THE ORIGINS OF A REBELLION: RELIGION, LAND, AND A WESTERN ENVIRONMENTAL ETHIC

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Abstract:

This article examines an apparent irony in the environmental ethic of the contemporary American West. Much of the Interior West is dominated by a particular culture that is the product of Mormon settlement in the Salt Lake Valley and subsequent expansion throughout the region. The teachings of early Mormon leaders contained significant threads of what today would be recognized as environmentalism. Despite these teachings, and despite Mormons' famously strict adherence to other theological tenets, the environmental ethic of the contemporary West is often perceived as anti-environment. Why would this culture, which holds so fast to its other religious teachings — including those teachings that for a time had significant and negative political, legal, and economic effects — reject this aspect of religious doctrine? Using the Mormon experience as a case study, this article argues that the contemporary West's conservative environmental ethic is a tapestry woven from the interrelationships of legal regimes found and developed during western settlement, the cultural origins and destinations of the settlers, and the physical landscape itself. It is both what settlers found and developed upon arriving in the interior West that led to the region's contemporary environmental conservatism.

Keywords: Public Lands, Environmental Ethics, American West, Pragmatism, Religion, Mormonism

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Introduction

An environmental ethic emerges out of the lived experience in a place, a product of the recursive interactions of law, culture, and the physical landscape. It is a deliberate pragmatic choice about the particular pathway that might work best given particular legal and ecological constraints and opportunities, but it is also a choice both enabled and constrained by the constellation of previous and ongoing choices that create and perpetuate cultural understandings, shape the physical landscape, and formalize legal regimes.

Over eighty years ago, Bernard DeVoto (1936, p. 82) argued that Mormon settlement "is probably the most important chapter in the history of the trans-Mississippi frontier[.]" Thirty years after DeVoto's writing, Rodman Paul (1967, p. 512) acknowledged that "the Mormons were the most important single group in colonizing the intermontane West." The contemporary West continues as the social, cultural, and physical manifestation of the Mormon experience in settling the Salt Lake Valley and expanding throughout the Interior West (Meinig, 1965). The contemporary western environmental ethic is a product of those experiences, a tapestry woven from the interrelationships of legal regimes found and developed during western settlement, the cultural origins and destinations of the settlers, and the physical landscape itself. It is both what Mormon settlers found and developed upon arriving in the Interior West that led to the region's environmental conservatism.

Three elements of their experience in the Interior West, and in particular in the Henrys Fork country in the far northern reach of the Mormon Cultural Region,[1] might explain how a progressive environmental proto-ethic evolved into the conservative ethic we perceive today. The first is the landscape itself. The Interior West is a place of aridity and temperature extremes, with environmental difficulties increasing the farther Mormons traveled from Salt Lake City. Second, that harshness combined with a specific cultural perception of the purpose of the natural world. Mormons believed, consistent with other westerners, that it was their role to improve natural conditions, and that with hard work and faith, God would make the "desert blossom as the rose."

[1] The Henrys Fork country was one of the last regions settled by Mormons. It includes the Teton River, Fall River, and Henrys Fork watersheds in southeastern Idaho, USA. This paper focuses on the Mormon experience in that region.

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And finally, in the Henrys Fork country, Mormons settled in a place where the law already described a particular type of relationship with nature, one that was consistent with the Mormons' own expectations about how they should improve the natural world. This combination of law, culture, and the physical landscape created conditions that rewarded a particular type of environmental ethic. Mormons chose the environmental ethic that seemed to work best given the legal, cultural, and landscape conditions they faced.

1. An Environmental Religion?

The contemporary ethic notwithstanding, the original environmental ethic taught by Mormon leaders *was not* the environmental ethic assumed of Judeo-Christian religions today. In his influential work "The Historical Roots of our Ecologic Crisis," Lynn White, Jr. (1967) argued that the Judeo-Christian tradition has inculcated a social understanding of the natural world as serving exclusively human purposes. In this understanding, the earth was created for humans, who were alone created in God's image, and similarly were the only spiritual beings. Genesis 1:26 (King James Bible, 1769/2025) provides: "And God said, Let us make man in our image, after our likeness: and *let them have dominion* over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth." In Genesis 1:28, God commands Adam and Eve to go forth and replenish the earth, and *subdue and have dominion over it.* White (1967, p. 1205) argued that, "[t]he spirits in natural objects, which formerly had protected nature from man, evaporated. Man's effective monopoly on spirit in this world was confirmed, and the old inhibitions to the exploitation of nature crumbled."

