

# Why it would have been invidious to put the Mormon Church on trial

Posted: Thu, 27 Mar 2014 by [Terry Sanderson](#)

**Terry Sanderson** clarifies the threat to freedom of religion and belief when secular courts rule on theological matters.

Last week [we reported](#) a decision by a judge at Westminster Magistrates' Court not to hear a case of alleged fraud against the Mormon Church because he considered that Tom Phillips, the man bringing it, was trying to manipulate the court. He was also strongly of the opinion that a secular court should never rule on theological matters.

Mr Phillips claimed that as a former member of the Mormon Church he had been defrauded of his money because the Church had peddled lies to him in the form of its doctrines (such as, there were no deaths on earth prior to 6,000 year ago, that the whole human race descended from two people who lived 6,000 years ago, etc., etc.).

He wanted to take the leader of the Church to court to prove that the doctrines were lies and that his money had, therefore, been taken from him under false pretences.

The judge said that no jury should be put in a position to decide whether religious claims are true or not and I agreed with him. I said it would set an "invidious and dangerous" precedent.

The reaction to that remark was fairly strong. Many people commenting on the story thought that the Church should, indeed, have been dragged through the courts, made into a laughing stock and then be made to pay the money back to Mr Phillips, and anyone else who felt they had been similarly duped by the Church of Jesus Christ of the Latter Day Saints.

One commenter on Facebook wrote:

*"So here we have the truth; the religious community can say anything they want whether it is the right to abuse children and women or to kill non-believers; to persecute any minority they choose to; to orchestrate hate campaigns against anybody 'different' or even to build these hideous 'faith schools' that brain-wash young minds into believing their sick lies. Anyone who supports this ludicrous ruling is betraying reality, denying truth and abandoning their freedom. It is ironic that NSS whilst supporting this obviously biased judge is running on the same time support for trimming the wings of faith schools, making their selection processes less restrictive and the prosecution in a FGM case. Those professing religion must only enjoy that right so long as they do not cause harm to others, believers or not."*

Another commented:

*"So fraud is permissible if it's in a religious context? The law will just turn a blind eye to that? The courts will create religious autonomy from the law, in order to uphold religious autonomy and freedom of religion?"*

*"That's wrong, and fundamentally unjust. Justice is blind, which is supposed to mean all are accountable to the law regardless of position of influence or lack thereof, regardless of wealth or lack thereof, and regardless of religion or lack thereof.*

*"The Judge is right insofar as saying secular courts can't rule which religion is 'correct', or which religion is the 'correct religion', but they can and do judge matters on facts. Religions, like the church of LDS, make money by duping people into donating with erroneous claims, this is fraud. It shouldn't be exempt of being judged so because the organisation in question happens to be a religious organisation."*

While another comment said:

*"Not sure I entirely agree with the judge and Terry Sanderson on this issue. Yes, there should a space for people to make claims about what they believe, and they shouldn't always have to substantiate those claims, but if they start taking money off people or affecting lives in other ways on the basis of their claims, there must be a legal route to claiming loss or damages. Otherwise, anyone could declare that any claims they make are part of their religious belief and avoid any prosecution."*

I think anyone who looks at the (relatively recent) origins of the Mormon Church will agree that it was started by a con-man, Joseph Smith, whose intention was to make money from anyone he could convince to follow him. He was more successful than he could ever have imagined (although he was shot dead by sceptics before he could enjoy the full fruits of his efforts).

On the basis of highly dubious claims (that an angel led him to golden plates on which were written the Book of Mormon. Nobody else ever saw the golden plates or the magic glasses needed to read them) he soon had a following.

Nowadays there are an estimated 14.5 million Mormons who ostensibly believe Joseph Smith's claims and have built their lives and communities around it.

Imagine if their current leader had been taken to court in London, that his religious doctrines had been subjected to forensic examination and made to look stupid (think Spencer Tracy in *Inherit the Wind*). A jury might well say, yes, it's all a load of cobblers, give him his money back.

But what comes after that? Would it then be illegal for the Mormon Church to levy tithes on its willing members who truly and honestly believe the doctrines of the Church? Would its missionaries be stopped from going door-to-door evangelising because their claims had been proved in court to be untrue?

How long before someone took the Archbishop of Canterbury to court to demand that he prove his claim that the virgin birth actually happened or that the resurrection truly occurred? How long before an imam was in the dock being ordered to prove that Mohammed flew to heaven on a winged horse? And how long before Richard Dawkins had his collar felt to prove that evolution is undeniably true?

This is what the judge feared would happen.

The law can intervene when religious people's beliefs are put into action and adversely affect the lives of others – when, for instance, they deny their children medical treatment because it is "against their religion", or if someone said they were an Aztec and wanted to sacrifice seventeen virgins every springtime.

You could not stop people believing in their heart that medical treatment is inferior to prayer or that crops yield better if they have been fertilised by human blood. You can prove in court that, scientifically, it is not true but you cannot order people not to believe it.

Many people believe in FGM, but it is still against the law. You can prosecute them for doing it, but you will not shake their belief in its efficacy or necessity.

To decide on the superiority or otherwise of one religious doctrine over another is an invidious task to give to a court. It can only lead to civil unrest and, indeed, injustice.

In nations where one religion is regarded superior to all others (as in many Islamic countries) the result is persecution, murder and gross restrictions on civil liberties.

Our secular justice system should play no part in creating such a hierarchy. The NSS's whole ethos is opposed to any such hierarchy, which is why one of our main aims is to disestablish the Church of England.

It might seem like great entertainment to see religious leaders in the dock, trying to justify the, often outrageous, claims they make – and looked at objectively all religions are based on outrageous claims. But the result would be to reinforce those claims in the minds of the true believers, who would react with violence at any attempt to restrict them or humiliate them.

And anyway, you can't restrict people's beliefs – they go on inside their heads and no-one but the individual can truly know what they are. We've heard of plenty of clergy people who make a living from the church but who, in their heart, don't believe a word of what they preach.

Attempts at the mass "re-education" of those who do not share the accepted views of the leadership have been made in the past by the likes of Pol Pot and Stalin. Mass murder ensued.

I'd rather go with Queen Elizabeth the First's conclusion: "I would not open windows into men's souls." Despite the fact that no such windows exist, you get the idea.

Controlling what people believe is not the same as controlling what they do. And if someone freely chooses to follow a particular belief system – as Mr Tom Phillips once did - but then become disillusioned with it, they should accept their mistake and move on.

## **Terry Sanderson**

Terry Sanderson is the former president of the National Secular Society. The views expressed in our blogs are those of the author and may not necessarily represent the views of the NSS. You can follow Terry on Twitter [@TerrySanderson4](https://twitter.com/TerrySanderson4)

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