

THE THEORY OR DOCTRINE OF THE STATE

Scripture References:

- D&C 98:4-10
- D&C 101:76-80
- Mosiah 27:1-4
- Alma 30:6-11
- D&C 134
- D&C 38:21-22
- 1 Timothy 2:1-4
- D&C 42:79, 84-87
- Compare Rom. 13:1-7 with JST Rom 13:1-7
- Matt. 22:15-22 (Luke 20:20-26)
- Matt. 17:24-27
- D&C 58:21-22
- Exod. 22:28
- Eccl. 8:2
- Titus 3:1
- 1 Pet. 2:13-16
- Article of Faith 12

Selected Reading Material:

Cole W. Durham, Jr., *Church and State*, in *Encyclopedia of Mormonism* 281, 281-83 (1992).

Elder Dallin H. Oaks, *Separation, Accommodation and the Future of Church and State*, 35 DePaul L. Rev. 1 (1985).

W. Cole Durham Jr. & Nathan Oman, *A Century of Mormon Theory and Practice in Church-State Relations: Constancy Amid Change*, forthcoming from DePaul Univ. Press, available at <http://www.aliveonline.com/ldspapers/home.htm>

Notes and Commentary:

Lesson 1: The Theory or Doctrine of the State

1. God is the Source of Human Rights –Not the State

— *What is the source of human freedom?*

— *Why is it important to understand that human rights are inalienable and gifts from God and not merely part of political compacts or arrangements?*

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Reading Excerpts:

Brigham Young, 2 JD 308, 313-14 (July 8, 1855):

“What is the foundation of the rights of man? The Lord Almighty has organized man for the express purpose of becoming an independent being like unto Himself, and has given him his individual agency. Man is made in the likeness of his Creator, the great archetype of the human species, who bestowed upon him the principles of eternity, planting immortality within him, and leaving him at liberty to act in the way that seemeth good unto him, to choose or refuse for himself.”

“As I have just stated, the Lord Almighty has organized every human creature for the express purpose of becoming independent, and has designed that they should be capable of receiving the principles of eternity to a fulness; and when they have received them unto a fulness, they are made perfect, like unto the Son of Man, and become Gods, even the Sons of God.”

Bruce R. McConkie, *Mormon Doctrine* 377 (1966):

“As a natural and automatic inheritance from their Creator, all men are born into the world with certain *inalienable rights*, rights which cannot be surrendered, transferred, or alienated. The Declaration of Independence lists *life, liberty, and the pursuit of happiness* as among these. In the full sense they include every natural and inherent right necessary for the working out of one’s salvation in the kingdom of God. Freedom of thought and of worship, freedom of speech and of preaching the gospel, freedom to investigate the truth, to worship God according to the dictates of one’s own conscience, to earn a temporal livelihood—these are among our inalienable rights.”

Joseph Smith, 2 History of the Church 7 (1976):

“It is not our intention by these remarks, to attempt to place the law of man on parallel with the law of heaven; because we do not consider that it is formed in the same wisdom and propriety; neither do we consider that it is sufficient in itself to bestow anything on man in comparison with the law of heaven, even should it promise it. The laws of men may guarantee to a people protection in the honorable pursuits of life,

and the temporal happiness arising from a protection against unjust insults and injuries: and when this is said, all is said, that can be in truth, of the power, extent, and influence of the laws of men, exclusive of the law of God.”

Ezra Taft Benson, God Family, Country: Our Three Great Loyalties 283-84 (1974):

“I support the doctrine of separation of church and state as traditionally interpreted to prohibit the establishment of an official national religion. But I am opposed to the doctrine of separation of church and state as currently interpreted to divorce government from any formal recognition of God. The current trend strikes a potentially fatal blow at the concept of the divine origin of our rights and unlocks the door for an easy entry of future tyranny. If Americans should ever come to believe that their rights and freedoms are instituted among men by politicians and bureaucrats, then they will no longer carry the proud inheritance of their forefathers, but will grovel before their masters seeking favors and dispensations a throwback to the feudal system of the Dark Ages. We must ever keep in mind the inspired words of Thomas Jefferson, as found in the Declaration of Independence:

“We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed”

“Leaving aside, for a moment, the question of the divine origin of rights, it is obvious that a government is nothing more nor less than a relatively small group of citizens who have been hired, in a sense, by the rest of us to perform certain functions and discharge certain responsibilities which have been authorized. It stands to reason that the government itself has no innate power or privilege to do anything. Its only source of authority and power is from the people who have created it. This is made clear in the Preamble to the Constitution of the United States, which reads: “We the people . . . do ordain and establish this Constitution for the United States of America....”

“The important thing to keep in mind is that the people who have created their government can give to that government only such powers as they themselves have in the first place. Obviously, they cannot give that which they do not possess. So the question boils down to this: What powers properly belong to each and every person in the absence of and prior to the establishment of any organized governmental form? A hypothetical question? Yes, indeed! But it is a question that is vital to an understanding of the

principles that underlie the proper function of government.”

