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Bruce C. Hafen

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# Ambiguity in Law and in Life

*Bruce C. Hafen*

We have many first-year law students here today who are already worrying about final exams. During my first year, my wife, Marie, and I lived in a little apartment on 13th East in Salt Lake City. We were expecting our first baby, Jonathan, who is now an active worker in the BYU Law School Alumni Association and whose daughter Sarah is here today.

As finals approached, I was so consumed by my daily study routine that it was like living in a diving bell. I just lived at my little worktable, constantly briefing cases and preparing outlines. I knew our baby would come soon, but my mind was elsewhere. Then one night I had this really vivid dream. I saw myself in my study nook, slaving away. I thought somebody was watching me. I looked over my shoulder and saw Marie standing in the doorway with a little boy who was about seven years old.

I said, “Is that our new baby?” She said, “Yes.” I replied, “Well, he’s pretty old, isn’t he?” She said, “Yes, and we’re sorry to disturb you—we know you’ve got to study. We just have one little question. Then we’ll leave you alone. You haven’t had time to give our boy a name in Church, and it’s becoming kind of a problem.”

I looked at this forlorn-looking child. “You don’t have a name?” He said, “No . . . no, Dad, but it’s okay. You need to study.” I said, “Well, are you in school?” “Yeah. I’m in second grade.” “Well, if you are in school, the kids have to call you something. What do they call you?” and he said, “Vargel.” “Vargel?!” I asked. “Do you like that name?” “Well, it’s okay. . . .” I awoke clawing the air. In the morning I said to Marie, “When is the next fast Sunday?”

First-year law students are often frustrated to discover that our legal system is characterized not by hard, fast rules but by legal principles that often appear to contradict each other. One new student said he had a “low tolerance for ambiguity.” He had recently returned from a mission, where

his life was highly structured. But in law school he felt totally at sea, groping to find whatever would tell him all the rules of law. Let's put his questions into a larger perspective. Ambiguity is not only part of law school—it is often part of life.

When we are young, most of us tend to think in terms of black or white; there isn't much gray in our perspective. So most younger LDS adults have a childlike optimism and a loyalty that make them wonderfully teachable. One older BYU student said that one thing he likes about being in a student ward full of freshmen and sophomores is that when topics like faith or repentance are discussed, nobody yawns.

As time goes on, however, experience often introduces a new dimension to our perspective. We may begin to see a kind of gap between the real and the ideal, between what is and what ought to be.

Imagine two circles, one inside the other. The inner boundary is "the real," or what is. The outer boundary is "the ideal," or what ought to be. We stand at the inner boundary of reality, reaching to move our reality closer to the ideal. We first see the gap between these two boundaries when we realize that some things about ourselves or others are not what we expected—or what we wish they were. This realization can be frustrating.

Even our experience with Church institutions can introduce us to this gap, in part because our idealistic expectations may be very high. For example, a new BYU student may find it hard to be one among 30,000 students battling the red-tape machine that seems to control the processes of admission, registering for classes, or transferring credits from another school. A new student may feel unknown and nameless to a student ward bishop who is inundated with many new ward members all at once. Or he may brush up against a faculty member whose attitudes about the Church are more flexible (or more rigid) than he had expected them to be.

At a more personal level, perhaps an important prayer goes too long unanswered or one suffers a surprise health setback or an unexpected conflict with a family member. Perhaps one becomes conscious of the imperfections of other Church members or leaders or of one's own parents. When we become acquainted at an adult level with those who have been our heroes, we naturally begin to see their human limitations. Or perhaps one has an encounter with anti-Mormon literature or one discovers differing doctrinal views among Church leaders.

Experiences like these can produce uncertainty and ambivalence—in a word, *ambiguity*—and we may yearn for simpler, easier times when life was more clear and felt more under our control. We might sense within ourselves the beginnings of skepticism, of unwillingness to respond to authority or to invitations to commit ourselves to demanding goals or projects.

