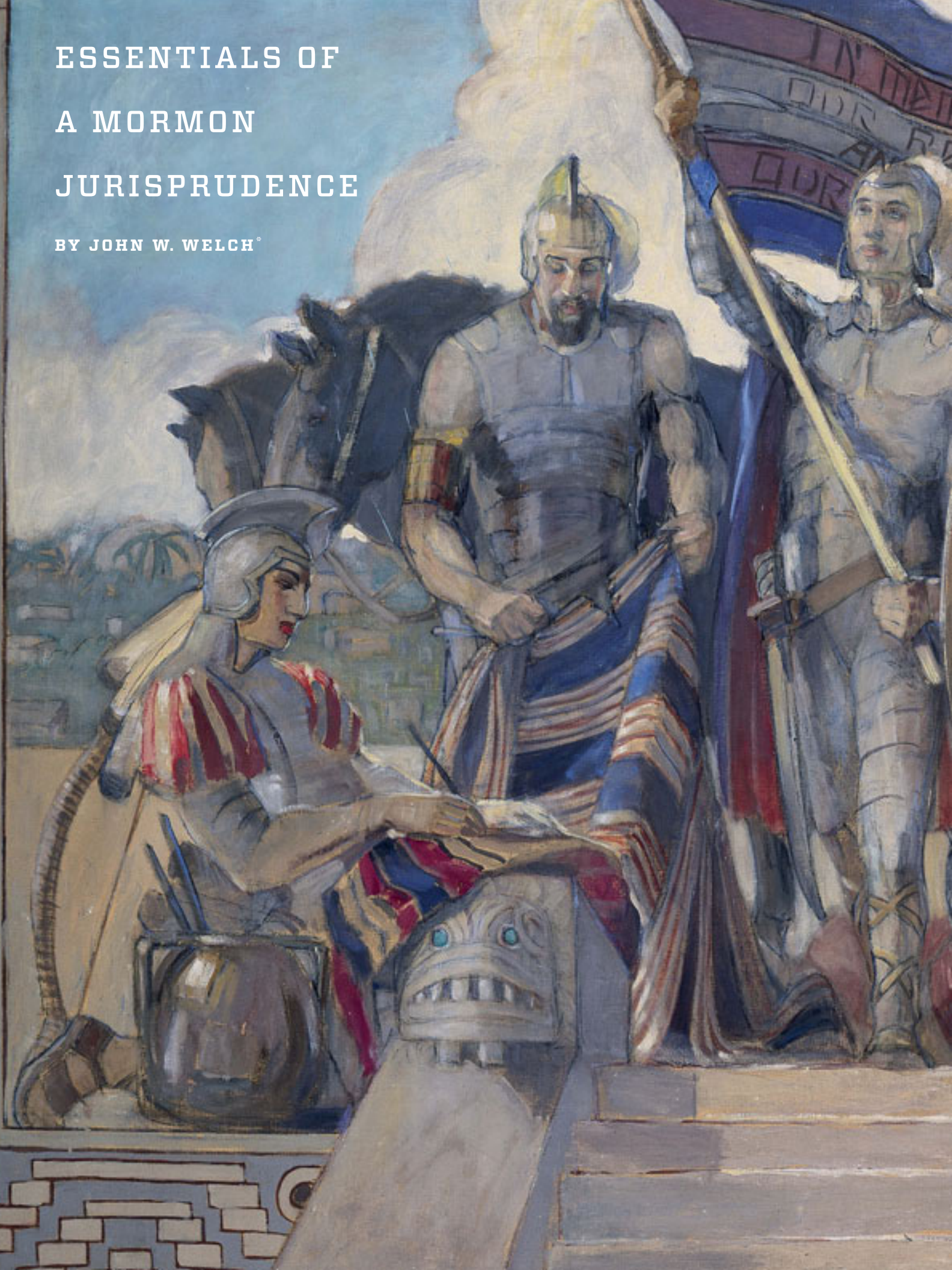


ESSENTIALS OF
A MORMON
JURISPRUDENCE

BY JOHN W. WELCH*



Many lawyers and law students are interested in the intersection of their religious faith and values with their responsibilities and duties in the legal profession. The mere fact that many people intuitively sense a connection between law and religion is prima facie evidence that these domains are at least relevant to each other, if not fundamentally linked.



