

IN ESSENTIALS,
UNITY;

IN NONESSENTIALS,
LIBERTY;

AND IN ALL THINGS,
CHARITY

BY **ELDER JAMES R. RASBAND**

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I am humbled to have this opportunity to speak this evening. I feel keenly how short I fall compared to the extraordinary group of women and men who have spoken at this fireside in the past, but I am nevertheless grateful to have this opportunity to share a few thoughts.

∞ Forty-five years ago, on the first day of classes at the J. Reuben Clark Law School, then university president Dallin H. Oaks gave an address in which he articulated six expectations for the Law School. His fifth expectation related to “the curriculum and manner of instruction,” which he said “should approach the law from a scholarly and objective point of view, with the largest latitude in the matters being considered.” Then he remarked:

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Yet despite the latitude that must be allowed for instruction in this law school, there are fundamental principles on which there is no latitude. We expect to have a vigorous examination of the legal principles governing the relationship between church and state under the Constitution, but no time for debate over the existence of God or man's ultimate accountability to Him. There is ample latitude for examination of the responsibilities of a lawyer who is prosecuting or defending one of crime, but no room for debate over the wrongfulness of taking a life, stealing, or bearing false witness.¹

My effort in these remarks is to consider how we can distinguish interpretive questions on which we should give wide latitude and what President Oaks described as “fundamental principles on which there is no latitude.” As President Oaks also noted:

[D]ifferent rules stand on different footings. There is no democracy among legal rules. Some are more important than others. Thus, some rules are based on eternal principles of right and wrong or on basic tenets of our Constitution. Others are rooted in the soil of men's reasoning, soil that may be washed away by the torrent of human custom or the current of advancing thought, leaving the rule without support or justification. . . .

In furtherance of their devotion to the rule of law the graduates of this law school [and, I will add parenthetically, all of the members of the J. Reuben Clark Law Society] should have minds sufficiently bright and consciences sufficiently sensitive to distinguish between rules grounded on morality and those grounded solely on precedent or tradition. Rules based on tradition may be assailed when their supporting reasons have lost touch with the soil of human need, but rules based on morality must be defended at all costs, since they are rooted in the eternal principles of right revealed by God our Father.²

How, then, do we distinguish the rules that are essential—the rules that are fundamental and unalterable—from the rules “rooted in the soil of men's reasoning” that can “be washed away by the torrent of human custom or . . . advancing thought”? Discerning this line is no small moral task. I don't claim to discern this boundary with precision—and part of my point will be that we should be cautious in assuming we can—but I do claim that fundamental boundaries exist. More broadly, and equally fundamentally, I want to consider the principles that should guide our engagement with this line-drawing exercise.

THE ESSENTIALS AND ADIAPHORA

The effort to distinguish the essential from the nonessential is an age-old task. Stoic philosophers long ago divided human endeavor into three categories: good, evil, and *adiaphora*, which is a Greek term meaning “things indifferent.”³ During the Protestant Reformation, the

[r]eformers argued endlessly about what belonged in the category of adiaphora. Was it essential or indifferent if the priest wore a surplice? If the Communion table was level with the congregation or elevated? If communicants knelt or stood for Communion? If worshippers sang hymns? . . . And so forth. Great debates raged about the boundaries of “adiaphora” in a properly reformed church.⁴

I must confess that references to the Greek language when I don't know Greek or to the Stoics when I'm not a trained philosopher are a bit risky. As lawyers you likely share both my trepidation and my willingness to venture into areas where I have little formal training. It's the life of a litigator.

I was first introduced to the *adiaphora* terminology and idea years ago by John Tanner when we were serving together in the BYU administration and considering an application of BYU's academic freedom statement. John pointed out how often the scriptures use the language “it mattereth not”⁵—and as I will discuss later, in many, many cases that is surely true.

This address was delivered at the J. Reuben Clark Law Society Annual Fireside on January 18, 2019, while Elder Rasband was serving as BYU academic vice president.

Although the precise debates that animated the reformers during the Protestant Reformation no longer generate such energy, there is still plenty of energy—some appropriate and some inappropriate—for engaging in the boundary-drawing exercise of distinguishing the essential from adiaphora, or things indifferent. In my judgment, grasping the nature of this challenge is a task for which lawyers, by their training, are particularly well equipped.