Not everybody will encounter what I have been describing, and not everyone must encounter it. But sooner or later, many Church members

do run into at least some forms of ambiguity. Our basic doctrines are clear, potent, and unambiguous. But we can encounter some uncertainty even in studying the scriptures. Consider, for example, when Nephi took Laban's life in order to obtain the brass plates. That exceptional case is not easy to interpret until the reader realizes that God Himself, who gave the original commandment not to kill, was also the source of Nephi's instructions.

Consider also the case of Peter on the night he denied any knowledge of his Master. We typically regard Peter as something of a coward. We assume his commitment wasn't strong enough to make him rise to the Savior's defense. But I once heard President Spencer W. Kimball say that the Savior's statement that Peter would deny Him three times just might have been a request to Peter, not a prediction. Jesus might have been instructing His chief Apostle to deny knowing Him in order to ensure strong leadership for the Church after the Crucifixion. So perhaps we shouldn't judge Peter too quickly.

Consider other scriptures. The Lord has said that He "cannot look upon sin with the least degree of allowance" (D&C 1:31). Yet elsewhere He said, "I have forgiven you your sins" (D&C 64:3) and "Neither do I condemn thee: go, and sin no more" (John 8:11). Justice is indeed a divine law, but so is the doctrine of mercy. At times these two correct principles can seem inconsistent, until the unifying higher principles of the Atonement bring them together.

God has given us correct principles by which we may govern ourselves, yet these very principles may at times be in conflict. Choosing between two principled alternatives (two "goods") is more difficult than choosing in a stark and obvious contrast between good and evil.

A common question among law students (and lawyers) is how to balance one's duties to family, Church, and school or profession. One young mother had a large family, a responsible Church calling, and a busy husband. She was bewildered about what should come first in her life and when. Someone told her, "Well, just be sure you put the Lord's work first." Her reply: "But what if it is all the Lord's work?"

Church and family life are not the only topics in which the right answer is not always on the tip of our tongues. Think about the recent u.s. war in Iraq. With the hindsight of a few years, was that war a colossal mistake or was it a heroic act of liberating a nation? Or consider whether we should sell everything except what is truly necessary for our survival and donate our surplus to those with far greater needs than ours. We might also ask how much governmental intervention into the regulation of business and private life is too much—or not enough.

The people on the extreme sides of such questions often seem very certain about the right answer. But some people would rather be certain than right.

We also encounter ambiguity in literature. One BYU teacher said that great literature will usually raise a profound question, explore the question skillfully, then leave the matter for the reader to resolve. If the resolution seems too clear or too simple, maybe the literature isn't very good or perhaps the reader has missed its point.

So life is full of ambiguities, because some uncertainty is characteristic of the mortal experience. The mists of darkness in Lehi's dream symbolize life as we face it on this planet. There are, thankfully, many things in mortality that are very certain and very clear—beautifully represented by the iron rod in Lehi's dream. But much complexity still surrounds us.

Given, then, the existence of a gap for most of us between where we stand and where we would like to be, and given that we will have at least some experiences that make us wonder what to do, I suggest three ascending levels of dealing with ambiguity.

At level one, I've noticed two typical attitudes. One of them occurs when we simply do not—perhaps cannot—even see the problems that exist. Some people seem almost consciously to filter out any perception of a gap between the real and the ideal. For them, the gospel at its best is a firm handshake, an enthusiastic greeting, and a smiley button. Their mission was the best, their ward is the best, and every new day is probably going to be the best day they ever had. These cheerful ones are happy, spontaneous, and optimistic, and they always manage to hang loose and relax. They are able to weather many storms that seem formidable to more pessimistic types, although one wonders if they have somehow missed hearing that a storm is going on.

A second group at level one has a different problem with the gap between what is and what ought to be. This group eliminates the distance between the real and the ideal by, in effect, erasing the inner circle of reality—and thereby removing the gap. They cling to the ideal so single-mindedly that they just don't feel the frustration that would come from facing the real facts—perhaps about themselves, about others, or about the world around them. People in this group have sometimes written letters to the editor of the *Daily Universe* expressing their shock at discovering that something at BYU falls short of perfection.