Contemporary Mormon culture lends support to the White thesis. Recent studies of the environmental perspectives of Mormons suggest that Mormons demonstrate the lowest levels of environmental concern when compared to both adherents of other religions and non-religious individuals (Brehm & Eisenhauer, 2006; Peterson & Liu, 2008). And several recent events suggest that many Mormons might prefer use and development over conservation or preservation. The easiest examples, but not necessarily most accurate or useful, are the two confrontations in Nevada and Oregon orchestrated by members of the Bundy family. Cliven Bundy, whose belief that the Bureau of Land Management has no authority over his grazing leases in Nevada led to the infamous standoff at his ranch in April 2014, is a descendent of Mormon settlers. His son, Ammon—named after an important missionary in the Book of Mormon (The Book of Mormon, 1830/2025, Alma, Ch. 17-19)—claimed that his occupation of the Malheur National Wildlife Refuge was in response to divine inspiration (Petty & Rindels, 2016).

Although the actions of the Bundys should not be considered representative of Mormons generally, recent activity in the state of Utah does suggest a broad dissatisfaction with the state of natural resource regulation in the region. Utah has been the most aggressive of the western states in its efforts to obtain title to federal lands within its boundaries. For over a decade, Utah has dedicated significant state resources to building a legal case to obtain ownership of the federal lands; it recently initiated a lawsuit in the United States Supreme Court seeking the transfer to the State of approximately 18.5 million acres of federal lands (Hufham, 2024).

But these contemporary stories are inconsistent with some very real threads of Mormon environmentalism in the late 19th Century. While Mormon mistrust of government might be understandable given the church's history, the relative lack of concern for the natural environment is much less so. Contemporary Mormon *culture* might be somewhat anti-conservation, but it was not always so. Any understanding that Mormonism, as a *theology*, is inherently anti-conservation is misplaced.[2]

As discussed above, the Judeo-Christian relationship with the natural world begins with the Old Testament and the book of Genesis. The Bible's commandment to have dominion over all of the earth's creatures, and to subdue the earth, suggests a particular type of relationship with the natural world. But understanding how it might influence a Mormon environmental ethic requires taking an additional step. One of the tenets of the Mormon faith is that the Christian Bible is the word of God "so long as it is translated correctly" (Pearl of Great Price, 1851/2025, *The Articles of Faith*, 1:8). Over time, as the Bible was translated from its original Hebrew to Greek and Latin, and finally into English, Mormons believe that errors were incorporated into the text.

Because of these mistranslations, Mormons believe Joseph Smith retranslated the Bible from its original Hebrew. In the Book of Genesis, Joseph Smith's translation adds some nuance to God's commandments regarding how his people should interact with the natural world. Following the flood, when God covenants with Noah, the Joseph Smith translation provides: "Every moving thing that liveth shall be meat for you; even as the green herb have I given you all things. … And surely, blood shall not be shed, only for meat, *to save your lives*; and the blood

[2] For discussions of this point by Mormon scholars, see Handley, Ball, & Peck, Stewardship and the Creation: LDS Perspectives on the Environment (2006) and Kay & Brown (1985).

of every beast will I require at your hands" (Joseph Smith Translation Appendix, 2025, Gen. 9:9-11). In Joseph Smith's other writings, believed also to be retranslations of the Bible, God characterizes the trees and all animals as having "living souls" (Pearl of Great Price, 1851/2025, Moses 3:9 & 19)

This new translation of the Genesis commandments influenced other core elements of Mormon doctrine. Mormons are perhaps most well-known for abstaining from alcohol, tobacco, coffee, tea, and other things believed to be unhealthy or harmful. In addition to these more well-known elements of the "Word of Wisdom," the teachings also provide that meat—from the "living souls"—be used sparingly, only in times of hunger and famine: "flesh also of beasts and of the fowls of the air, I, the Lord, have ordained for the use of man with thanksgiving; nevertheless they are to be used sparingly; And it is pleasing unto me that they should not be used, *only in times of winter, or of cold, or famine*…. [T]he beasts of the field, and the fowls of heaven, and all wild animals that run or creep on the earth; And these hath God made for the use of man *only in times of famine and excess of hunger*" (Doctrine and Covenants, 2025, 89:12-15).

