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## Clark Memorandum: Spring 2021

J. Reuben Clark Law School

BYU Law School Alumni Association

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CLARK MEMORANDUM

J. Reuben Clark  
Law School  
Brigham Young  
University  
Spring 2021

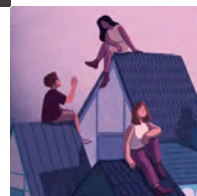
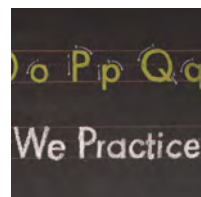






# CONTENTS

|    |   |
|----|---|
| 2  | <b>Dean's Message</b><br><i>D. Gordon Smith</i>   |
| 4  | <b>Rooting Out Racism</b><br><i>Melissa Wei-Tsing Inouye</i>  |
| 14 | <b>How Do We Practice Our Religion While We Practice?</b><br><i>Thomas B. Griffith</i>                |
| 22 | <b>Hope in Hardship</b>   |
| 30 | <b>The Unity Paradox</b><br><i>Melinda Bowen</i>  |
| 38 | <b>MEMORANDA</b><br>DIPLOMA PRIVILEGE<br>LAW AND RELIGION SYMPOSIUM<br>ACHIEVEMENT FELLOWSHIP PROGRAM |



4

14

22

38

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In law schools we focus on three styles of legal writing: (1) “informative” or “descriptive” writing provides a balanced analysis of a legal problem or issue, as in memoranda or letters to clients; (2) “persuasive” writing strives to convince the reader to endorse a stated position, as in appellate briefs or negotiation letters; and (3) “recording” attempts to memorialize an agreement or understanding, as in contracts, wills, or real estate documents. Last spring, as I was working with the Utah Supreme Court on the diploma privilege and on regulatory reform of the legal services industry, I realized that I do a lot of writing that does not look like any of those three things. The defining feature of my writing in those projects was that it was part of a *collaborative process of understanding how another person was thinking*.



When I described this to my colleague Michalyn Steele, she analogized it to cross-cultural communication. People often need to adjust their communication style to be understood by others with different cultural values, norms, and behaviors. This is similar to the process I was going through with the court, even though I share many cultural similarities with the justices. Effective communication requires us to come to shared understandings using language that is not only imperfect but idiosyncratic. This process, like the process of striving to understand how the justices were thinking, is an exercise in building unity.

Perhaps ironically, the lexicographers of *The Oxford English Dictionary* separate the various definitions of *unity* into two senses. The first set of definitions is “senses relating to singularity” and includes words like “oneness,” “identity,” and “that quality which makes something an individual entity or unitary whole.” The second set of definitions is “senses relating to union, harmony, or agreement.” Under this set of definitions, distinct “people, groups, institutions, or states” evince “the quality or condition of being of one mind, feeling, opinion, purpose, or action.” The actors may agree or correspond, but they retain their own distinct identities.

When I think about unity within the Law School community, my mind turns to our core values, such as the recognition of dignity inherent in every human, the search for truth through faith and intellect, and lifelong service to God and neighbor. The Law School community I want to inhabit is harmonious, not homogeneous. We aspire to understand and embrace the full range of human gifts and experiences. This sort of unity is not uniformity, and the opposite of this unity is not diversity. The unity I hope to see in the Law School, the university, the Church, and the world is about shared purpose, and diversity is implicit and essential to unity in this sense. The opposite of unity is not difference but contention.

The writer of Psalm 133 observed, “[H]ow good and how pleasant it is for [us] to dwell together in unity!” (verse 1). The journey to unity may not always seem pleasant. It is often marked by sorrows, struggles, and setbacks. As individuals with distinct identities, we will inevitably encounter conflicts and differences of ideas and opinions. But we can work through conflicts to achieve harmony and solidarity. In other words, we can dwell together in unity.

We often think of lawyers as fomenting conflict, not unity. In Alma 11:20 we read about lawyers who “did stir up the people to riotings, and all manner of disturbances and wickedness, that they might have more employ, that they might get money according to the suits which were brought before them.” The articles in this issue of the *Clark Memorandum* offer an alternative vision of lawyering, one we have been speaking with our students about—that of lawyers as peacemakers and proponents of mercy, humility, and a willingness to grow and change.

As we move beyond the pandemic, I hope each of you will reflect on the following questions:

- ♦ What kind of community do I want BYU Law School to become?
- ♦ What do I want my role in that community to be?

As you reflect on these questions, I hope you will remember “how good and how pleasant it is for [us] to dwell together in unity!”

D. GORDON SMITH

Dean, BYU Law School

# ROOTING

# OUT

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The Church of Jesus Christ of Latter-day Saints

# RACISM

This article

builds on a talk

given at the

BYU Law 2L/3L

Orientation on

August 19, 2020.

Recently President Russell M. Nelson has called on the Latter-day Saints “to lead out in abandoning attitudes and actions of prejudice” and has pleaded with us “to promote respect for all of God’s children.”<sup>1</sup> Additionally, President Dallin H. Oaks has challenged us to “root out racism.”<sup>2</sup> ✿ These directives make some things very clear: *We* are part of the problem. We wouldn’t have to *abandon* “attitudes and actions of prejudice” if we didn’t have them already. And uprooting will be a long, hard project. ✿ I offer three perspectives I hope my fellow Church members will find helpful. First, the problem of racism is a social reality that affects all human beings. Second, the restored gospel provides us with tools and frameworks for dealing with racism: confess and forsake and turn weaknesses to strengths through humility. Third, we all need to ask the Lord, “What lack I yet?”<sup>3</sup> ✿ How do we get to work?



PHOTOGRAPHY BY BRADLEY SLADE



HUMANS BEINGS SHARE 99.9 PERCENT OF THEIR DNA WITH EACH OTHER.

SKIN COLOR, EYE COLOR, AND HAIR TEXTURE AND COLOR ARE A PINCH

OF THAT TINY 0.1 PERCENT OF DIFFERENCE THAT PEOPLE ARBITRARILY USE TO MAKE

ABOUT EACH OTHER'S HEARTS, MINDS, CAPACITY, SAFETY,

### **1 We All Have Blind Spots**

As an Asian American growing up in diverse Southern California, I rarely felt the sting of racism. Now that I live in Utah, I notice racism much more frequently. Some of my friends and family have experienced ugly, malicious barbs, but the racism I most frequently encounter in Utah is in the form of condescension. White people compliment me on my English. In other words, when they see me, they assume I am foreign and I don't belong. Then they hear me, and they are surprised. Then they decide to tell me about this surprise: "Oh, you speak English very well!" They don't say, "I hate Asians," but their words say, "I consider people who look like me to be 'normal' and expect people who look like you to be 'different than normal.'"

One BYU student, whose family emigrated from Uruguay and who, along with all of her siblings, has fair skin and blue eyes, reported that, in their new Utah ward, someone came up to her parents and said, "Oh, look, the Lamanite curse is already coming off from her! You must be blessed!"<sup>4</sup> Sometimes the racism is about as explicit as it gets, like the swastika and racial slurs that appeared recently on a fence along the bike path my children ride to school.

Biologically speaking, racial categorizations have no basis in objective reality. They are figments of the human imagination and are an example of our weakness for sweeping generalities. Humans beings share 99.9 percent of their DNA with each other.<sup>5</sup> Skin color, eye color, and hair texture and color are a pinch of that tiny 0.1 percent of difference that people arbitrarily use to make consequential guesses about each other's hearts, minds, capacity, safety, and so on. We might as well link judgments about intelligence to people's earlobe shape or language-learning ability to toe circumference. Yet over and over again, in every place, many people treading the same crooked ways for centuries creates ruts so deep and so wide it is hard for them to imagine other paths.

As President Oaks has said, "Racism is probably the most familiar source of prejudice today, and we are *all* called to repent of that."<sup>6</sup> "All" means you and me. I have become increasingly aware of the perpetual need to work hard to not be inadvertently unkind as I have lived in places such as the United States, Germany, the People's Republic of China, Taiwan, Hong Kong, and New Zealand. No one is immune to prejudice because no one can spend their life becoming embedded within every place and human circumstance in this wide world.

## CONSEQUENTIAL GUESSES

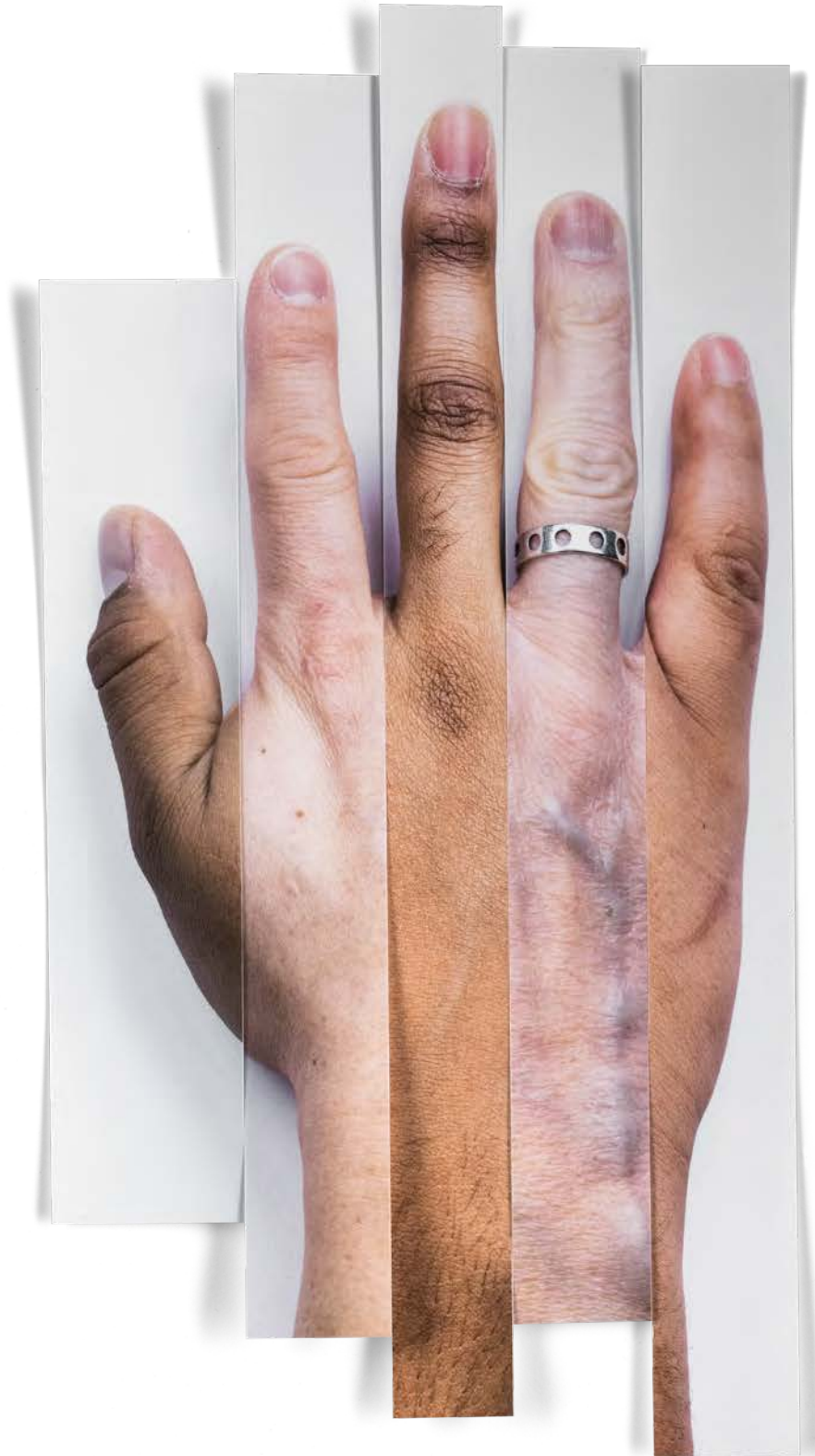
### AND SO ON.

When I moved to New Zealand to take an academic position at the University of Auckland, I had some rough patches in my interactions with students and fellow professors. I discovered that the cultural traits Americans see in themselves of being friendly and optimistic can come off to New Zealanders as shallow and transactional, especially when the American (me) isn't listening carefully to others around them. I remember sitting in my office when a Māori professor told me, kindly but candidly, how I had completely ignored his expertise and failed to acquire the level of cultural competence necessary for a university event I was planning. I remember thinking, "What do you mean I'm disrespecting people from marginalized groups? I'm Brown! I'm a woman!" Because of my past experiences receiving racism and ethnocentrism, I thought I was "exempt" from perpetuating them. But I was wrong.

Rooting out racism is a process of becoming aware of our blind spots and our great power to cause harm to others, especially to others on the margins. Unfortunately, unlike a pack of manufactured Toyotas and Fords on a highway, human blind

spots are unique and change depending on who is around us. In the worst-case scenario, our cars are so big and heavy and fast that we don't even notice when we knock small cars or pedestrians off the road.

Where are your blind spots? If you don't know, you haven't been looking.



IT IS POSSIBLE TO OVERCOME THE MORAL AND CULTURAL BLINDERS

OF THE SOCIETIES IN WHICH WE LIVE. WE WILL NEVER ESCAPE

THEM COMPLETELY, BUT WE CAN SEE MORE CLEARLY.

## ■ The Racism in Our Past and Present Need Not Be in Our Future

Latter-day Saint theology explains that we came to mortal life, with its hardship and temptation, in order to learn and grow. Making mistakes and repenting is part of the plan. We have to be careful: a sin like racism is toxic enough to kill us spiritually. In the past, we have been affected by this illness. But if we heal from it, we can become stronger.

When I was experiencing cancer recurrence for a second time, some friends put me in touch with Dr. Mark Lewis. Even though he had never met me before, Dr. Lewis was kind enough to call to discuss my treatment. In the first few seconds of the call, he mentioned that he, too, was a cancer patient. He said, “I just had a scan the other day, and I’m waiting for the results.” In that moment, my confidence in Dr. Lewis took a giant leap.

No matter how knowledgeable, a doctor who has not had cancer cannot understand what it is like to feel in your body the pain, the shortness of breath, the needles and tubes and powerful medications, what it is like to walk past the open door of death on your way to the kitchen. Discovering Dr. Lewis was a cancer patient made me instantly trust him.

On a spiritual level, it is also true that some of the greatest healers are those who have known illness. Kylie Nielson Turley’s study of the Book of Alma points out that we have tended to see Alma’s story as the familiar tale of a rebellious teenager who eventually mellows out. However, the term “Alma the Younger” actually never appears in the Book of Mormon text. This label, along with some other things, has led us to believe he was young and rebellious. But Turley’s study shows it is actually probable that he was a mature adult, perhaps even in his 40s or 50s, when he repented and was born again.<sup>7</sup> Alma may have been a full-fledged bad guy. But he became converted and began calling people to repentance. Because he had personally experienced the corrosive effects of sin, he had powerful authority to call others to repent.

This gives new meaning to Alma’s teaching about Christ: that He would

*go forth, suffering pains and afflictions and temptations of every kind; and this that the word might be fulfilled which saith he will take upon him the pains and the sicknesses of his people.*

*. . . [A]nd he will take upon him their infirmities, that his bowels may be filled with mercy, according to the flesh, that he may know according to the flesh how to succor his people.<sup>8</sup>*

According to this passage, Christ inhabited our infirmities in order to understand how to heal us. It wasn’t enough for Jesus to stop up *others’* wounds and lift *others’* sorrows. It was necessary for Him to feel wounds in His own flesh, to experience despair and injustice and life gone horribly wrong.

In summary, patients make trustworthy doctors. Repented sinners make compelling prophets. The experience of mortal weakness is what turned the popular rabbi Jesus into the Savior of all. We believe suffering from mistakes in mortality is necessary for growth and for becoming as God is.

Our imperfections on this issue of racism and prejudice are clear to anyone who studies Latter-day Saint history. The Church’s essay on race and the priesthood states:

*In 1852, President Brigham Young publicly announced that men of black African descent could no longer be ordained to the priesthood. . . . Over time, Church leaders and members advanced many theories to explain the priesthood and temple restrictions. None of these explanations is accepted today as the official doctrine of the Church.<sup>9</sup>*

These “theories” and “explanations” by Latter-day Saint leaders and members included the idea that all Black people were



descended from Cain and inherited the curse God placed upon him in the Book of Genesis; the teaching that interracial marriage was sinful, akin to letting a “wicked virus” into your system;<sup>10</sup> and the notion that Black people were less valiant in the premortal life.<sup>11</sup> Some who promulgated these theories also made other painful claims that Black people were “uncouth, uncomely, . . . wild,” and inferior to White people.<sup>12</sup>

These statements, which sound so ugly to us today, reflect to a great extent the social and cultural assumptions with which these Latter-day Saint leaders were raised in 19th- and 20th-century America. Comparable statements to those of Church leaders in the past were made by the great American president Abraham Lincoln<sup>13</sup> and many others. In the same year that Bruce R. McConkie first published *Mormon Doctrine*, a popular book containing numerous theories and explanations, the Virginia couple Mildred and Richard Loving were arrested (and eventually sentenced to one year in prison) because their marriage violated a law banning interracial marriage in that state. At the time, similar laws existed in 24 other states, including Utah. No one is immune to culture. We must have empathy for those whom the passage of time turns into moral strangers, because someday, surely, those people will be us.

But significantly, as historian Paul Reeve has pointed out, throughout the 19th and 20th centuries there were people, including Latter-day Saints, who had done the intellectual and spiritual work to see beyond the evils of their day and cultivate knowledge of other people’s humanity and divinity. Over the course of his tenure as president of the Church, Joseph Smith evolved from supporting the enslavement of Black people based on Biblical passages about Canaan<sup>14</sup>—a common Biblical interpretation of the day—to asking how the United States could claim “that all men are created equal” while “two or three millions of people are held as slaves for life, because the spirit in them is covered with a darker skin than ours.”<sup>15</sup> During his presidency, Black men such as Elijah Able and Walker Lewis were ordained to the priesthood as elders and represented the Church as missionaries.<sup>16</sup> In Nauvoo, Joseph and Emma developed a close relationship with Jane Manning, a Black Latter-day Saint. Jane lived and worked in their home, and at one point Joseph and Emma invited Jane to be eternally sealed to their family through adoption. Jane’s own words reflect her esteem for the Prophet, which must have in some part reflected his esteem for her. “I did know the Prophet Joseph,” she later testified. “He was the finest man I ever saw on earth.”<sup>17</sup>

In the early 1850s, the apostle Orson Pratt opposed legalizing slavery in Utah and supported Black voting rights.<sup>18</sup> “[T]o bind the African because he is different from us in color,” he said, “[is] enough to cause the angels in heaven to blush.”<sup>19</sup> In May 1968, a month after the death of Martin Luther King Jr. sparked racial tensions around the United States, Hugh B. Brown of the First Presidency taught BYU students, “[A]void those who preach evil doctrines of racism. . . . Acquire tolerance and compassion for others and for those of a different political persuasion or race or religion.”<sup>20</sup>

This gives us hope that we are *not* trapped in our cultures and times. It is possible to overcome the moral and cultural blinders of the societies in which we live. We will never escape them completely, but we can see more clearly.

