

SOLEMN PROMISES UNDER SEAL

Jay S. Bybee

A contract under seal was the most solemn of all contracts in the law. It could be voided only under the most egregious circumstances.

A couple of years ago while a law student, I was teaching a Sunday School course in the Doctrine and Covenants when I was struck by that work's occasionally legalistic language. I have since discovered that our modern-day scriptures contain a myriad of terms which might catch the eye of Latter-day lawyers, including references to rights, duties, powers, privileges, covenants, and agency—to say nothing of repeated emphasis on the law itself. While I would not try to understand the gospel on the basis of Coke, Blackstone, or Hohfeld, certain concepts familiar to the common law have given me additional insights into certain passages of scripture.

On this particular occasion I was fascinated by the striking declaration in Doctrine and Covenants 132:7 that “all covenants, contracts, bonds, obligations, oaths, vows, performances, connections, associations, or expectations that are not made and entered into and sealed by the Holy Spirit of promise . . . are of no efficacy, virtue, or force in and after the resurrection from the dead; for all contracts that are not made unto this end have an end when men are dead.” The succeeding verses make it clear that if the new and everlasting covenant is not sealed by the Holy Spirit of promise, the covenant is not valid in the hereafter (D&C 132:15, 18-19).

The nature of this promise becomes more clear in light of a common law practice once called “the mystery of the seal.” This practice, adopted from the Roman empire but dating back even earlier (Gen. 38:18, Esth. 8:8, 10), consists of placing some kind of identifying mark or seal on certain documents. In early Medieval

times a cross or other symbol was used to signify assent to the document. As people became more literate, the identifying sign used most frequently was a signature. Later, the signature was accompanied by a formal seal.

The traditional documentary seal was a wafer-like piece of wax which was attached to the document and then stamped with a signet ring engraved with an heraldic crest, initial, flourish, or bird. Seals were normally used only by persons of nobility (both laymen and churchmen) and were very distinctive so that they were difficult to duplicate. The story is even told of the peculiar seal of King Edward III who conveyed certain lands to a hunter “and in witness that it was sooth, he bit the wax with his fore tooth.”

Familiar seals today include the Great Seal of the United States (illustrated on a one-dollar bill) and other ornate seals used by municipalities and states. Corporations typically have a simple corporate seal with the name of the corporation and perhaps its date of incorporation. And, of course, notary publics, a vestige of the era when common people needed some way of authenticating their signatures with an authorized seal, are still used today for certain documents.

The act of sealing a document generally served three purposes. First, the seal served as an indication that an individual had ratified or assented to the documentary agreement. This was particularly true in the days when a signature was only a form of the seal. This function is closely related to the second function, that of authenticating the document. Because seals were difficult to duplicate, the fixing of the seal served to prove to all interested parties that

this was a valid document which bound the sealing party. So important was the seal that at one time the seal represented the obligation itself. Thus when a wax seal was lost or destroyed from the document, the obligation was similarly destroyed. With such enormous store placed in the mark of the seal, the seal-bearer for an important person such as a king had to be a trusted aide. (Witness the rightful heir's difficulty in reestablishing himself because he could not find the seal in Mark Twain's *The Prince and the Pauper*.) Even in more modern times, the law has required that an agent purporting to fix a seal on a contract on behalf of his principal must himself show a sealed instrument as evidence of his agency relationship.

Finally, the contract under seal was the most solemn of all contracts in the law. It was a formal contract which could be voided only under the most egregious circumstances. Certain important contracts, such as transfers of land, were required to be placed under seal, and no oral modifications to the contract were recognized. While the contract under seal no longer commands the reverence today that it once did, most states still have a longer statute of limitations for contracts under seal than for ordinary contracts.

It seems to me that some of these practices are echoed in scriptural references to important covenants. Indeed, the original meaning of “covenant” in the law, as distinguished from other forms of contract, was a formal promise under seal. In the passage in Doctrine and Covenants 132 quoted above, the Holy Spirit of Promise must ratify the contract to demonstrate that the Lord assents to the new and everlasting covenant. Such witness further serves to authenticate the covenant, to prove to all who know of it that such covenant is in fact a godly covenant. And it solemnizes the entire event by reminding those who enter into the covenant that such a covenant cannot be taken lightly without breaking the seal and destroying its effect.