In this article I hope to make a pioneering contribution to the intellectual progress of my own religious tradition, Mormonism. Recent political events have amplified the fact that to many Americans, Mormonism is still seen today as a bizarre religion, or worse, a “cult with a heretical understanding of Scripture and doctrine.”¹ This article does not seek to answer such criticisms² or to explain Mormon tenets,³ as this is readily available elsewhere. Instead, this article explores a broad jurisprudential perspective of the relatively young religion, which is very rich in potential and now emerging more often on national and international scenes, asking: What would a Mormon jurisprudence look like? How would one recognize a Mormon jurisprudence? What would distinguish it from other jurisprudential approaches?

When one goes looking for a Mormon jurisprudence, one is looking for more than a description of Mormon historical experiences with the law (Joseph Smith’s numerous appearances in court,⁴ antipolygamy legislation,⁵ J. Reuben Clark’s service in the State Department,⁶ comments on the Equal Rights Amendment,⁷ abortion, same-sex marriage,⁸ or the United Nations Doha Declaration on the Family⁹) and more than an articulation of what Joseph Smith meant when he said that the Constitution of the United States was an inspired document.¹⁰ Although these legal topics are typical discussion topics,¹¹ jurisprudence goes beyond the historical and political domains, probing into questions of theory and meaning.

In the Western tradition, jurisprudence typically asks: (1) What is truth? (2) What is law? (3) How does law differ from custom or manners? (4) What is justice? (5) What are rights? (6) What constitutes an actionable offense? (7) What is causation? (8) What is intention? (9) What is legitimate? (10) Why do bad things happen to good people? (11) When and why do we punish? (12) What do we mean by equality?

A Mormon jurisprudence would, of course, offer its answers to such questions. But at the same time, a Mormon jurisprudence would not just begin or end with the questions that Western jurisprudence has preferred to ask. We should not expect every tradition to ask the same questions. In addition to the questions typically posed by Western tradition, a Mormon jurisprudence

would be more inclined to ask: (1) What is goodness? (2) What is love? (3) How does law differ from covenants or principles? (4) What is mercy? (5) What are duties? (6) What constitutes repentance and restitution? (7) What is responsibility? (8) What is free agency? (9) What is authority? (10) It questions why bad things happen at all.¹² (11) When and how do we offer assistance? (12) What do we mean by equanimity and harmony? In sum, Mormon jurisprudence asks overlooked questions, advancing these often-underrepresented topics.

Mormonism is both a worldwide and an eternally oriented movement. Thus, Mormons must begin thinking in terms of “Mormon jurisprudences”—members of The Church of Jesus Christ of Latter-day Saints, as jurists in various countries and cultures, must work to understand and utilize principles of the gospel within the context of their own legal system, while at the same time thinking in transcendent terms that unify Mormon jurisprudential thought across all cultures.

With all this in mind, it is also important to remember that a jurisprudence is not the same thing as an ideology, but it is not easy to sustain the distinction between the two. Jurisprudence asks how we think, not what we think. In this regard, this article turns attention to three fundamental features that would significantly shape any Mormon jurisprudence. First, such a jurisprudence would be rooted in Mormon scripture. Second, such a jurisprudence would be inclusive, though not eclectic. And third, such a jurisprudence would be fundamentally pluralistic, though not polycentric.

I. Rooted in Mormon Scripture

Whatever else one may say, a Mormon jurisprudence must be based solidly in scripture; and, indeed, Latter-day Saint scriptures are filled with seminal statements about the nature and operation of law, both divine and human, spiritual and temporal. Studying scripture will be the closest ally of Mormon jurisprudence.

A primary issue then becomes “And what is scripture?”¹³ The premises of a Mormon jurisprudence must be based in the first instance in all Latter-day Saint canonical works, namely the Old and New Testaments,

the Book of Mormon, the Doctrine and Covenants, and the Pearl of Great Price.¹⁴ Elaborations may be found in intentional, relevant statements by high-ranking Latter-day Saint Church leaders, but these may be less universally applicable than the canonical revelations. No scripture is for personal interpretation,¹⁵ and yet neither is scripture self-interpreting.

A Mormon jurisprudence will need to distill, articulate, and extract from the body of scripture “correct principles” that will appropriately govern all circumstances of human life.¹⁶

In this process the scriptures must be carefully and broadly studied. A passage’s original intent is important, but so is the history of its reception and use as canon within Mormon communities.

For example, one must wonder: What was the Book of Mormon prophet Nephi’s intent when he said that “all are alike unto God”?¹⁷ His pronouncement sounds like the beginnings of a jurisprudence of critical race theory;¹⁸ but how revolutionary and transformational is Mormonism?¹⁹

Indeed, Joseph Smith said that Mormonism will revolutionize the world, but by making all men friends.²⁰ Does Lehi, another Book of Mormon prophet, agree with Plato’s *Philebus* that pleasure is the purpose of life and basis of a jurisprudence when he, Lehi, says, “[M]en are, that they might have joy”?²¹ Not likely. But what did Lehi mean?