Acknowledging the Latter-day Saints’ past racism is painful because it feels so wrong and because it did such harm. But, as laid out in Doctrine and Covenants 58:43, acknowledging wrongdoing is the first, essential step to leaving it behind: first, confess; then, forsake.

In this spirit, the Church’s essay on race and the priesthood declares:

*Today, the Church disavows the theories advanced in the past that black skin is a sign of divine disfavor or curse, or that it reflects unrighteous actions in a premortal life; that mixed-race marriages are a sin; or that blacks or people of any other race or ethnicity are inferior in any way to anyone else. Church leaders today unequivocally condemn all racism, past and present, in any form.*<sup>21</sup>

Our current Church leaders have taken increasingly bolder steps to lead out against racism. In 2018 they hosted the “Be One” celebration commemorating the 1978 end of the priesthood and temple ban and honoring the contributions of Black Latter-day Saint pioneers.<sup>22</sup> In June

2020, President Nelson joined the national conversation on race in the wake of George Floyd’s death. He coauthored a joint op-ed with Derrick Johnson, Leon Russell, and the Reverend Amos Brown, three leaders of the National Association for the Advancement of Colored People (NAACP), calling for “government, business, and educational leaders at every level to review processes, laws, and organizational attitudes regarding racism and root them out once and for all.”<sup>23</sup> This attention to “processes, laws, and organizational attitudes” called attention to the need for structural change.

In early October 2020, numerous speakers in general conference—including President Nelson, President Oaks, Sister Sharon Eubank, Elder Gerrit W. Gong, Elder Quentin L. Cook, and Elder Dale G. Renlund—condemned racism and presented the Latter-day Saints with a vision for a diverse, multiracial, multinational Church.

Finally, two weeks later in a BYU devotional, President Oaks delivered a comprehensive address on combating racism. Reiterating President Nelson’s recent charge to the Latter-day Saints to abandon “attitudes and actions of prejudice,” he said, “[W]e condemn racism by any group toward any other group worldwide,” and urged, “Now, with prophetic clarification, let us all heed our prophet’s call to repent, to change, and to improve.”<sup>24</sup>

In asking us “to repent, to change, and to improve,” to “root out racism,” and to “clear away the bad as fast as the good can grow,”<sup>25</sup> our current leaders are sending us a strong message: get rid of the bad stuff (i.e., do the work of anti-racism) and get on with the good stuff (i.e., work to establish Zion around the world).

Our leaders have made it clear that we each need to repent. Saying, “We are all good! No need for repentance here!” is disrespecting the Savior’s offer of atoning grace. We cannot “be saved in ignorance.”<sup>26</sup> But if we humble ourselves and seek Christ’s help in moving forward, the errors and lack of knowledge in our past can turn to wisdom. Our stumbling because of racism in the past can be converted into eagerness to lead out in the future. Like Dr. Lewis, Alma, and Christ Himself, our memory of sickness can become a capacity to heal.

### 3 “What Lack I Yet?”

Here some might be thinking, “But I’m not racist. I don’t hate anyone.” It is a common misconception that racism means hate. Hate, along with fear, is a common symptom of racism, just like a cough or a sore throat is a symptom of COVID-19. But hate is not *all* of what racism is.

At its core, racism is ignorance. It was ignorance that prompted those “You speak English so well!” people to say something to me—a stranger with brown eyes and dark skin—that they would not say to a stranger with blue eyes and light skin. It was ignorance that led Latter-day Saints in the past to find facile, speculative explanations for the priesthood and temple ban, like the “fence-sitters in the pre-existence” theory. The handy thing about this explanation was that it required no change in Church members’ existing worldview. The problem was that it also required ignoring Christ’s basic teachings, the second Article of Faith, the historical precedent set by Joseph Smith, and the fundamental implications of the phrase “children of God.”

Looking back at history, we wonder: How could a Latter-day Saint bishop like Abraham O. Smoot have enslaved Tom, a member of the Sugar House Ward over which he presided in Salt Lake City in the 1850s?<sup>27</sup> How could the people of the United States in 1942 have approved of depriving my American-born grandparents Charles Inouye and Bessie Murakami of their civil rights, their property, and their livelihoods and imprisoning them behind barbed wire at Heart Mountain, Wyoming? In the UK, in Germany, in China, in Rwanda, in South Africa—throughout history, over and over again—we see people failing to see each other as fully human like themselves.

The frightening thing is that in all of these examples in the past, good-hearted people who strove to be morally upstanding were unaware of their stunning, reprehensible ignorance. How can we know we are not making the same mistakes?

On the score of racism, at least, history teaches us plenty of ways to avoid ignorance, if we are willing to put in the work. History can be our friend. If we study how ignorance looked in the past, we can better identify it in the present. If we can understand its potential to wound others and poison the worldviews of well-meaning people, we, as disciples of Christ, can develop the capacity and authority to heal.

Overcoming ignorance is not a simple matter of reading five blog posts and three conference talks and having a conversation with a Brown friend. We need to strive to know as God knows, see as God sees. Seeking learning that will show us the heart and mind of God involves hard work, radical humility, and perpetual self-improvement. But we believe in work, humility, and improvement. It is part of the plan.

If you do not have personal experience with how it feels to be regularly disrespected because of your skin color or how it feels to be constantly dismissed because you are a cultural minority, or if you don’t have peers outside your racial and cultural demographic, I humbly suggest you may lack wisdom.

I certainly know I do. Like me, you may need to ask for God’s help in filling this critical gap in your spiritual education. We, as Latter-day Saints around the world, have made sacred covenants to be one people, “bear[ing] one another’s burdens” and “mourn[ing] with those that mourn.”<sup>28</sup> How can we keep these covenants if we ignore the burdens others bear or if we dismiss others’ mourning and deny that they have reason to grieve?

In a recent blog post, James C. Jones, a Black Latter-day Saint, explained that going out of our way for those “few” who are marginalized in society was what Jesus taught us to do. He wrote, “I’d like to go to church one day knowing that the people I worship Christ with—the same Christ who left the ninety-nine to find the one—won’t say ‘all sheep matter’ when I go to find the one.”<sup>29</sup>

The fundamental equality of all before God the Creator dictates that Latter-day Saints do not dismiss others’ experiences of racism simply because we have not lived through these experiences ourselves. Jones also wrote:

*Our very church is founded on the lived experience, revelatory as it is, of Joseph Smith. To devalue the lived experience of others is to desecrate the body-temple in which we all, prophet and prostitute alike, move about and understand this earthly life.*<sup>30</sup>

It is no sin to be born in a place where everyone looks the same, nor to be born into a culture in which certain assumptions about whole groups of people are taken for granted. But once we have grown to adulthood and come into the fold of God, which encompasses seven and a half billion sheep—all precious—we must put away the self-centered assumption that *my* view is always the best, *my* experience is universal, and it is only a problem if it is happening to *me* as one more childish thing.<sup>31</sup>

If only I had joined the Church of Jesus Christ of Bald Generation X Asian Women Historians Raised in Orange County California USA! How daunting is Christ’s charge in the great intercessory prayer, when He said that those who truly follow Him and testify of His divinity are those who will “be one” with each other!<sup>32</sup> How daunting is the baptismal covenant given at the waters of Mormon to follow Christ! This covenant language wasn’t “we will bear the burdens of people in our neighborhood only” or “we will only bear burdens we, too, have personally experienced.”

Most people don’t think of it this way, but the most lasting outcome of successful missionary work is not having more people in the pews but inheriting more of the world’s thorniest problems. Missionary work is not about “claiming more people for our club” but about wiggling our shoulders into more yokes to pull many heavy loads.

The story of the young man in the gospels of Matthew and Mark is instructive. When the lifelong righteous, command-keeping, wealthy young man asked Jesus, “[W]hat good thing shall I do . . . ?” and “[W]hat lack I yet?”<sup>33</sup> he was probably thinking Jesus would suggest another pious practice to slot into his “I’m-a-good-person” crown. Instead the Lord told him to give away all of his privilege. He asked the young man to seek parity with strangers at the very bottom rung of society. And the young man—who stood in front of the bona fide, miracle-working, in-the-flesh Jesus and in that instant received the Savior’s love—found he couldn’t do it. He didn’t *want* to do it.

The moral of the story is clear: no matter how awesome we think we are, the main question is still “What lack I yet?” (The

more common question “What do *they* lack?” is beyond the scope of our agency.) Would we who yearn to see the Savior’s face be willing to literally stand before Him and hear Him say, “Come, follow me,” if it meant giving away our homes, our cars, our children’s college tuition fund, our dinner, our running water, our toothbrushes, and our family’s safety and becoming one with the poorest of the world’s poor? This is a troubling question. I am ashamed to say that I am not sure what I would do. But Jesus’s call to action is clear: even people who have eagerly kept the commandments all their lives may be holding something back. If we truly want to follow Him, we will dare ask, “What lack I yet?” and expect a difficult answer.

In the October 2020 general conference, Michelle D. Craig, first counselor in the Young Women General Presidency, cited the parable of the priest, the Levite, and the Samaritan (a classic blind spot story) and called on us to ask God for help overcoming our limited vision. She said: “Ask to see others as He does—as His true sons and daughters with infinite and divine potential. Then *act* by loving, serving, and affirming their worth and potential as prompted.”<sup>34</sup>

In sum, we should stop thinking, “Racism is hate, and I don’t hate anyone, so I can sit this one out.” Instead, we should ask, “What lack I yet?” To root out racism, we must go beyond simply avoiding racial slurs or ignorantly repeating discredited theories and explanations. We must proactively seek opportunities to understand how our sisters and brothers have experienced racism and how we can start doing some things differently.

## What Can We Actually Do?

The day after President Oaks called us to repent and do more to root out racism, I tried to think of something concrete that I could do immediately. I decided to find images of the Savior that do not depict Him with White, European features. Clearly, Jesus was a Middle Easterner; He looked like someone from the Middle East. He was a person of color. Over centuries, as Christianity spread to Europe, many European artists painted Jesus—quite understandably, as artists in Ethiopia and Japan and New Zealand and all places have done—as someone from their part of the world. They wanted to imagine a Savior who did not look like a foreigner (especially since for centuries many people from Europe feared and hated people from the Middle East). From a practical standpoint, the painters could only find local European models. One image I love, of Christ and the rich young man, was painted by German artist Heinrich Hofmann and has this European character.

In the globalized world of the 21st century, it is not difficult to imagine Jesus in His actual historical and geographic context. Now that I understand that the real Jesus looked like a Middle Eastern person, why would I want *only* images of Jesus as a White person of European descent? Therefore, the day after President Oaks’s talk, I went to Deseret Book and found an abundance of scenes of Jesus in the Bible and the Book of Mormon painted by Jorge Cocco Santángelo, a Latter-day Saint painter whose geometric, slightly abstract style depicts Christ without a specific set of “racial” features. Together, my family members picked out one of these beautiful images to display in our home. I subsequently came

across a beautiful image of Christ and the rich young man painted by a Chinese artist in the first half of the 20th century and had it mounted on canvas. Now I am always on the lookout for other diverse ways artists have depicted the Savior of the world.

Here are some additional tips, developed in consultation with some fellow Latter-day Saints who have experienced racism in a Church setting.

### STOP

1 Please stop repeating harmful theories and explanations for the priesthood and temple ban that the Church has disavowed. If you are not sure what the Church’s current positions are, read the 2013 essay on race and the priesthood carefully;<sup>35</sup> watch the First Presidency’s 2018 “Be One” celebration and pay attention to the history presented.<sup>36</sup> Don’t invent new theories and explanations.

2 Please stop denying the racism of people in your family tree or national history who expressed racial supremacist views or enslaved others. Racism is a common historical detail, like the pattern of a bonnet or the construction of a wagon wheel. White-washing over this aspect of ancestors’ lives is refusing to accept them unless they conform to 21st-century expectations. I am sure all of these ancestors are now watching from the spirit world, having progressed beyond their mortal myopia, and rejoicing as their descendants use hindsight to avoid the same serious mistakes they made.

One beautiful example of “redeeming the dead” is the current work of Christopher Jones, a professor at BYU, to recover the history of Tom, the Black member of the Sugar House Ward in the 1850s. Tom was enslaved and brought to Utah by Hayden Thomas Church. Later, Church sold Tom to Abraham O. Smoot, Tom’s bishop. Church is Jones’s ancestor. How better to participate in our ancestors’ salvation than to work on their behalf to repair broken things?

3 Please stop asking the question “Where are you from?” to people you have just met. Racial minorities get asked this question all the time by total strangers who are trying to figure out their ethnic and racial background because it seems so “different” and



Wang Su Ta, *A Wealthy Youth*, Ars Sacra Pekinensis, General Archives of the Societas Verbi Divini / Divine Word Missionaries, Rome, Italy



“unusual.” Know that if you ask this question right off the bat of someone from a racial minority group, you are presenting yourself as someone who is fixated on that person’s body as opposed to their character, experience, sense of humor, and so on. If you are curious about this question and get to know someone well, eventually they will tell you on their own.

#### START

1 Please start looking for the sin of racism in your life with the same eagle eyes you use to look out for pornography, violations of religious freedom, emergency preparedness situations, and other problems Church leaders have called to our attention. Apply the skill set you have already developed to spot problematic images, defend civil rights, and educate yourself about complex, large-scale problems.

2 Please start speaking up without hesitation when someone uses racist, prejudiced, or ignorant speech, whether or not someone who will be personally hurt by this speech is in the room. Martin Luther King Jr. memorably pointed out the harm done by “the appalling silence of the good people.”<sup>37</sup> In the case of racial slurs, of course, you would respond as with any foul and unacceptable language. To prepare for encountering racism in more general conversations, you can practice some ready responses ahead of time. For example:

“Whoa!”

“That’s not funny.”

“What point were you trying to make by saying that?”

“Tell me what you mean by that?”

“What I heard you say was \_\_\_\_.”

3 Please start educating yourself about the experiences and viewpoints of people who are from a racial, ethnic, national, or class “group” with which you have little personal understanding. You can ask people to recommend resources that have been helpful to them or to their friends. The other day, for instance, I saw Isabel Wilkerson’s prize-winning books *The Warmth of Other Suns* and *Caste* on the shelves of Deseret Book. The digital Gospel Library on the Church’s website and app also has many resources.

Recently I heard the compelling interpretation that fasting is a form of collective

mourning. By a little suffering and want in our bodies, we unite ourselves with those who experience suffering and want. By refusing self-satisfaction, we open ourselves to the experiences of those who do not have enough. As Jesus invited the rich young man to do, by giving away some of our power and security, we become closer to His people and therefore closer to Him.

Collective mourning is the work that lies ahead of us as Latter-day Saints as we seek to be one people—not just once a month but in everyday life. Perhaps in our daily study, or in



a new five-minute “children of God” lesson segment of family home evening, we can grapple with the challenge of finding unity in diversity. For one great starting resource, see the rapidly expanding Global Histories page in the Church History section of the Gospel Library, which relates the stories of Latter-day Saints all over the world.<sup>38</sup>

When we seek new light and knowledge, God will give liberally. May we heed our leaders’ calls to find unity with Saints around the world—not by expecting everyone “out there” to change their cultures to be like us but by realizing *every one of us has a culture that is different from Christ’s “gospel culture”* and that we are all shaped by assumptions indigenous to the neighborhood, county, and country in which we live. From Damascus to Draper, not one of us is “normal.” We are all deeply “ethnic,” with our own blind spots. We must all ask the Lord, “What lack I yet?” and step out to build the bridges of Zion.

This is a tall order, but this audacious, all-inclusive ambition to unite the whole human family in the present and in the past is what sets the Latter-day Saints apart. As we seek to honor our covenants, God will bear us up and make us equal to this task, I testify, in the name of Jesus Christ, amen. cm

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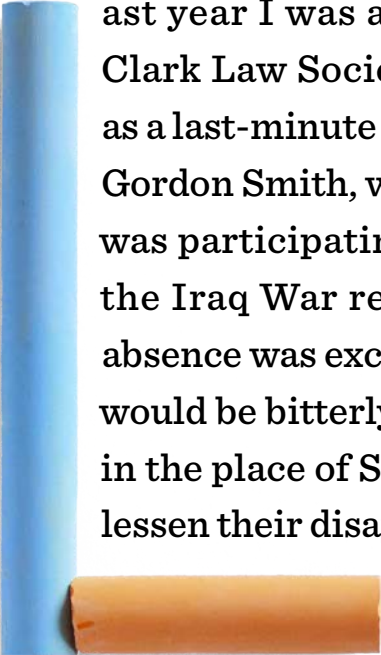
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# How Do We Practice Our Religion While We Practice?

BY THOMAS B. GRIFFITH







ast year I was asked to speak at a J. Reuben Clark Law Society event in Portland, Oregon, as a last-minute fill-in replacement for Senator Gordon Smith, who couldn't attend because he was participating in the Senate's debate over the Iraq War resolution. All agreed that his absence was excused. I knew that the audience would be bitterly disappointed to settle for me in the place of Senator Smith, and, wanting to lessen their disappointment to the extent that I could, I decided that I would take a stab at the topic he had chosen for the day, "How Do We Practice Our Religion While We Practice?" (Besides, I have been unable to find anyone who still wants to hear about the impeachment trial of President Clinton.) I found the exercise of addressing that topic to be helpful to me. I hope that you find it helpful to you.

