

Working Title: “Protecting the Unprotected: Who protects underage children in polygamous family structure? — The Interface between Non-state governance and State Responsibility.”

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Based both on my forthcoming book, *FREEDOM OF-FROM RELIGION* (Oxford University Press, Oct '09) and on the *Utah Law Review* symposium I hosted on “Non-state governance” (February, 2009, <http://www.law.utah.edu/media/show-media.asp?MediaID=635&TypeID=4>), I intend to address the tension and nexus between state responsibility and non-state governance with respect to children in polygamous family structures.

Specifically the paper will address the relationship between the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS) and the state, particularly with respect to the protection of children (see raid of FLDS compound in Texas, <http://www.ksl.com/?nid=148&sid=3034330>, and the criminal trial of Warren Jeffs, convicted of being an accomplice to rape, <http://www.foxnews.com/story/0,2933,231017,00.html>). Both events raise critical questions regarding the limits of non-state governance and the responsibility and accountability of non-state actors. Similarly, both the raid and trial raise critical questions concerning the limits of immunity accorded by the state to religious groups. The central focus of the paper will be, as the title suggests, how to most effectively “protect the unprotected,” namely otherwise unprotected children.

The paper will be interdisciplinary; the analysis will draw on constitutional law, religious practice and conduct, and policy recommendations regarding both the limits of religious practice and the responsibility of the state with respect to the unprotected members of internal communities.