2. The State’s Proper Role is to Protect Human Rights and Provide Order.

- *What should be the State’s role with regard to human freedom?*
- *What is the connection between the doctrine of moral agency and political freedom?*

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Reading Excerpts:

Ezra Taft Benson, Conference Report, April 1968, 49:

“No people can maintain freedom unless their political institutions are founded upon faith in God and belief in the existence of moral law. God has endowed, men with certain inalienable rights, and no legislature and no majority, however great, may morally limit or destroy these. The function of government is to protect life, liberty, and property, and anything more or less than this is usurpation and oppression.”

Marion G. Romney, “America’s Fate and Ultimate Destiny,” May 2, 1976, 1 Classic Speeches 255, 266-67 (1994). [Regarding Section 101:76-80:]

“In this declaration the Lord reveals three things: (1) that the Constitution of the United States was established by him; (2) that the purpose of it was to protect men in the exercise of their God-given moral agency; and (3) that every man should eventually, under its just and holy principles, enjoy such protection.”

Marion G. Romney, “America’s Fate and Ultimate Destiny,” May 2, 1976, 1 Classic Speeches 255, 265 (1994).

“To this generation [God] has given [his laws] anew through his prophet Joseph Smith Jr.

“The giving of these laws, however, would have been abortive without a civil government that would guarantee men the untrammelled exercise of their God-given free agency. Without such a civil government men could not be bound by the laws of God even though they were revealed. As a matter of fact, free agency underlies all of God’s laws. It is God’s law of liberty. It is the basis of existence.

“God wants men to do good, but he never forced them

and does not want them to be forced. He placed in and left with them the power of election. When they do good, he honors them because they could have done evil. When they are coerced, they are entitled to no such honor. God allows men to make their own choices, and he has reserved to himself the judgment as to the correctness of their choices.

“Free agency has always had rough going, however. Over it the War in Heaven was fought. In the earth it has been abridged by almost all governments, civil and ecclesiastical. Apostate churchmen, kings, and other rulers have from the beginning arrogated judgment unto themselves. They have, contrary to God’s law of liberty, preempted men’s rights, with or without his consent, to determine what would be best for them to do and by every means within their power have undertaken to force men to do their bidding.”

Ezra Taft Benson, *The Teachings of Ezra Taft Benson* 674 (1988):

“History records that eventually people get the form of government they deserve. Good government, which guarantees the maximum of freedom, liberty, and development to the individual, must be based upon sound principles.”

3. Separation of Church and State is Essential

- *Why is separation of Church and State essential?*
- *What does separation of Church and State mean in practice? How separate is separate?*
- *Don’t we believe in the ultimate joining of Church and State?*

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Reading Excerpts:

Cole W. Durham, Jr., *Church and State*, in *Encyclopedia of Mormonism* 281, 281-83 (1992):

“Latter-day Saints believe that the separation of church and state is essential in modern societies prior to the Millennium. LDS scriptures teach that civic laws should not interfere with religious practices, nor should religious institutions manipulate governments to their advantage. Many LDS teachings emphasize the role of governments in preserving individual

freedom of conscience. The Church is active in countries with various types of governments and encourages its members to be involved in civic affairs and to honor the laws of the land (see *Civic Duties*). LDS practice tended to be more integrationist and theocratic in the isolated early Utah period and has been more separationist in the twentieth century.

“Discourse within the Church on issues of church and state proceeds on at least two planes: (1) in discussions of historical and contemporary church-state relations, and (2) in discussions of ideal settings, such as will exist in the Millennium, when “Christ will reign personally upon the earth” (A of F 10), or in the Celestial Kingdom.

“The principles of free agency and freedom of conscience, which are fundamental to LDS church-state theory, are consistent on both planes of discourse. However, the institutional implications of these principles are different in the two settings. In the present world, where believers are subject to the imperfections of human government, separation of church and state is vital to the protection of religious liberty. On the ideal plane, in contrast, Latter-day Saints anticipate more integrated theocratic, or what Joseph Smith called “theodemocratic” institutions (T&S 5 [Apr. 15, 1844]:510), both because of the inherent legitimacy of divine rule and because the participants in millennial or celestial societies willingly accept such rule. Nevertheless, LDS prophets have consistently taught that even in the millennial society freedom of conscience will be respected. For example, Brigham Young stated, “In the Millennium men will have the privilege of their own belief” (JD 12:274; cf. DS 3:63-64). The Church does not advocate theocracy for the premillennial world. It instructs members to be subject to the powers that be, until he reigns whose right it is to reign (D&C 58:22)- that is, until Christ comes.

“In the meantime, several principles apply. As noted above, the fundamental assumption is that human beings have free agency and a number of inherent human rights, most notably, the free exercise of conscience” (D&C 134:2).”