As a framework for considering the line between the essential and adiaphora, let's return to President Oaks's address on the first day of classes, when he said that "[w]e expect to have a vigorous examination of the legal principles governing the relationship between church and state under the Constitution, but no time for debate over the existence of God." Doctrinally, God's existence is not a matter for indifference. One cannot simultaneously claim both belief in the restored gospel and indifference about God's existence. Note, however, that belief in the existence of God is adiaphora if the test is national citizenship rather than membership in the restored Church of Jesus Christ. This distinction is conceptually important when we operate in both worlds but presents a challenging tension to which I will return.

What else can we confidently say is essential and not part of adiaphora for a believer? Immediately, we might add belief in the doctrine of the Savior's atoning sacrifice and the two great commandments set forth in the Savior's response to the lawyer's question:

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.⁶

To take one more illustrative step, we could add the Ten Commandments to the essential list. We could continue this exercise all evening, identifying other doctrines and commandments and adding them to the essential core. As we add items to the core, however, at some point—and it would not be the same point for everyone in this room—we would hit issues on which we would disagree whether the teaching or practice was essential or adiaphora.⁷

To take a common example, consider Sabbath observance. We might all concur about the essential nature of the command in Exodus:

Remember the sabbath day, to keep it holy.

Six days shalt thou labour, and do all thy work:

But the seventh day is the sabbath of the Lord thy God: in it thou shalt not do any work.⁸

But would we all agree on a list of permitted or prohibited Sabbath activities? How do we interpret the command to keep the Sabbath day "holy"? What does it mean that on the Sabbath day "thou shalt not do any work"? What about the ox in the mire? What about essential health and public services? And, to place this into the context of civil society, if we can discern the essentials of Sabbath observance, what, if any, part of those essentials is appropriate to demand of our fellow citizens? If we can settle upon the appropriate meaning and scope of Sabbath work, should our conclusion be imposed on fellow citizens in the form of blue laws?

This same interpretive challenge of discerning the boundaries of the essential and adiaphora emerges in the application of doctrine after doctrine. Even in the two great commandments, we are faced with the interpretive question of exactly how love of God and love of our neighbor should manifest themselves. Ask any parent or close friend about what love demands, and they will surely tell you of the struggle for discernment.

I hope it is clear that distinguishing the essential from adiaphora is not merely a theoretical exercise but instead the stuff of our everyday lives. If we struggle with a particular doctrine of the gospel, can we relegate that doctrine to adiaphora? How much room for disagreement is there? Is separating adiaphora from the essential just a matter of personal

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preference, or is there a real line to be discerned? I am committed to the principle that there are, in fact, real lines to be discerned—I've mentioned just a few of them already. But my project isn't to draw all those lines; instead, I'd like to consider some principles by which we can approach this discernment challenge.

PRINCIPLES, APPLICATION, AND FENCES

I discuss a familiar but important idea: distinguishing the essential from adiaphora is partly about distinguishing principle from application. Here again, the law of the Sabbath is an instructive example. And to be clear, my primary concern is not the Sabbath. Rather, my sense is that the familiarity of Sabbath boundary questions will help illustrate the conceptual framework that I hope we can then apply to challenging doctrinal, political, and social policy boundary questions that weigh on each of us.

President Russell M. Nelson taught about Sabbath day observance in a conference talk a few years ago:

In my much younger years, I studied the work of others who had compiled lists of things to do and things not to do on the Sabbath. It wasn't until later that I learned from the scriptures that my conduct and my attitude on the Sabbath constituted a sign between me and my Heavenly Father. With that understanding, I no longer needed lists of dos and don'ts. When I had to make a decision whether or not an activity was appropriate for the Sabbath, I simply asked myself, "What sign do I want to give to God?" That question made my choices about the Sabbath day crystal clear.⁹

Not only for Sabbath day observance but for any commandment, it is simply impossible to list all the potential applications. The value of focusing on principles is that, once internalized, the principle allows us to adapt to a wide range of questions and challenges. Principles have staying power, whereas applications can, in President Oaks's words, lose "touch with the soil of human need."¹⁰

Although I fear it is disciplinary arrogance, I believe legal training equips us well to perceive the difference between principles and application. Starting in the first year of law school, there is a relentless focus on thinking about core theories and considering different hypotheticals that apply those theories. Take, for example, the study of tort law. The goal is not to turn everyone into expert personal injury lawyers. Rather the goal is to have students think about concepts such as unreasonable risk, causation, and the scope of an individual's responsibility in society. Similarly, the purpose of a first-year property law course is not to make sure students can write up a mortgage or lease but to have them think about the nature of ownership. What makes something property? What limits can society place on our use of property? And in a first-year contracts course, the goal is not primarily to teach students how to write contracts but to have them think about why some agreements are binding but others might not be, why it matters when someone takes action in reliance on the promise of another, and so forth.