Perhaps most directly pertinent to the law, legal cases in the scriptures need to be carefully analyzed: What rules of law and holdings emerge from scriptural accounts such as the trial and execution of Naboth;²² the action of Boaz on behalf of Ruth;²³ the trial of Jeremiah at the temple;²⁴ or, in the Book of Mormon, the case of Sherem against Jacob²⁵ or the trials of Abinadi, Nehor, or Korihor?²⁶ The same could be asked of the trials of Jesus, Paul, and others.²⁷ Why are there so many legal cases in the scriptures? What would a Mormon jurisprudence draw from them?

Equally difficult to understand—historically, linguistically, literarily, comparatively,

What rules of law emerge from scriptural accounts such as the trials of Abinadi, Nehor, or Korihor? Why are there so many legal cases in the scriptures? What would a Mormon jurisprudence draw from them?



collectively, and practically—are the various and often conflicting or changing bodies of rules or legal codes in the scriptures. What is one today to make of Jehovah's rules of judicial ethics found at the end of the Code of Covenant in Exodus 23, the concept of social justice found in the laws of Deuteronomy, the legal elements concerning divorce and perjury in the Sermon on the Mount, or the statement published in Doctrine and Covenants, section 134, on government? One must look carefully at these issues to determine not only what the word *kill* or *false witness* actually meant in Hebrew in the Ten Commandments, but also what the implications of those meanings are. Is there a scriptural position on tolerance? On struggle and resistance? On analogical reasoning? On legal analysis? On collective intention? On social choice? On human dignity? On the boundaries of democratic pluralism?

The scriptures are filled with laws, teachings, statutes, ordinances, commandments, and testimonies in all their varieties. Legal topics in the scriptures often appear or are assumed in prophetic texts, revelations, ethical admonitions, speeches, sermons, proverbs, parables, psalms, histories, and narratives.²⁸ In many ways, the Mormon scriptural package is endless.

II. Not Random or Eclectic, But Inclusive

In 1931 the German mathematician Gödel proved an important hypothesis known as the incompleteness theorem.²⁹ He demonstrated that any system can be either complete or consistent, but not both.³⁰ Applying his theorem to systems of thought, it has been noted that systematic theologies and strictly rational philosophies may well achieve a satisfying sense of internal consistency, but they do so at the expense of

completeness. The standard objections to Aquinas' naturalism, Kant's idealism, or Hart's positivism is that they exclude too much of the picture of life,³¹ saying more and more about less and less, until they say virtually everything about nothing. Abstractions may be clean and clear, but they are also just that, extractions of selected parts from an unmanageable and perhaps naturally inconsistent whole. And the answer is not, with critical legal studies,³² or perhaps legal polycentrism,³³ to say less and less about more and more, until one is left to say nothing about everything.

Mormon thought, in contrast, privileges fullness, abundance, completeness, and all that the Father has, even if that means that Mormon thought, like Mormon life, appears to be overloaded, inconsistent, in many ways rationally unprovable and torn by competing values and obligations that pull, stretch, and expand in many ways. This may produce

episodes of cognitive dissonance, ethical quandaries, confusion, mystery, and unknowability, but Mormonism boldly recognizes that there must be an opposition in all things,³⁴ including rationality and irrationality, as paradoxical as that may seem.³⁵

Faced with a choice, a Mormon jurisprudence will always prefer fullness over mere coherence, choosing to circumscribe all truth into one great whole. For this very reason, Joseph Smith objected to the limiting effects of denominational creeds, rational and consistent though they may be.



A logical result of this inclusivism can be found in one of the basic impulses of Mormonism: gathering.³⁶ Joseph Smith and Brigham Young, the first two presidents of the LDS Church, gathered people from various places to Kirtland and Nauvoo, to Utah and Zion. But they saw that the principle of gathering embraces not only groups of people but also bodies of truth.

As a result, some people will say that a Mormon jurisprudence is eclectic. But there is a difference between being eclectic and being open or willing to be inclusive. A Mormon “rule of inclusion” may need to be developed. It will fall back, at a minimum, onto the Mormon concept of scripture, which is both open *and* canonical, transcendent *and* immanent.