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PHOTOGRAPH BY BRADLEY SLADE

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*This talk was  
presented to  
the Salt Lake  
Chapter of  
the J. Reuben  
Clark Law  
Society at the  
Joseph Smith  
Memorial  
Building in  
Salt Lake  
City, Utah, on  
November  
19, 2003.*

Senator Smith's question is, I believe, an acknowledgment that certain endeavors in this life entail greater spiritual risks than do others. Now, I realize that there are spiritual risks in all human activities, including church work. No less an authority than Screwtape himself observed, "Nowhere do we tempt so successfully as on the very steps of the altar."<sup>1</sup> Remember the Lord's warning to us in Doctrine and Covenants 121 about the unrighteous use of the priesthood: "We have learned by *sad experience* that it is the nature and disposition of *almost all men* . . . to exercise unrighteous dominion" (Doctrine and Covenants 121:39; emphasis added). Why, you may be surprised to learn that there are even spiritual risks that come in working at BYU!

It doesn't seem to me to be a very controversial proposition that *some* professional activities expose our souls to *greater* risks than do others. I believe the Savior was warning us of this fact of life when He said, "I tell you the truth, it is hard for a rich man to enter the kingdom of heaven. . . . [I]t is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of God" (Matthew 19:23–24, NIV). Thomas Jefferson was certain that farmers, by virtue of their unique economic activity, were better prepared than any of us here today to contribute in a positive way to a republican form of government.<sup>2</sup>

Even our own church leaders have acknowledged that some careers lend themselves more easily to the religious life than do others. I remember attending the sessions of general conference at which James E. Faust and W. Grant Bangerter were first called to be General Authorities. Elder Faust noted that prior to his call, he had been a lawyer. He then remarked that since his call, he had been repenting of that.<sup>3</sup> Elder Bangerter, by contrast, noted that prior to his call, he had been a carpenter. For some reason, he said, he had not felt quite the same need to repent.<sup>4</sup>



In *A Man for All Seasons*, his play based on the life of St. Thomas More, the patron saint of lawyers and politicians, Robert Bolt contrasts the public life of Thomas More, a Christ-figure who is a lawyer (I know that must require a significant suspension of disbelief for many of you), with that of Richard Rich, a pathetic Judas-figure. At the opening of the play, we are allowed to overhear a spirited discussion at the house of More in Chelsea. More's house had become a center of the New Learning taking hold in 16th-century England. Rich is a hanger-on in this distinguished company, envious of the prominence of More, who is the most respected man in England and is soon to become Henry VIII's lord chancellor—the highest appointed office in the realm. Forgive my inadequate attempts at acting.

RICH: (*Enthusiastically pursuing an argument.*) But every man has his price.

MORE: No, no!

RICH: But, yes! In money, too.

MORE: (*With gentle impatience.*) No, no, no!

RICH: Or pleasure. Titles, women, bricks and mortar, there's always something.

MORE: Childish.<sup>5</sup>

Rich then complains that despite his friendship with More, he has been unable to find a political position. He wants More's recommendation, which he is confident will be the key to unlocking the door that is blocking his ascent to power. More, knowing Rich to be a weak, self-centered man, refuses to recommend him to government office. Instead:

MORE: The Dean of St. Paul's offers you a post; with a house, a servant, and fifty pounds a year.

RICH: What? What post?

MORE: At the new school.

RICH: (*Bitterly disappointed.*) A teacher!

MORE: A man should go where he won't be tempted. . . . Why not be a teacher? You'd be a fine teacher. Perhaps—a great one.

RICH: And if I was who would know it?

MORE: You, your pupils, your friends, God. Not a bad public, that. Oh, and a *quiet* life.<sup>6</sup>



Rich rejects More's suggestion that he be a teacher, and by the end of the play he loses his soul. Rich yearns for worldly power and prestige. Because More will not aid that pursuit, Rich turns to More's enemy Thomas Cromwell, secretary to the king. Cromwell willingly appoints Rich to a series of government positions in exchange for Rich's undivided loyalty. As you know, More's refusal to support Henry's declaration of himself as head of the church in England—a stand born of his conviction that the Pope was the rightful successor to St. Peter as the head of the church—cost him his life. And it was the perjured testimony of Richard Rich, elicited by Cromwell at More's trial for treason, that led to his death.

Upon hearing Rich's perjury at that trial, a disheartened More knows that his fate has been sealed. Exercising his right to examine the witness, however, More responds:

MORE: I have one question to ask the witness. That's a chain of office you are wearing. (*Rich reluctantly faces More.*) May I see it? (*Norfolk, the presiding officer at the trial, motions Rich to approach. More examines the medallion.*) The red dragon. (*To Cromwell.*) What's this?

CROMWELL: Sir Richard is appointed Attorney General for Wales.

MORE: (*Looking into Rich's face; with pain and amusement.*) For Wales? Why, Richard, it profits a man nothing to give his soul for the whole world—but for Wales!<sup>7</sup>

Now, for those of us who have rejected the advice of Thomas More and have gone places in our careers where we will be tempted, places worth far less than Wales (I'm of Welsh ancestry, by the way), what are we to do to save our souls? I think that is a more blunt way to address the question posed by Senator Smith.

May I suggest that the answer to our dilemma—and by the way, I believe it is a dilemma—lies within a familiar passage of scripture describing an event from the last week of the mortal ministry of Christ, which may, by its very familiarity to us, have lost some power to guide our professional lives. Aptly, the answer to our dilemma comes in the Savior's response to a hostile question put to him by a lawyer:

*Then one of them, which was a lawyer, asked him a question, [testing] him, and saying,*

*Master, which is the great commandment in the law?*

*Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind.*

*This is the first and great commandment.*

*And the second is like unto it, Thou shalt love thy neighbour as thyself.*

*On these two commandments hang all the law and the prophets.* [Matthew 22:35–40, KJV]

Love God. Love your neighbor as yourself. *These* are the templates by which we should measure our professional conduct. This is how we are to practice our religion while we practice our professions. Is that unrealistic? It is difficult, to be sure, but it is only unrealistic if we have bought into Satan's fictions about what is real and unreal. How does one go about living one's professional life out of a love of God and neighbor—something we are not only called to do but commanded to do?

First, we must reject the tendency to place our professional and religious lives in separate compartments. The “at-onement” of Christ is intended to bring unity and wholeness to our relationship with God,

to our fellow beings, and within ourselves. Years ago, as I was about to graduate from BYU with a bachelor's degree, I attended a stake conference in the Provo Tabernacle. In a few months I would be entering law school at the University of Virginia, but I was by no means certain what I wanted to do for my life's work. I was ready to be taught. Elder Henry B. Eyring teaches that the primary way God speaks to us is through speakers at church.<sup>8</sup> Although we can each identify obvious limits to that principle, this was an occasion when I believe the Lord was speaking to me. Gene Dalton, who was on the faculty of BYU's business school, spoke as a member of our stake presidency. President Dalton told the story of an Italian immigrant to America who, when he passed through Ellis Island in the early 20th century, recorded on his papers under the box marked “Occupation”: “I am a servant of God. I mend shoes.”

That anecdote reminds me of what Dorothy Sayers, the Catholic apologist, translator of Dante, and mystery novelist, wrote:

*The church's approach to an intelligent carpenter is usually confined to exhorting him not to be drunk and disorderly in his leisure hours, and to come to church on Sundays. What the church should be telling him is this: that the very first demand that his religion makes upon him is that he should make good tables.*

*Church by all means, and decent forms of amusement, certainly—but what use is all that if in the very center of his life and occupation he is insulting God with bad carpentry? No crooked table legs or ill-fitting drawers ever, I dare swear, came out of the carpenter's shop at Nazareth. Nor, if they did, could anyone believe that they were made by the same hand that made Heaven and earth. No piety in the worker will compensate for work that is not true to itself; for any work that is untrue to its own technique is a living lie.<sup>9</sup>*

Love God. Love your neighbor  
as yourself. *These* are the templates  
by which we should measure our  
professional conduct. This is how  
we are to practice our religion  
while we practice our professions.





Now, that is a tall order, and it makes me feel about the same way that I feel whenever I hear the oft-used John Taylor quote about being accountable for those I might have helped had I been more diligent in my callings. Nevertheless, I believe that Sayers is correct when she recognizes that our professional work cannot be separated from our religious life. (By the way, I believe that President Taylor is also correct. Although I hope that the words of Mother Teresa quoted in general conference several years ago are also correct: “I know only two things about God’s judgment. First, it will be absolutely fair. Second, it will be filled with wonderful surprises.”) As Latter-day Saints, we understand that what Sayers is describing is part of the law of consecration.

C. S. Lewis described that law this way:

*Christ says “Give me All. I don’t want so much of your time and so much of your money and so much of your work: I want You. I have not come to torment your natural self, but to kill it. No half-measures are any good. . . .”*

*... The terrible thing, the almost impossible thing, is to hand over your whole self—all your wishes and precautions—to Christ. But it is far easier than what we are all trying to do instead. For what we are trying to do is to remain what we call “ourselves,” to keep personal happiness as our great aim in life, and yet at the same time be “good.” We are all trying to let our mind and heart go their own way—cent[er]ed on money or pleasure or ambition—and hoping, in spite of this, to behave honestly and chastely and humbly. And that is exactly what Christ warned us you could not do.<sup>10</sup>*

A modern-day apostle of the Lord Jesus Christ, Elder Boyd K. Packer, described the commitment he made to the law of consecration early in his life:

*I knew what agency was and knew how important it was to be independent, to be free. I somehow knew there was one thing the Lord would never take from me, and that was my free agency. I would not surrender my agency to any being but to Him! I determined that I would give Him the one thing that He would never take—my agency. I decided, by myself, that from that time on I would do things His way.*



*That was a great trial for me, for I thought I was giving away the most precious thing I possessed. I was not wise enough in my youth to know that because I exercised my agency and decided myself, I was not losing it. It was strengthened!<sup>11</sup>*

Consecration is a lofty goal, and I wish that I could tell you from my own personal experience how it may be attained. But I cannot. Still, I am convinced that unless we have that law firmly fixed in our mind as a principle by which we are *currently* bound, we will look short of the mark (cf. Jacob 4:4) and our professional lives will work at cross-purposes with our religious lives. In other words, we will not be practicing our religion while we practice our vocations.

But how do we live the law of consecration here and now in this world? Do you remember how Elder Neal A. Maxwell has described the frustration of following celestial traffic signs in telestial traffic jams?<sup>12</sup> Aren’t our careers the ultimate examples of telestial traffic jams? I believe there is an important lesson to be learned from the life of Thomas More. Now, as you have already recognized, I am of the view that there are many lessons to be learned from More’s life, and I would heartily recommend to any of you to learn as much as you can about this man. In my estimation, the best biography of More was published in 1999. The author is Peter Ackroyd. His book is titled *The Life of Thomas More*. I own no stock in the publisher, nor do I have any relationship with the author.

More is fascinating for our topic because, unlike his good friend and fellow Christian humanist Erasmus, More rejected the life of the cleric and the life of the scholar, both of which Erasmus estimated to be more suitable to More’s deep spirituality. Instead, More, like most of us here, chose the life of business, politics, and the law. (The educators among us have chosen the better part, are immune from all weakness, and don’t need a lecture from me. Rather, I should be learning from them.) Yet More is, in my view, only a shade behind King Benjamin as a role model for the nonclerics and the nonscholars among us. More was a devout churchman whose piety was genuine. Each day he would spend much time in prayer,

“Christ’s ineffable  
Passion [is]  
a strong  
defense against  
all adversity.”



devotion, and the contemplative study of the scriptures. (He wore a hair shirt, too, but I wouldn’t recommend that.) More was a devoted family man who held daily devotionals and taught his children (five daughters and a son) virtue and the liberal arts. By the way, the education of his daughters was of equal priority with that of his son. His daughter Margaret was known throughout England as the most erudite woman of her day. More was widely respected as one of the finest lawyers of his time. Listen to this description of More’s approach to his profession, supplied by one of his biographers. Although it is not the ultimate lesson from his life that will help answer Senator Smith’s challenge to us, it is such a remarkable account that I couldn’t resist including it in my remarks:

*To his clients [More] never failed to give advice that was wise and straightforward, always looking to their interests rather than to his own. [Remember President Faust’s conference address from the October 2002 general conference, “What’s in It for Me?”] In most cases he used his best endeavors to get the litigants to come to terms. If he was unsuccessful in this, he would then show them how to carry on the action at least expense. He was so honorable and painstaking that he never accepted any case until he had first examined the whole*

*matter thoroughly and satisfied himself of its justice. It was all the same whether those who came to him were his friends or strangers . . . : his first warning was ever that they should not in a single detail turn aside from the truth. Then he would say: “If your case is as you have stated it, it seems to me that you will win.” But if they had not justice on their side, he would tell them so plainly, and beg them to give up the case, saying that it was not right either for him or for them to go on with it. But if they refused to hear him, he would refer them to other lawyers, himself giving them no further assistance.*<sup>13</sup>

A prayer he composed for lawyers captures the essence of his spiritual approach to his vocation, a vocation that he knew had power to do great good and great evil.

*Lord, grant that I may be able in argument, accurate in analysis, strict in study, candid with clients, and honest with adversaries. Sit with me at my desk and listen with me to my client’s complaints, read with me in my library, and stand beside me in court, so that today I shall not, in order to win a point, lose my soul.*<sup>14</sup>



In all these ways, we can and should emulate Thomas More, but there is one virtue in particular that made him the man for all seasons that he was. It is this virtue, I believe, that is central to our effort to consecrate our professional lives to the Lord—to practice our religion while we practice our vocation. From his earliest days as an adult, Thomas More believed that the most effective way to put himself in a frame of mind where he could resist the temptations attendant to his profession was, in his own words, “to consider how Christ, the Lord of sovereign power, Humbled Himself for us unto the cross.” More wrote, “Christ’s ineffable Passion [is] a strong defense against all adversity.”<sup>15</sup>

In the film version of *A Man for All Seasons*, there is a poignant scene in which a physically spent Thomas More, dressed only in a tattered monk-like robe, is kneeling in prayer in an anteroom adjacent to the courtroom where he is about to be tried for treason. He has spent more than a year imprisoned in the Tower of London. If you turn up the sound on your TV

set and listen very carefully, you can hear More utter a prayer that includes the phrase “sweet Jesus.” This private and soulful prayer before his public trial and execution reminds us of the Savior’s private and soulful prayer in Gethsemane before His public trial and execution. That scene in the film is an artist’s version of history. It is based, however, on good history, for in the final months of his life, during his imprisonment in the tower, More was able to pay wholehearted attention to the topic that motivated him throughout his life, and it is the topic, I believe, that will help you and me most as we try to bring all areas of our lives—even our professions—under the Savior’s charge to love God and love neighbor as self.

During his imprisonment in the tower, Thomas More wrote *De Tristitia Christi*, “a . . . meditation upon the ‘sadness’ of Christ; it is a commentary” upon the New Testament account of Christ’s suffering in Gethsemane.<sup>16</sup> It was the premise of More’s final work, based upon a lifetime of experience and reflection and a mortal life that had known enormous professional success but was now ending in the Tower of London, that “nothing can contribute more effectively . . . to the implantation of every sort of virtue in the Christian breast than pious and fervent meditation on the successive events of Christ’s Passion.”<sup>17</sup>

The work of community building is,  
I believe, the most important spiritual  
work to which Christians are called.

What does this have to do with Latter-day Saint professionals in the 21st century? Can it possibly be that this Catholic saint from the 16th century has something profound to teach us about how we are to practice our religion while we practice our professions? I think so. To support my argument, I turn to a lesson from the life of the Prophet Joseph Smith I learned several years ago while teaching an early-morning seminary class in Church history in Leesburg, Virginia. We decided that we would look at Joseph Smith as an Everyman figure. In other words, we would look at the lessons Joseph learned as if they were lessons that each of us needs to learn as we improve our efforts to be disciples of Christ. As we followed the lessons Joseph learned under the tutelage of the Lord, we discovered something quite startling.

Joseph Smith learned a number of lessons that deepened his discipleship from the time of his first visions until he was prepared to organize anew Christ’s Church on the earth. The last canonized revelation he received almost immediately prior to organizing the Church in April 1830 is set forth in Doctrine and Covenants 19. In verses 18 and 19 of that revelation, the Savior took Joseph Smith (and takes us) back in time to Gethsemane and Calvary—the scenes of the most awe-inspiring events since the Creation. Here the Lord narrates a personal account of the suffering He endured so that we could gain access to the transforming and redemptive power of His atoning sacrifice.

*Which suffering caused myself, even God, the greatest of all, to tremble because of pain, and to bleed at every pore, and to suffer both body and spirit—and would that I might not drink the bitter cup, and shrink—*

*Nevertheless, glory be to the Father, and I partook and finished my preparations unto the children of men.*

It occurred to our class that the Lord was telling the Prophet Joseph (and us) that we should do nothing in His Church, or, I would argue, in our lives, without bearing in mind what the Father and the Son did for us in Gethsemane and on Calvary. We should carry on our vocations in light of this sobering yet joyous reality.

One of the distinctive features of the Latter-day Saint experience, one that is widely noted, has been our emphasis on community building. It shouldn’t surprise you then that one of the icons of our faith is the beehive. To be sure, Latter-day Saint communitarianism is, in part at least, a natural reaction to the persecution we have experienced and a predictable result of our exodus history. But our communitarianism, which was so threatening to 19th- and early 20th-century America, is also a reflection of our belief that although spirituality begins with allowing the effects of Christ’s atoning sacrifice and His awe-inspiring grace to heal the wounds that sin has inflicted upon our broken hearts, its most profound manifestation comes when we work to make the effects of the Atonement of Christ radiate beyond ourselves and our families to unite our communities. There are in the canon of the Restoration powerful insights into the link between the Lord’s Atonement and the imperative to build community. The work of community building is, I believe, the most important spiritual work to which Christians are called. It is a natural outgrowth of what Thomas More called “pious and fervent meditation on the successive events of Christ’s Passion.”<sup>18</sup> All other spiritual work is preparatory to this and therefore incomplete without this.

Two stories from the Book of Mormon make this point. The first is the story of the prophet King Benjamin, who worked to unite his people, people deeply divided by culture, language, class, and race. He had tried, without a great measure of success, educational reform, political reform, and legal reform (*see* Mosiah 1–2). It was only when he taught his divided people of the great unifying power of the at-one-ment of Christ that he was able to help them create a community. It was only by teaching them of their fallen nature—which reveals itself in the very breaches Benjamin was seeking to



heal—and the atoning power of Christ’s suffering that Benjamin was able to achieve, for a season at least, unity among his people (see Mosiah 3–6).