Dallin H. Oaks, *Oral Statement of Elder Dallin H. Oaks, Senate Committee on the Judiciary, Hearings on S. 2148, The Religious Liberty Protection Act of 1998 (June 17, 1998), reprinted in Clark Memorandum, Spring/Summer 1998, 20:*

“Mr. Chairman, I am privileged to appear before you to testify in support of Congressional enactment of S.2148, the Religious Liberty Protection Act of 1998. I am here as a representative of The Church of Jesus Christ of Latter-day Saints to present the official position of that Church.”

"The history of The Church of Jesus Christ of Latter-day Saints (sometimes called Mormon or L.D.S.) illustrates why government should have a "compelling interest" before it can pass valid laws to interfere with the free exercise of religion."

"The conflict between religious-based conduct and government regulation of religious practices remains today. The free exercise of religion, enshrined in our Constitution, is in jeopardy and cries out for protection. There is nothing more sacred than a devout person's worship of God C nothing more precious than that person's practice of his or her religion."

"With the abandonment of the "compelling governmental interest" test in the case of Employment Division v. Smith, the Supreme Court has permitted any level of government to enact laws that interfere with an individual's religious worship or practice so long as those laws are of general applicability, not overtly targeting a specific religion. This greatly increased latitude to restrict the free exercise of religion must be curtailed by restoring the compelling governmental interest test."

Harold B. Lee, *The Teachings of Harold B. Lee* 230-32 (1996):

"After all is said about the various forms of human government, it has always seemed to me that there are only two systems, with some slight shades between them. The one contemplates the domination of human souls into a system where personal aggrandizement by rulers of nations is accomplished as a reward for human slavery. The philosophy for such a system may be found in the boastful claim of the master of darkness, well known to students of the scriptures: "I will redeem all mankind, that one soul shall not be lost, and surely I will do it; wherefore give me thine honor" (Moses 4:1)."

"The second system is the one proposed by the Master of Light even before this world was created wherein each soul was to have the opportunity to work out his own destiny. That plan involved sacrifice, toil and sweat, trial and error and tears, but always individual freedom was assured through the right of individual choice. Such a system is to be found in a nation or country where there is a completely unrestricted representative government."

Bruce R. McConkie, *Mormon Doctrine* 145 (1966):

"With the restoration of the gospel, ... the government of God began again to be established on earth. So far that government operates only in spiritual things, but in due course the Lord will make a full end of all nations. (D.&C. 87:6.) Then civil government as found in all the kingdoms of this present world will

cease, and the theocratic millennial administration will begin in which the government of God will be both spiritual and temporal. (D.&C. 38:20-22.)"

4. The State Should Support, or at Least not Interfere with, Religious Freedom

— *D& C 134:1 states that "governments were instituted of God for ht benefit of man." Does this mean all governments?*

— *What about those governments that do not respect basic human freedoms?*

— *What is the difference between "abiding by" and "befriending" a law?*

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Reading Excerpts:

R. Collin Mangrum, *Mormonism, Philosophical Liberalism, and the Constitution*, 27 *BYU Studies* 19 (1987):

"The Mormon "Articles of Faith" succinctly state a radical theological perspective grounded on belief in free will and denial of original sin. The second article denies the doctrine of original sin: "We believe that men will be punished for their own sins, and not for Adam's transgression." The third article, while accepting the necessity of the atonement, adds that salvation (exaltation) is not strictly a free gift of God but is conditioned upon obedience to gospel principles: "We believe that through the Atonement of Christ, all mankind may be saved, by obedience to the laws and ordinances of the Gospel." With moral responsibility affirmed, the conditions of freedom become critical.* * * *

"* * * * Where ... man's salvation is partially dependent on obedience to God's laws, natural rights, especially religious liberty, become not only preferable but critical. Man must be allowed to act in accordance with the dictates of God. If the state asserts too strong a normative claim, jeopardizing obedience to God, then civil disobedience or conscientious refusal become necessary.* * * *

"If we are to capture the essence of Mormon theological radicalism, * * * * we must go beyond the Articles of Faith. For Mormons it has become

idiomatic that “As man is God once was; as God is man may become.” This couplet expresses the Mormon notion of eternal progression, or the perfectibility of man. The narrative begins with an account of premortal existence and the coeternality of God and man. God did not create man *ex nihilo*, out of nothing. Man existed forever as an intelligence possessing * * * free will or agency. It was Satan’s willful effort to destroy the agency of man that merited his expulsion from God’s presence and the termination of his eternal progression. Satan, in effect, proposed a dictatorial normative universe in which human choice was totally eliminated. Mormon theological narrative, therefore, teaches against coercion and in favor of freedom. Man chose to retain his agency and accept full responsibility for his actions, upon condition that his elder brother, Christ, offer himself as an atonement for man’s sins. Through faith and willful obedience, we become, with Christ’s nurturing aid, increasingly like God. Freedom, therefore, is the foundational right originating temporally and logically independent of the state’s recognition.”