As a Mormon jurisprudence reads various theories of law, it will find useful elements in each that are true and can be supported by scripture. For example:

DIVINE LAW THEORY—God is a lawgiver in the Bible, and the Doctrine and Covenants expansively affirms, “[God] hath given a law unto all things.”³⁷ Section 130:20 fundamentally speaks of a law “irrevocably decreed in heaven before the foundations of this world.”³⁸ Moreover, Joseph Smith clearly asserted, God “was the first Author of law.”³⁹

NATURAL LAW THEORY—Law naturally exists to some extent independent even of God, for in Alma’s *reductio ad absurdum*, if God somehow were to be unjust, “God would cease to be God.”⁴⁰ God is also bound when people do what He says.⁴¹ Law is necessary, Lehi argued: “[I]f . . . there is no law . . . there is no God.”⁴² And in some sense, law or its effects are immutable or fixed:

And again, verily I say unto you, he hath given a law unto all things, by which they move in their times and their seasons;

*And their courses are fixed, even the courses of the heavens and the earth, which comprehend the earth and all the planets.*⁴³

LEGAL IDEALISM—Idealist views of law seem enticing, for God is a God of order.⁴⁴ He invites us to come and reason together with Him.⁴⁵ But He reminds us that His thoughts are not our thoughts.⁴⁶ Still, law strives for ideal harmony, and “[t]he law of the Lord is [ideally] perfect.”⁴⁷

LEGAL POSITIVISM—Positivist formulations abound in Mormon scripture and rhetoric. On one hand, God’s sovereign commands are coupled with explicit sanctions and, on the other hand, with rewards upon which command that blessing is predicated.⁴⁸ In the Book of Mormon, Lehi even goes as far to say that where there is no law, there is no punishment.⁴⁹

SOCIOLOGY—Sociological theories of jurisprudence look to the instrumental values of law in furthering the purposes of life, in promoting the inner order of human associations, and in strengthening the conditions of social solidarity.⁵⁰ So do LDS precepts and policies.

PRAGMATISM—Pragmatic views of law are prescriptive; so are the scriptural be-

ye-therefores and the rules of conduct prescribed for members of the Church throughout scripture.⁵¹

LEGAL REALISM—Even legal realism may have a place in a Mormon jurisprudence. Realist views are predictive, or at least attempt to predict future judicial outcomes based on past experience. Likewise, the prophecies about how the Final Judgment will proceed and what the consequences of human choices will be are also predictive.⁵²

PSYCHOLOGY AND PHENOMENOLOGY—Psychological and phenomenological constructs of law⁵³ seem consonant with the scriptural injunctions to find and do justice, not in or with law books and past precedents, but “in the fear of the Lord, faithfully, and with a perfect heart.”⁵⁴

And so it goes: Wherever truths may be found, they will be embraced and utilized by a Mormon jurisprudence.

III. Fundamentally Pluralistic

As one may readily discern from the foregoing discussion of the Latter-day Saint concept of open canon and from the strong Latter-day Saint preference for fullness, the main philosophical assumptions that will drive the engine of a Mormon jurisprudence are all distinguished by a strong inclination, not necessarily toward pluralism, but toward pluralistic manifolds.

Over the years, I have spoken with many scholars of various faiths. These discussions have made me keenly aware that words and phrases, concepts and presuppositions, all of which seem perfectly obvious and intuitively valid to me, may mean something completely different, or perhaps even nothing at all, to a person of another persuasion. Frequently, this results in frustration, misrepresentation, or abandonment of the topic.

As I sat listening to intellectual ships passing in the night, it dawned on me why so many points of disjunction exist between Mormonism and traditional Christian orthodoxy. The common element present in Evangelical objections against Mormon

Joseph Smith and Brigham Young saw that the principle of gathering—one of the basic impulses of Mormonism—embraces not only groups of people but also bodies of truth.

thought is this: Evangelicals, including such notables as C. S. Lewis, are monists, where Mormons are pluralists. Over and over again, Mormon doctrine relishes multiplicity. Many words found in traditional Christianity are principally understood in the singular, whereas the same words in Mormon doctrine are understood predominantly as plurals:⁵⁵ priesthoods and priesthood offices;⁵⁶ kingdoms, powers, and principalities;⁵⁷ intelligences, two creations, and worlds without number;⁵⁸ hosts of heaven; messengers;⁵⁹ continuing revelations and gifts of the spirit;⁶⁰ scriptures, dispensations, covenants, ordinances, two Jerusalems, and two deaths; heavens;⁶¹ degrees of glory;⁶² many “mansions”;⁶³ eternal lives; and even, in certain senses, saviours⁶⁴ and gods.⁶⁵ It is second nature for Latter-day Saints to think, comfortably, in terms of manifold pluralities. In contrast, it is first nature for Evangelicals to think, readily, in terms of singularity: one kingdom, one scripture, one priesthood of all believers, one saving act, and one sanctifying human response of faith to God’s singular grace.⁶⁶

What one finds here generally and in Doctrine and Covenants 88:36–38 particularly is a very profound and important approach to law, which can be called a general theory of *legal* relativity. These verses reveal that “all kingdoms have a law given; and there are many kingdoms; . . . and unto every kingdom is given a law; and unto every law there are certain bounds also and conditions.” Thus, natural law cannot be universalized specifically because all creation is not in fact one homogenous universe, but a multiverse. Every kingdom has a law, yet it is a natural law, at least in the sense that it is consistent with the nature of the matter within that kingdom. A Mormon jurisprudence would recognize that many laws pertinent to this world are quite possibly irrelevant in the setting of another kingdom. Do laws against murder have anything to do with another world of immortal beings?

