

# ENCYCLOPEDIA OF MORMONISM

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of The Church of Jesus Christ of Latter-day Saints*

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and friendly forum for settling non-Church related disputes. Then for several years prior to the NAUVOO CHARTER, and again in the westward migration until 1850, Church courts pronounced, enforced, and adjudicated a full range of civil and criminal ordinances. Thereafter, until the passage of the Poland Act (1874), Church courts continued to handle civil disputes even though alternative courts were available through the federal territorial government (judges appointed by the president of the United States) and through the county probate judges (appointed by the territorial legislature). Probate judges were almost always Mormon PRIESTHOOD leaders, including local stake presidents and bishops, and the probate courts had broad powers over all criminal and civil court matters in addition to normal probate functions. During this period, however, Church courts handled most disputes between members of the Church. Latter-day Saints turned to the county probate courts mostly in criminal actions, in actions against non-Mormons, and when it was important to obtain a formal court decree.

With passage in 1874 of the Poland Act and with the Supreme Court decision in *Reynolds v. United States* (1879), the federal assault on Mormon polygamy intensified, and the Church courts provided the only forum to assist wives and children in settling disputes with their polygamous husbands and fathers. Government courts could offer little assistance because polygamous marriages were outside the law.

In the nineteenth century members used Church courts in private disputes largely because of the principle of exclusive jurisdiction widely enforced by the Church. Applying this principle, leaders used sermons and scripture to encourage members to avoid the civil courts; they also imposed disfellowshipment or excommunication on members who sued another member in the civil courts. Thus non-Mormons initiated most of the cases in the civil courts of the UTAH TERRITORY even though the population was overwhelmingly Mormon.

After Utah acquired statehood in 1896, a regular state court system was instituted. Thereafter the Church court system ceased to consider temporal disputes.

Historically, at all times, many Church court cases have involved sexual offenses. In the early Utah decades land disputes were adjudicated by Church courts because the bishops had allocated

land holdings to members according to their needs and abilities to put the land into productive use. In deciding contract matters, the main objective was reconciliation of brothers and sisters in the gospel. In such cases, Church courts gave weight to the likely outcome of a similar dispute in civil court. However, they never felt strictly bound by common law precedents; they used inspiration, custom, scripture, and ecclesiastical instructions to reach equitable solutions with reconciliation and benefit to the entire community as the guiding objectives.

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## COVENANT ISRAEL, LATTER-DAY

God established a COVENANT with ABRAHAM, reaffirming it with Isaac and Jacob and then with the children of Israel. In the LDS view, this covenant has been renewed repeatedly and then breached, largely because God's people, after receiving his COMMANDMENTS and promises, have fallen into APOSTASY and disbelief. Today, as prophesied anciently, this covenant has been restored through the Prophet Joseph SMITH and is included in the NEW AND EVERLASTING COVENANT of the gospel (D&C 22:1; cf. Jer. 31:31–34; 32:36–40).

The term "Covenant Israel" refers to ancient Israel, to the New Testament era, and to modern times. Anciently God stated, "I will establish my covenant between me and thee [Abraham] and thy seed after thee . . . for an everlasting covenant, to be a God unto thee, and to thy seed" (Gen. 17:7). Yet this covenant was conditional. Those who would be "his people" had to prove themselves through obedience and faithful commitment to the laws and ORDINANCES of the covenant (cf. Abr. 2:6–11). Later, Jehovah said through Moses, "If ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above

all people. . . . And ye shall be unto me a kingdom of priests, and an holy nation” (Ex. 19:5–6).

Because ancient Israel rejected God’s word and thereby lost his promises, the prophet Hosea warned:

The Lord hath a controversy with the inhabitants of the land, because there is no truth, nor mercy, nor knowledge of God in the land. By swearing, and lying, and killing, and stealing, and committing adultery, . . . my people are destroyed. . . . I will also reject thee, that thou shalt be no priest to me: seeing thou hast forgotten the law of thy God, I will also forget thy children [Hosea 4:1–6; cf. Amos 8:11–12; Isa. 24:1–6; Jer. 2:11–13].