Throughout the Books of Moses, additional commandments are provided to care for animals, both domestic and wild. And in Proverbs, we find perhaps the most well-known discussion of animals in God's Kingdom: "The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf and the young lion and the fatling together; and a little child shall lead them. And the cow and the bear shall feed; their young ones shall lie down together: and the lion shall eat straw like the ox. And the suckling child shall play on the hole of the asp, and the weaned child shall put his hand on the cockatrice' den" (Isaiah 11:6-9).

These religious teachings had a significant impact on early leaders, and Mormon theologians and historians contend that a progressive environmental ethic was an integral part of Mormonism (Handley, Ball, & Peck, 2006). Thomas G. Alexander (1998, p. 488) argues that "Joseph Smith, and his successor, Brigham Young, taught an environmentally conscious theology based on the belief that human beings bore an absolute responsibility to care for God's creations[.]" A few illustrative stories are common in these arguments. Joseph Smith somewhat famously refused to kill rattlesnakes and argued that "[m]en must become harmless, before the brute creation" (Joseph Smith Papers, p. 8)." Lorenzo Snow gave up hunting upon realizing that he was "amusing myself by giving pain and death to harmless, innocent creatures that perhaps had as much right to life and enjoyment as myself" (Snow, 1884, p. 28). And in some surprising contrast with contemporary ideology in Utah, the church voted in 1902 at a general priesthood meeting to support withdrawing the forest lands above Utah's valleys as federal forest reserves unavailable for settlement, in order to protect fragile watersheds (Alexander, 1998, pp. 490-491).

If early Mormon theology included a real environmentalism, why was that part of the theology apparently rejected in the Mormon Cultural Region? The Mormon experience in the last place they settled—in the Henrys Fork country of southeastern Idaho—demonstrates how an environmental ethic emerges from a place, as a product of the lived experience in that place.

2. "July 3d … it was very cold …"

Mormon settlers believed that the locations of their settlements were divinely inspired, and that if they were industrious and kept the faith, God would bless them and make the land productive. Church leaders even preached that God would change the climate of an area as a result of their hard work and faith. When he visited the Teton Basin in late 1890 to help dedicate a new Mormon meeting house, William F. Rigby recorded in his journal that he (and other church leaders) "counseled the saints as we had done to go right to farming & prophesied many good things in regards [to] the future of the valley & *the modifying of the climate* & the success that should attend the united labors of the saints in farming" (Housley, 2008, p. 463).[3] Mormons shared the optimism of all western settlers, for whom the hoped-for adage "rain follows the plow" justified settlement across an arid region that still cannot support it.[4]

Mormons were highly successful town and community builders; they were highly organized, believed they were called of God, and had ample experience in settling new country (Jackson, 1978). However, much of their early success in the Great Basin was due to favorable environmental conditions, even if they did not recognize it. Mormons would struggle much more when they traveled north into the Henrys Fork country.

The harshness of the Henrys Fork landscape should not have been a surprise. Early visitors to the area remarked often about the climatic conditions. Warren A. Ferris visited the Teton Valley in 1832 with the American Fur Company. He recorded that "throughout the month of June, scarcely a day passed without either rain, hail, or snow, and during the last three days of the month, a snow storm continued

[3] This book is an edited and annotated compilation of Rigby's journal entries. The original journals are available in Special Collections at the McKay Library at Brigham Young University-Idaho.

[4] In his influential book, *The Great Valleys and Prairies of Nebraska and the Northwest*, land speculator and author Charles Dana Wilbur (1881, p. 68) coined the phrase "rain follows the plow" to promote settlement of the arid West. Consistent with Mormon culture described herein, Wilbur also relied on Biblical stories to justify his claims.

without intermission, the whole time, night and day." (Ferris, Alter, & Auerbach, 1940, p. 121). In July of that same year, Captain Nathaniel J. Wyeth reported that "the weather is warm in the day but frost every night." (Wyeth & Young, 1899, p. 159).