A binary world is presumed in the opposites that constituted the Creation (dark and light, wet and dry, male and female), with both sides of these pairs of opposites being not only descriptive of the nature of this world but also necessary to permit choice. As Lehi famously stated, “For it must needs be, that there is an opposition in all things.”⁶⁷ A Mormon metaphysics, therefore, would ad-

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John W. Welch, professor of law at J. Reuben Clark Law School, is the first Law School professor to be awarded the Karl G. Maeser Distinguished Faculty Lecturer Award. The university’s highest faculty honor recognizes Welch’s prodigious scholarship, exemplary and far-reaching service, and teaching. >>> Dean James Rasband said of Welch’s accomplishments:

There are, I suppose, a number of ways to assess whether a nominee’s contributions have been “exceptional” as the criteria for the award demand. One way I have looked at this is to hypothesize writing a history of the university and asking whether the work of a particular faculty member would merit mention. Most of us, I sense, would be thrilled with some mention or footnote, but Jack’s work could merit a whole chapter. From his early undergraduate and continuing work on chiasmus to his 1979 creation of the Foundation for Ancient Research and Mormon Studies (FARMS), which was later brought into the university, to his influential role in the Encyclopedia of Mormonism and the Joseph Smith Legal Papers to his almost-20-year editorship of BYU Studies, Jack has had a powerful influence on the trajectory of Mormon studies. More important, the influence has been the blend of faith and rigorous inquiry that is at the heart of the university’s aspirations. Jack is truly the sort of bilingual scholar that President Spencer W. Kimball, in his “Second Century” address, suggested all of us need to be. Jack speaks credibly to secular scholars of ancient and religious texts while at the same time illuminating the doctrines and truths of the restored gospel.

dress and include such concepts as causation, determinism, fate, freedom, influence, addition, and relinquishment of freedom, accepting as fundamental the axiom that human nature is changeable, both for better or worse.

A Mormon jurisprudence would work from a basic understanding of human nature that recognizes the seed of divinity and therefore of eternal value in every human being, however faint it may sometimes seem.⁶⁸ The jurisprudence of Thomas Hobbes begins with the premise that human nature is evil and needs to be contained and controlled

by benevolent ruling forces.⁶⁹ While recognizing that evil forces influence and shape human decisions and that the natural or mortal element in man stands in a state of enmity toward the immortal or divine, a Mormon jurisprudence still assumes that humanity is in essence beneficent and that most of the people most of the time will prefer to choose good over evil.⁷⁰

An ethics of merit and responsibility, individually and collectively, goes hand in hand with this Mormon self-perception, for no one will get to a state of justice by getting

there alone. Permissiveness is not a blessing if it encourages self-destruction, and we mourn each loss as a loss of part of ourselves.

A pluralistic Mormon jurisprudence would reject the idea that all law can be reduced to economics. In fact, one cannot buy many things, let alone the most important things, in this world for money. This irreducibility transforms a jurist's approach to damages, equity, remedies, fairness, justice, and punishment. A Mormon jurisprudence will likewise make room for multiple theories of punishment, not just the one right theory or approach. Individual circumstances and needs will call for the measured and effective use of an arsenal of various punishments. And like Captain Moroni's Title of Liberty, any LDS banner of justice would encompass a host of essential goods, from God, religion, lands, and country to freedom, peace, rights, and children.⁷¹

Concluding Comments

Mormonism, of course, is a young tradition, little more than 180 years old. Think where Christianity was when it was only 180 years old. No Mormon Thomas Aquinas has appeared yet. Latter-day Saints still have much homework to do, and in this they will need the help of many intellectual friends. However, Mormonism is extraordinarily rich in potential. It is deeply devoted to both truth and goodness, justice and mercy, grace and works. How rich is the idea that people should become eventually like God (an idea not unique to Mormonism, as reflected in 1 John 3:2). Whatever a person's view of God's true character or characteristics might be, how much better the world would be if that person would strive to the extent possible in this present mortal experience to be like God.