“Moreover, Mormonism proclaims that “governments were instituted of God for the benefit of man; and that he holds men accountable for their acts in relation to them” (D&C 134:1). Of course, consensual government provides the norm. The Prophet Joseph Smith expressed his confidence in the principle of self-governance when he stated that man, if taught correct principles, would govern himself.”

Val D. Ricks, “Contract Law and Christian Conscience,” B.Y.U. Law Review (2003).

[Regarding D&C 98:4-10:]

“In verse 5, the law that is “justifiable” before the Lord is the law that supports “that principle of freedom.” There is only one principle in the passage, and it is named in verse 4: “that my people should observe to do all things whatsoever I command them.” So the law that supports that principle is justifiable and belongs to all mankind. *Constitution* is here distinguished from *principle* (not as in D&C 109:54). Moreover, the clause beginning “supporting ...” modifies “constitutional.” So rights and privileges supporting the principle of freedom that Amy people should observe to do all things whatsoever I command them” is justifiable.

“Because that law is justifiable, “therefore” the Lord (as stated in verse 6) justifies the church in befriending “that law.” Both the word “therefore” and the use of the same word “justified” and “justify” in verses 5 and 6 limit our befriending to that law which is both constitutional and supporting of the principle named in verse 4. The reference to “that law” in verse 6 is to “that law” discussed in verse 5. Verse 6 does

not justify the church in befriending all constitutional law. If it had meant to say that, the clause in verse 6 “that law which is” would serve no purpose.

“Substantive legal positions otherwise marked out in theology and history support the limitation of verse 6 to law supporting “that principle of freedom.” Some have said that verse 6 justifies our supporting all constitutional law, but this is not only contrary to the linguistic suggestions of verses 5 and 6 but also takes too broad a substantive position. For instance, the Lord does not justify our befriending constitutional law approving slavery, because slavery would interfere with the principle of freedom named in section 4, which, as section 5 states, belongs to all mankind. The Lord also does not justify our befriending constitutional law requiring his people directly to cease to live by his commands, such as the *Reynolds* and *Beason* cases. (We can abide by it without befriending it.)

“Verse 7 limits the justification only to law supporting that principle: “whatsoever is more or less than this, cometh of evil.” Verse 7 makes sense theologically because human law is violence or force against other humans. The Lord would not condone our committing violence or force generally. Therefore the law needs some justifying principle (which is why verses 5 and 6 talk in terms of justification). See also D&C 98:22-32 (especially verses 23, 25, 26, 30-31, which recommend peace as a reaction to violence but justify protection of life and to a lesser extent liberty). Verse 4 names the principle of freedom and verse 7 limits the justification to that: law in the service of freedom. The maintenance of freedom to serve God (or to decide not to serve him) in all things is consistent with what a God of love working only for the salvation of his children would recommend. The law “maketh you free.” 98:8. Any violence God condoned beyond that would be what? Forced salvation is a contradiction. Would it serve some purpose other than the salvation of his children? He has said he does nothing but for our benefit (2 Ne. 26:22; Mos. 1:39).

“God also lets the unjust rule (D&C 98:9). They have their free agency, and we have an opportunity to show our courage in the fight against evil. That only one justification for law exists doesn’t mean that all rulers suffered by God to rule will do only that which is justified. So we should seek the honest, wise, and good to rule so that they will stick to making us free and not go beyond that. “Otherwise whatsoever is less than these cometh of evil,” 98:10 reiterates, harking back to verse 7’s limitation.”

Section B: The Church/State Theory

Applied

1. Freedom of Conscience Should be Universally Protected and Equally Enjoyed

— *Under the Mormon view of the Church/State relationship can you imagine any circumstances in which the State could or should restrict freedom of conscience?*

— *Will there be religious liberty during the millennium and if so, will there be various religions?*

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Readings Excerpts:

Joseph Smith, 2 History of the Church 7 (1976):

“We deem it a just principle, and it is one the force of which we believe ought to be duly considered by every individual, that all men are created equal, and that all have the privilege of thinking for themselves upon all matters relative to conscience. Consequently, then, we are not disposed, had we the power, to deprive any one of exercising that free independence of mind which heaven has so graciously bestowed upon the human family as one of its choicest gifts.”

Joseph Smith, 5 History of the Church 498 (1976):

“The Saints can testify whether I am willing to lay down my life for my brethren. If it has been demonstrated that I have been willing to die for a “Mormon,” I am bold to declare before Heaven that I am just as ready to die in defending the rights of a Presbyterian, a Baptist, or a good man of any other denomination; for the same principle which would trample upon the rights of the Latter-day Saints would trample upon the rights of the Roman Catholics, or of any other denomination who may be unpopular and too weak to defend themselves.

“It is a love of liberty which inspires my soul-civil and religious liberty to the whole of the human race.”

Brigham Young, 2 JD 308, 310 (July 8, 1855):

“When the Kingdom of God is fully set up and established on the face of the earth, and takes the pre-eminence over all other nations and kingdoms, it will protect the people in the enjoyment of all their

rights, no matter what they believe, what they profess, or what they worship. If they wish to worship a god of their own workmanship, instead of the true and living God, all right, if they will mind their own business and let other people alone.”