Those in this group struggle to distinguish between imperfections that matter a great deal and those that may not matter much. For instance, Hugh Nibley once said that some people think it is better to get up at 5:00 a.m. to write a bad book than to get up at 9:00 a.m. to write a good book. While self-discipline is a virtue, he didn't think the exact hour when we arise is quite as important as what we do once we are up.

I recall listening to a group of young Church members discussing which of the two types of people just described offered the best model for their emulation. They felt they had to choose between being relaxed, carefree, and happy about everything in life or being an intense,

uncompromising perfectionist. As I listened, I began to see that both categories suffer from the same limitation. There isn't much real difference between a forced superficial happiness and a frantic concern with apparent perfection.

Both perspectives lack depth; they understand things too quickly, and they draw conclusions from their experience too easily. Neither is well prepared for adversity, and I fear that the first strong wind that comes along will blow them over. Their roots haven't sunk deep enough into the soil of experience to establish a firm foundation. Both groups reflect the thinness of a philosophy that is untempered by common sense. It would help them if they were more realistic about life, even if that took them out of their comfort zone. That discomfort—the very discomfort you feel with law school's ambiguity and in life—can motivate you to lean into the wind and experience some real growth. After all, the true Church is intended not only to comfort the afflicted but also to afflict the comfortable.

Let us then step up to level two, where we see what Jacob called “things as they really are” (Jacob 4:13). Only then can we deal with reality in a meaningful and constructive way. If we are not willing to grapple with the frustration that comes from facing bravely the uncertainties we encounter, we may never develop the kind of spiritual maturity that is necessary to reach our ultimate destination. Heber C. Kimball once said that the Church must yet pass through some very close places and that those who are living on “borrowed light” will not be able to stand when those days come (in Orson F. Whitney, *Life of Heber C. Kimball* [Salt Lake City: Bookcraft, 1967], 450). What is borrowed light? It is living off someone else's testimony and not really dealing with whatever the issues are for you.

So we must learn how to form judgments of our own about the value of ideas, opportunities, or people who may come into our lives. We can't depend on somebody else's light to tell us whether a certain idea is “Church approved,” because new ideas don't always come along with little tags attached saying whether they have been reviewed at Church headquarters. Whether in the form of music, books, friends, or opportunities to serve, there is much that is lovely or of good report or praiseworthy that is not the subject of detailed discussion in Church manuals, conference talks, or courses of instruction. Those who aren't open to people or experiences that are not obviously related to some Church word or program may well live less abundant lives—and make fewer contributions—than the Lord intends.

One of today's cultural soft spots is that we live in the age of the sound bite. If you can't express a thought in a short phrase or reduce it to a quick text message, some think it must not matter very much. Be careful about that. That reductionist approach can destroy real thought, impairing our capacity to think about what is going on and to help solve real problems. Don't just pick the label that kind of seems “in.”

We must develop enough independence and judgment that we are ready for the shafts of adversity and contradiction that may come to us. When those times come, we can't be living on borrowed light. Don't be deceived by the clear-cut labels others may use to describe circumstances that are, in fact, not so clear. Our encounters with reality and disappointment are actually vital stages in the development of our maturity and understanding.

Now, having considered the value of a level-two awareness, there are still some serious hazards at this stage. One's acceptance of the clouds of uncertainty may be so complete that the iron rod seems to fade into the blurring mists and skepticism becomes a guiding philosophy. This perspective can come from erasing the outer circle representing the ideal, or what ought to be, and then focusing too much on the inner circle of reality. Sometimes you want to eliminate the frustration of the gap between the real and the ideal by just giving up on your ideals. And you can be persuaded to do that by your disappointment in seeing what some people do with their ideals when they are too shallow about them.