In New Testament times, Jesus Christ lamented a similar apostasy: “O Jerusalem, Jerusalem, thou that killest the prophets, and stonest them which are sent unto thee, how often would I have gathered thy children together, even as a hen gathereth her chickens, . . . and ye would not!” (Matt. 23:37–38; cf. 3 Ne. 10:4–6). Covenant Israel was meant to be expanded in Old Testament times (Abr. 2:9–11; 1 Ne. 17:36–40), and again in the New Testament era, to include all followers of Christ, both literal descendants of Abraham and GENTILES who became part of Abraham’s lineage by adoption. “Know ye therefore that they which are of faith, the same are the children of Abraham . . . . For as many of you as have been baptized into Christ have put on Christ. There is neither Jew nor Greek, . . . for ye are all one in Christ Jesus. And if ye be Christ’s, then are ye Abraham’s seed, and heirs according to the promise” (Gal. 3:7, 27–29; cf. Rom. 4:12–13; Eph. 2:11–12).

The same doctrine applies today: Membership in latter-day covenant Israel, The Church of Jesus Christ of Latter-day Saints, is not limited to a certain lineage but is open to all who willingly accept and abide by its covenantal terms through the LAW OF ADOPTION. Latter-day Saints accept God’s covenant with Abraham and his lineage, a covenant reestablished at the time of Joseph Smith (D&C 110:12). Known as the “new and everlasting covenant” (D&C 22:1; Jer. 31:31–34; 32:36–40), it is included in the fullness of the gospel of Jesus Christ. It is considered “new” in each age when it is given to God’s people, yet it is “everlasting” because the conditions and promises never change. Further, covenant Israel implies a community willing to accept God’s complete law, which is based in latter-day revelation of the same covenant that was

revealed in the Old and New Testaments. This requires an acknowledgment that God has spoken to both ancient and latter-day prophets and continues to do so.

Covenants and accompanying ordinances of the gospel of Jesus Christ are the essence of religious life. LDS teaching holds that all of God’s commandments are based in covenant. Thus the ordinances of BAPTISM, receiving the GIFT OF THE HOLY GHOST, and the SACRAMENT, as well as keeping the SABBATH DAY holy and TEMPLE WORSHIP—including eternal marriage—embody covenants with promises, obligations, and opportunities for blessings. These covenants are mutual promises between God in heaven and men and women on earth. Those willing to abide by such agreements are considered part of covenant Israel, with all the attendant blessings and opportunities. Thus the Church teaches that any law or commandment from God to his children, that helps ensure their SALVATION and ETERNAL LIFE is part of the “everlasting covenant.”

The Prophet Joseph Smith taught that “the ancients . . . obtained from God promises of such weight and glory, that our hearts are often filled with gratitude that we are even permitted to look upon them. . . . If we are the children of the Most High, . . . and embrace the same covenant that they embraced, and are faithful to the testimony of our Lord as they were, we can approach the Father in the name of Christ as they approached Him, and for ourselves obtain the same promises” (*TPJS*, pp. 65–66).

[See also Abrahamic Covenant.]

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## COVENANTS

The word “covenant” in the Bible is a translation of the Hebrew *berith* and of the Greek *diathēkē*. The Book of Mormon concept seems close to the Hebrew indication of any formalized relation between two parties, such as a bond, pact, or agreement. As such, the term is used for nonaggression pacts between nations (Gen. 26:26–31), a promise of land-ownership (Gen. 15:18–21), a bond for free slaves (Jer. 34:8–9), or an oath of secrecy (2 Kgs. 11:4). The Greek *diathēkē* is a more legalistic term, implying a formal will, a legal bequest (Gal. 3:17). In the New Testament the term is often translated as