Other references to sealing power reaffirm these principles.

Doctrine and Covenants 98:2, for example, states that our prayers are recorded with the "seal and testament" that they shall be granted. Here again the seal serves to ratify and authenticate a particular promise so that all will recognize its source and efficacy. The solemnizing function can also

readily be seen in scriptures referring to the sealing of a testimony, such as by the shedding of one's own blood, as proof that the witness was true (e.g., D&C 135:1, 7). Certainly such a testimony would be the most solemn of all sealed witnesses.

While this does not exhaust all

the functions of the Holy Spirit's ratifying seal, it does illustrate the value of examining the ordinary words and phrases which comprise the revelations. In this case, such a study can serve to remind us of the seriousness of our own transcendent covenants made under seal.

ISSUES OF INTIMACY

A MIXED RELIGIOUS MARRIAGE

Marybeth Raynes

Members of the Church are well acquainted with the exhortation that it is better to remain single than to marry outside of the Church. In addition to not having one's mate in the eternities, we are warned that marriage outside the fold results in the loss of shared spiritual moments, common daily rituals, and jointly held values which are the sweetest thing this side of the celestial kingdom.

But the difficulties of a mixed religious marriage can also occur for committed and active couples who marry in the temple. I have come to know many couples personally and in my clinical practice who, after months or years of marriage, find themselves in great conflict about religion. The way couples experience their religious differences varies as widely as types of marriage. But at least two types are fairly common.

One mixed marriage occurs when one spouse reveals or develops religious questions or doubts after the marriage. For example, one woman, after growing up with an active-member mother and a nonmember father earnestly sought a returned missionary from an active family so that she would not have to face the conflict her mother experienced. When her husband started to question

some Church policies, she was shocked and disillusioned. Her alarm deepened when his doubts did not go away and in fact increased as their arguments about the Church intensified. Now she carries a deep sense of betrayal as his activity has become sporadic. She wonders how he can really love her as much if he doesn't love the Church. The husband, on the other hand, reports that his feelings for her, their marriage, and the children have not changed as his feelings about the Church have. He wishes she would relax and enjoy what they have in common.

The breach in such cases often becomes very wide as the Church, each person's value, and the core of their caring and commitment to each other is called into question. The more believing or orthodox spouse may protest, "Does our marriage have meaning now that my spouse doesn't believe? How can we rear the children effectively and be together in the eternities if we are not united now? I feel abandoned now that my spouse won't attend Church and pray with me all of the time. I am not narrow minded because I am satisfied in my faith and do not want to question anything." The more dissenting spouse laments, "Why does my spouse equate everything good with the Church? I am not bad because I have ques-

tions. Is love so conditional that I am only loved if I conform to the Church?" Although polarized on religious issues, both partners may be enduring common feelings of betrayal, loss, confusion, and criticism.

Not every mixed marriage contains a Believing Saint and a Doubting Thomas. Another mixed marriage occurs between two active Mormons who define Church doctrine or practices differently. Another couple, both very active in the Church, interpret doctrine and policies quite differently. In one such instance, the husband declares that loving the Lord means living the commandments and programs exactly as the Church prescribes with no individual interpretation. The wife, however, says that gospel principles are paramount and the Church is primarily a vehicle for living those principles, therefore different policies and practices are open to question. For couples like this, whether tithing is paid on the net or the gross, which family activities should the husband decide as patriarch, how Sabbath activities should be conducted, and the amount of time spent in Church callings become serious issues. The value of the Church and the marriage are not challenged, but each person's character and testimony are.

For these types and others, balancing a split in belief and/or actions with the intimate and practical needs in a marriage is a double load and often puts both spouses in double jeopardy. Outer stability and inner turmoil rarely go hand in hand, and a marriage can crack if one or both partners cannot tolerate the emerging differences.

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ture may foster some of the factors that create these mixed marriages. For example:

The Way We Marry. We exhort eligible members to marry with an eye to Church commitment, which often means external guidelines. Activity in all meetings and programs, living the commandments, and a testimony of the Church are prerequisites (with a premium placed on having been on a mission, being from an active Mormon family, or attendance at BYU or other Church schools). But we often make the mistake of equating religious orthodoxy with marital compatibility. In actuality there may be as many ways of being Mormon as there are Mormons.