Brigham Young, 6 JD 343, 343 (July 31, 1859):

“Whoever lives to see the kingdom of God fully established upon the earth will see a government that will protect every person in his rights. If that government was now reigning upon this land of Joseph, you would see the Roman Catholic, the Greek Catholic, the Episcopalian, the Presbyterian, the Methodist, the Baptist, the Quaker, the Shaker, the Hindoo, the Mahometan, and every class of worshippers [sic] most strictly protected in all their municipal rights and in the privilege of worshipping [sic] who, what, and when they pleased, not infringing upon the rights of others. Does any candid person in his sound judgment desire any greater liberty?”

Brigham Young, 12 JD 111, 114 (December 8, 1867):

“Go into the world, among the inhabitants of the nations of Christendom, whether Infidels, Episcopalians, Baptists, Methodists, Presbyterians, or people of any other religious sect, and tell them plainly that the law of God is going to be the law of the land, and they would be terrified, they would fear and tremble. But tell them that the law of liberty, and equal right to every person, would prevail and they could understand that, for it is according to the Constitution of our country. To do the greatest good to the greatest number of the people is the principle inculcated in it. But tell them that the law of Zion will be the law of the land, and it grates upon their ears, they do not like to hear it. Many have read with regard to the effects of Catholicism, when it exercised great power among the nations, and the thought of any church getting such a power strikes a terror to them. That church professed to be the church of God upon the earth, and some dread similar results to those which attended that. Supposing the early Christians had not departed from the truth, but had retained the keys of the kingdom, there never would have been a man put to the test with regard to this religious faith. If an Infidel had abused a Christian, it would have been stopped, and the wrong-doer would have been compelled to cease his violence, but no religious test would have been applied. The law of right would have prevailed. Some suppose that when the Kingdom of God governs on the earth, everybody who does not belong to the Church of Jesus Christ will be persecuted and killed. This is as false an idea as can exist. The Church and Kingdom of God upon the earth will take the lead in everything that is praiseworthy, in everything that is good, in everything that is delightful, in everything that will promote knowledge and extend an understanding of truth. The

Holy Priesthood and the laws thereof will be known to the inhabitants of the earth, and the friends of truth, and those who delight in it, will delight in those laws and cheerfully submit to them, for they will secure the rights of all men. Many conclude, from reading the history of various nations, that Catholicism never granted any rights to any person, unless he would believe it as he was required to believe. But it is not so in the Kingdom of God; it is not so with the law nor with the Priesthood of the Son of God. You can believe in one God, or in three gods, or in a thousand gods; you can worship the sun or the moon, or a stick or a stone, or anything you please. Are not all mankind the workmanship of the hands of God? And does he not control the workmanship of His hands? They have the privilege of worshiping as they please. They can do as they please, so long as they do not infringe upon the rights of their fellow-beings. If they do well they will receive their reward, and if they do ill they will receive the results of their works. You and I have the privilege of serving God, of building up Zion, sending the gospel to the nations of the earth and preaching it at home, subduing every passion within us, and bringing all subject to the law of God. We have also the privilege of worshiping Him according to the dictates of our own consciences, with none to molest or make us afraid."

2. Other Freedoms which Flow from Freedom of Conscience Should Also be Protected and Applied Equally

- *Is there a connection between freedom of religion and other basic human freedoms?*
- *Can you think of any examples of nations which preserve and protect religious freedom which also do not support other basic human freedoms?*

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Readings Excerpts:

Joseph Smith, 3 History of the Church 304 (1976) (March 25, 1839, from Liberty Jail):

"Here is a principle also, which we are bound to be exercised with, that is, in common with all men, such as governments, and laws, and regulations in the civil concerns of life. This principle guarantees to all

parties, sects, and denominations, and classes of religion, equal, coherent, and indefeasible rights; they are things that pertain to this life; therefore all are alike interested; they make our responsibilities one towards another in matters of corruptible things"

Parley P. Pratt, 1 JD 137, 139 (July 4, 1853):

"In the principles of the Constitution formed by our fathers, and handed down to their children, and those who should see fit to adopt this country as theirs, there is no difficulty, that is, in the laws and instruments themselves. They embrace eternal truths, principles of eternal liberty, not the principles of one peculiar country, or the sectional interest of any particular people, but the great, fundamental, eternal principles of liberty to rational beings—liberty of conscience, liberty to do business, liberty to increase in intelligence and in improvement, in the comforts, conveniences, and elegances of this life, and in the intellectual principles that tend to progress in all lives."