In his address on the first day of classes at BYU Law, President Oaks emphasized that the best legal training focuses on theory and principle:

The half-life of a legal concept, even in these changing times, is measured in centuries, not academic years. As legal historians can testify, many of the important problems and controversies of our day are just re-creations under different labels of problems encountered by successive generations for centuries into the past. A legal training that is predominantly theoretical is best able to equip students with the principles and skills they can apply throughout shifting circumstances of the next half-century.¹¹

Thus, the goal of much of the study of law is not primarily to create specific expertise but to teach principles that will allow students to handle the multitude of different challenges that

will emerge in the practice of law or simply in the course of life. And, of course, one of those challenges is distinguishing principle from application and the essential from adiaphora.

This is not to say that all application is adiaphora. Think about the Word of Wisdom. The crucial *principle* is that our body is a temple—and understanding that principle can answer so many questions about how we treat our body—but we still do have some *applications* (alcohol, tea, coffee) that are not matters of indifference, or adiaphora.

When one listens to the leaders of The Church of Jesus Christ of Latter-day Saints, it is not surprising that their talks focus primarily on principles rather than applications. Their focus is on the essential. This focus on teaching essential principles rather than applications has some other salient benefits. It is a powerful symbol of trust.¹² It allows us not to be commanded in all things but to instead be anxiously engaged in good causes by our own free will and choice.¹³ Teaching principles also promotes the exercise of moral agency: we are free to act for ourselves in applying the essential principle to particular situations.

If we are trying to discern the boundary between the essential and adiaphora, focusing on principles seems the wise course. We often teach this in the negative by pointing to the Sabbath practices of the scribes and the Pharisees at the time of Christ. Recall how the scribes and the Pharisees famously constructed fences around the Mosaic law. To ensure that the command not to work on the Sabbath was followed, for example, various detailed categories of work were defined, including how many steps one could take, how many letters could be written, and so on. The Savior famously condemned this approach by healing the sick and plucking and eating heads of grain on the Sabbath, and He taught that “[t]he sabbath was made for man, and not man for the sabbath.”¹⁴

Still, we may be too quick in our criticism of the scribes and Pharisees for their fence building. It can be wisdom to build personal fences around commandments we wish to keep. Walking to the edge of danger is rarely wise. The Savior Himself proposed fences with respect to the commandment against murder, enjoining that “whosoever is angry with his brother without a cause shall be in danger of the judgment,” and with respect to adultery, forbidding looking “on a woman to lust after her.”¹⁵

In our own efforts to live what is essential, we may construct protective fences. In doing so, however, we need to be mindful that our fence is not the equivalent of the underlying principle or law, and thus we should not insist that others build their barricades in precisely the same place. This was the real error of the scribes and the Pharisees.

It can be so tempting to assume that the boundary between the essential and adiaphora is universal: that which we regard as essential is essential for everyone else, and that which we regard as a matter of indifference must be a matter of indifference for all. Here the admonitions to “judge not”¹⁶ and “to love mercy, and to walk humbly with thy God”¹⁷ seem particularly critical. If our neighbor’s application of a commandment is different than our application, it is not a cause for judgment. This is not to say that any behavioral choice is an acceptable application of the underlying principle. The key concept is one of accountability. We are surely accountable for our own demarcation between the essential and adiaphora. And that should be enough to occupy our full attention.