Most of all, one may see in Mormon jurisprudence a potential to be pluralistic without degenerating back into chaos. In the post-modern world, Mormonism offers a logical alternative to the two prevailing paradigms—relativism and absolutism. A pluralistic theology or jurisprudence should uniquely appeal to and serve the needs and interests of the ever-increasingly complex world in which various cultures, ideologies, interest groups, ethnicities, modalities, and religions abound. Indeed, it should serve the needs of all God's children, in every nation,

kindred, tongue, and people. Is it too much to think that a Mormon jurisprudence might serve those ends even better than the other options that have been put on the jurisprudential table thus far?

ART CREDITS

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NOTES

¹ Robert K. Thomas Professor of Law, Brigham Young University; JD, Duke University (1975); MA Classics, Brigham Young University (1970); Lit. Hum., Greek Philosophy, Oxford University (1970–1972). This article is extracted from a paper delivered on February 14, 2004, to a national meeting of the student section of J. Reuben Clark Law Society held at Harvard Law School. The author expresses appreciation for the invitation of the *Regent University Law Review* to publish this paper. For the full publication, see 21 REGENT U. L. REV. 79 (2008).

1 Nancy Gibbs, *The Religion Test: Is It Sheer Bigotry to Say You Won't Vote for Someone Because He's a Jew? A Muslim? What About a Mormon?* TIME, May 21, 2007, at 41. For additional discussion, see also the conference at Princeton University Center for the Study of Religion: Mormonism and American Politics (Nov. 9–10, 2007), <http://www.princeton.edu/~csrelig/mormonism&politics>.
2 See generally CRAIG L. BLOMBERG & STEPHEN E. ROBINSON, HOW WIDE THE DIVIDE? A MORMON & AN EVANGELICAL IN CONVERSATION (1997); ROBERT L. MILLET, A DIFFERENT JESUS? THE CHRIST OF THE LATTER-DAY SAINTS (2005); ROBERT L. MILLET & GERALD R. McDERMOTT, CLAIMING CHRIST: A MORMON-EVANGELICAL DEBATE (2007); MORMONISM IN DIALOGUE WITH CONTEMPORARY CHRISTIAN THEOLOGIES (David L. Paulsen & Donald W. Musser eds., 2007) (offering models of interfaith conversation through a collection of 11 extended theological exchanges between leading Protestant and Latter-day Saint scholars, including a foreword by Martin E. Marty); THE NEW MORMON CHALLENGE (Francis J. Beckwith et al. eds., 2002); Stephen E. Robinson, *LDS Doctrine Compared with Other Christian Doctrines*, in ENCYCLOPEDIA OF MORMONISM 399 (Daniel H.

Ludlow ed., 1992); Jan Shippy, "Is Mormonism Christian?" *Reflections on a Complicated Question*, 33 BYU STUDIES, No. 3, at 438 (1993).

- 3 See generally RICHARD LYMAN BUSHMAN, MORMONISM: A VERY SHORT INTRODUCTION (2008); DOUGLAS J. DAVIES, AN INTRODUCTION TO MORMONISM (2003); ENCYCLOPEDIA OF MORMONISM (1992) (containing clear, nonpolemical definitions and explanations of hundreds of Latter-day Saint doctrines, practices, and beliefs); THE WORLDS OF JOSEPH SMITH: A BICENTENNIAL CONFERENCE AT THE LIBRARY OF CONGRESS (John W. Welch ed., 2006).
- 4 For various reasons, between 1819 and 1844, Joseph Smith had numerous court appearances in New York, Ohio, Missouri, and Illinois, either as a witness, a defendant, a party to a business transaction, or a judge. See, e.g., Joseph I. Bentley, *Legal Trials of Joseph Smith*, in ENCYCLOPEDIA OF MORMONISM, *supra* note 2, at 1346–48 (providing a summary of Joseph Smith's interactions with the courts); and a forthcoming volume edited by Jeffrey N. Walker, Gordon A. Madsen, and John W. Welch on Joseph Smith's many encounters with the law.
- 5 See, e.g., Ray Jay Davis, *Antipolygamy Legislation*, in ENCYCLOPEDIA OF MORMONISM, *supra* note 3, at 52; Richard D. Poll, *The Legislative Antipolygamy Campaign*, 26 BYU STUDIES, No. 4, at 107 (fall 1986).
- 6 See generally FRANK W. FOX, J. REUBEN CLARK: THE PUBLIC YEARS (1980).
- 7 See generally REX E. LEE, A LAWYER LOOKS AT THE EQUAL RIGHTS AMENDMENT (1980).
- 8 See generally Lynn D. Wardle, "Multiply and Replenish": Considering Same-Sex Marriage in Light of State Interests in Marital Procreation, 24 HARV. J.L. & PUB. POL'Y 771 (2001) (discussing and advocating a global interest in the protection of traditional marriage).
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- 10 Doctrine and Covenants 98:7, 101:77, 101:80; TEACHINGS OF THE PROPHET JOSEPH SMITH 147 (Joseph Fielding Smith ed., 1976) (1938) [hereinafter TEACHINGS]; Rex E. Lee, president of Brigham Young Univ., "The Constitution and the Restoration," (Jan. 15, 1991), in BRIGHAM YOUNG UNIVERSITY SPEECHES, 1990–1991, 1, at 17–18. See generally Panel Discussion, *What Is the Proper Role of the Latter-day Saint with Respect to the Constitution?* 4 BYU STUDIES, No. 2, at 151 (winter 1962) [hereinafter Panel Discussion] (a compilation of discussions on Mormonism and the United States Constitution).
- 11 See, e.g., James B. Allen, *J. Reuben Clark, Jr., on American*