I spoke earlier of a new law student's low tolerance for ambiguity. But I also saw that by the time our law students reached their third year of study, some of them could develop such a high tolerance for ambiguity that they were skeptical about everything. Where formerly they felt that they had all the answers but just didn't know what the questions were, now they seemed to have all of the questions but few of the answers. Who wants answers? Isn't law school only about questions?

People who take too much delight in their finely honed tools of skepticism and dispassionate analysis will limit their effectiveness in law practice, at home, in Church, and elsewhere because they can become contentious, arrogant, and unwilling to commit themselves. I have seen—and I suspect you have seen—some of them try out their new intellectual tools in a Church classroom. A well-meaning teacher will make a point that the skeptic considers a little silly, so he yields to an irresistible urge to leap to his feet and publicly deflate the teacher's momentum.

These overly analytical types always look for opportunities to point out the exception to any rule anybody can state. They delight in cross-examining the unsuspecting mother-in-law. Or someone offers a good idea in gospel doctrine class, and they see a clever way to shoot it down. Then they sit there chortling because they have popped another idealistic bubble that people were liking until they heard the skeptical question. When some of those bubbles pop, out goes much of the feeling of trust, loyalty, harmony, and sincerity so essential to preserving the Spirit of the Lord.

If that begins to happen in our ward, in our home, or in our marriage, we may be eroding the fragile fabric of trust that binds us together in all loving relationships. People may come away from their encounters with

us wondering how we can possibly have a deep commitment to the gospel and say some of the things we say.

I am not saying we should always just smile and nod our approval, implying that everything is wonderful and that our highest hope is for everybody to have a nice day. That is level one. I am encouraging us to realize the potential for harm as well as good that can come with what education and experience can do to our minds and our way of dealing with other people.

These dangers are not limited to our relations with others. They can become very personal, prying into our own hearts in unhealthy ways. The ability to acknowledge ambiguity is not a final form of enlightenment. Once our increased tolerance and patience enable us to look longer and harder at difficult questions and pat answers, we must be careful that our basic posture toward spiritual things doesn't shift from being committed to being noncommittal. That is not a healthy posture.

Many people these days think it is naïve to be committed to such basic ideals as marriage or professionalism or patriotism. For instance, it is increasingly popular for people to feel hemmed in by marriage commitments; they prefer what some call a "nonbinding commitment," a term that sounds quite trendy. But I don't know what a nonbinding commitment is. And I don't think that the people who use that term know what it is either. It just sort of gives them an escape. They think they can have it both ways: being committed but not being committed. Be careful about that.

Indeed, in many ways, a Church member who moves from a stage of commitment to a stage of being tentative and noncommittal is in a worse position than one who has never experienced a basic commitment. The previously committed person may too easily assume he has already been through the "positive mental attitude" routine and "knows better" now, as he judges. He may assume that being submissive, meek, obedient, and humble is the "been there, done that" part of his life and he has now outgrown the need to be that way again. Those are the assumptions of a hardened heart. In spiritual things—in our relationship with the Lord, the scriptures, and the Church—the shift from being committed to being noncommittal can actually be a switch from one shallow extreme to another.

I once learned quite a lesson about the way a highly developed tolerance for "being realistic" can inhibit the workings of the Spirit in our lives. When I had been on my mission in Germany about a year, I was assigned to work with a brand-new missionary. Just after he arrived, I was called to a meeting in another city. He stayed to work in our city with another new missionary whose companion went with me. We thought it would be good for their character to tract. There was no MTC in those days, so these two knew only a couple of sentences in German between them.

After returning, I asked how his day had gone. He said eagerly that they had found a woman who would surely join the Church. They hadn't

really talked with her, because she spoke no English. But he felt an unusually strong spiritual impression about her and her family. In our mission it was rare to see anyone join the Church, let alone a whole family. I asked for more details, but in his excitement he had forgotten to write down either the name or the address. He knew only that they were on the top floor of a five-story apartment house, and he thought he'd recognize the name next to the doorbell.