The second story describes the post-Resurrection ministry of the Risen Lord Jesus Christ to the Book of Mormon people. In that story the Risen Lord descends out of heaven in a foreshadowing of His Second Coming, and the people fall to the earth in worship. After teaching them about His suffering (see 3 Nephi 11:11), He commands each of the almost 3,000 people to come one by one and feel the wounds in His hands, feet, and side (see 3 Nephi 11:14–15). As one might imagine, this shocking and gruesome experience transformed them. In fact, those who were confronted by the physical emblems of His suffering formed the core of a new Christ-centered society that for the ensuing 200 years was devoid of strife, malevolence, racism, and greed.<sup>19</sup> Significantly, we are asked to do the same each Sunday when we partake of the sacrament of the Lord’s Supper. We are commanded to have physical contact with the emblems of His suffering. The response of the people in 3 Nephi—“[T]hey did cry out with one accord, saying: Hosanna! [Save us, now!] Blessed be the name of the Most High God! And they did fall down at the feet of Jesus, and did worship him” (3 Nephi 11:16–17)—becomes the mark by which we measure the depth of our appreciation for the Lord’s sacrifice.

Now, what is so striking to me about these stories is that each highlights the idea that one cannot serve a God who has no personal needs in any other way than by working to unite His children. Each makes clear that it was the shared understanding of Christ’s role as Savior and Redeemer that formed the basis for creating a community. We learn from the story of Adam and Eve that Satan’s primary goal and his chief tactic are to divide God from humanity, Adam from Eve. The most cursory study of human history shows his relentless pursuit of that goal and his effective use of that tactic. Everywhere we see around us the carnage of his work. We are divided by sex, race, class, religion, and nationality, just to name a few. By contrast, the at-one-ment of Christ is a powerful force to overcome those divisions and create a bond of unity among humankind. To build a community that extends beyond family or congregation—and I believe we are compelled by our understanding of the Atonement of our Savior and especially those sources to which I just referred to do just that—involves law. Properly understood, then, the vocation of a lawyer is to help build communities founded on the rule of law. By doing so, lawyers are participating in the redeeming work of the atoning power of the Savior at its zenith. To be sure, the working out of the power of the Atonement occurs initially at the intimate level of a sinner realizing her individual need for God’s grace. But it must also ultimately include creating a community based on the rule of law. Near the close of his biography of Thomas More, Peter Ackroyd wrote, “He embodied law all his life, and he died for it.”<sup>20</sup> That is a challenge worthy of each of us, especially those, like More, who have gained some awareness of the power of the Atonement of the Lord Jesus Christ. We should each, in the words of Thomas More, engage in “pious and fervent meditation on the successive events of Christ’s Passion.”<sup>21</sup>

When we do, at least two things will happen. First, we will begin to develop a sense of gratitude to God for the “shock of eternal love” expressed in the Atonement, and that gratitude will humble us before God.<sup>22</sup> Second, we will begin to realize that Christ’s Passion was not endured solely for us but that He suffered what He did because He loved those we encounter every day in our lives as much as He loves us. In the words of C. S. Lewis:

*It may be possible for each to think too much of his own potential glory hereafter; it is hardly possible for him to think too often or too deeply about that of his neighbour. . . . There are no ordinary people. You have never talked to a mere mortal. . . . Next to the Blessed Sacrament itself, your neighbour is the holiest object presented to your senses.<sup>23</sup>*

In the name of Jesus Christ, amen. cm

#### NOTES

- 1 C. S. Lewis, “Screwtape Proposes a Toast,” *The Screwtape Letters* (New York: Macmillan, 1961), 172.
- 2 See, e.g., Thomas Jefferson, *Notes on the State of Virginia*, “Query XIX” (1787): “Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for

substantial and genuine virtue. The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigour. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution.”

- 3 See James E. Faust, “To Become One of the Fishers,” *Ensign*, January 1973, 81.
- 4 See William Grant Bangerter, “The People Who Influence Us,” *Ensign*, May 1975, 39.
- 5 Robert Bolt, *A Man for All Seasons* (1962), 4.
- 6 *Id.* at 5, 6; emphasis in original.
- 7 *Id.* at 90, 91.
- 8 See Henry B. Eyring, “Ears to Hear,” *Ensign*, May 1985, 76.
- 9 Dorothy L. Sayers, *Creed or Chaos?* (New York: Harcourt, Brace, 1949), 56–57; emphasis in original.
- 10 C. S. Lewis, *Mere Christianity* (New York: Macmillan, 1943), 167–68.
- 11 Boyd K. Packer, “Spiritual Crocodiles,” *New Era*, January–February 1981, 29; emphasis in original.
- 12 See Neal A. Maxwell, “Notwithstanding My Weakness,” *Ensign*, November 1976, 12.
- 13 Gerard B. Wegemer, *Thomas More: A Portrait of Courage* (1995), 51, 52.
- 14 Thomas More, quoted in Ave Maria School of Law Applicant Information booklet (2003).
- 15 Thomas More, quoted in Wegemer, 25; quoting from one of the earliest of More’s works, *The Life of John Picus*, in *English Works of Thomas More*, 360.
- 16 Ackroyd, 380.
- 17 Wegemer, 208–09.
- 18 *Id.*
- 19 See 4 Nephi 1:3, 15–17: “And they had all things common among them; therefore there were not rich and poor, bond and free, but they were all made free, and partakers of the heavenly gift. . . . And it came to pass that there was no contention in the land, because of the love of God which did dwell in the hearts of the people. And there were no envyings, nor strifes, nor tumults, nor whoredoms, nor lyings, nor murders, nor any manner of lasciviousness; and surely there could not be a happier people among all the people who had been created by the hand of God. . . . [T]hey were in one, the children of Christ, and heirs to the kingdom of God.”
- 20 Ackroyd, 400.
- 21 Wegemer, 208–09.
- 22 Eugene England, “That They Might Not Suffer: The Gift of Atonement,” *Dialogues with Myself*, 90.
- 23 C. S. Lewis, *The Weight of Glory*, 18–19; emphasis in original.





# HOPE *in* HARDSHIP

ILLUSTRATIONS BY  
CHRISTINA CHUNG

THIS ARTICLE IS BASED ON REMARKS  
SHARED AT A BYU LAW TOWN HALL  
MEETING ON OCTOBER 27, 2020.

## *Waiting upon the Lord*

**By Justin Collings,** Associate Dean for Research  
and Academic Affairs and Professor of Law, BYU Law

John Milton was both blind and bereaved when  
he wrote this sonnet of despair checked by hope:

*When I consider how my light is spent,  
Ere half my days, in this dark world and wide,  
And that one Talent which is death to hide  
Lodged with me useless, though my Soul more bent*

*To serve therewith my Maker, and present  
My true account, lest he returning chide;  
“Doth God exact day-labour, light denied?”  
I fondly ask. But patience, to prevent*

*That murmur, soon replies, “God doth not need  
Either man’s work or his own gifts; who best  
Bear his mild yoke, they serve him best. His state  
Is Kingly. Thousands at his bidding speed  
And post o’er Land and Ocean without rest:  
They also serve who only stand and wait.”<sup>1</sup>*



♦ ♦ ♦

Masks might  
mark an  
opportunity to

# LOOK DEEPLY

into others' eyes—  
the windows,  
someone said,  
to the soul.

♦ ♦ ♦

*“They also serve who only stand and wait.”* Waiting, we have learned this year, can be agonizingly, exquisitely, excruciatingly hard. Many of us have cried, like the young prophet in a prairie dungeon, “How long, O Lord, how long?”<sup>2</sup>

But that, I submit, is the wrong question. The question is not *whether* we must wait, or *how long*, or *why*. The question is *how*. My message today is that rather than simply waiting for a vaccine or for the pandemic to end, we might use this strange season to learn to wait upon the Lord.

I learned about waiting upon the Lord from my friend Mark Sargeant. In October 2016, Mark was diagnosed with amyotrophic lateral sclerosis—Lou Gehrig’s disease, or ALS. That diagnosis was a death sentence. Mark knew that ALS would gradually rob him of his capacity to move and eventually of his ability to breathe. He didn’t know how long that process would take, but he knew that ALS was a curse without a cure. When I learned of Mark’s diagnosis, I rushed over to his house. But before I could fumble through all I wanted to say, Mark interrupted me. “I love the plan of salvation!” he roared. “I love the gospel of Jesus Christ! I have had a great life! And I’m not done yet!”

No indeed. Mark spent the next three years waiting upon the Lord. He served valiantly as a mission prep teacher, inspiring several young people to serve who hadn’t really planned on it. He loved racing little children around in his motorized wheelchair or raising them up and down on his special stairwell elevator. Later on, he tirelessly ministered to his neighbors at an assisted living center for veterans in Payson, Utah. He constantly checked in on his fellow veterans and warmed their lives with a flash of his indelible, invincible smile.

Mark died on December 29, 2019, just weeks before the COVID-19 pandemic arrived on American shores. As we wait through this interminable ordeal, I want to be more like Mark. I want to wait upon the Lord. I believe we can do that by following the counsel of Sister Michelle D. Craig from the October 2020 general conference. As you might recall, Sister Craig urged us to see one another deeply and to respond to each other’s needs. She taught:

*As with all gifts the Father so willingly offers, seeing deeply requires us to ask Him—and then act. Ask to see others as He does—as His true sons and daughters with infinite and divine potential. Then act by loving, serving, and affirming their worth and potential as prompted.*<sup>3</sup>

I believe we can do this. Perhaps we can even make a virtue of necessity. Masks might mark an opportunity to look deeply into others’ eyes—the windows, someone said, to the soul. Zoom might offer a precious chance to hear unmuffled voices and see unobstructed smiles. Surely, we can best wait upon the Lord as we find ways to wait upon and serve one another. Great blessings await us if we do.

When I spoke at my friend Mark’s funeral, I closed with these verses from Isaiah:

*Hast thou not known? hast thou not heard, that the everlasting God, the Lord, the Creator of the ends of the earth, fainteth not, neither is weary? . . .*

*He giveth power to the faint; and to them that have no might he increaseth strength. . . .*

*[And] they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint.*<sup>4</sup>

My prayer is that we will not only mask up but mount up. That we will not simply wait for a vaccine but wait upon our victorious, conquering Lord. That we will lift one another with His invincible strength and soar together on His eagle wings.

#### NOTES

1 John Milton, Sonnet 19, “When I Consider How My Light Is Spent” (1673), [poetryfoundation.org/poems/44750/sonnet-19-when-i-consider-how-my-light-is-spent](https://www.poetryfoundation.org/poems/44750/sonnet-19-when-i-consider-how-my-light-is-spent).

2 See Doctrine and Covenants 121:1–3.

3 Michelle D. Craig, “Eyes to See,” *Ensign*, November 2020; emphasis in original.

4 Isaiah 40:28–29, 31.

## Glowing in the Dark

By Melissa Jo (MJ) Townsend, 3L, BYU Law

When I was little, my sister and I shared a bedroom. Our closet's top shelf housed our abandoned toys, including a Furby—one of those creepy, owl-lemur things with big eyes and funny ears. The Furby had a low battery, or perhaps the thing was just possessed, and would therefore repeat “I’m Furby” at random times throughout the day and night.

I remember waking up one night, troubled. It was early enough that I knew I should try to fall back asleep, and so I tried. But as I was closing my eyes and laying my head back down, “I’m Furby” called out to me from our dark closet's top shelf.

That moment, silly as it sounds, was pivotal for me, for it marked the beginning of (1) my fear of the dark and (2) my obsession with glow-in-the-dark stuff.

After that incident, the Furby mysteriously disappeared from our home, and, better yet, my sister and I got glow-in-the-dark stars for our bedroom ceiling. Together we built our personal constellation, one that we could look to for help and for hope whenever we needed it.

Since then, I have continued to gather all sorts of glow-in-the-dark stuff. Most recently, I even managed to convince the *BYU Journal of Public Law* to print its annual swag in glow-in-the-dark ink! There is just something magical to me about having something that, even when the lights are off or the sun is down, will still shed some light for me.

My favorite glow-in-the-dark stuff is truly out of this world. It comes usually once a summer and turns the coastline near my childhood home in California red by day and fluorescent blue by night. It is the annual red tide—the result of pesticides and other pollutants making their way into the water and triggering explosive growth in the micropopulations in the water. Inside each of these microscopic critters, there is a light-emitting chemical that triggers when the microorganism is disturbed. As a result, every move that a crashing wave or meandering fish makes will be mirrored and traced in perfect light by the microworld around it.

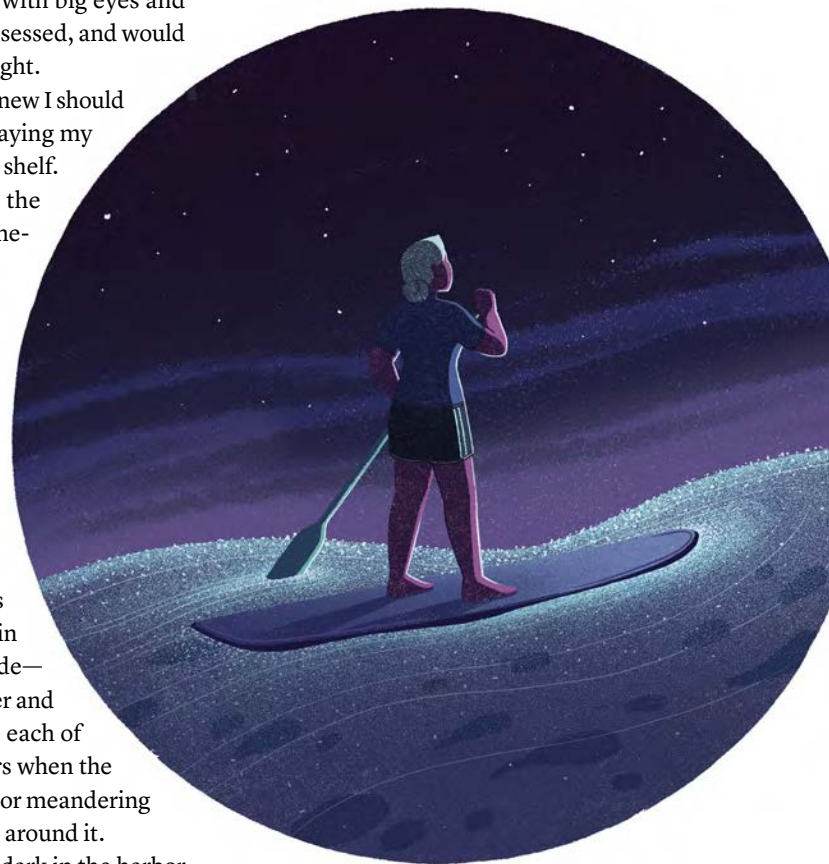
While visiting my parents this summer, I went paddleboarding after dark in the harbor by my house during this year's red tide. Though I don't like dark water, I paddled out anyway with hopes to witness the beauty of the night, and that experience turned out to be one of the most spiritual and exhilarating of my life. In my journal that evening, I wrote:

*My time on the water was so beautiful. . . . With every dip of the paddle, the water lit it up—“turning on,” in a sense, and changing to a deep aqua blue that absolutely radiated against the black water. With every movement, I could see the little fish swimming around, each leaving a trail of glowing turquoise behind it. I felt like I was in the movie Avatar—just glowing and beautiful and vibrant and . . . almost too amazing to actually be real, and yet it was. Light and color and beauty literally swimming all around me and somehow seeing fit to include me in its magical dance.*

That night on the water combined with the years of joy and safety I have felt wearing my glow-in-the-dark shirts under my glow-in-the-dark stars with my glow-in-the-dark nail polish to convince me that beauty *can* exist in the dark. In fact, I am now of the opinion that some kinds of beautiful can *only* exist in the dark.

I am also of the opinion that the students and faculty at BYU Law are one kind of beautiful.

As your classmate, I have observed, celebrated with, learned from, prayed for, and cried with you. All along the way, I have enjoyed and basked in the light you have so relentlessly given to your causes and friends and families—despite the darkness. In this historic time, you glow in the dark. And as someone who occasionally lives in and is still afraid of the dark, I just wanted you to know that your light has meant something to me.



## Succeeding Through Overcoming

By Shannon Grandy, '11, Assistant Dean of Career Development, BYU Law

Elder Richard G. Scott taught:

*I know that each one of you faces overwhelming challenges. Sometimes they are so concentrated, so unrelenting, that you may feel they are beyond your capacity to control.*

*Don't face the world alone. "Trust in the Lord with all thine heart; and lean not unto thine own understanding" (Proverbs 3:5).*

*... It was intended that life be a challenge, not so that you would fail, but that you might succeed through overcoming.<sup>1</sup>*

"Succeed through overcoming" sounds like one definition of *resilience*. Here are a few more:

- ♦ Resilience is the belief and understanding that disruptions are opportunities and that opportunities are created rather than handed out.
- ♦ Resilience is embracing the charge to act and not be acted upon.
- ♦ Resilience is having the flexibility and confidence to move forward even when the ground beneath you is shifting. The sooner you can acknowledge that the rules have changed and find a way to move past the unfairness of those changes, the sooner you can pivot. You can adapt yourself and your behaviors to create opportunities.

In watching others "succeed through overcoming," I am sometimes tempted to believe that resilience must come more naturally to others than it does to me. But with Heavenly Father's help, it is available to all of us.

One bit of wisdom that has guided and comforted me is the adage "Sometimes the only way *to* is *through*." Some of the most important things I have learned about myself have come because of experiences I have lived through. I started law school unsure of my purpose, with imposter syndrome, with surprisingly little interest in the law, and with plenty of anxiety and fear. I have since learned that I can

- ♦ make it through law school finals (and more than one round of them!)
- ♦ write a 30-page paper
- ♦ pass two bar exams
- ♦ find a job after graduation
- ♦ take a deposition
- ♦ get a good result for a client
- ♦ be a parent
- ♦ go through a divorce
- ♦ work as an assistant dean at BYU Law

I have learned that the girl who was so nervous on the first day of law school is capable beyond her own estimation.

My hope for you is that you start to see yourself in that light earlier in your life and legal career than I did in mine. I assure you that, as you push yourself toward the edge of your capacity, you will often discover that you are more capable than you imagined.