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- 12 See, e.g., David L. Paulsen, *Joseph Smith and the Problem of Evil*, 39 *BYU STUDIES*, No. 1, at 53 (2000); John Sutton Welch, *Why Bad Things Happen at All: A Search for Clarity Among the Problems of Evil*, 42 *BYU STUDIES*, No. 2, at 75 (2003).
- 13 See W. D. Davies & Truman G. Madsen, *Scriptures*, in *ENCYCLOPEDIA OF MORMONISM*, *supra* note 3, at 1277.
- 14 Clyde J. Williams, *Standard Works*, in *ENCYCLOPEDIA OF MORMONISM*, *supra* note 3, at 1415–16.
- 15 2 Peter 1:20.
- 16 John Taylor, *The Organization of the Church*, *MILLENNIAL STAR*, Nov. 15, 1851, at 337, 339 (quoting Joseph Smith).
- 17 2 Nephi 26:33.
- 18 See SURYA PRAKASH SINHA, *JURISPRUDENCE: LEGAL PHILOSOPHY IN A NUTSHELL* 341 (1993). (“[Critical race theory] analyzes the relationship of law and racial subordination in the United States.”)
- 19 See generally Dwight N. Hopkins & Eugene England, *A Dialogue on Black Theology*, in *MORMONISM IN DIALOGUE WITH CONTEMPORARY CHRISTIAN THEOLOGIES*, *supra* note 2, at 341; Dwight N. Hopkins et al., *A Dialogue on Womanist Theology*, in *MORMONISM IN DIALOGUE WITH CONTEMPORARY CHRISTIAN THEOLOGIES*, *supra* note 2, at 303; Rosemary Radford Reuther & Camille Williams, *A Dialogue on Feminist Theology*, in *MORMONISM IN DIALOGUE WITH CONTEMPORARY CHRISTIAN THEOLOGIES*, *supra* note 2, at 251.
- 20 *TEACHINGS*, *supra* note 10, at 316, 366.
- 21 2 Nephi 2:25.
- 22 1 Kings 21:1–14.
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- 24 Jeremiah 26:8–24. This case is discussed in John W. Welch, *The Trial of Jeremiah: A Legal Legacy from Lehi’s Jerusalem*, in *GLIMPSES OF LEHI’S JERUSALEM* 337 (John W. Welch et al. eds., 2004).
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- 26 Mosiah 12–17; Alma 1:10–15, 30:20–56. See generally JOHN W. WELCH, *THE LEGAL CASES IN THE BOOK OF MORMON* (2008) (providing detailed discussions of each of the legal cases in the Old Testament and Book of Mormon).
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- 29 ERNEST NAGEL & JAMES R. NEWMAN, *GÖDEL’S PROOF* 94–95 (5th impression, N.Y. Univ. Press 1964) (1958).
- 30 *Id.* Gödel’s work as a young mathematician at the University of Vienna successfully proved the “axiomatic” approach to mathematical thought as unsound. *Id.* at 3–5. The original proofs of Gödel attacked the ancient Greek approach to mathematics, which accepts as true certain unproven axioms and then derives from those axioms all other propositions as theorems. *Id.* at 4–5. This approach was successfully used in geometry and, in Gödel’s time, was being applied to other forms of mathematics. *Id.* Gödel’s proof showed this approach unsound, and his theories have since been extended beyond mathematics to other disciplines, including philosophy and systematic theology. *Id.* at 6–7.
- 31 See, e.g., SURYA PRAKASH SINHA, *JURISPRUDENCE: LEGAL PHILOSOPHY IN A NUTSHELL* 202–04 (1993).
- 32 *Id.* at 297, 307–14 (defining the major tenants of critical legal studies); Lewis A. Kornhauser, *The Great Image of Authority*, 36 *STAN. L. REV.* 349, 364–71 (1984).