Ezra Taft Benson, The Teachings of Ezra Taft Benson 672-73 (1988):

"In general terms, the proper role of government includes such defensive activities as maintaining national military and local police forces for protection against loss of life, loss of property, and loss of liberty at the hands of either foreign despots or domestic criminals. It also includes those powers necessarily incidental to the protective function, such as the maintenance of courts where those charged with crimes may be tried and where disputes between citizens may be impartially settled; the establishment of a monetary system and a standard of weights and measures so that courts may render money judgments, taxing authorities may levy taxes, and citizens may have a uniform standard to use in their business dealings." (An Enemy Hath Done This, pp. 131-32.)"

David O. McKay, Statements on Communism and the Constitution of the United States 23 (1966):

"We are placed on this earth to work, to live; and the earth will give us a living. It is our duty to strive to make a success of what we possess—to till the earth, subdue matter, conquer the globe, to take care of the cattle, the flocks and the herds. It is the Government's duty to see that you are protected in these efforts, and no other man has the right to deprive you of any of your privileges."

Hugh B. Brown, 66 Improvement Era 1058 (1963) [find this one's original]:

"[I]t is a moral evil to deny any human being the right to gainful employment, to full educational opportunity, and to every privilege of citizenship, just as it is a

moral evil to deny him the right to worship.”

Section C: Present Church Participation in Political Activities

1. The Church Is Politically Involved only in “Moral Issues.”

- *What do you think are some of the issues or types of issues on which the Church should be involved directly in the political process?*
- *Does Church involvement in the political process on moral issues contradict the principle of separation of Church and State? Why or Why not?*
- *What kind of involvement should the Church engage in when it determines that the political issues in question are moral issues?*
- *What should and shouldn't a member do who sincerely disagrees with a clear position taken by the Church on a political issue?*

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Reading Excerpts:

Gordon B. Hinckley, *Teachings of Gordon B. Hinckley* 62 (1997):

“We believe in the separation of Church and state. The Church does not endorse any political party or any political candidate, nor does it permit the use of its buildings and facilities for political purposes. We believe the Church should remain out of politics unless there is a moral question at issue. In the case of a moral issue we would expect to speak out. But,

in the matter of everyday political considerations, we try to remain aloof from those as a Church, while at the same time urging our members, as citizens, to exercise their political franchise as individuals.”

Ezra Taft Benson, *The Teachings of Ezra Taft Benson* 608-09 (1988):

“A critic claimed that a person who serves in a church capacity should not comment on civic matters. He charged that the separation of church and state requires that church officials restrict their attention to the affairs of the church.

I also believe that the institutions of church and state should be separated, but I do not agree that spiritual leaders cannot comment on basic issues which involve the very foundation of American liberty.

In fact, if this were true, we would have to throw away a substantial part of the Bible. Speaking out against immoral or unjust actions of political leaders has been the burden of prophets and disciples of God from time immemorial. It was for this very reason that many of them were persecuted. Some of them were stoned; some of them were burned; many were imprisoned. Nevertheless, it was their God-given task to speak up. It is certainly no different today.”

“To Moses, God said, “Proclaim liberty throughout all the land unto all the inhabitants thereof” (Leviticus 25:10). To modern men God has said that the Constitution “should be maintained for the rights and protection of all flesh” (D&C 101:77). (Title of Liberty, p. 28.)

Cole W. Durham, Jr., *Church and State*, in *Encyclopedia of Mormonism* 281, 281-83 (1992):

“A corollary of freedom of conscience is that human law does not have the right “to interfere in prescribing rules of worship to bind the consciences of men, nor dictate forms for public or private devotion” (“D&C 134:4). This principle of nonintervention by the state in religious affairs is understood to proscribe not only interference with individual practice but also interference with the autonomy of the Church as an institution pursuing its religious mission. The position of the Church in this regard was vindicated in the U.S. Supreme Court in *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints et al. v. Amos et al.* (483 U.S. 327 [1987]) and is consistent with international understanding of religious liberty (e.g., Principle 16 of the Concluding Document of the Vienna Meeting of the Conference on Security and Co-operation in Europe [1989]). Consistent with this position, the Church believes in maintaining strict independence for itself and affiliated institutions, such as Church-sponsored schools and universities, and accordingly does not accept direct aid or subsidies

from governmental sources because of the actual or potential regulatory interference this might entail.”

“The Church is also committed to separation of church and state from the religious side. “We do not believe it just to mingle religious influence with civil government, whereby one religious society is fostered and another proscribed in its spiritual privileges, and the individual rights of its members, as citizens, denied” (“D&C 134:9). This does not mean that the Church is precluded from taking a stand on moral or other issues when it is religiously motivated to do so or that religious values must be pushed to the margin of public life; nor does it mean that the Church cannot have indirect influence on the state as a result of the Church’s efforts to teach religious principles and to make positive contributions in its members’ lives. It does mean that it is inappropriate for a religious organization to manipulate the machinery of secular power to procure advantages for itself or disadvantages for others.

“The Church is not viewed as a worldly organization. It avails itself of legal structures, such as corporate or other organizational entities available to it in various countries, to arrange its temporal affairs, and it complies with all legal requirements this may entail, but it is not dependent for its spiritual authority on any worldly institution. Latter-day Saints believe that their Church is established and guided by God through a prophet and apostles who hold the keys and priesthood authority needed to teach gospel truths and to officiate in the ordinances necessary for salvation and exaltation.”