My good friend Deanna fortifies my faith and speaks boldly about things like

resilience, hope, confidence, and growth. This summer, when I was considering whether to apply for my current position and was weighed down by the effects of the pandemic and my own limitations, she sent me this text message:

*I understand the fear of failure. I think you can't forget to factor in the regret you might feel for playing small. [The new job] might take your time, but doesn't your job already take a lot of time? I think the fear of failure doesn't serve you, especially as you can see direct ways in which the Lord has opened doors to help you find a safe and happy life. He does not set us up to fail. It doesn't serve Him when we play small. You are magnificent. You reflect His light when you succeed, especially when you have to take those scary steps into the darkness and wait for the light to show the next step. He has had you and your girls so close and has not missed a breath. Have faith that there is room for you to grow! Your confidence will grow as you keep tackling new challenges.*

Everyone needs a Deanna in their lives.

If you need to be reminded that you are capable and that good things are in store for you, rely on my assurance that that is the case. Let me help hold the light while you find your way. You are capable beyond your estimation.

NOTE

- 1 Richard G. Scott, "Trust in the Lord," *Ensign*, May 1989.





## Seeing the Lord's Hand Through Our Trials

By Gary Buckway, IT Manager, BYU Law

After finishing a great first semester at BYU, I flew home for the holidays. Two days before I was to go back to school, my parents, who were self-employed, told me that their business wasn't doing well and that they would not have the means to continue to support me at BYU.

I didn't know what I was going to do, but I had a round-trip ticket to Utah, so I got on the airplane and flew back. I got a short-term loan and found a job—the last one left on the job board. With the help of a lot of people, I made it through school that year.

When I got home that summer, I repaid the \$300 loan that I had taken out for tuition and went to work with my father, who was a commercial drapery installer. His business was picking up, and we traveled to Washington, DC, together to install drapes at a college there.

Partway through the job, my father sat down and told me that something was the matter with him and he needed me to finish without him. I was nervous, but I was determined to do the best I could. I finished the job, and we drove home. My father immediately went into the hospital, and we found out that he had had a heart attack while we were in DC.

My father was in the hospital for 40 days. When he came out, the doctors told us that he was totally disabled. I was supposed to be heading out on a mission, but the stake president suggested that I hold off on my mission for a time and, instead, stay home to support my family. So, at 18 years old, I sought employment to support our family. Ward members helped me out again. I found a job, and for a year I worked and handed over the check to my folks and supported my family with a little bit of help from the Church.

Little by little, things got better. My dad's health improved, and we put the system into place for him to get disability. After a time, I went back to the stake president to discuss a mission. He told me that he knew I was ready and that he had already sent my papers in.

I was called to the Iceland mission. The mission did not exist the year before, when I had originally planned to go. In fact, my companion and I were the first missionaries to go to Iceland, and we worked with the mission president and his family to open up that area to missionary work.

My ward in Dayton, Ohio, supported me on my mission, which was an unexpected blessing. In addition, after about 18 months in the mission field, I learned that the company I had worked for prior to my mission had not paid me enough. I had been receiving \$3 an hour, from which we paid our tithes, but I was supposed to have been getting paid \$4.50 an hour. I received notice that they were going to send me a check for one year of wages at \$1.50 an hour. With that check, I was able to finish paying for my mission and have some money left over to go back to school. The windows of heaven truly opened for us at that time.

From these and other life experiences, I have identified three things we can turn to when we are down. One is our patriarchal blessings. Because of my patriarchal blessing, I knew I was going to go on a mission. I didn't know when it would happen, but I knew I would go. Second, there are others ready and willing to help. People stepped in to help me when I went back to BYU not knowing what I was going to do to pay for school after my first semester. Ward members and others helped me find a job when I needed to provide for my family and then supported me on my mission. Third, each of us is a child of God, and He wants us to succeed. He wants the very best for us, and He has put specific trials in each of our lives to help us do better. Remembering these things will help take us through the present and into the future.

## Choosing Joy

By Maureen Holman, Administrative Assistant, Howard W. Hunter Law Library, BYU Law

In the October 2020 general conference, Elder Jeremy R. Jaggi shared an experience that his family had when his brother passed away from cancer. He said, "The year after he died, we felt like a dark cloud overshadowed us. We sought refuge in studying our scriptures, praying with more fervency, and attending the temple more frequently."<sup>1</sup> Elder Jaggi talked about studying *Come, Follow Me* and coming across the counsel in James 1:2 to "count it all joy when ye fall into many afflictions."<sup>2</sup>

The family decided that 2020 was going to be their year of joy. However, as Elder Jaggi noted, 2020 hasn't always been a year of joy, and it hasn't turned out the way they thought it would. But James 1:3–4 teaches: "Knowing this, that the trying of your faith worketh patience. But let patience have her perfect work, that ye may be perfect and entire, wanting nothing." Elder Jaggi made the point "that having patience is the key to letting . . . trials work for our good."<sup>3</sup>

Becoming more resilient and having hope in the face of adversity is not something that comes naturally. It must be developed over time. I have been reflecting on some of the things that have strengthened my resilience and hope.

Something that has helped me is to follow the example of others. I was blessed with a mother who I describe as an eternal optimist. Even though she suffered many physical challenges, she chose to live her life with joy and to look for the good in any situation. What a blessing that was for me growing up.

The pandemic has brought many challenges to our work in the library this year. We have had to solve many problems, such as where to find plexiglass, how to safely serve our students and faculty, how to adjust work schedules for students in quarantine, how to sanitize study spaces, and more. It has been very stressful at times. In addition, many of our library employees have also faced personal challenges, including cancer diagnoses and other serious health issues, surgeries, loss of loved ones, and

♦ ♦ ♦  
Each of us is a  
CHILD of GOD,  
and He wants  
us to succeed.  
♦ ♦ ♦

evacuation due to wildfires. Through it all, they continue to work, often in person, to ensure that we can provide the best service possible. They move forward one day at a time with courage and optimism. I am surrounded by resilient people.

Another thing that helps me face my challenges is to trust in God and have the courage to act. As a teenager I was taught that through His Atonement, Jesus Christ could make up the difference for our weaknesses if we gave our best effort. When I was in high school, I was given the opportunity to be a leader, which was very scary to me. I felt inadequate and unprepared. But I chose to experiment upon the words I had been taught and trust that God would inspire, guide, and strengthen me and make me more than I was. It worked!

I felt His strengthening power and was able to be successful. That experience strengthened my testimony and gave me courage to take on the next challenge. I knew that I could trust Heavenly Father to walk by my side.

I have also learned that I have control over how I face a situation. As a young mother, I heard a quote by Martha Washington:

*I am still determined to be cheerful and to be happy in whatever situation I may be, for I have also learnt from experience that the greater part of our happiness or misery depends upon our dispositions, and not upon our circumstances.*<sup>4</sup>

I put that quote on my fridge, and it became my mantra. I read it every day as I cooked,

cleaned, and cared for my family. It reminded me that my attitude was my choice and that I could make the best out of every moment if I wanted to.

It is my testimony that we can “count it all joy” even when we “fall into many afflictions.”

#### NOTES

- 1 Jeremy R. Jaggi, “Let Patience Have Her Perfect Work, and Count It All Joy!” *Ensign*, November 2020.
- 2 Joseph Smith Translation, James 1:2.
- 3 Jaggi, “Let Patience Have Her Perfect Work.”
- 4 Martha Washington, letter to Mercy Otis Warren, December 26, 1789, New York, in “Worthy Partner”: *The Papers of Martha Washington*, comp. Joseph E. Fields (Westport, Connecticut: Greenwood Press, 1994), 224; spelling modernized.

## Building Community in Challenging Times

By Ruben Felix, 3L, BYU Law

This semester has been unique. The effects of the pandemic have not gone away but have compounded. Things have become even harder and more challenging for many of us.

I have witnessed firsthand some of the burdens my classmates are carrying: loss of family members and other heavy family concerns, mental health issues, significant financial challenges, and trying to figure out how they fit into the community, both at BYU and in Utah. Add to that the taxing academic pressures associated with law school and now a pandemic. Many of these burdens are rarely seen under normal circumstances; they are even more hidden with the move to remote learning and limited in-person interaction.

In a time when we are all struggling to keep our heads above water, it is easy to focus on ourselves and our individual needs. Our time and other resources are precious. The law school environment is one where students typically seek to gain a competitive advantage; it is an environment based on scarcity, where individuals take more than they give.

Although we might believe that this semester has robbed us of the opportunity to

obtain a legal education in a traditional setting, this semester is offering us the opportunity to obtain a more fundamental type of education. This pandemic has allowed us to see a collective challenge—one we face with often-inadequate efforts in times of apparent tranquility—and is inviting us to come up with a collective solution.

The truth is that if something affects some of us, it affects all of us; leadership and discipleship are manifest in fighting the ills we face as communities, not just as individuals. This is a lesson that we can build our careers and our lives around. I believe this experience will significantly shape who we will be as lawyers, judges, prosecutors, and legislators or in any other career path in the legal field.

My invitation in this challenging time is simple: it is to give. Identify one or two people you have not talked to or seen much of this semester and reach out to them. Ask them how they are doing. Establish a connection. We might have to get creative. Do what you can to bear their burdens with them and empower them—academically, emotionally, or spiritually. Change their experience. And if you are in need of help, please provide an opportunity for one of us to help.

I believe that every challenge in life is an invitation to change and improve. In the words of Victor Frankl, “When we are no longer able to change a situation . . . we are challenged to change ourselves.”<sup>1</sup>

Crises provide valuable testing ground to measure who we are as individuals, communities, and societies. They invite us to look inward, identify underlying weaknesses, and leverage our collective efforts to learn, grow, and improve together. The question is, will we allow this pandemic to teach us about the power of community, or will we continue on our own way? Let’s find ways to share our time, gifts, and talents for the benefit of our community.

When I think of this law school and the students who have come here, I have hope. I have seen your brilliance and your work ethic. I have enjoyed your sense of humor. I have seen and experienced the relationships that have been forged. I am the beneficiary of friends, professors, and administrators who have lifted me up when I was down and put me back together when I fell apart.

I know that we will step up to this challenge and come together as a stronger, tighter-knit community and show our resilience during these trying times. I know that we will not lose any of the right career opportunities by choosing to do the right things but that the right opportunities will come as a consequence of doing the right things.

#### NOTE

- 1 Viktor E. Frankl, *Man’s Search for Meaning* (Boston: Beacon Press, 2006), 112.

## God of the Breakthrough

By Bryan Hamblin, Assistant Dean of Student Affairs, BYU Law

Three thoughts have stuck with me during this unusual time. Over two decades ago, I stumbled upon the poetry of Nikki Giovanni as a friend and I were killing time before a movie at Barnes & Noble. I pulled her book off the shelf and fell in love with her voice. She has a delightful poem called “Alone” that has come to my mind more than once during the pandemic.

*i can be  
alone by myself  
i was  
lonely alone  
now i'm lonely  
with you  
something is wrong  
there are flies  
everywhere  
i go<sup>1</sup>*

Sometimes I look around and joke to myself, “Something is wrong; there are flies everywhere I go.” But mostly I notice that “I was lonely alone [and] now I’m lonely with you.” There is a bit of a paradox to this pandemic where we are all feeling lonely together.

For example, this morning as I left for work, my 13-year-old daughter was in tears. She does not enjoy online school. You probably can’t relate to that. Her first-semester choir grade did not come together for her like she was hoping.

I started by telling her some of the things I tell law students. I asked her, “At this point, have you done all that you can do? Is there anything left with your choir grade that you can control?”

She said, “I’ve done all I can do. There’s nothing else.”

“That’s great!” I replied. “Now we can figure out the next steps. Even if all we do is adjust how we organize your homework for next semester.”

She said, “You don’t understand, Dad! If I get a bad grade in choir, I could get kicked out of student government, and that’s the only class that hasn’t been ruined this semester!”

I said, “Okay. Well, do you remember last month when we were talking about cognitive distortions? What you’re doing right now is called catastrophizing.” Friends, let me tell you, that was not the right “dad thing” to say. She was not in a place where she wanted me to fix things. So I gave her a hug and said we would do something fun that night. We would take care of it together.

Everyone is feeling the weight of this year—students, faculty, staff, families, strangers, everyone. That is my first message: I feel very deeply that we are all in this together.

This year reminds me of 2008, when I graduated from law school. The Great Recession rocked the legal industry. I had friends who got jobs and were then laid off and friends who struggled to find jobs. It was a very stressful year for me and was filled with uncertainty.

I wanted to go back into higher education and had two job interviews lined up. The day before the first one, I got a phone call that said there was a statewide hiring freeze and they


had to put everything on hold. For nine months I was trying to figure out plan B and C and D as I worked odd jobs: I did research and made phone calls for a solo practitioner, I was a long-term substitute teacher for AP history at Bountiful High School, my wife and I volunteered at the gym daycare so we could get free memberships, and more.

Here is the weird part. It was stressful, but I would not trade that year for anything. It gave me the opportunity to reassess and reset. My wife and I talked a lot about what we wanted in life and set new goals. I was able to get back in shape. I read more books for fun than I had for years. It turned out to be a very healthy and productive time. So this is my second message: unexpected opportunities and blessings come in hard times, even if it is just an opportunity to deepen our empathy.

Finally, there is a wonderful moment in 2 Samuel 5:19–20. David had just been crowned king of Israel, and the Philistines were gathered against him. I don’t know about you, but I imagine that would feel fairly overwhelming!

*And David enquired of the Lord, saying, Shall I go up to the Philistines? wilt thou deliver them into mine hand? And the Lord said unto David, Go up: for I will doubtless deliver the Philistines into thine hand.*

*And David came to Baal-perazim, and David smote them there, and said, The Lord hath broken forth upon mine enemies before me, as the breach of waters. Therefore he called the name of that place Baal-perazim.*

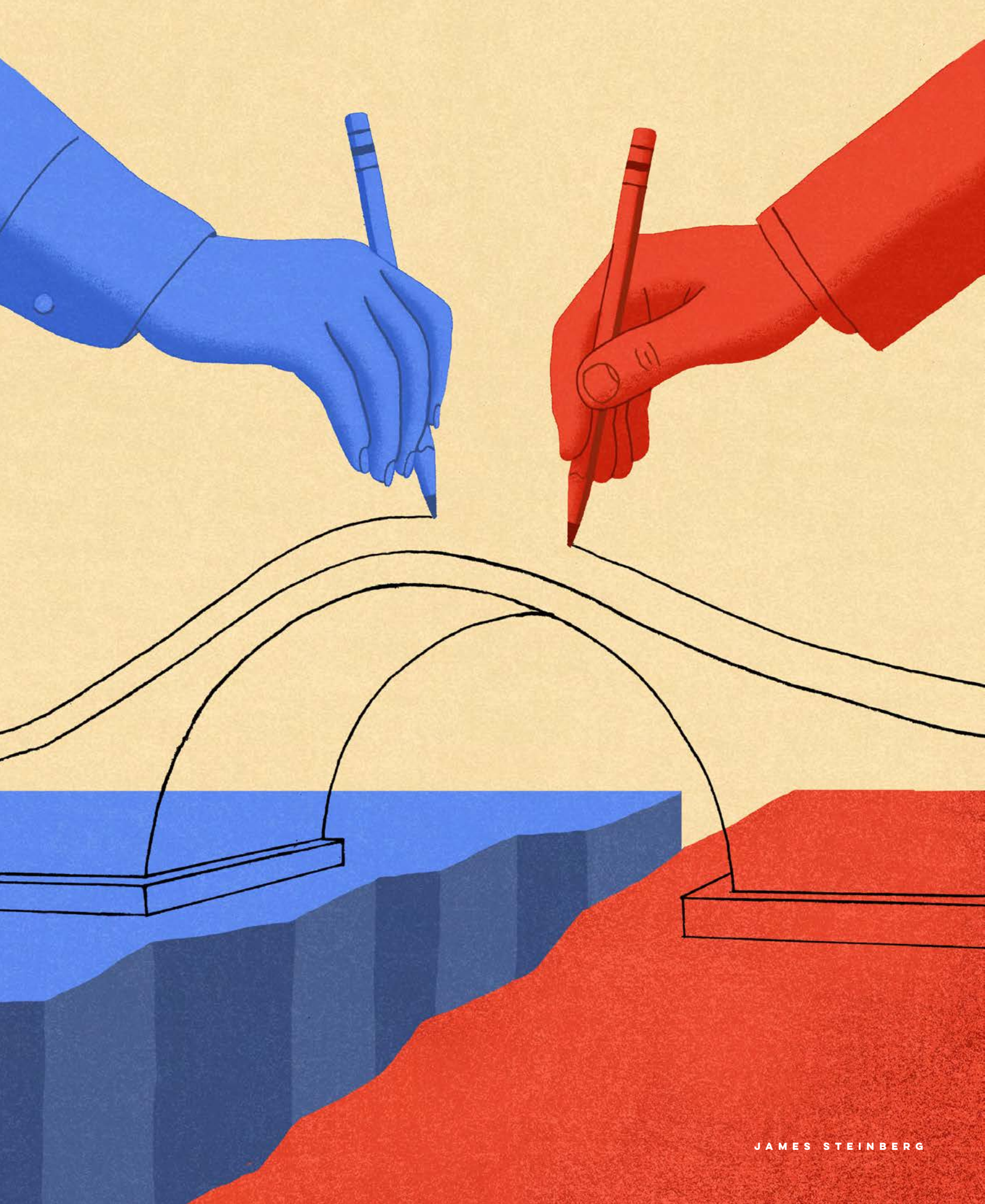
*Baal-peraz* means “God of the breakthrough.” Sometimes it might take a while, like water breaching rock, but I do know that the breakthrough will come. And that is my third reminder: We are not alone. God is with us, and He is God of the breakthrough. 

### NOTE

- 1 Nikki Giovanni, “Alone,” in *The Collected Poetry of Nikki Giovanni, 1968–1998* (New York: Harper Perennial, 2007), 96.









# T H E U N I T Y P A R A D O X

As I considered the theme for this event, “Our Voices, Our Education, Our World,” a few thoughts kept resurfacing in my mind, including insights shared by Arthur Brooks in his 2019 commencement address at BYU. He said:

*If you pay attention to politics or television or social media, what do you see today? You see recrimination, reproach, insults, and sarcasm. You see leaders at the highest levels of our country who bully and berate those with whom they disagree. You see families torn apart over political disagreements. You see political foes who treat each other as enemies.<sup>1</sup>*

And I would add that this is not the problem of a single individual or political party; it happens among too many of us, all across the board. Remember, Dr. Brooks said this in April 2019. He had not yet seen the many surprises and losses that 2020 would bring: a global pandemic, a severe economic downturn, devastating wildfires, other extreme weather events, an awakening surrounding racial justice, and much more that we are each experiencing at both an individual and a community level. It can be a tough task to even describe 2020 and this moment in our collective lives. It is difficult. Tense. Unpredictable. In some ways it is exciting, as constant change has prompted creativity and innovation. It certainly will be memorable for those of us who live through this time.