- 33 SURYA PRAKASH SINHA, *JURISPRUDENCE: LEGAL PHILOSOPHY IN A NUTSHELL* 347–49 (1993). See generally *PLURALISM AND LAW* (Arend Soeteman ed., 2001) (containing a series of articles addressing the problems and issues posed to the law in a global community); WARWICK TIE, *LEGAL PLURALISM: TOWARD A MULTICULTURAL CONCEPTION OF LAW* (1999).
- 34 2 Nephi 2:11.
- 35 See David L. Paulsen, *Harmonization of Paradox*, in *ENCYCLOPEDIA OF MORMONISM*, *supra* note 2, at 402–03. See generally TERRY L. GIVENS, *PEOPLE OF PARADOX: A HISTORY OF MORMON CULTURE* (2007).
- 36 Ronald D. Dennis, *Gathering*, in *ENCYCLOPEDIA OF MORMONISM*, *supra* note 2, at 536.
- 37 Doctrine and Covenants 88:42.
- 38 *Id.* at 130:20.
- 39 *TEACHINGS*, *supra* note 10, at 56.
- 40 Alma 42:13.
- 41 Doctrine and Covenants 82:10 (“I, the Lord, am bound when ye do what I say; but when ye do not what I say, ye have no promise.”).
- 42 2 Nephi 2:13.
- 43 Doctrine and Covenants 88:42–43.
- 44 See *Id.* at 88:119 (stating that the Lord’s house is “a house of order”).
- 45 Isaiah 1:18.
- 46 Isaiah 55:8.
- 47 Psalms 19:7.
- 48 Doctrine and Covenants 130:21.
- 49 2 Nephi 2:13.
- 50 SURYA PRAKASH SINHA, *JURISPRUDENCE: LEGAL PHILOSOPHY IN A NUTSHELL* 223–45 (1993).
- 51 See, e.g., Doctrine and Covenants 105:41; Exodus 22:31; Luke 6:36; Matthew 5:48; 3 Nephi 12:48.
- 52 Alma 12:13–18; Mosiah 3:24–27.
- 53 SURYA PRAKASH SINHA, *JURISPRUDENCE: LEGAL PHILOSOPHY IN A NUTSHELL* 284–95 (1993).
- 54 2 Chronicles 19:9; see also Doctrine and Covenants 97:21.
- 55 All English translations of the Bible, including the New International Version, sometimes singularize words, even though the ancient Hebrew or Greek might have used a plural.
- 56 Ephesians 4:11; Hebrews 7.
- 57 Titus 3:1.
- 58 Compare Hebrews 1:2, 11:3 (New International Version), with Hebrews 1:2, 11:3 (King James Version).
- 59 Amos 3:7.
- 60 1 Corinthians 12:4–11.
- 61 Matthew 5:3, 10:10, 6:9. Although “heaven” is used in the singular in the King James version, the original Greek is often in the plural, *ouranoi*. *NEW BIBLE DICTIONARY* 465–66 (J. D. Douglas et al. eds., 2d ed. 1982).
- 62 1 Corinthians 15:40–42.
- 63 John 14:2. The original Greek word is *monai*. *NEW BIBLE DICTIONARY*, *supra* note 61, at 735.
- 64 Compare Obadiah 1:21 (New International Version) (translated as “deliverers”), with Obadiah 1:21 (King James Version) (translated as “saviours”).
- 65 Psalms 82:6.
- 66 This should come as no surprise, since Protestantism is rooted in its general affirmation of the five “*solas*”: *sola scriptura* (scripture alone), *sola Christus* (Christ alone), *sola gratia* (grace alone), *sola fide* (faith alone), and *sola Deo gloria* (glory to God only).
- 67 2 Nephi 2:11.
- 68 See generally Truman G. Madsen, *The Latter-Day Saint View of Human Nature*, in *ON HUMAN NATURE: THE JERUSALEM CENTER SYMPOSIUM* 95 (Truman G. Madsen et al. eds., 2004) (exploring the Latter-day Saint view of human nature in a collection containing nine different religious traditions’ views on the same).
- 69 THOMAS HOBBES, *LEVIATHAN* 74–78, 84–85 (Edwin Curley ed., Hackett Publ’g Co. 1994) (1668).
- 70 Mosiah 29:26.
- 71 Alma 43:47, 46:12.