"Great," I thought, contemplating all those flights of polished staircases. I explained that people who are polite don't necessarily intend to join the Church. But off we went to find her. He couldn't remember the street name either, so we picked a likely spot in our tracting area and began climbing stairs.

After a frustrating couple of hours, I decided I had to level with him. Based on my months of experience, I said it simply wasn't worth our time to hunt any longer. Stunned, Elder Keeler said, "I told you what I felt about her. Are you telling me we're not going to find her?" I tried patiently to explain the realities of missionary work in Europe. His eyes filled with tears as he said, "I came on my mission to find the honest in heart. The Spirit told me that that woman will someday be a member of the Church. Won't you help me find her?" I mumbled something like, "Maybe the Spirit was just telling you to write down the name and address."

So I raced him up one staircase after another. "Elder Keeler, had enough?" "No," he said. "We've got to find her." I stepped up the pace and decided to move so fast he would beg to stop—then maybe he would get the message. Finally, out of breath on a fifth floor, he saw the name by a doorbell and said, "I think that's the one!" She came to the door. He jabbed my ribs with his elbow and whispered, "That's the woman! Talk to her!"

That was over 40 years ago. Not long ago Marie and I were with that woman, her husband, and all of their four children and their spouses in the Frankfurt Temple. We saw the father, now a temple sealer, seal their youngest daughter and her new husband for eternity. The mother has been a Relief Society president. The father has been a bishop. Three of the children have served missions, and all four have married other faithful Europeans in the temple. Her grandson was in our home in Utah this summer, and he has just received his mission call.

That experience is a lesson I can never forget about the limitations of skepticism and a tolerance for ambiguity. I hope that I will never be so aware of reality that I am unresponsive to heavenly whisperings. So, be realistic, be honest and open, but don't let those things harden your heart.

The most productive response to ambiguity is at level three, where we see things not only with our eyes wide open but with our hearts wide open as well. When we do that, there will be many times when we need to take action, even though we want more evidence before knowing exactly what to do. Such occasions may range from following the counsel of the Brethren

when we don't understand the reasons for their counsel to accepting a Church calling when we are too busy to take on any more duties. My experience has taught me always to give the Lord and His Church the benefit of any doubts I may have when such a case seems too close to call.

The willingness to be believing and accepting in these cases is not the same as blind obedience. Don't confuse the two—a good lawyer can see the difference. You can develop a loving and knowing kind of obedience that is not blind at all. G. K. Chesterton once distinguished between “optimists,” “pessimists,” and “improvers,” which roughly corresponds to our three levels of dealing with ambiguity. He concluded that both the optimists and the pessimists look too much at only one side of things—that's level one and level two. Neither the extreme optimists nor the extreme pessimists would ever be of much help in improving human conditions, because people can't solve problems unless they are willing to acknowledge that a problem exists while also remaining loyal enough to do something about it.

Chesterton said the evil of the excessive optimist (level one) is that he

will defend the indefensible. He is the jingo of the universe; he will say, “My cosmos, right or wrong.” He will be less inclined to the reform of things; more inclined to a sort of front-bench official answer to all attacks, soothing every one with assurances. He will not wash the world, but whitewash the world. [G. K. Chesterton, *Orthodoxy* (New York: Cosimo, Inc., 2007), 62]

On the other hand, the evil of the pessimist (level two) is “not that he chastises gods and men, but that he does not love what he chastises.” In being the so-called “candid friend,” the pessimist is not really candid. Chesterton continued:

He is keeping something back—his own gloomy pleasure in saying unpleasant things. He has a secret desire to hurt, not merely to help. . . .