**BY MELINDA BOWEN, '10**

Founder and Executive Director of the  
Utah Center for Legal Inclusion

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*This address was delivered at a JRCLS  
Women in Law event on September 30, 2020.*

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As I reread Dr. Brooks's message, it felt even more relevant than when he gave it over a year ago, especially as he described the time and atmosphere in the United States: "People often characterize the current moment in America as being 'angry,'" but "[t]he problem is not anger—it is *contempt*."<sup>2</sup> Indeed, we are steeped in a "culture of contempt" in which we have developed "a habit of seeing people who disagree with us not as merely incorrect or misguided but as worthless."<sup>3</sup>

Although most of us may not feel like we are treating others in this way, Dr. Brooks's words made me stop and think about whether and how I was allowing contempt to creep into my interactions and relationships. Fortunately, Dr. Brooks also provided his own proposed cure for contempt. In his view, love is the key to combating contempt.

While I agree that love is critical, perhaps a related value can also help. Over the past several months, many leaders have focused on *unity* as a key ingredient to help us heal and recover from the wounds we have incurred this year, and perhaps for much longer. Unfortunately, as I listen to these calls for unity, it often seems that the speakers may not be asking for true unity despite their use of the word. Instead, they seem to be asking others to get on board with one particular viewpoint—usually theirs. While it may seem appropriate to ask people to give up individual idiosyncrasies or to become more like each other, true unity, in my opinion, cannot be achieved by forcing people to fit into a set mold. That is not to say that we should not try to compromise and reach common understanding. We absolutely need to do both. But I hope we don't expect people to abandon their unique identities in the name of achieving unity.

Austin Channing Brown has cited the late Native American scholar Richard Twiss as saying, "In order for there to be unity, there must first be diversity."<sup>4</sup> This statement seems to raise a paradox, or a "situation exhibiting an apparently contradictory nature."<sup>5</sup> But I believe Dr. Twiss was correct. Ms. Brown similarly agreed:

[Richard Twiss] *so clearly, so succinctly declares that if we are all the same, if we are not diverse, then we have achieved nothing. But if we are diverse, if there must be an act of*

*coming together, if we are distinct and choose to be one—then we have achieved unity.*<sup>6</sup>

So how can we come together in our diversity? I hope to make the case that specific efforts will help us progress toward true unity to last through this year and beyond. I also hope to make the case that lawyers and law students are uniquely situated to address this very issue. Indeed, a legal education equips us with vital tools to do the work necessary to eliminate the current culture of contempt that Dr. Brooks so aptly described.

Many years ago, John W. Davis, an alum of the law firm Davis Polk, described the work of attorneys in this way:

*True, we build no bridges. We raise no towers. We construct no engines. We paint no pictures—unless as amateurs for our own principal amusement. There is little of all that we do which the eye of man can see. But we smooth out difficulties; we relieve stress; we correct mistakes; we take up other men's burdens and by our efforts we make possible the peaceful life of men [and women] in a peaceful state.*<sup>7</sup>

The theme for this conference provides the perfect framework for this discussion because it captures the unity paradox perfectly and at the same time gives us three distinct areas in which we can make progress in our quest toward unity: "Our Voices, Our Education, Our World." At the outset, the word *our* invokes both concepts central to true unity: individuality and community. We cannot talk solely about one person's voice, education, and world. Instead, voices, education, and the world belong to all of us—and require all of us. We are part of a larger group, but we also must claim individual ownership of the work of unity, with our voices being necessary, our education providing critical tools, and our world giving the place for us to serve.

## OUR VOICES

To foster unity, we first must use and hear our voices. As a threshold matter, however, none of us can use our voice effectively until we know the origin and sound of that voice. In other words, we need to understand our

past and discover how the past informs what we plan to do with the future.

Malcolm Gladwell, in his book *Outliers*, explained:

*People don't rise from nothing. We do owe something to parentage and patronage. The people who stand before kings may look like they did it all by themselves. But in fact they are invariably the beneficiaries of hidden advantages and extraordinary opportunities and cultural legacies that allow them to learn and work hard and make sense of the world in ways others cannot. . . . The culture we belong to and the legacies passed down by our forebears shape the patterns of our achievement in ways we cannot begin to imagine. It's not enough to ask what successful people are like. . . . It is only by asking where they are from that we can unravel the logic behind who succeeds and who doesn't.*<sup>8</sup>

This is not to suggest that only those from certain backgrounds can be successful in the law or in the work of unity. But I am suggesting that knowing where we come from is a critical step in progressing on our individual journeys in the law and in life.

This idea is further supported by research published by professors at Emory University's Family Narratives Lab. These scholars found that knowing one's personal history correlates with significant benefits. Specifically, in homes where family narratives were shared openly, children had greater ability to cope with challenges, along with "better self-esteem, higher levels of social competence, higher quality friendships, and less anxiety and stress."<sup>9</sup> In sum, knowing family stories seemed to add to the children's toolbox from which they could draw in difficult situations, like the many we are facing currently.

Similar to children, we can reap substantial rewards by understanding our own histories. This includes both our personal narratives and those shared by lawyers as a community.

As an individual, my own narrative is formed by the combined stories of many people in my life. My great-grandfather Pedro Wayas emigrated with his young family from the Philippines to Hawaii in 1923. His son, my grandfather Aurelio, was only about four at the time. Great-Grandpa



Pedro (or, as my dad called him, Papa) came to Hawaii to work as a contract laborer in the sugar cane plantations. He worked daily for decades in this incredibly intense manual labor. He became a US citizen the year I was born, 1983, at the age of 101. My grandpa Aurelio grew up in Hawaii, where he met my grandma Madeline, a Native Hawaiian, and they married and had seven kids, my dad being number six.

By contrast, my mom grew up in Provo, Utah. Her dad passed away when my mom was only five years old. As a young widow, my grandma Josephine Wentz became a teacher, and when my mom was about to start her senior year in high school, Grandma enrolled in a teacher-exchange program, in which she swapped classrooms and homes with a Hawaiian teacher. So the Hawaiian teacher came to Provo, and Grandma and her three girls, including my mom, landed on the North Shore of Oahu. My parents met there when my dad returned to Hawaii after a tour of duty in Vietnam and were married shortly thereafter. After living on Oahu for several years, my parents moved to Utah, where my dad worked multiple jobs to support our family. My mom also worked multiple jobs until she returned to her college studies once her eight kids were all in school. She earned her associate's degree and became a registered nurse when I was about 12 years old.

Each of us comes to our current circumstances with histories like this, histories that are propping us up or motivating us to enact change for future generations. I share my own story in part because it is the story I know best, but also as an illustration. The study of law often involves the study of individual cases, or individual stories, that illustrate larger principles and doctrines. Thus, studying and practicing law requires the ability to create meaning from a collection of stories. The lesson that I take away from my own personal story and that informs my work in the law is one of hard work and sacrifice for a greater good. My parents, grandparents, and great-grandparents created that legacy for me. I often think about Papa Pedro, my grandma, and my parents, all of whom took incredible risks and made immeasurable sacrifices for their families. Their work made it possible for me to live

my current life as a lawyer. I hope to use my own voice to reiterate and reinforce the same message that, with hard work and purpose, anyone can improve and progress, and anyone can advance the greater good for families and communities.

Each person's story will be different. So please share your story. It may help another person to see a path forward. And let's also work to invite, listen to, and learn from the stories of other lawyers and to appreciate how we come to similar places from different origins. Let's create an environment of inclusion, where each person can recognize his or her valuable voice and wants to share a unique story.

Perhaps your own story does not include a supportive family structure, or maybe it is difficult to identify specific lessons in your own personal narrative. Luckily for all of us, we can also draw on the stories and voices of lawyers who have contributed to our collective legacy. Take, for example, Phoebe Couzins, the first woman to graduate from law school in the United States and the first woman to be admitted to practice law in Utah. Ms. Couzins has a complicated story, as we all do, and some parts of her life may not seem particularly worthy of emulation. For instance, she opposed the passage of the



*Justice Ruth Bader Ginsburg*

## Kahuku's oldest

By Kris M. Tanahara  
Advertiser Staff Writer

Kahuku's oldest resident, who was born 11 years before the Hawaiian monarchy was overthrown in 1893, died Dec. 29 from natural causes. He was 109.

Pedro Pataganso Wayas, a retired sugar plantation irrigator, died at his home in Kahuku.

His grandson, Bobby Cartwright, attributed his grandfather's longevity to religion.

"He would pray in the morning and in the evening. He was really into his church," he said. Wayas belonged to St. Roch's Catholic Church.

Wayas' family said he was born on Feb. 22, 1882 in the Philippine province of Cebu.

He arrived in Hawaii in 1903 and started work at the Kahuku plantation less than a week later, working as irrigator for more than 30 years. When he retired in 1913, he was earning \$44.50 a month.

Wayas became an American citizen in 1983 at the age of 101. "A very gentle man," said Lele Wright, Wayas' son-in-law.

"He had very much loved children and grandchildren. He really had a lot of love for his family," said Cartwright. Cartwright had been caring for his father-in-law for the last years. In 1990 Wayas' daughter, a nurse, passed away. Cartwright is now 85.

Other obituaries on Page D14

### *Great-Grandpa Pedro Wayas*

Fifteenth Amendment, which granted the right to vote to all men, in particular Black men. Many other suffragists at the time held similar views, and those can be hard to understand with our current view of the world. But regardless of how we feel about each of her opinions, Ms. Couzins nonetheless paved the way for women to enter the legal profession, and she used her voice to advance the suffrage movement, even though she died before the passage of the Nineteenth Amendment.

One of my own personal heroes, the late Justice Ruth Bader Ginsburg, similarly took on unique challenges for which there was not clear precedent. She used her voice to advocate for and protect equality under the law. When Justice Ginsburg attended law school, there were only nine women in her class of 561. Now women comprise more than half of law students nationwide. When Justice Ginsburg was a lawyer for the American Civil Liberties Union, she won five of the six cases she argued before the United States Supreme Court. She advanced these cases strategically, in a way that incrementally led the Court to the conclusion that the Constitution prohibits discrimination based on sex. Now federal and state laws cannot discriminate against women in the ways they previously did, including by limiting access to education, employment, healthcare, mortgages, credit cards, housing, and other basic rights that we now take for granted. The work certainly is not done in the realm of gender equity, but Justice Ginsburg laid an incredible foundation.

From both Phoebe Couzins and Justice Ginsburg, we can be motivated to pursue the visions we have individually. As Justice

Ginsburg said, “Fight for the things that you care about, but do it in a way that will lead others to join you.”<sup>10</sup> If something hasn’t been done, either in your family or in the community, and you want to do it, do it. Even if there is not a clear path laid out, be creative, exercise your grit, and do it. In the law, we focus on precedent and the importance of drawing on past cases as the basis for current legal doctrines. But often the precedent doesn’t fit, and it almost never fits perfectly. In each case, lawyers must be creative and thoughtful and forward thinking in considering how to approach every issue. Similarly, in the work of unity, let’s move forward with the same creativity and confidence, knowing that others in the past have laid important groundwork. But if the precedent has not been created, we too can lay the groundwork for future generations, including future lawyers. Particularly right now, there may not be clear solutions to the problems that 2020 has unveiled. But we can come together and lend our voices to the work of progress and improvement.

Representative Alexandria Ocasio-Cortez recently raised a few questions in an Instagram live video. Regardless of how you feel about her from a political perspective, I felt these questions were poignant in our current moment. To paraphrase, she asked, What do you personally have to give? What are you willing to share in terms of resources, time, talents, and relationships?<sup>11</sup> To put it in the words of our theme, What is your voice that can contribute to our collective work of unity? Each of us has something to give and something to share. Identify your thing and add it to the work of unity.

Even if you are new to the profession and feel like the path is unclear at best, or even if you have been in the law for some time and feel like you don’t know what the next steps may be, know that you are not alone. Although we each have an individual story and individual strengths to add, we also need each other. Kathy Sullivan is a scientist who has worked with NASA and the National Weather Service. I love this thought she has shared: “The only thing any of us can do completely on our own is to have the start of a good idea.”<sup>12</sup> Let’s bring each of our beginnings of good ideas

together and build on and develop them together. Let’s bring our individual voices and add them to the larger community of *our* voices. As we do so, we can speak the message of unity.

## OUR EDUCATION

The next piece of our theme is education—our education. Again, this is an area where we embark on individualized journeys, but education involves the group as a whole. A legal education in particular gives each student incredible tools that can be utilized to bring people and causes together. Law students learn to read and think critically and creatively, to assess issues and problems fully and objectively, and to see and understand the many different sides of a single situation. For me, however, one of the most valuable lessons I learned in law school was how to fail.

On the first day of orientation for law school, I was nervous but excited. In our opening session, then dean Kevin J Worthen gave his first remarks to our class. When he stood, he described the amazing credentials and successes of my classmates up to that point. After hearing about these achievements and experiencing some classes with my bright, capable colleagues, I became rather intimidated, and my competitive nature rose to the surface. My initial thoughts were, “I don’t know how I’ll be able to compete with these people.” In other words, imposter syndrome was operating at full capacity.

Fortunately for me, I sat in the Law School carrels next to an incredible friend named Lance. I don’t remember his exact phrasing, but when I told Lance how I was feeling, he said something to the effect that he felt so privileged to be around people who were brilliant and with whom he could have intelligent conversations every day. Starting then, I tried to remember the honor of being around people who challenged and interested me. As C. S. Lewis suggested, “People who bore one another should meet seldom; people who interest one another, often.”<sup>13</sup> Certainly my law school experience afforded me the opportunity to meet often with interesting people. And certainly it was not boring.

But I was right to be concerned that I would fail. I certainly failed. My failures were not the result of an inability to measure up to my classmates, but I had many failures nonetheless: classes that didn’t go as I had hoped, jobs that didn’t materialize, times when I acted poorly with people I cared about, and many others. To illustrate, my bio mentions that I had the opportunity to clerk for two federal judges. What it does not mention is that I had the opportunity to be rejected by literally dozens of other judges as I applied for clerkships over the course of multiple years. I failed so often in job applications and other pursuits in law school that it made me feel like I could handle any disappointment and any form of rejection I would ever face. Then, when I did succeed in securing clerkships, they were with judges whom I admire and respect, they came at times that worked much better for my family and our specific circumstances, and they were in settings where I was ready to learn much more than I might have if the clerkships had come earlier.

In short, every person who enrolls in law school will experience some form of failure. I hope we can see how good those failures can be. In his first campus-wide address as BYU president, former Dean Worthen, now President Worthen, pleaded with the BYU student body “to learn how to fail successfully.”<sup>14</sup> President Worthen shared an experience from his time as a young associate at a large law firm. While there, he prepared a research memo for a partner at the firm. He was sure he had provided helpful recommendations as to the particular legal issue that he had researched. When he turned in the memo, however, the partner abruptly stated, “This can’t be the law.” Although President Worthen pushed back a little, the partner did not relent and told President Worthen to try again.

After doing additional work and examining the problem from new angles, President Worthen presented a new memo, which satisfied the partner this time. While discussing the revisions, President Worthen asked the partner how he had known that the first memo could not be right, even though he hadn’t personally done the research.

President Worthen described the exchange:



*When I asked him what it was that allowed him to almost intuit the right answer to the problem, he replied, "It takes good judgment."*

*"And how do you acquire good judgment?" I asked.*

*"Good judgment," he said, "comes from experience."*

*Then, after pausing for just a few seconds and with only a hint of a smile, he added, "And experience comes from bad judgment." In other words, from failing.*

President Worthen continued with this advice:

*Challenge yourself, academically and in other ways. You may discover skills, talents, and joys you would otherwise miss out on. Your mortal experience will be a more productive part of your quest for perfection if you intentionally stretch yourself with new challenges, especially those that involve a real risk of failure. As someone once observed, "If you aren't in over your head, how do you know how tall you are?"<sup>15</sup>*

For those of you considering law school, I would reiterate President Worthen's words: challenge yourself and do not be afraid to fail. Failure will happen, but we can all build the stamina necessary to fail successfully, along with the ability to build something positive from those experiences. Failure can also lead to judgment and wisdom that simply cannot be gained by staying on easy paths and playing it safe. A life in the law is difficult and may be riddled with failures, but the journey is more

*Alice and Henry Kasai, 1937*

rewarding and empowering than I personally could have imagined, and more so than almost anything else I have experienced in my life.

Failure and its educational value is similarly critical to the advancement of unity. In our relationships and interactions with one another, we may be afraid of saying the wrong thing, acting inappropriately, or otherwise messing up, particularly when we work and live with people who are different than we are. We may avoid topics or people because it seems more comfortable to stay in the realm of pleasantries and light conversation. But we cannot let fear be a reason to shy away from challenging situations. We cannot avoid real life because we are afraid to fail. It has been said that "you don't get unity by ignoring the questions that have to be faced."<sup>16</sup>

As we try to create environments welcoming to all people and their diverse lives, we will inevitably make mistakes. We will say the wrong thing, we will act inappropriately in certain situations, and we will mess up. But that does not mean that we should not try. In the pursuit of unity, we can own our mistakes, learn from them, and continually try to improve. I would also add that we can show grace in the face of failures made by those around us. Others will say the wrong thing to us at times, they will act inappropriately, and they will mess up. Although these situations will be difficult, the real loss will come if we use

others' failures as excuses to turn away or if we invite contempt into our lives by labeling others as unworthy of our time and attention because they have failed us in some way. While I don't believe we should simply overlook bad behavior, we can work together—each of us in our own flawed condition—and help each other learn where and how we can do better. Perhaps now more than ever we need people who can do this hard work, who can educate themselves in the law, in interpersonal relations, in recovering from failure—people who can recognize that our differences and diversities also include different shortcomings and blind spots. And as we bring our own strengths while at the same time embracing failure as a learning tool, we can all progress in our education.