Mormons had themselves been to the north before, temporarily occupying Fort Lemhi near present-day Salmon, Idaho in the late 1850s (Beal, 1942). And Richard "Beaver Dick" Leigh, who likely guided many early Mormons and was well known to church leaders,[5] lived in the Teton Basin in the 1870s and was familiar with its conditions. His diary (Leigh, 1875/1956, pp. 4-8) from that time shares the following:

> *June 1 it frose ice last night the wind rased and it commenced to snow at sun rise it was very cold… it was snowing and too cold to ride… 4th… in the teton Bason thare is plenty of snow on the mountins yet, it is fresing every night… 8th… thare is new snow on the mountains all around us… 20th… everything was allright only my garden was Backwards on a count of the late spring we sufrd from day light until about eleven Oclock with a very cold wind it sperd that I sufred more then I did eny day last winter… 21st it frose hard last night niped every thing in my gardin close to the ground only the peas and carrots was saved… July 3d… it was very cold…*

Two decades later, not much had changed. The stories of Henrys Fork country settlers are full of references to the difficult conditions and harsh winters. For example, Don Carlos and Annie Marie Howard homesteaded near the Fall River (a tributary to the Henrys Fork) in 1889. They moved into their cabin with a two-month old daughter, and would have nine more children in the same home. But for the resolve of his wife, Don Carlos acknowledges that the winters likely would have driven him from the homestead: "We had terrible winters. We had so much snow, we had to shovel our horses and cattle out of the stables, and we had to haul water from the Fall River…. The snow was so deep everyone carried shovels wherever we went. Whenever we met someone on the road, we would turn out and then have to shovel ourselves back onto the road. Many times I would have sold out for little or nothing just to get out of the snow" (Howard, 2006).

Even with the advent of automobiles and airplanes, the Henrys Fork country remained rather isolated. In the winter of 1948-1949, for example, blizzard conditions closed all roads accessing the Teton Valley for twenty-three days. When plows finally opened Idaho Highway 33 to nearby Rexburg, Idaho, the wind immediately closed it again for another four days (Jensen, 1982).

Complaints of cold temperatures and harsh winters might be an expected part of settlement stories from anywhere in the West, but the Henrys Fork country might have been just a bit harsher than most other areas the Mormons settled. Compared to the Salt Lake Valley, the growing season in the Henrys Fork country is much colder and shorter, with frost possible any day of the year; in the Salt Lake Valley, farmers never run the risk of frost in the summer.[6] Even in comparison to neighboring areas, the Henrys Fork country is a harsh landscape, producing significantly less winter wheat per acre as nearby, lower elevation locations. (United States Department of Agriculture, National Agricultural Statistics Service, 2024).

While climatic conditions are difficult across the Interior West, in the Henrys Fork country Mormon settlers encountered nearly the full suite of western challenges: aridity and unpredictable water supplies, cold and snowy winters, and short and inconsistent growing seasons. Considered alone, the climatic conditions Mormon settlers faced might have been sufficient to promote an ideology that preferred development and modification of the natural world. But these conditions were exacerbated by a cultural and theological tradition that taught that the environment would improve to better support human needs as a result of faith and hard work.

3. The Desert Shall Blossom as the Rose

Mormon theology's threads of progressive environmentalism are only one aspect of Mormons' complicated relationship with the natural world. Mormon theology also teaches that humans can 'improve' natural conditions, making the land more fertile and useful for human uses. In particular, Mormon theology counsels that these improvements will follow righteous living. That belief—that God would bless and improve the lands of the righteous—had a significant effect on the environmental ideologies that would emerge in the Mormon Cultural Region.

The Henrys Fork country is only one sparsely-settled corner of the Mormon Cultural Region, but it is representative of conditions Mormon settlers faced in other parts of the Interior West, which is characterized by its aridity more than any other factor. Although some areas of early Mormon settlement—the Salt Lake Valley, for example—might not have challenged settlers in the same way the Henrys Fork country and other similar areas did, the Mormons *believed* that they did. By the end of the 19th Century, Mormons believed that the entire Great Basin, including the relatively verdant Salt Lake Valley, had

[5] Apparently it was Brigham Young himself, then leader of the Mormon Church, who first called Richard Leigh "Beaver Dick." (Thompson & Thompson, 1982, p. 9).