. . . He is using that ugly knowledge which was allowed him [in order] to strengthen the army, to discourage people from joining it. [*Id.*, 61]

In going on to describe the “improvers” (level three—from optimists to pessimists to improvers), Chesterton talked about women who are so loyal to those who need them:

Some stupid people started the idea that because women obviously back up their own people through everything, therefore women are blind and do not see anything. They can hardly have known any women. The same women who are ready to defend their men through thick and thin are . . . almost morbidly lucid about the thinness of his excuses or the thickness of his head. . . . Love is not blind; that is the last thing that it is. Love is bound; and the more it is bound the less it is blind. [*Id.*, 63]

Chesterton's arranging of these categories makes me think of one other way to compare the differing perspectives people bring to the way

they cope with ambiguity. Consider the image of “Lead, Kindly Light,” an image about light in a gathering storm. At level one, people either do not or cannot see that there are both a kindly light and a gloomy fog; or, even if they see both, they don’t see the difference between the light and the gloom. At level two, the difference is acutely apparent, but one’s acceptance of the ambiguity might be so pessimistic as to say, “Remember that the hour is darkest just before everything goes totally black.” Some people just focus on the light, others on the darkness. We need to see both and keep moving. “Lead, kindly Light, amid th’ encircling gloom; Lead thou me on!”

Consider one final illustration from a lawyer who understood levels two and three. His eyes were fully open to the reality, including the pain, of seeing things for what they were. Yet he had moved beyond that to a third level where his mature perspective permitted him to subordinate what he saw with those wide-open eyes to what he felt in his wide-open heart.

This lawyer was my father. He was in his mid-50s and had a busy professional life with heavy obligations that often took him out of town for several days at a time. He was tired. At an earlier time in his life he had served for 10 years in a stake presidency.

His good friend was called to be the bishop of their ward. He said he couldn’t accept the assignment unless my father would serve as his first counselor. Well, it’s one thing to be called as a bishop’s counselor when one is young and full of enthusiasm and one’s time is not heavily committed. One might understandably have a different attitude at a later, busier time in life. Here are my father’s inner thoughts as he wrote them that day in his journal:

My first reaction was, if it be possible, let this cup pass from me. . . . I know something of the work required of a bishopric; it is a constant, continual grind. . . . I am busy and my [personal] affairs demand what spare time and energy I have. In some respects I am not humble and prayerful enough; I have not always been willing to submit unquestioningly to all the decisions of the Church . . . but neither do I feel that I can say no to any call that is made by the Church, and so now I add to my first reaction, “Nevertheless, not as I will, but as Thou wilt.”

I will resolve to do it as best I can. There will be times when I will chafe under the endless meetings, but I am going to get completely in tune with the [Church] program. I do not intend to get sanctimonious, but there must be no reservations in my heart about my duties. It will not be hard for me to pay my tithing and attend regularly, as I have been doing that. But I will have to learn, I suppose, to love the *Deseret News*, or at least the Church Section, as much as I love the *Tribune*. . . . I will have to get to the temple more often. . . . I will have to become better acquainted with the ward members and be genuinely interested in them and their problems. . . . I will have to learn to love every one of them and to dispose myself in such a way that they might find it possible to feel the same toward me. Perhaps in my weak way I will have to try and live as close to the Lord as we expect the General Authorities to do.

My father was an honest man who chose to have a believing heart. His approach makes me want to deal directly, but humbly, with life's ambiguities. I want to be as childlike as my education has taught me to be tough-minded, able to help solve a problem rather than just describe it.

May we be honest and courageous enough to face squarely the uncertainties we encounter, try to understand them, and then do something about them. Perhaps then we will not be living on borrowed light. "Love is not blind; that is the last thing that it is. Love is bound; and the more it is bound the less it is blind."

*This address was given at BYU Law School on October 21, 2010. Reprinted from the Clark Memorandum, spring 2011, 12–21; adapted from The Broken Heart: Applying the Atonement to Life's Experiences, expanded edition (2008), 211–226.*

*Bruce C. Hafen received his JD from the University of Utah in 1967. He served as a law professor at J. Reuben Clark Law School 1973–1996, president of Ricks College (now BYU–Idaho) 1978–1985, dean of J. Reuben Clark Law School 1985–1989, provost of Brigham Young University 1989–1995, and as a member of the First Quorum of the Seventy 1996–2010. He is currently serving as an emeritus General Authority and president of the St. George Utah Temple.*