Romantic anecdotes in testimony meetings also show our tacit approval of brief courtships. But in such instances, there is often no opportunity to discover the patterns of each other's belief and practice, so no conflicts emerge. Worse still, some become aware of differences in background patterns or disagreement about Church matters but do not explore further. They enter an illusory agreement that the marriage will bring more unity. That illusion is often forcefully stripped away in the first year or with the advent of children.

Additionally, we extol the benefits of temple marriage but give little notice to the universal crises and conflicts in marriage. Though well informed on issues of finances, sex, children, etc., few Mormons know that it is normal to experience periods of turmoil and reintegration and to rethink all areas of life—including spiritual—throughout adulthood. Without this information, a spouse may unknowingly stifle his or her partner's growth in the Church or propel a larger disaffection from the Church than otherwise likely by demanding that religious thought and life follow a certain mold. Conversely, a person can push the spouse into a corner by insisting that she or he join the period of doubt and questioning even when it is not in the partner's interest.

The Demand for Similarity. With a strong emphasis in the Church on

finding a right and wrong way for everything, identical religious thought and action between marriage partners is encouraged. Where there are differences, one spouse must be wrong. Ironically, any church that has many criteria for goodness sets up as many points for conflict as for congruency. (This is true generally: the more areas two or more people want to share, the more areas for potential disagreement emerge. This is why friendships often work better than marriages; we sharply limit the number of concerns which overlap with our friends and often become really close to only those with whom we agree.) We may be unwittingly sharpening a double-edged sword as we increase the number of rituals and programs a couple must share as a condition for a happy marriage.

Sometimes the demand for similarity is a symbolic issue in the marriage, not the real one. It may be that the two personalities are so different that religion is only one struggle among many. When personalities sharply contrast, the effort to share important issues in an intimate way becomes more difficult. It is easier to want someone's views to coincide with ours, forming a closeness out of an already existing similarity. Unfortunately, doing so locks us in the prison of our own strengths instead of building bridges across our divergent ways of being. Such an approach also keeps us from facing such difficult but important questions as How can the qualities I struggle with in my spouse enrich my life? Do I need to expand my arena of belief? Do I need to change?

The Expectation That Marriage Will Be Happy If We Live Right. Marrying alike and living a similar lifestyle certainly increases the chances for a happy marriage. Mormons married in the temple enjoy one of the most stable marriage rates in the U.S. and a high percentage report that they are happy. But it is not a guarantee. To expect that tragedy will never happen, divorce cannot occur, and religious difference can not crop up provides only temporary mental security. Such a belief can be a set up for disappointment and is like denying the coming

winter and the need for insulatic and sufficient fuel. Most marriages go through at least one, if not several, winters. Every good marriage I know has been hammered out, and each spouse has been stretched beyond her or his former attitudes and actions.

If mixed marriages are not unusual, what options are there? think people in these circumstances are faced with some hard choices, maybe even a Hobson's choice (a decision with no good alternatives). Here are three:

1. Separate or divorce. Occasionally, the differences are just too great, and the differing actions of each spouse are seen as so wrong or manipulative that remaining married causes more torment than satisfaction. Even though few couples divorce solely on the grounds of religious difference, it is possible that separating and searching again for the intimacy that similarity can bring is a better option.

2. Stay in conflict. Many people can neither give up their belief—nor doubt. In the words of one man, "I can change my actions; I can become more active in the Church to please my wife, but I cannot just change my feelings—and they contain strong positive beliefs about the Church and also serious doubts." Those who will not or cannot accommodate their views enough to bridge the marital differences remain on a seesaw of conflict, each trying to convince the other or retreating to separate worlds without satisfying contact or intimacy.

3. Redefine one's marriage. Faced with serious dissonance between the ideal and reality, most people make some ideological or behavioral shifts. But the process generally occurs over a long time and in several stages. It is as difficult to redefine what we want in marriage and feel good about it as it is to move to a different culture and feel at home. The internal meaning of our soul's wishes is hard to alter successfully.

Yet at times this is the best course of action, particularly if we consider that our expectations may be quite narrow. A piece of wit from a long-forgotten source says, "We bring a list of expecta-

tions to marriage, and when the reality doesn't fit the list, we often tear up the person instead of the list."