[6] Between 1981-2000, the temperature at the Salt Lake International Airport never dropped below freezing during the months of June, July, August, and September, and did only on average once every five years in May.

been barren and sterile when they arrived—a "howling desert… in the heart of the great American desert" (Jackson, 1978). In a sermon given in 1857, Brigham Young gave thanks that the "Lord has brought us to these barren valleys, to these sterile mountains, to this desolate waste, where only the Saints could or would live, to a region that is not desired by another class of people on the earth" (Jackson, 1978, p. 331).

In the Old Testament, Isaiah prophesied that at the second coming of the Lord, "The wilderness and the solitary place shall be glad for them; and the desert shall rejoice, and blossom as the rose" (Isaiah 35:1). This notion that God will reward both righteousness and hard work with actual environmental change is an important thread in both Mormon teaching and its mythology. George Handley (2006, p. 62) describes the importance of the passage from Isaiah: "Like many such passages throughout the Bible and the Book of Mormon, it teaches a profound and important principle that God blesses the land according to our righteousness and that our ability to feed ourselves and prosper is enhanced by divine environmental intervention when we live according to the commandments of the Lord."

The Book of Mormon is replete with stories of God blessing the lands of people deemed righteous, and cursing the lands of the wicked. At the beginning of the Book of Mormon, God promises the prophet Lehi that "inasmuch as ye shall keep my commandments, ye shall prosper, and shall be led to a land of promise; yea, even a land which I have prepared for you; yea, a land which is choice above all other lands" (The Book of Mormon, 1830/2025, 1 Nephi 2:20). Similarly, God asks in modern Mormon scripture, "will I not make solitary places to bud and to blossom, and to bring forth in abundance?" (Doctrine and Covenants, 2025, p. 117:7).

But to some extent, the Salt Lake Valley did not cooperate with these prophesies. According to Mormon mythology, as noted above, the 1847 pioneers arrived in the Salt Lake Valley to find a barren and desolate landscape. From this assumed beginning, Mormon leaders created a story of overcoming significant adversity through faith and hard work. This story is of obvious spiritual benefit to Mormon settlers. If their scripture indicated that God would reward the righteous by blessing their lands, then it was important to think that the valley's current favorable conditions did not exist previously. The story would also benefit church leaders in the years after arriving in the Salt Lake Valley, as they called members to settle in new areas where climatic conditions were more difficult. These second-wave Mormon pioneers were buoyed by the heroic feats their brothers and sisters in the church had performed in traveling across the country and settling in the Salt Lake Valley (Jackson, 1978).

But the Mormons' initial reactions to the Salt Lake Valley did not describe a barren, desolate wasteland. To the contrary, the first arrivals described an attractive, green valley with ample water and grass: "We gazed with wonder and admiration upon the most fertile valley spread before us… clothed with a heavy garment of vegetation, and in the midst of which glistened the waters of the Great Salt Lake, with mountains all around towering to the skies, and streams, rivulets and creeks of pure water running through the beautiful valley" (Woodruff, 1983, July 24, 1847).

Richard Jackson (1978, p. 324) describes how the initial settlers reacted very favorably to the conditions they found, noting in their journal entries that the soil was of "most excellent quality," and that the valley floor was covered with "very luxuriant" grasses. Jackson's summary is that "the general landscape was described in grandiose terms by the Mormon pioneers, with no negative comments." Although the place they encountered was different than anticipated, they were "happily disappointed in the appearance of the valley[.]"

That the Mormon mythology would so rapidly alter their memories of the land they had encountered demonstrates the importance of the "blossom as the rose" prophesies in Mormon culture. It took only five years before Mormon leaders, in their public sermons, were describing the valley they encountered as "a desert, containing nothing but a few bunches of dead grass, and crickets enough to fence the land" (Smith G. A., 1854, p. 44). Just over a decade later, church leaders claimed that Mormons had traveled to the Salt Lake Valley "because it was so desert, desolate, and Godforsaken that no mortal upon earth ever would covet it" (Smith G. A., 1867, p. 177). As Jackson (1978, p. 332) notes, "three decades after the enthusiastic view of the Salt Lake Valley recorded by the pioneer company, the official view was that they had found one of the most barren places on earth." The new mythology is understandable. It is somewhat less inspiring if the only benefit of righteousness is for the rose to blossom as the rose. And recognizing the original advantageous conditions of the Salt Lake Valley would have done little to provide confidence to new Mormon settlers traveling into much harsher landscapes.