Understanding that application choices are statements of personal accountability teaches a related point. Because in discerning the boundary between the essential and adiaphora, we often want to enlist others to our cause. If only the prophet or another leader would just give a talk affirming our preferred application of a doctrinal principle. Stated another way, we want our choices to be affirmed as being on the “do list” rather than on the “do not list.” This sort of capture the leader—or sometimes just capture the preferred talk—is a temptation for all of us (and I’ve certainly participated), but ultimately we are still accountable to the Lord for the boundary we draw and the application of the principle we pursue. Insisting that our demarcation of adiaphora be publicly affirmed is, in a sense, a request that the application of others be condemned. How much better for all of us to charitably understand and humbly consider when others apply a principle differently and to instead focus on our own accountability.¹⁸

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ESSENTIAL

ADIAPHORA



THE VANISHING ESSENTIAL

Another approach we sometimes employ to avoid hard questions about the boundary between the essential and adiaphora is to reduce the size of the essential so that almost all doctrine, principle, and policy are a matter of indifference. Recall my earlier effort to set forth just a few core doctrines that could be categorized as essential—the existence of God; the Savior’s atoning sacrifice; the two great commandments to love God with “all thy heart, and with all thy soul, and with all thy mind” and to “love thy neighbour as thyself.”¹⁹ Visually, one can imagine a vast outer circle representing adiaphora and then, at the center, four inner, concentric circles identifying these essentials. As I suggested earlier, additional essential doctrines could be added to expand the interior concentric circles—the covenants we make with our Heavenly Father are one example.

What happens, though, when an essential principle or doctrine may not align with one of our political or policy preferences? One temptation is to ignore this possibility and uncritically assume that our preferences align perfectly with the essential. Another risk is that we will simply reduce the area of what is essential until our preference sits comfortably outside the essential circle and within the broader boundary of adiaphora. An example of this might be the idea that the only essential truth is God’s love and that everything else is adiaphora. This has some appeal because God’s love for us—and the two great commandments that we love Him and love our neighbor—is indeed an essential baseline principle from which so many important and faithful applications can be derived.

The risk, however, is that if love is the one essential, the other commandments can be relegated as adiaphora. Yet the Savior was clear that on the two great commandments “hang all the law and the prophets.”²⁰ He also said, “If ye love me, keep my commandments.”²¹ Thus, the Savior invested the principle of love with essential subsidiary principles and applications. This makes sense because the commandments

THE GREATEST OF THESE IS CHARITY

themselves are a manifestation of God’s love in the form of information about how to live joyfully.²²

What is critical, I think, is to not relegate the commandments to adiaphora. If the commandments are matters of indifference, then the Savior’s atoning sacrifice is irrelevant; mercy would not need to satisfy the demands of justice.²³ It would be no small irony if Christ’s teachings about love were understood to vitiate His greatest act of love—His sacrifice to atone for our sins—on the assumption that He unnecessarily paid a price that justice did not require.²⁴

IN ALL THINGS, CHARITY

Discerning the precise boundaries of the essential and adiaphora is a lifetime project. Indeed, I am quite confident we won’t discern its full boundaries during our lifetime, for as Paul said:

For now we see through a glass, darkly; but then face to face: now I know in part; but then shall I know even as also I am known.

And now abideth faith, hope, charity, these three; but the greatest of these is charity.²⁵

If we can’t discern the boundary precisely, I hope I have been clear that there are indeed essential, eternal truths discernible to those who seek them. Indeed, the most precious truths are most fully known by the Spirit. But even if the essential is most perceptively discerned

by the Spirit, I hope also that I have hit upon a few useful principles to guide our effort to study out in our minds the boundary between the essential and adiaphora.

Drawing boundaries is such an important function of our exercise of agency, and the effort can be so challenging; even when we properly discern what is essential, we fail to consistently live in accordance with the truths we know. Paul's admonition to charity is critical. I tried to capture this idea in the title of my remarks tonight—"In Essentials, Unity; in Nonessentials, Liberty; and in All Things, Charity." This language is found in BYU's Academic Freedom Policy,²⁶ which is the context in which John Tanner first introduced me to adiaphora.

The policy makes what I believe is a noble effort to give notice in concrete terms of the boundary between the essential and adiaphora, at least for the academic project of faculty at BYU. As it must, the document describes the boundaries with reference to principles rather than precise applications, concluding that a limit on individual

faculty academic freedom "is reasonable when the faculty behavior or expression *seriously and adversely* affects the University mission or the Church." The document provides three examples, including "expression with students or in public that contradicts or opposes, rather than analyzes or discusses, fundamental Church doctrine or policy." No finding of a violation is appropriate "unless [a] faculty member can fairly be considered aware that the expression violates the standards."²⁷

As one of the persons charged with applying this principle, I can tell you that it is a humbling and daunting role. Fortunately, the occasions when we need to engage in this boundary analysis are truly rare. But when we do, the Academic Freedom Policy counsels:

The faculty, administration, and the Board should work together in a spirit of love, trust, and goodwill. The faculty rightly assumes its work is presumptively free from restraint, but at the same time it assumes an obligation of dealing with sensitive issues sensitively and with a civility that becomes believers. BYU rightly expects LDS faculty to be faithful to, and other faculty to be respectful of, the Church and BYU's mission. Thus both the University's governing bodies and the faculty obligate themselves to use their respective academic freedom responsibly, within the context of a commitment to the gospel. As Elder B. H. Roberts said, "In essentials let there be unity; in non-essentials, liberty; and in all things, charity."²⁸

This posture seems exactly right for BYU, and it articulates a principle that applies well beyond academic confines. I join in the hope that in essentials we will find unity and in nonessentials, liberty. But because the essential and the nonessential adiaphora can be challenging to discern—particularly at the margins and with those whose values or faith differ from our own—I hope that in all instances we will exhibit charity. In the name of Jesus Christ, amen. [cm](#)

NOTES

- 1 Dallin H. Oaks, in *Addresses at the Ceremony Opening the J. Reuben Clark Law School*, August 27, 1973, 12–13; emphasis added.
- 2 Oaks, in *Addresses*, 9–10.
- 3 John S. Tanner, *Notes from an Amateur: A Disciple's Life in the Academy* (Provo: BYU Religious Studies Center; Salt Lake City: Deseret Book, 2011), 63; see also pages 62–64.
- 4 Tanner, *Notes from an Amateur*, 63.
- 5 Tanner, *Notes from an Amateur*, 62.
- 6 Matthew 22:36–40.
- 7 Recall that the Stoics divided the world into three categories—good, evil, and adiaphora, or the indifferent. Here, and elsewhere in my remarks, I have treated "the essential" as including both commands to do good and commands to avoid evil. For most of the questions I address, this dual framework has conceptual utility, but there are instances in which the tripartite framework of the Stoics could provide additional conceptual clarity.
- 8 Exodus 20:8–10.
- 9 Russell M. Nelson, "The Sabbath Is a Delight," *Ensign*, May 2015.
- 10 Oaks, *Addresses*, 10.
- 11 Oaks, *Addresses*, 13.

- 12 See Tad R. Callister, "The Power of Principles," *Religious Educator* 19, no. 2 (2018): 4–5.
- 13 See Doctrine and Covenants 58:27.
- 14 Mark 2:27; see also Mark 2:23–28; Matthew 12:1–8; Luke 6:1–5; Luke 13:10–17.
- 15 Matthew 5:21–28.
- 16 Matthew 7:1.
- 17 Micah 6:8.
- 18 This may be partly why priesthood leaders are counseled not to add to the questions in the temple recommend interview. The interview is primarily a chance for each of us to hold ourselves accountable before the Lord with respect to how we understand the questions. Again, this is not to say that the questions can mean whatever we say they mean; priesthood leaders are not foreclosed from following up as led by the Spirit. But the essence of the interview is our own statement of accountability to principles of chastity, honesty, charitable family relationships, covenant keeping, and so on.
- 19 Matthew 22:37–39.
- 20 Matthew 22:40.
- 21 John 14:15.
- 22 See John 8:32–34; Doctrine and Covenants 59:4.
- 23 See Alma 34:14–16.

- 24 The claim that the only essential truth is that God is love does not necessarily mean that all else is adiaphora, thereby rendering the Atonement unnecessary. One can, for example, derive some set of essential applications from the core principle that God is love and then conclude that disobedience to these derived applications requires redemption by the Savior's atoning sacrifice. The risk of abstracting to a single principle of love and then rederiving essential applications is that those applications may not align with the core applications—in the form of commandments and doctrines—that the Savior Himself taught.
- 25 1 Corinthians 13:12–13.
- 26 Academic Freedom Policy, Brigham Young University (April 1, 1993), policy.byu.edu/view/index.php?p=9; quoting B. H. Roberts, in Conference Report, October 1912, 30. The source of Roberts's citation is the Latin maxim "*In necessariis unitas, in non-necessariis (or, dubiis) libertas, in utrisque (or, omnibus) caritas*" (see Philip Schaff, *History of the Christian Church*, 2nd ed. (New York: Charles Scribner's Sons, 1915), 6:650).
- 27 Academic Freedom Policy; emphasis in original.
- 28 Academic Freedom Policy.