2. Individual Members Should be Actively Involved in the Political Process and in Sustaining the Law

— *Why is it important for individual members to become involved in the political process? What can individual members accomplish that the Church as an institution could or should not attempt?*

— *Is there a limitation on a Church member’s obligation to support and sustain the law? What about members living under repressive governments?*

— *Is civil disobedience ever justified for members of the Church?*

* * * * *

Reading Excerpts:

D&C 98:8-10:

8. I, the Lord God, make you free, therefore ye are free indeed; and the law also maketh you free.

9. Nevertheless, when the wicked rule the people mourn.

10. Wherefore, honest men and wise men should be sought for diligently, and good men and wise men ye should observe to uphold; otherwise whatsoever is less than these cometh of evil.

Bruce R. McConkie, *A New Witness for the Articles of Faith* 686 (1985):

“All scriptures should be studied in context. Any concepts taught will have application in principle whenever the same circumstances prevail, and perhaps above all other verses of holy writ, these principles of interpretation and application have reference to our Twelfth Article of Faith. Certainly this inspired statement relative to obedience to law and subjection to secular authority had total application to the conditions in which the saints found themselves in 1842, when the Prophet penned the Wentworth Letter, of which the Articles of Faith are a part. At that time the Church was dominantly an American church with roots in Western Europe. Strictly speaking, and having in mind the historical context in which the inspired declarations on secular authority were made, they had specific application to the areas where the saints then dwelt. But they apply, in principle, to other areas in which church and state are separated and when like conditions prevail.”

Spencer W. Kimball, *The Teachings of Spencer W. Kimball* 405 (Edward L. Kimball, ed. 1982):

“As members of Christ’s true church we must stand firm today and always for human rights and the dignity of man, who is the literal offspring of God in the spirit.”

James E. Faust, in James E. Faust & James P. Bell, *In the Strength of the Lord: The Life and Teachings of James E. Faust* 276 (1999):

“Civil disobedience has become fashionable for a few with strongly held political agendas. Even when causes are meritorious, if civil disobedience were to be practiced by everyone with a cause our democracy would unravel and be destroyed. Civil disobedience is an abuse of political process in a democracy. “No one pretends that democracy is perfect or all-wise,” as Winston Churchill once said. “Indeed, it has been said that democracy is the worst form of Government

except all those other forms that have been tried from time to time" (House of Commons, 11 Nov. 1947, *The Oxford Dictionary of Quotations*, Third Edition, p. 150)."

"Recently I heard a new convert to our Church urge that the Church resort to civil disobedience and violence because of the moral wrongness of abortion. The position of The Church of Jesus Christ of Latter-day Saints opposing abortion is longstanding and well-known. I told him that it was our belief that even though we disagreed with the law, and even though we counseled our people strongly against abortion, and even though we bring into question the membership of those involved in abortion, we are still obliged to recognize the law of the land until it is changed. His response was, "Even if it is wrong?" I tried to explain that when we disagree with a law, rather than resort to civil disobedience or violence, we are obliged to exercise our right to seek its repeal or change by peaceful and lawful means. ("The Integrity of Obeying the Law," Freedom Festival Fireside, Provo, Utah, 2 July 1995.)"

Heber J. Grant, *Reaffirmation of Church principles on government and law*, in 5 James R. Clark, *Messages of the First Presidency* 260, 263 (1965-75):

"In closing I wish to read a few words that I have read many times, (and I wish that we would get these words in our hearts and in our minds) from that great and wonderful man, Abraham Lincoln, who all Latter-day Saints believe firmly was raised up and inspired of God Almighty, and that he reached the presidency of the United States under the favor of our Heavenly Father, defeating Stephen A. Douglas, and fulfilling a prediction made by Joseph Smith to Stephen A. Douglas when he was an obscure country judge in Illinois."

"Lincoln said:

'Let the people know the truth, and the country is safe.'

'Let none falter who thinks he is right, and we will succeed.'

'Let us dare to do our duty as we understand it.'

'Bad laws, if they exist, should be repealed as soon as possible; still while they continue in force for the sake of example, they should be religiously observed.' (Notice the language-"religiously observed.")

"Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the Revolution never to violate, in the least particular, the laws of the country, and never to tolerate their violation by others. As the patriots of seventy-six did

to the support of the Declaration of Independence, so to the support of the Constitution and laws, let every American pledge his life, his property and his sacred honor. Let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the law be breathed by every American mother to the lisping babe that prattles on her lap. Let it be taught in schools, in seminaries and in colleges. Let it be written in primers, in spelling books and almanacs. Let it be preached from the pulpit, proclaimed in legislative halls and enforced in courts of justice. In short let it become the political religion of the nation.'