In practice, the effect of this changing mythology was a more intense focus on "improving" the natural world. Mormons were little different from other westerners in this regard, but with spiritual motivations supplanting the patriotic (and, admittedly, at least quasi-spiritual) motivations of Manifest Destiny. George Handley (2006, p. 66) argues that the "notion that 'rain follows the plow' was important to many settlers of the American West, arguably because of the dry conditions, and became the mantra of Brigham Young, who regularly promised the pioneers that if they planted diverse trees and dressed the land (and, of course, proved themselves worthy), the Lord

would provide."

In the Henrys Fork country, the amount of landscape improvement required, and spiritual motivation or fortification necessary to achieve that improvement, were significant. Brigham Young long believed that the northern reaches of the Great Basin were too cold to support settlement. (Jackson, 1978, pp. 326-328). He focused settlement efforts to the south, despite the obvious difficulties of surviving in a real desert, and advised against even the short move north to Utah's Cache Valley (Jackson, 1978, p. 326).

But as more Mormons arrived in the Great Basin, and as the blossom-as-the-rose mythology solidified, Mormon settlers moved even farther afield. One of the Teton Valley's early settlers was Alfred Durtschi, who arrived in the Valley in 1909. Alfred had joined the Mormon Church in Switzerland in 1905 and soon moved to Utah. But he found that in Utah, all of the Lord's work was done: "We liked Utah, but the time had come when we felt that we were reaping where we had not sown. Our younger brothers were now big enough to help Father run the farm so Edward and I came to the conclusion that *it was our duty to do our share towards helping to make the desert blossom,* which meant, get out in a new country and help dig canals and ditches, put desert land under cultivation and to help build new church houses" (Durtschi, n.d.).

Mormons believed they were called of God to make the desert blossom like the rose, to improve the land, and to make it suitable for thriving, industrious communities. It is not so important that the Salt Lake Valley was or was not a barren wasteland. What matters is that Mormons came *to believe* that is was, and that through their faith and hard work, they had overcome that desolation and made the desert blossom. In what is purported to be a history of the Teton Valley in the upper Henrys Fork country, B.W. Driggs (1926, p. 150) wrote: "The young people of today may sometimes complain of hard times and the difficulties they encounter, but the bridges have been built, the great canals that required herculean efforts by the few pioneers then, have been constructed, the virgin soil has been broken, beautiful homes built, and now that the 'desert has been made to blossom as the rose' the way has been paved and an easier path made for them to travel."

The fundamental Mormon relationship with the natural environment is thus somewhat ambivalent. The earth is one of God's sacred creations, to be loved and cared for. And the plants and animals are not only God's creations, but have eternal living souls of their own. Animals should not be killed unless absolutely necessary, in times of famine or hunger. But coincident with this apparent respect for the natural world is a belief that the natural world can and should be improved, both through righteousness and hard work. Mormons still believe that in the Great Basin, they made a paradise out of what was a desert.

4. Law on the Landscape

The relationship of Mormon settlers with their new home was thus not one of accepting the landscape on its terms, and adjusting expectations and behaviors accordingly, but rather of modifying the landscape to accommodate the needs of its new inhabitants. This relationship is not unique to Mormon settlers. When Mormons arrived in the Henrys Fork country, non-Mormon culture—as formalized in law—was already in place on the ground and expressed the same preferences. Mormon settlers were not uninfluenced by these legal and cultural surroundings.

We often mythologize western expansion as an experience of settling and subduing a lawless, wild frontier. That mythology is both complicated and contested in a number of ways (Limerick, 1987), but in the Henrys Fork, it is also largely false. Although trappers, horse thieves, and some isolated and temporary travelers visited the region throughout the 19th Century, the first permanent residents of European ancestry did not arrive in the Henrys Fork country until the 1880s, with the principal settlement not arriving until almost a decade later. At a time when Idaho was drafting its state constitution, and the Idaho legislature was designating Moscow as the site of the state's Land Grant University, the Henrys Fork country was only beginning to think about town sites.

A formal, legal landscape thus already existed when Mormon settlers first wandered into the Henrys Fork country. Much of what would be their experience with their natural environment was already shaped and constrained by decisions made in other places. So although Mormon settlers in the Henrys Fork arrived, from all over the world, with their own cultural meanings in tow, those meanings were both confirmed and influenced by the legal landscape the settlers encountered upon arriving in the Henrys Fork country. That already extant legal landscape would play a significant role in the ecological culture that would develop over the next decades.

