court and its place in American politics McCloskey s wonderfully readable book is an essential guide to the past present and future prospects of this institution Praise for The American Supreme Court The classic account of the American Supreme Court by the mid twentieth century s most astute student of American constitutionalism updated by the early

twenty first century s most astute student of American constitutionalism This is the first work constitutional beginners should and constitutional scholars do turn to Mark Graber University of Maryland School of Law Essential This fifth edition carries on the tradition of earlier iterations keeping McCloskey s keen insights analytical framework and normative instincts intact Levinson supplements the original argument with chapters that draw on his remarkable intellectual range and invite readers to continue asking the still salient questions McCloskey set forth a half century earlier Choice on the fifth edition **A**

**Companion to the American West** William Deverell,2008-04-15 A Companion to the American West is a rigorous illuminating introduction to the history of the American West Twenty five essays by expert scholars synthesize the best and most provocative work in the field and provide a comprehensive overview of themes and historiography Covers the culture politics and environment of the American West through periods of migration settlement and modernization Discusses Native Americans and their conflicts and integration with American settlers *A Companion to American Legal History* Sally E.

Hadden,Alfred L. Brophy,2013-02-22 A Companion to American Legal History presents a compilation of the most recent writings from leading scholars on American legal history from the colonial era through the late twentieth century Presents up to date research describing the key debates in American legal history Reflects the current state of American legal history research and points readers in the direction of future research Represents an ideal companion for graduate and law students seeking an introduction to the field the key questions and future research ideas **The Presidents & Their Faith** Darrin

Grinder,Steve Shaw,2012-03-21 The old adage never discuss religion and politics is roundly rejected in this incisive exploration of presidential history and religious faith The Presidents religious instruction was the responsibility of religious societies not the civil state What drove Washington to make that argument and what if he had lost Who wouldn t feel like the exasperated FDR when he said I can do almost everything in the Goldfish Bowl of the President s life but I ll be hanged if I can say my prayers in it It bothers me to feel like something in the zoo being looked at by all the tourists in Washington when I go to church No privacy in that kind of going to church and by the time I have gotten into that pew and settled down with everybody looking at me I don t feel like saying my prayers at all But even more importantly what s real what s a show and why does it matter when it comes to faith and politics These questions and more are unpacked and examined leading to a whole new understanding of how religion and politics interfaced through America s history and how they will play out in our future In this climate of religious and political tensions The Presidents Their Faith casts a civil yet entertaining and insightful spotlight on the unique mix and frequent mix ups of politics and religion in America **In Defense of Plural Marriage**

Ronald C. Den Otter,2015-05-28 With over half of Americans now in favor of marriage equality it is clear that societal norms of marriage are being quickly redefined The growing belief that the state may not discriminate against gays and lesbians calls into question whether the state may limit other types of marital unions including plural marriage While much has been written about same sex marriage as of yet there has been no book length legal treatment of unions among three or more

individuals The first major study on plural marriage and the law In *Defense of Plural Marriage* begins to fill this lacuna in the scholarly literature Ronald C Den Otter shows how the constitutional arguments that support the option of plural marriage are stronger than those against Ultimately he proposes a new semi contractual marital model that would provide legal recognition for a wide range of intimate relationships Courts in Federal Countries Nicholas Aroney, John Kincaid, 2017-01-01 *Courts in Federal Countries* examines the role high courts play in thirteen countries including Australia Brazil Canada Germany India Nigeria Spain and the United States **A History of American Law: Third Edition** Lawrence M. Friedman, 2005-06-01 In this brilliant and immensely readable book Lawrence M Friedman tells the whole fascinating story of American law from its beginnings in the colonies to the present day By showing how close the life of the law is to the economic and political life of the country he makes a complex subject understandable and engrossing *A History of American Law* presents the achievements and failures of the American legal system in the context of America s commercial and working world family practices and attitudes toward property government crime and justice Now completely revised and updated this groundbreaking work incorporates new material regarding slavery criminal justice and twentieth century law For laymen and students alike this remains the only comprehensive authoritative history of American law The Cambridge Companion to the First Amendment and Religious Liberty Michael D. Breidenbach, Owen Anderson, 2020-01-09 Offers historical philosophical legal and political insights into the First Amendment religious liberty and church state relations A History of American Law Lawrence Meir Friedman, 2019 Renowned legal historian Lawrence Friedman presents an accessible and authoritative history of American law from the colonial era to the present day This fully revised fourth edition incorporates the latest research to bring this classic work into the twenty first century In addition to looking closely at timely issues like race relations the book covers the changing configurations of commercial law criminal law family law and the law of property Friedman furthermore interrogates the vicissitudes of the legal profession and legal education The underlying theory of this eminently readable book is that the law is the product of society In this way we can view the history of the legal system through a sociological prism as it has evolved over the years *Church, State, and Family* John Witte (Jr.), 2019-04-11 Presents a robust defence of the essential place of stable marital families in modern liberal societies *Charles Ellis Johnson and the Erotic Mormon Image* Mary Campbell, 2016-12-05 On September 25 1890 the Mormon prophet Wilford Woodruff publicly instructed his followers to abandon polygamy In doing so he initiated a process that would fundamentally alter the Latter day Saints and their faith Trading the most integral elements of their belief system for national acceptance the Mormons recreated themselves as model Americans Mary Campbell tells the story of this remarkable religious transformation in *Charles Ellis Johnson and the Erotic Mormon Image* One of the church s favorite photographers Johnson 1857 1926 spent the 1890s and early 1900s taking pictures of Mormonism s most revered figures and sacred sites At the same time he did a brisk business in mail order erotica creating and selling stereoviews that he referred to as his spicity



pictures of girls Situating these images within the religious artistic and legal culture of turn of the century America Campbell reveals the unexpected ways in which they worked to bring the Saints into the nation s mainstream after the scandal of polygamy Engaging interdisciplinary and deeply researched Charles Ellis Johnson and the Erotic Mormon Image demonstrates the profound role pictures played in the creation of both the modern Church of Jesus Christ of Latter day Saints and the modern American nation

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