

Church of Jesus Christ of Latter-day Saints

Introduction

The Church of Jesus Christ of Latter-day Saints (“the Church”) has an internal disciplinary system that is quite simple. It is governed by a generally non-technical, non-detailed written scripture, as supplemented by limited guidelines. Jurisprudence and past precedent play almost no role in the system.

The purpose of Church discipline is threefold:

1. To save the soul of the transgressor
2. To protect the innocent
3. To protect the good name of the Church

1. What courts, tribunals or other adjudicative structures exist within your religion?

Ward Disciplinary Councils

A ward is the name given to a local congregation in a particular town or geographical area. It is similar to a parish. The ward’s ecclesiastical leader is a bishop. A bishop will have two councilors.

A bishop has the authority to convene a ward disciplinary council. Bishops of the Church have been designated as common judges and, together with their counsellors, are authorised to deal with cases of serious transgression coming under their jurisdiction.

The council consists of the ward bishopric, and they may consider the matter of excommunication for any member of the Church living in the ward except for one who holds the Melchizedek Priesthood (the higher of the two priesthoods within the Church).

Stake Disciplinary Councils

A stake is a group of wards and is similar to a diocese. Its ecclesiastical leader is called a stake president and, again, he is assisted by two councilors. The stake president also has a high council who he meets with often and who assist him in the running of the stake. A high council consists of twelve priesthood holders.

The stake disciplinary council, under the direction of the stake president, consists of the stake presidency and members of the high council. This court has the authority to conduct hearings for any member of the Church residing in the stake, including both Aaronic and Melchizedek Priesthood holders.

Church members to be tried are notified in advance of the date, the hour, and the place the council will convene. The council should convene in the attitude of fasting and prayer.

Possible Decisions of the above Councils

- No action
- Formal probation
- Disfellowshipment
- Excommunication

2. What matters are dealt with?

A local bishop will normally administer informal Church discipline without involving his councilors or holding a formal council. Except for the most serious transgression, informal discipline may be sufficient for genuinely repentant persons.

Matters where a disciplinary council is mandatory include:

- Murder
- Incest
- Child Abuse
- Apostasy (repeated open rebellion/persistence in teaching false doctrines etc)
- Serious transgressions while holding a prominent Church position
- Pattern of serious transgressions

Matters where a disciplinary council may be required include:

- Serious transgression (sexual transgressions, criminal activity etc)
- Abortion
- Transsexual operations
- Request for name removal

3. Is legal representation permitted/encouraged?

Disciplinary councils are ecclesiastical and legal representation is not permitted.

4. How are the decision makers selected?

The decision makers are the ecclesiastical leaders set out above in question 1.

5. How detailed are rules of practice or procedure?

Rules of procedure are set out in LDS scripture (Doctrine & Covenants Section 102) and in the Church's Handbook of Instructions.

6. What provisions exist for appeal and enforcement?

A person who has been excommunicated, disfellowshipped, or placed on formal probation by a disciplinary council may appeal the decision. An appeal from a ward council is to the stake. An appeal of a stake council is to the First Presidency (the worldwide leadership of the Church).

An appeal must be made in writing within 30 days.

7. To what extent have these processes been subject to review or examination by the secular courts?

There have been no legal challenges here in the UK.

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