Aridity has always been one of the fundamental components of our understanding of the Interior West. In 1879, Major John Wesley Powell published his *Report on the Lands of the Arid Region of the United States*. In that Report, Major Powell (p. vii) claimed that the "redemption" of the arid lands west of the 100th meridian of longitude and east of the Cascades would only be possible with irrigation, including "extensive and comprehensive plans, for the execution of which aggregated capital or cooperative labor will be necessary." In addition, early mining activities required substantial water to wash placer deposits, often in places where little water existed. Western water law thus grew out of both ecological and economic necessity.

The first gold discovery in Idaho was in 1860, on Orofino Creek in the Clearwater country near what would become the town of Pierce. (Gold in 1860:

Newspaper Reports of the Pierce Gold Strike, 1959); (Burcham, 1960). At the time, the Clearwater country was still part of Washington Territory, with its capital in Olympia almost 400 miles away. It was also within the newly created Nez Perce Indian Reservation, and supposedly off limits to non-Indian miners and settlers. When miners moved into the Clearwater country after Pierce's gold discovery, they entered a land largely without law. But responding to the practical demands of mining, these Idaho miners developed their own laws and customs to manage their competing efforts to acquire scarce resources, much as had occurred elsewhere in the West. The Mining Laws of the Oro Fino District, adopted by the miners on January 5, 1861, formalized mining customs, both with respect to rights to prospect for gold as well as rights to water (Mining Laws of the Oro Fino District (adopted Jan. 5, 1861), 1959-1960).

Like irrigation, mining requires that water be taken out of the stream. Idaho placer deposits required washing through sluices to extract gold. Many of these placer deposits were located out of perennial stream channels, in old or ephemeral water courses, often far away from riparian areas. Without water, those deposits were unworkable, so the Oro Fino code, like others across the West, specifically recognized the right to remove water from its natural channel.

Given Idaho's aridity and the early importance of mining in the territory's economy, it is unsurprising that the territory's first formal water legislation followed the miners' lead and recognized that water rights could be acquired by appropriating water from a stream. That early law required appropriators to work diligently and without unnecessary interruption until they achieved "complete diversion," at which point the water right would be perfected. The 1881 law required the diversion to be for a "useful and beneficial purpose (1881 Idaho Terr. Sess. Laws 267, 1881). While the territorial law did not define "useful and beneficial purpose," Idaho's constitution, adopted nine years later, provides some context. It recognizes as legitimate uses of water: domestic, agriculture, manufacturing, mining, and milling. (Idaho Const. art. XV, §3). All of these are out-of-channel uses, consistent with the idea that water must be diverted from a stream before rights can be perfected.

In 1888, the Idaho territorial Supreme Court specifically acknowledged and adopted the "prior" element of prior appropriation, at least with respect to the claims of competing appropriators. In *Malad Valley Irrigation Co. v. Campbell* (1888), the territorial court adopted the first in time, first in right concept, acknowledging that in times of scarcity, the right of the prior appropriator would be satisfied first. And two years later, just before statehood, the territorial Court confirmed that prior appropriation would be the *only* law in Idaho, rejecting the riparian doctrine used in Eastern and Midwestern states: "[T]he maxim, "first in time, first in right," should be considered the settled law here. Whether or not it is a beneficent rule, it is the lineal descendant of the law of necessity.… The use of water to which they had been accustomed, and the laws concerning it, had no application here…. [T]hey disregarded the traditions of the past, and established as the only rule suitable to their situation that of prior appropriation" (Drake v. Earhart, 1890, p. 542). And later that year, the Idaho constitutional convention made the prior appropriation doctrine an explicit part of the new state's constitution.

The two territorial court decisions, the 1881 territorial law, and even the Idaho Constitution are not the sources of prior appropriation in Idaho, but rather affirmations of a quasi-legal regime that already existed on the ground. When the Mormon settlers began arriving in the Henrys Fork region at the end of the 19th Century, they arrived in a place that already had a specific legal imprint placed upon it—both informally and then formally. Whatever their origins, their relationship with this new western landscape was already structured in a particular way. For several decades by that point, the custom, and then formal law, of the region was one that preferred the extraction or appropriation of water from natural water courses for its use elsewhere.