## OUR WORLD

Finally, our voices and our education must be used to make our world a better place. Our ability to do so will depend in large part on our willingness to invest in the world and engage with its problems and promises. It can be tempting to look away from current events because they are sad, because we don't know how to respond, or because a particular issue doesn't seem to affect us in a tangible way. But, as Brené Brown urges, let's choose compassion and courage rather than comfort and control.<sup>17</sup>

This year we celebrate the work of the myriad brave women who fought for the right to vote. One hundred years ago, these women saw the culmination of decades of effort when the Nineteenth Amendment was ratified. But the right to vote did not automatically extend to all women. Black women worked alongside White women throughout the years of suffrage advocacy. These Black women sought true universal suffrage, but many knew they would not personally get the vote for which they were advocating. It was not until 1965, with the passage of the Voting Rights Act, that Black women were granted full suffrage under the law. Even today, however, voter suppression continues, particularly in minority communities.

In Utah, Alice Kasai worked in similar ways. A biography compiled by Better Days 2020 aptly describes her contributions:



*As a civil rights leader in Utah, Alice Kasai devoted her life to empowering, mentoring, and advocating for the rights of Japanese Americans and other disenfranchised groups. Despite experiencing firsthand the injustices of racial bigotry, she remained patriotic, optimistic, and relentless in her lifelong activism on behalf of Japanese Americans as well as minority and women's rights on a broader scale. . . .*

*During World War II, Alice's husband, Henry, was arrested and placed in an internment camp for Japanese community leaders. His two-and-a-half year internment propelled Alice into serving as the first woman president of the Japanese American Citizens League (JACL) in Salt Lake City during his absence. Her home became the league headquarters, and Alice became a powerful advocate for the Japanese community in Utah as she helped coordinate help for families in relocation camps. After the war, she and her husband continued to lobby for citizenship and other civil rights for Japanese immigrants. [This was during a time when access to many rights for Japanese Americans and immigrants, including the right to vote, was substantially limited.]<sup>18</sup>*

Ms. Kasai's work continued throughout her life and included efforts related to fair housing, employment, education, and other minority rights. She worked extensively with the PTA, NAACP, Meals on Wheels, and many other groups. When she passed away in 2007, Ms. Kasai's obituary stated, "The intention that drove all her endeavors was her strong belief in the oneness of all humankind."<sup>19</sup>

Looking at these examples of Black suffragists and Alice Kasai, we see women who were not afraid to engage in difficult, uncomfortable work on behalf of a cause. We see women with purpose who knew they each had an important role to play in securing rights and opportunities for themselves and for others. As we look at the example of suffragists in particular, the records show that the women and men involved in this cause did not always agree on approaches and strategies. They all came to the cause from diverse perspectives. Although we could debate which of them had the greatest impact or the most effective ideas, for now we can at least see that they all tried and offered what they could. They did not sit

back and simply bemoan the current state of affairs. They did not turn their backs on others simply because they personally would receive no immediate benefit from the work being done. And they did not shy away from the work because it was hard. They went and worked in the world.

Elder Bruce C. Hafen, speaking at BYU Law School, encouraged similar work by lawyers. Paraphrasing the work of the English writer G. K. Chesterton, Elder Hafen shared Mr. Chesterton's categorization of three groups of people: optimists, pessimists, and improvers.

[Mr. Chesterton] concluded that both the optimists and the pessimists look too much at only one side of things. . . . [He observed that] [n]either 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.<sup>20</sup>

Improvers, by contrast, view "things not only with [their] eyes wide open but with [their] hearts wide open as well."<sup>21</sup> They are "willing to grapple with the frustration that comes from facing bravely the uncertainties we encounter."<sup>22</sup>

So as we look at our own current world, let's each ask, How can I be an improver? Perhaps we can each pick one thing to do—just one thing—to engage and invest right now. Maybe it is helping people get registered to vote. Maybe it is engaging in a conversation that you have been avoiding with someone in your life. Maybe it is mentoring or otherwise encouraging another person to pursue his or her goals. Maybe it is using legal skills to solve a problem or to reduce stress for someone else. Let's each choose one thing and see where it leads. We each can be a force for good, incrementally, day by day, in our world.

## CONCLUSION

I will join in this challenge and commit now to use my voice more often and listen to voices from those who are different than I am, to utilize my education and continue to learn,



*Justices Ruth Bader Ginsburg and Antonin Scalia, onstage during opening night of Ariadne auf Naxos at the Washington National Opera, October 24, 2009, in Washington, DC*

and to work with purpose in our world that needs each of us so desperately. Lawyers and others in the legal profession have been doing this work for generations. Let's continue the legacy. And let's be united for good.

To close, I would like to share yet another example from my beloved Justice Ginsburg. In the wake of her death, many people have highlighted the friendship that Justice Ginsburg shared with the late Justice Antonin Scalia. The two justices were basically opposites in terms of judicial philosophy and their personal opinions on various issues, but they shared a deep, meaningful friendship that can be a great model for all of us in terms of working together despite differences.

In 2015 the *Columbia Journal of Law and the Arts* published a comic opera entitled *Scalia/Ginsburg*, written by Derrick Wang, that was meant to be "sung" by Justices Ginsburg and Scalia. The two justices shared a love of opera, and both wrote prefaces to the publication. In her portion of the preface, Justice Ginsburg stated that the final duet, titled "We Are Different. We Are One," captures an important message. In particular, the two justices were "one in [their] reverence for the Constitution, the U.S. judiciary and the Court on which [they] serve[d]."<sup>23</sup> These words are particularly poignant right now, especially for lawyers and law students, as we can likewise be one in our defense of the Constitution, the judiciary, and other important causes and institutions.

The duet proceeds as follows:

Scalia, Ginsburg:  
*We are different.  
We are one.  
The U.S. contradiction—*

Scalia:  
*The tension we adore:*

Scalia, Ginsburg:  
*Separate strands unite in friction  
To protect our country's core.  
This, the strength of our nation,  
Thus is our Court's design:  
We are kindred,  
We are nine.*

Scalia:  
*To strive for definition,*

Ginsburg:  
*To question and engage,*

Scalia:  
*Let us speak to our tradition—*

Ginsburg:  
*Or address a future age.*

Scalia:  
*This, the duty upon us . . .*

Ginsburg:  
*This, the freedom . . .*

Scalia, Ginsburg:  
*. . . To judge how our strands are spun:  
This makes us different:*

Scalia:  
*We are one . . .*

Ginsburg:  
*We are one decision from forging the source  
of tomorrow . . .*

Scalia:  
*One decision from shifting the tide . . .*

Scalia, Ginsburg:  
*Always one decision from charting the course  
we will steer . . .*

*For our future  
Is unclear,  
But one thing is constant—  
The Constitution we revere.  
We are stewards of this trust;  
We uphold it as we must,  
For the work of our Court is just  
Begun . . .*

*And this is why we will see justice done:  
We are different;  
We are one.*<sup>24</sup>

Although no one here is a Supreme Court Justice, we similarly can see justice done or genuine advances in unity only by recognizing and seeing individuals as they are, being willing to talk and collaborate across differences—maybe even celebrating those differences—and utilizing each person's unique strengths and interests to banish contempt from our lives and our communities. We are different. But we are one. Or at least I hope and believe we can be. [cm](#)

#### NOTES

- 1 Arthur C. Brooks, "More Love, Less Contempt," BYU commencement address, Apr. 25, 2019.
- 2 *Id.*; emphasis in original.
- 3 *Id.*
- 4 Austin Channing Brown, "In Honor of Richard Twiss," *Roll Call* (blog), Feb. 11, 2013, [austinchanning.com/blog/2013/2/in-memory-of-richard-twiss](http://austinchanning.com/blog/2013/2/in-memory-of-richard-twiss).
- 5 Dictionary.com, s.v. "paradox."
- 6 Brown, "In Honor of Richard Twiss."
- 7 John W. Davis, speech delivered Mar. 16, 1946, New York City, quoted in "Special Meeting to Celebrate the Seventy-Fifth Anniversary," *Record of the Association of the Bar of the City of New York* 1, no. 3 (Apr. 1946): 102.
- 8 Malcolm Gladwell, *Outliers: The Story of Success* (New York: Little, Brown, and Company, 2008), 19; emphasis in original.
- 9 Carol Clark, "How Family Stories Help Children Weather Hard Times," *eScienceCommons* (blog), Emory University, Apr. 29, 2020, [esciencecommons.blogspot.com/2020/04/how-family-stories-help-children.html](http://esciencecommons.blogspot.com/2020/04/how-family-stories-help-children.html); see also Bruce Feiler, "The Stories That Bind Us," *This Life*, *New York Times*, Mar. 15, 2013, [nytimes.com/2013/03/17/fashion/the-family-stories-that-bind-us-this-life.html](http://nytimes.com/2013/03/17/fashion/the-family-stories-that-bind-us-this-life.html).

- 10 Ruth Bader Ginsburg, in Radcliffe Medal acceptance speech, Harvard University, May 29, 2013; quoted in Alanna Vagianos, "Ruth Bader Ginsburg Tells Young Women: 'Fight for the Things You Care About,'" *Women, HuffPost*, Jun. 2, 2015, [huffpost.com/entry/ruth-bader-ginsburg-fight-for-the-things-you-care-about\\_n\\_7492630](http://huffpost.com/entry/ruth-bader-ginsburg-fight-for-the-things-you-care-about_n_7492630); also Vagianos, "Ruth Bader Ginsburg Tells Young Women: 'Fight for the Things You Care About,'" In the News, Radcliffe Institute for Advanced Study, Harvard University, [radcliffe.harvard.edu/news/in-news/ruth-bader-ginsburg-tells-young-women-fight-things-you-care-about](http://radcliffe.harvard.edu/news/in-news/ruth-bader-ginsburg-tells-young-women-fight-things-you-care-about).
- 11 See Alexandria Ocasio-Cortez (@aoc), "'What do we do?' Some thoughts on the evening of RBG's passing and her final wish," Instagram live video, Sept. 18, 2020, [instagram.com/tv/CFTXq9BH1zr](https://www.instagram.com/tv/CFTXq9BH1zr).
- 12 Kathryn D. Sullivan, quoting a line she had heard once, in Michael Lewis, *The Fifth Risk* (New York: W. W. Norton and Company, 2019), 197.
- 13 C. S. Lewis, "Friendship," *The Four Loves* (1960).
- 14 Kevin J Worthen, "Successfully Failing: Pursuing Our Quest for Perfection," BYU devotional address, Jan. 6, 2015.
- 15 *Id.*; using a quote often attributed to T. S. Eliot; see also Willem Meiners, *Those Who Win Are Those Who Think They Can* (Baltimore: Publish America, 2000).
- 16 Attributed to Australian politician Jay Weatherill.
- 17 See *Brené Brown: The Call to Courage*, Netflix documentary (2019).
- 18 Rebekah Clark, "Alice Kasai, Believer in the Oneness of Humankind, 1916-2007," Key Players, Better Days Curriculum, [utahwomenshistory.org/bios/alice-kasai](http://utahwomenshistory.org/bios/alice-kasai).
- 19 *Id.*
- 20 Bruce C. Hafen, "Ambiguity in Law and in Life," in *Life in the Law: Religious Conviction*, vol. 3, ed. Jane H. Wise, Scott W. Cameron, and Galen L. Fletcher (Provo: BYU J. Reuben Clark Law School, 2013), 35.
- 21 *Id.* at 34.
- 22 *Id.* at 31.
- 23 Ruth Bader Ginsburg, in "Prefaces to *Scalia/Ginsburg: A (Gentle) Parody of Operatic Proportions*," in *Columbia Journal of Law and the Arts* 38, no. 2 (Winter 2015): 237. The prefaces are also included in Ruth Bader Ginsburg, with Mary Hartnett and Wendy W. Williams, *My Own Words* (New York: Simon and Schuster, 2016), 44.
- 24 Derrick Wang, "We Are Different. We Are One," no. 16, in *Scalia/Ginsburg: A (Gentle) Parody of Operatic Proportions*, in *Columbia Journal of Law and the Arts* 28, no. 2 (Winter 2015): 280-82. Also in Ginsburg, Hartnett, and Williams, *My Own Words*, 53-55.

# Emergency Diploma Privilege Facilitates Forward Momentum for BYU Law Class of 2020

BY RACHEL EDWARDS

**O**n April 23, 2020, members of BYU Law's graduating class took part in the Law School's first-ever virtual graduation celebration. The remote celebration was just one example of adaptations being made at colleges and universities throughout the nation as faculty, administrators, staff, and students navigated the personal and professional complexities of the global coronavirus pandemic.

Just two days prior to that celebration, the Utah Supreme Court took a bold step toward mitigating pandemic-related hardships for Utah's legal community by announcing temporary amendments to the Utah State Bar admission procedures. The court's order made Utah the first jurisdiction in the nation to grant emergency diploma privilege during the COVID-19 pandemic. The court's unanimous decision to authorize the alternative path to bar licensure came after fervent public debate and through collaboration with the Utah State Bar and academic

leaders from BYU Law and the S. J. Quinney College of Law at the University of Utah.

In a statement accompanying the order, the court wrote:

*At present, the Court cannot guarantee the Bar's ability to safely administer the Examination. . . . Nor is the Court in a position to predict when it may be able to offer the Examination. This creates hardship, risk, and uncertainty for a range of individuals and organizations—for law school graduates whose professional plans and future livelihood depend on receiving a license to practice law, for the public and private entities who have factored these graduates into their plans, and for the clients these new law graduates could serve at this crucial time. . . .*

*. . . We are also committed to preserving excellence and high ethics in the practice of law, and to protecting the public, whose lives and livelihoods may be in the hands of licensed lawyers.<sup>1</sup>*

With these objectives in mind, the court authorized a

model of licensure referred to as "diploma privilege plus," which allowed eligible candidates<sup>2</sup> to become licensed to practice law in Utah after finishing 360 hours of practice under the supervision of an experienced, licensed attorney, completing the Utah State Bar New Lawyer Training Program, and passing the Multistate Professional Responsibility Examination.

Deans D. Gordon Smith of BYU Law and Elizabeth Kronk Warner of the S. J. Quinney College of Law voiced their mutual support of the court's decision:

*We applaud the Utah Supreme Court for being at the vanguard of this issue. Asking our new law school graduates to wait for an uncertain, future bar examination would be truly disastrous for citizens who need immediate legal help, employers who need support, and the graduates themselves. Allowing immediate access to the job market allows them to put their resources and talents into helping the most vulnerable Utah citizens.<sup>3</sup>*



To date, nearly 200 candidates have applied for diploma privilege with the Utah State Bar. We spoke to four such candidates from BYU Law about their experiences.

## Ashley Waddoups

ASSOCIATE AT BALLARD SPHAR

Prior to graduation, Ashley Waddoups received an offer from Ballard Spahr, a national firm specializing in litigation, business transactions, and finance. She completed her practice hours under the supervision of partners from Ballard's Salt Lake City office and says that despite working entirely remotely due to COVID-19, the transition from law school student to attorney has been a relatively smooth process. "I'm grateful to the Utah Supreme





Ashley Waddoups

Court," says Waddoups. "With all the issues going on in the world, I don't have to worry about whether I'm going to be able to work."

The court has encouraged diploma privilege candidates to complete their supervised practice by offering pro bono representation to those members of the public most affected by the COVID-19 global pandemic, and Waddoups is grateful to be working for a firm that also encourages its associates to donate their time for the public good. "One of the reasons I was attracted to Ballard Spahr is that they value diversity, pro bono work, and other values that I hold in my own life," she says. "A really good way to influence social change is through working with businesses and larger corporations that have the

opportunity to make large-scale change. In law school, I had the privilege of volunteering with the Timpanogos Legal Center with victims of domestic violence. Moving forward, I hope to contribute to my community in similar ways to make justice more accessible to people in Utah. So many people have given so much to me, and I would love to have the opportunity to give back."

#### **Devin Cooper**

**CLERK WITH UTAH'S FOURTH JUDICIAL DISTRICT COURT**

For Devin Cooper, the court's temporary order for diploma privilege during the pandemic has been beneficial both personally and professionally. During law school, Cooper developed an interest

in government and public service practice. He accepted a clerkship with the district court for the Fourth Judicial District of Utah and completed the required 360 supervised practice hours clerking for Associate Presiding Judge Kraig J. Powell and Judge Derek P. Pullan before being admitted to the Utah State Bar in October 2020. "Judges Powell and Pullan gave me significant projects in criminal law, civil law, and family law. It was nice to be able to focus my attention on those projects and not divide my time between work and studying for the bar. I've been able to learn in an enhanced way the rules of civil procedure and the rules of evidence," he says.

Cooper also says the diploma privilege option eased a financial burden. "I had saved up all through law school for a bar prep course," he says. "When licensing through diploma privilege became available, I was able to cancel that class, which saved my family thousands of dollars. I have a wife and two kids, and that savings covered about a month of household expenses, including rent."

When it comes to the court's decision, Cooper recognizes the important contribution made by academic leaders from Utah's legal community. "I saw many professors and administrators from both BYU and the University of Utah post comments to the Utah Supreme Court on behalf of students," he says. "This option was made possible because of a lot of work and sacrifice by many people when it seemed that the world was shutting down due to the pandemic. I am tremendously grateful, and I know my classmates are too."

#### **Annemarie Garrett**

**ASSOCIATE AT KIRTON MCCONKIE**

"I'm grateful the court was able to think outside the box and be flexible. I believe the diploma privilege option strengthened the law community in Utah overall," says Annemarie Garrett, who accepted a position working in litigation at Kirton McConkie in Salt Lake City before the coronavirus pandemic hit. "The most significant aspect of diploma privilege is that, rather than taking an abstract exam, I qualified for my license through practical experience doing the type of lawyering work I was hired to do in the first place. I think that's beneficial." Garrett says she has a history of doing well on exams and passed the Multistate Professional Responsibility Examination. "I was confident I



Annemarie Garrett



Cory Thompson

BRADLEY SLADE

could pass the bar, even though I was not looking forward to the preparation the exam would require," she says. "I believe my time was better spent working through the diploma privilege requirements."

When it comes to diploma privilege, Garrett wants to give credit where credit is due. "I think the decision was handled very well by the court. Kirton McConkie was considerate of the safety and interests of the graduates, and I really appreciate both my classmates and my professors for their role in this experience," she says. One of her reasons for attending law school was to pursue a career that would allow her husband to go into business for himself. "When the court announced their decision about diploma privilege, I was grateful that I was able to start working earlier than expected," Garrett

says. "I loved law school and everything I learned. And I love being a lawyer."