"Above all, let it become the religion of the Latter-day Saints. Why? Because it is in absolute and perfect harmony with the word of the living God to us in the revelations, every word of which, according to God, shall be fulfilled."

The First Presidency and Quorum of the Twelve, *Church Position on Prohibition, September 1932*, in 5 James R. Clark, *Messages of the First Presidency* 308, 310 (1965-75):

"The Church is so firmly committed to the maintenance and support of the governments in which its members have citizenship that it must regard violations of the law of the land as serious infractions of its own discipline and principles of Church government. We believe that any other position is untenable, either for ourselves as Church members or for other citizens of the Republic. We believe also that there is no better way to adequately test the value and ultimate worth of a law or principle than by strict and universal enforcement."

John A. Widstoe, *Program of the Church of Jesus Christ of Latter-day Saints* 100-01 (1937):

"The Church believes that political and religious influence should be kept apart. It does not in any way desire to encroach upon the rights or privileges of the State. It only rises to defend encroachments upon man's right of conscience. * * * * Should a government by its inherent power compel the Church to cease any religious practice, the Church is relieved from further responsibility; and the burden of guilt rests upon the State."

The First Presidency, in 6 James R. Clark, *Messages of the First Presidency* 115, 115-16 (1965-75):

"TO A WORLD AT WAR

"A statement to all men from the First Presidency of the Church, presented at the opening session of the 111th Semi-Annual Conference, October 4, 1940.

"The meeting of the Saints in this General Conference finds the world still war torn. Millions of the Lord's children are suffering and mourning. All the woes and misery that attend armed conflict are spending their force upon them. * * * *

"Our brethren and sisters are found on both sides of this terrible struggle. On each side they are bound to their country by all the ties of blood, relationship, and patriotism.

"As always happens in such cases, each side claims to believe it is in the right. Each claims to feel it is fighting for its very existence. As the war progresses in its cruelty and horror, each may come to aim at the complete subjugation or extermination of the other.

"This would be an inhuman and unrighteous purpose. God's way requires that nations shall live in peace and amity, one with another. The Master's command was: 'Love your enemies, do good to them which hate you, Bless them that curse you, and pray for them which despitefully use you.' (Luke 6:27-28.)

"The Saints on either side have no course open to them but to support that government to which they owe allegiance. But their prayers should go up day and night that God will turn the hearts of their leaders towards peace, that the curse of war may end."

James E. Talmage, *Jesus the Christ* 397 n.6 (1973):

"Recognition of established customs, institutions, and laws, and proper obedience thereto, do not necessarily imply individual approval. The gospel of Jesus Christ, which shall yet regenerate the world, is to prevail-not by revolutionary assaults upon existing governments, nor through anarchy and violence-but by the teaching of individual duty and by the spread of the spirit of love. When the love of God shall be given a place in the hearts of mankind, when men shall unselfishly love their neighbors, then social systems and governments shall be formed and operated to the securing of the greatest good to the greatest number. Until men open their hearts to the reception of the gospel of Jesus Christ, injustice and oppression, servitude and slavery, in some form or other, are sure to exist. Attempts to extirpate social conditions that spring from individual selfishness cannot be otherwise than futile so long as selfishness is left to thrive and propagate."

Joseph F. Smith, *Gospel Doctrine* 407 (1986):

"If lawmakers have a mind to violate their oath, break their covenants and their faith with the people, and depart from the provisions of the constitution, where is the law, human or divine, which binds me, as an individual, to outwardly and openly proclaim my acceptance of their acts?"

Cole W. Durham, Jr., *Church and State*, in *Encyclopedia of Mormonism* 281, 281-83 (1992):

"The Church teaches the importance of government and encourages its members to obey the law of the land wherever they live. Human governments and laws are admittedly imperfect, but they play an important role in preserving order and providing stable contexts within which individuals can seek truth and strive to live in accordance with the dictates of conscience. Governmental leaders are accountable to God "for their acts--both in making laws and administering them, for the good and safety of society" (D&C 134:1; cf. 124:49-50)."

Additional Reading Selections

Reynolds v. United States, 98 U.S. 145 (1879).

Davis v. Beason, 133 U.S. 333 (1890).

Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States, 136 U.S. 1 (1890).

Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints et. al v. Amos, 483 U.S. 327 (1987).

Ezra Taft Benson, *God, Family Country: Our Three Great Loyalties* (1974).

Edwin Brown Firmage & Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900* (1988).

Frederick Mark Gedicks, *Towards and LDS Understanding of Church Autonomy*, Report to the Second American/European Conference on Religious Freedom, University of Trier, Germany (May 17, 1999), available at <http://www.aliveonline.com/ldspapers/geddicks.htm#N1>

Therald N. Jensen, *Mormon Theory of Church and State*, Ph.D. diss., University of Chicago, 1938.

J. Keith Melville, *Theory and Practice of Church and State During the Brigham Young Era*, 3 B.Y.U. Studies 33 (1960-61).

John Taylor, *The Government of God* (1852).