I think it is possible to live satisfactorily in a mixed religious marriage. But doing so requires some accommodating. To begin with, both partners must leave all judgments to the Lord and not to their own opinions. Each must acknowledge, "Your beliefs are as important to you as mine are to

me, and our differing beliefs and actions do not make us bad or evil." In addition, both should agree on such practical details as the rearing of children (there is a tendency for one spouse to oversee the children's religious activity), issues with in-laws, and flexible attendance to Church functions. Surprisingly, some couples find that their accommodated patterns can bring as much richness as their former hoped-for, identical patterns.

Respect, trust, and love are redefined, but very much present. And for some, a similarity of viewpoints is gradually achieved.

These choices are not made easily or without a good deal of confusion. It often takes years to reach resolution about an issue that is the core of the meaning of life for so many Mormons. But for many the resolution can bring invigorating personal growth and new leaps of faith.

J. GOLDEN NUGGETS

MORE WORDS OF WISDOM

James N. Kimball

UnCLE Golden's struggle with the Word of Wisdom was really not his alone. Another member of the First Council of the Seventy, Brother B. H. Roberts, had problems with alcohol. Perhaps that was one of the reasons they were such good friends. They often traveled together. Uncle Golden said that when they were back in the hotel room after a long day of preaching and teaching the gospel and meeting with the Saints, Brother Roberts would ask Uncle Golden to go get him something so that he might imbibe and relax and sleep better. Uncle Golden was happy to do this. But he mentions in his diaries that after several drinks Brother Roberts became very morose and depressed. He told Uncle Golden how terrible he felt that he had this problem and how hypocritical he was to represent himself to the Saints as a leader while struggling with this temptation. Uncle Golden would try to help him through the night. On one occasion Golden went over and put his arm around him and said, "B. H., I want you to know something. Even when you're drunk, you're a helluva lot better man than most of the Brethren are sober."

Uncle Golden's struggles with the Word of Wisdom sometimes forced him into ironic circumstances. On one occasion, he was asked to go to

Cache Valley where the stake president had decided to call all the Melchizedek priesthood holders together for the purpose of emphasizing the importance of the Word of Wisdom. Uncle Golden didn't realize this was going to be the theme until he got there. As a matter of fact, he didn't know what he was to speak about until the stake president announced it in introducing Uncle Golden: "J. Golden Kimball will now speak to us on the subject of the Word of Wisdom." Uncle Golden didn't know what to say. He stood at the pulpit for a long time waiting for some inspiration; he didn't want to be a hypocrite and he knew he had problems with this principle. So finally he looked at the audience and said, "I'd like to know how many of you brethren have never had a puff on a cigarette in all your life. Would you please stand?" Well, Uncle Golden related later that much to his amazement most of the brethren in that audience stood. He looked at them for a long time and then said, "Now, all of you that are standing, I want to know how many of you have never had a taste of whiskey in all your life. If you have, sit down." Again, to Uncle Golden's amazement, only a few of the brethren sat down. The rest of them stood there proudly looking at him and then there was a long silence. I guess Uncle Golden thought they looked a little too self-righteous,

because his next comment was, "Well, brethren, you don't know what the hell you've missed."

At another conference, where again the theme was the Word of Wisdom, the presiding authority at the conference, a fellow General Authority, got off on the subject of the Word of Wisdom and berated everyone there for not observing it sufficiently. He ended his talk by saying, "I want to know who in this audience keeps the Word of Wisdom, the absolute letter of the law. I want to know who it is that faithfully keeps the commandment. Would you all please stand?" Well, most of the congregation stood. Then, for some unexplained reason, this General Authority began counting heads. When he found that the task was a little too much for him, he turned to Uncle Golden, who was sitting behind him. "Golden," he said, "would you come up here and count everyone seated on this side of the audience?" Uncle Golden didn't move; he just began to count from where he was seated. In a few minutes the brother turned again and said, "Golden, come here and help me count these people." Not wanting to be a hypocrite, Uncle Golden responded, "Oh, brother, I can see them all seated right here."

I don't believe he ever overcame his problem with coffee. At least there's no recorded evidence that would suggest it. But he did make a statement or two about his life as he reflected on it that may give us some understanding about the man. He wrote, "I'm no saint. I have struggled with righteousness all my life, but after I'm gone I hope the Saints will remember this about me: I may not walk the straight and narrow, but I try to cross it just as often as I can."

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