#### **Cory Thompson** **IN-HOUSE COUNSEL AT EBAY**

As Cory Thompson prepared to graduate from BYU Law, COVID-19 was rapidly changing the hiring landscape. Prior to law school, Thompson had worked for over a decade as lead contracting officer for the United States Air Force and, later, as a principal contract negotiator for the global software security company Symantec. "In March 2020 this [COVID-19 pandemic] was all brand new," he recalls. "Some law firms who had intended to hire were putting hiring on hold. Everything was really uncertain." Thompson applied to several firms and ultimately accepted an offer at eBay's Salt Lake City office. Due

to the coronavirus, the entire onboarding experience was virtual. "In April, eBay globally closed its offices for all but essential workers that had to be on-site," he says. "All my interviews were done by Zoom, and my corporate equipment was mailed to my house. I've never actually set foot in my office in Salt Lake."

As an attorney with eBay's commercial contracts team, Thompson is engaged in a corporate-wide special project regarding data governance and information sharing. "Having a solid, well-drafted, clear contract is a critical component of successfully running a business. Every successful business needs a competent contracts team." From Thompson's point of view, a significant benefit to diploma privilege has been the opportunity for supervised practice. "I did training for my

actual job on the job," he says. "Frankly, I don't think anything can replace practical experience. It's more valuable than just about anything else."

#### NOTES

- 1 Utah Supreme Court, statement accompanying temporary order, Utah State Bar Diploma Privilege Resources, [utahdiplomaprivilege.org/files.wordpress.com/2020/04/statement-accompanying-emergency-proposed-order.pdf](https://utahdiplomaprivilege.org/files.wordpress.com/2020/04/statement-accompanying-emergency-proposed-order.pdf).
- 2 Eligible candidates include graduates of ABA-accredited law schools with first-time bar passage rates of at least 86 percent who had applied to take the Utah State Bar exam in July 2020.
- 3 Gordon Smith and Elizabeth Kronk Warner, "Utah Opens the Way for New Lawyers to Begin Their Service," *Salt Lake Tribune*, April 10, 2020, [sltrib.com/opinion/commentary/2020/04/10/gordon-smith-elizabeth](https://sltrib.com/opinion/commentary/2020/04/10/gordon-smith-elizabeth).

# Highlights from the 27th Annual Law and Religion Symposium

BY AMBERLY PAGE

**O**n October 4–6, 2020, the International Center for Law and Religion Studies hosted its 27th Annual Law and Religion Symposium, exploring the theme “Religious Freedom: Rights and Responsibilities.” Highlights from each of the symposium’s three plenary sessions are provided here. Full recordings of the plenary and regional breakout sessions are available on the Center’s website: [iclr.org/annual-international-law-and-religion-symposium/27th-annual-international-law-and-religion-symposium-2](https://iclr.org/annual-international-law-and-religion-symposium/27th-annual-international-law-and-religion-symposium-2).

## Opening Session—Religious Freedom: Rights and Responsibilities

### SUNDAY, OCTOBER 4 20 Years of Global Influence

Center director and Rex E. Lee Chair and Professor of Law Brett G. Scharffs stated that 1,400 individuals from around the world have attended the symposium over the years. However, the virtual format of the 2020 conference enabled “several multiples of that total number” to attend the opening session. Scharffs also noted that, since its founding in January 2000, the Center has participated in

nearly 800 conferences in almost 90 countries, an average of 40 conferences a year.

### *The World’s Premier Conference*

President Henry B. Eyring, second counselor in the First Presidency of The Church of Jesus Christ of Latter-day Saints, described the symposium as “the world’s premier conference where religious leaders, leading scholars, and government authorities come together to discuss global religious freedom issues.” He noted that the 2020 theme “reflects well our faith’s belief in the importance of both religious freedom and responsibility to respect the rights and needs of everyone,” and he expressed hope that “the peoples of the world will be united in solving the health and economic challenges wrought by the COVID-19 pandemic” and that “ways to minister to and serve those who have great needs will be found.”

### *A Foundation for Unity*

Bani Dugal, principal representative of the Baha’i International Community to the United Nations, New York, said: “With the many challenges facing humanity, the world stands more and more in need of the hope and

the strength of spirit that faith imparts. Therefore, it is essential that the right to hold a belief be protected. . . . The freedom to hold beliefs of one’s choosing and to change them is . . . central to human development, as it makes possible the individual’s search for meaning.” She went on to note: “Everyone has an essential role to play in implementing fundamental human rights. When individuals assume responsibility for ensuring each other’s human rights, the foundation for unity will be firmly established.”

### *Honoring the Divine*

Azza Karam, secretary general of Religions for Peace International, affirmed that “when we come together as diverse believers, there is a divine spirit that comes amongst us, that sits with us, that becomes part of us.” Karam also spoke about the interconnectedness of freedom of religion with freedom of thought and conscience, emphasizing the vital role of believers in protecting those rights and freedoms for others: “Our beliefs require each one of us to champion and to defend the right of everybody else’s freedom of thought and conscience and belief, even those who have no belief.” In doing so, Karam said, “we honor the divine.”

### *Dimensions of Responsibility*

Heiner Bielefeldt, professor of human rights and human rights policy at the University of Erlangen, Germany, and former special rapporteur for freedom of religion or belief for the United Nations, discussed three dimensions of responsibility concerning freedom of religion and belief: (1) the legal dimension, which recognizes the role of states as guarantors of human rights under international law; (2) the moral dimension, which recognizes that each of us as a human being is responsible for the promotion and protection of the human rights of others; and (3) the philosophical dimension, which recognizes that all human beings have a responsibility to enhance the awareness of the significance of human dignity, which, Bielefeldt emphasized, is the core of human rights and religious freedom.

### Protecting Religious Rights in a Way to Benefit All

#### MONDAY, OCTOBER 5 Celebrating Founding Director W. Cole Durham Jr.

In a celebration of the Center’s recently retired founding director, W. Cole Durham Jr., Scharffs echoed a statement





by Bill Atkin, associate general counsel for The Church of Jesus Christ of Latter-day Saints, describing Durham as a modern example of one willing to “waste and wear out” his life bringing light to dark places with great earnestness, a man positioning himself to face the storm “workways with the wind.”<sup>1</sup> In a beautiful video tribute, Durham’s colleagues from around the world expressed their gratitude for his groundbreaking and field-shaping contributions to the work of religious freedom.

### ***Putting Legal Rules in a Broader Context***

Renáta Uitz, the chair (director) of the Comparative Constitutional Law Program in the Department of Legal Studies at Central European University, noted that Durham’s work “allows us to study the law . . . and the workings of the law in comparative perspectives. His work teaches us that we should not focus on a single event, no matter how dramatic or spectacular, but put legal rules into their broader context and make sure that we understand the larger trends.” Uitz also counseled that “the starting point of entering into any dialogue, of seeking principled compromises, is one of deep humility.”

### ***Developments in Religion and the State That Challenge Religious Liberty***

Sophie van Bijsterveld, professor of law, religion, and society at Radboud University, Nijmegen, the Netherlands, discussed developments in the domains of religion and the state that present challenges to religious liberty and offered suggestions to help legislatures

balance individual and collective religious rights with the public interest. “It is important to remember that freedom of religion and belief as a human right is a way of articulating human dignity in a concrete, legally relevant form,” she said. “Human rights are not simply nice, legal instruments; they are informed by deeper values. Seen from a social perspective, guaranteeing freedom keeps the debate open on what is the good life. Thus, it also serves the common good. It also helps to enable people to live together peacefully in an enduring way even if they have fundamentally different views.”

### ***Celebrating Diversity in a Multireligious Society***

Faizan Mustafa, vice chancellor at NALSAR University of Law, India, discussed the treatment of the majority and minority religions in India and recent developments for minority religions in India caused by COVID-19. Mustafa noted that ensuring the religious freedom of both the majority and minority religions in a state benefits everyone. “If a multireligious society like India is to survive,” he said, “we must celebrate our diversity. . . . The distinctive identities of all Indian religious communities must be preserved and must be celebrated. If we guarantee freedom of religion, I am sure we will be able to create an upright, honest, humane, and more caring society.”

### ***Religious Organizations and the Common Good***

**TUESDAY, OCTOBER 6**

### ***Imagining and Creating Common Ground***

Viva Bartkus, associate professor of management and founder/director of the

Business on the Frontlines program at the Mendoza College of Business, University of Notre Dame, emphasized the role of dialogue in society and the world, noting that it is “from those discussions that sprout the early ideas that after much work become common ground and become potential solutions.” Bartkus said that “common ground does not exist until we imagine it, and then we need to work ridiculously hard to create it.” She went on to say, “We must acknowledge at a very fundamental level that our society’s and the world’s most pressing problems cannot be solved only by business or government or faith-based charities or even just by those that agree with us. The solution to difficult problems lies in the common ground we imagine and create together.”

### ***Fostering Cooperation Through Faith-Based Organizations***

Sharon Eubank, president of Latter-day Saint Charities and member of the Relief Society General Presidency of The Church of Jesus Christ of Latter-day Saints, identified as a “core humanitarian skill” the ability to acknowledge that although our deeply held beliefs may be very different, we can “find an area where we can communicate, cooperate, and do something together despite or because of our individual beliefs.” Eubank also noted the efficacy of faith-based organizations in fostering cooperation: “People only change their behavior based on their experiences, so people need to have experiences that build trust . . . and that build this social fabric with people that are different from them but care about something similar. There is no more efficient or

effective way to get down to the individual, the family, and the congregational level than to work through faith-based organizations.”

### ***Seeing the Whole Person***

Suzanne Akhras Sahloul, founder and executive director of the Syrian Community Network and founder of the Syrian American Medical Society Midwest Foundation, observed that religious organizations offer resiliency, human power, and a commitment to service. She cited the 2015 Syrian refugee crisis as an example of the power of people and organizations—faith-based and secular—working together to alleviate suffering. She noted that “certain crises are horrible in the moment, but they can lead to a lot of good and a lot of amazing initiatives within communities to bring about that common ground and to see . . . people who are different from you as whole, as just like you.” Sahloul warned that racism and classism can take root, even within our own religious traditions and cultures, when we fail to see another as a whole person: “As humanitarians, we really have to push back on this. . . . Everyone deserves to be seen as a whole person.”

### ***Stepping Up to Welcome the Stranger***

Krish O’Mara Vignarajah, president and CEO of Lutheran Immigration and Refugee Service, noted that during the pandemic, religiously affiliated humanitarian organizations were “able to step up where the government would not or could not,” citing as just one example the role of the Neighbors in Need Fund in providing emergency financial assistance

to at-risk families who were not eligible for COVID-19 stimulus payments. Vignarajah said that many faith traditions share the mandate of welcoming the stranger and believe in protecting the most vulnerable. “During the crisis, we have seen so many examples of how religiously affiliated humanitarian organizations have stepped in not just to provide basic assistance but even to remind us of our faith of helping those most in need in these difficult times,” she said.

### **The Upward Lift of Human Dignity**

Scharffs invited all who were interested to become signatories to the Punta del Este Declaration on Human Dignity for Everyone Everywhere, saying, “Perhaps more than any other concept, human dignity can help us understand how to regard ourselves. Perhaps more importantly, it can remind us how to regard each other. It provides a promise that can bridge divides—ideological, cultural, and religious. It is almost unique in its generative energy and its upward lift. It is fertile soil for rights and responsibilities. . . . Human dignity for everyone everywhere . . . is a tool that can help us solve the myriad challenges and even crises we face as a global civilization.”<sup>2</sup>

#### NOTES

1 Doctrine and Covenants 123:13, 16; see also verses 14–15.

2 To become a signatory to the Punta del Este Declaration or to submit a statement on what human dignity means to you, please visit [dignityforeveryone.org](http://dignityforeveryone.org).

# BYU Law’s Achievement Fellowship Program

## *Perseverance in the Face of Hardship*



BY RACHEL EDWARDS

In 2021, a group of incoming students at BYU Law and the University of Utah S. J. Quinney College of Law will be selected as Achievement Fellows in a new program established through the collaboration of both law schools and several leading law firms in the state of Utah. Designed to recognize students who have prepared themselves for law school in the face of significant personal or family challenges, the Achievement Fellowship program provides recipients with full tuition for all three years of law school as well as the opportunity to interact with and be mentored by outstanding attorneys who are committed to diversifying Utah’s legal community.

“As a first-generation college student, I viewed law school as a path to opportunities that were not available to my parents,” says D. Gordon Smith, dean of BYU Law. “But the prospect of attending law school can be daunting if you think of yourself as an outsider to the legal profession. The Achievement

Fellowships are an expression of our eagerness to welcome students who have taken a more challenging path to law school. We hope that the generous funding will draw people to BYU Law who might not otherwise come, and we believe that the Achievement Fellows will thrive at BYU Law.”

The program also promises to invigorate the learning environment for all law students. It is motivated in part by a desire to further diversify the student body and to create an increasingly enriched experience for every member of the BYU Law community. BYU Law traditionally attracts a geographically diverse population. “Admitting students to the school from different parts of the country and the world helps provide context for greater understanding,” says Smith. The same principle applies to all types of diversity. To this end, in addition to looking at LSAT scores and GPAs, BYU Law’s admissions committee considers personal statements, work and educational history, and any particular family history that might be interesting or relevant. Smith says, “An important motivation for creating the Achievement Fellowship program was to explicitly express that, as a school, BYU Law values the whole person. Our goal is to attract great students to BYU Law who represent the whole range of human experience.”

Not only is Smith confident that the Achievement Fellowship program will help

attract qualified students from a variety of backgrounds to Utah, but he feels certain that BYU Law has the potential to bless the lives of these students. “We don’t bring students here for our gratification; we bring them here because we think we have something to offer them,” he says. “The training they receive at BYU Law will equip them to serve the world and make it a better place.”

The idea for the Achievement Fellowship program began in 2019, after Smith had a conversation with friend and colleague Jennifer Mnookin, dean of the UCLA School of Law. The Southern California law school launched a similar program in 2017, and within three years, it had helped 24 law students achieve success. “When I looked at UCLA Law’s website and read about what they were doing, I thought it was brilliant,” Smith says. After consulting with members of the dean’s council and other faculty members, he drafted a preliminary description of the fellowship, including ideas about how it might be funded. “We drew heavily on UCLA Law’s program but made it specific to Utah law schools,” he says.

When he pitched the idea to Dean Elizabeth Kronk Warner of the S. J. Quinney College of Law, she became an enthusiastic partner in the initiative, and the two put together a formal proposal for potential donors. Lee Wright, managing partner at Kirton McConkie in Salt Lake City, was the first to commit support for the program, followed by five additional law firms: Dentons Durham Jones Pinegar, Greenberg Traurig, Parsons Behle & Latimer, Snell & Wilmer, and Strong & Hanni. Business intelligence firm Domo

*“You might feel like it’s impossible to be here, but we need your voice.”*

is the most recent organization to join the Achievement Fellowship program.

In addition to generous financial support, participating organizations have pledged to be involved with mentoring activities, something Smith believes to be a highly beneficial aspect of the fellowship. “There are students who come to law school who don’t know lawyers,” he says. “I was in that category.” A graduate of the University of Chicago Law School, Smith is the first attorney in his family. As such, he recognizes the importance of being mentored by other lawyers along the way. “The chance these students will have to access a different kind of professional training is a key component of the program,” he says.

When it comes to would-be candidates for the program, the Achievement Fellowships are not exclusively intended for those who have experienced what might be considered extraordinary hardships. The Law School’s web page notes:

*The reviewing committee will consider a broad spectrum of life challenges, including socioeconomic disadvantage, disability, being the first in their family to attend college, attending under-resourced schools, or status as an immigrant or former refugee. Hardships such as homelessness, living in foster care, working multiple jobs or long hours in high school or college, or living in*

*a family struggling with poverty, incarceration, abandonment, physical or mental health issues, and/or substance abuse are examples of the types of disadvantages that may be considered when selecting recipients of these awards. In all cases, the reviewing committee will be looking for evidence of personal growth, initiative, perseverance, and character development.*<sup>1</sup>

Although certain qualifying factors mentioned in the fellowship description might seem extreme, leading some students to assume that they don’t fit the scope and not apply, Smith says students shouldn’t view it that way. The new Achievement Fellowship program is one way that BYU Law can recognize the extra effort required of some students in preparing themselves for law school. “We know that many students are able to prepare themselves for law school in the face of daunting circumstances that they may not recognize as such. We recognize that being prepared for law school in spite of these challenges takes perseverance. We want to honor those achievements.” Smith adds, “You might feel like it’s impossible to be here, but we need your voice.”

Smith’s attitude toward supporting students who have persevered despite significant life challenges was shaped by his own experience as a first-generation college student. Raised in rural Wisconsin by high school-educated parents who worked blue-collar jobs, he always planned to attend college, but when it came time to apply, he had more questions than answers. “Though my parents valued education, there was nothing they could tell me about college,” he recalls. “I remember how hard it was to

not know anything about that process. I had to get good at asking questions.” Smith also appreciates how significant it was for him to have guidance and support from friends, professors, and others along the way. “There were so many people who helped me. The road would have been so much more difficult without that help,” he says.

The long-term vision for the Achievement Fellowship program is to cultivate large-scale change in Utah’s legal landscape. “We hope that by increasing diversity at the law schools, we will become more in tune with changes that need to be made within our legal community and become better equipped to make them,” Smith says. The new program is also a way of expressing a sincere desire to change the Law School for the better. “We are inviting people to be part of the change. If BYU Law is not already the law school you want it to be, come and help make it into the law school you want it to be. Choose to come here and make it happen.”

*For more information regarding the Achievement Fellowship program, visit [law.byu.edu/departments/admissions/tuition-and-scholarships/scholarships](http://law.byu.edu/departments/admissions/tuition-and-scholarships/scholarships). For information on how to provide financial and mentoring support, contact Tony Grover, assistant dean of admissions, at [grovert@law.byu.edu](mailto:grovert@law.byu.edu) or 801-422-6386, or Andrea Fitzgerald, director of admissions, at [fitzgeralda@law.byu.edu](mailto:fitzgeralda@law.byu.edu) or 801-422-0842.*

#### NOTE

- 1 “Scholarships Overview (2020–2021),” Scholarships, BYU Law, [law.byu.edu/departments/admissions/tuition-and-scholarships/scholarships](http://law.byu.edu/departments/admissions/tuition-and-scholarships/scholarships).





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