But Powell's recommendation for a broad approach using aggregated capital and cooperative effort requires more than the establishment of the basic legal rights. From their beginnings in Utah, Mormon settlers had worked together to create water projects. Although they would transition from communal systems to the more formal and legal canal organizations used today, the early Mormons in the Henrys Fork country did work together to build canals and other projects, exchanging time and effort for shares in canal cooperatives. But to fully exploit the water resources available in the West required more than these rural farmers could do on their own.

Finally heeding at least part of Powell's recommendation, in 1902 Congress enacted a law known as the Newlands Reclamation Act. It is hard to overstate the Newlands Act's effects on western landscapes. Federal reclamation projects in the West now irrigate ten million acres of land, growing sixty percent of the nation's vegetables and as much as twenty-five percent of its fresh fruit and nut crops. The U.S. Bureau of Reclamation manages 490 dams, 294 reservoirs that store 140-million-acre feet of water, and over 10,000 miles of canals. (The Bureau of Reclamation, 2025). In the Henrys Fork and Upper Snake River country, the Minidoka Project—authorized in 1904 and one of the oldest Reclamation projects—consists of seven dams and 1,600 miles of canals. (Stene, 1997). It stretches from Grassy Lake and Jackson Lake dams high up in the watershed near the southern boundary of Yellowstone National Park (the latter dam is within the boundaries of Grand Teton National Park), to the Minidoka dam on the

main stem of the Snake River in south-central Idaho.

Like the understanding of what constitutes a "beneficial use" of water in western water law, the Newlands Act reified particular understandings of the value of the natural world. Those understandings are demonstrated by the name of the act itself—the *Reclamation* Act. Whatever the conditions of land prior to human intervention, or whatever other non-human purposes it might serve, the Reclamation Act is a collective statement that land's purpose is to serve human needs.

When Mormon settlers first arrived in the Henrys Fork country, the legal landscape that already existed demonstrated that the purpose of water was to serve human needs, whatever the potential consequences to the natural systems that previously relied on streams as such. And that legal landscape was reinforced over the passing decades as increased federal funding and development further modified natural water systems. These broader cultural statements about the value of water would have been an omnipresent influence on the developing environmental ethic of Henrys Fork Mormons.

Water was not the only legal arena that might have influenced the developing environmental ethic of Mormon settlers. When Mormons arrived in the Henrys Fork country, federal land management had already begun to change in a significant way. Beginning with the creation of Yellowstone National Park in 1872, and continuing with the creation of the first forest reserves in 1891, public lands law began to draw two different, somewhat confusing, distinctions about the use of the public lands. First, as Yellowstone made clear, some public lands would be set aside for protection or preservation, while others would continue to be part of the public domain. This same distinction occurred when the forest reserves were first created, identifying lands to be reserved and lands that would remain open for settlement. Second, and both more subtle and confusing, public lands law began to make distinctions between public lands that would stay public, but nonetheless would be available for certain *private* uses, and public lands that would not be so available. These two distinctions may have influenced the Henrys Fork Mormons' attitudes about the natural world.

When Mormons arrived in the Henrys Fork country, the nation's public lands policies were undergoing a significant change. Since the post-Revolution era, the nation's policy was to transfer the public domain to private interests, first via auctions and then later through railroad grants and homesteading laws. These transfers occurred throughout the Mormon settlement period, with the bulk of the public domain land entries occurring between 1862 and 1938, with a peak of approximately twenty-three million acres transferred in 1910. (Leshy, Fischman, & Krakoff, 2022, p. 95).

But although the Henrys Fork settlers arrived during the peak of the disposition era, the legal landscape had already started a nearly century-long evolution that would end in the permanent retention of millions of acres of public lands. And nowhere was this transition, and the conflict it could create, more obvious than in the Henrys Fork country and surrounding areas.

In 1872, just ten years after it enacted the first Homestead Act, Congress passed "An Act to set apart a certain Tract of Land lying near the Head-waters of the Yellowstone River as a public Park." In just three paragraphs, Congress set in motion events that, eventually, would significantly alter the public's perception of the purpose of the public lands. The creation of Yellowstone National Park indicated for the first time that some lands would be protected in perpetuity, directing the Secretary of the Interior to "provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition." But even as it provided for the "preservation" of the park lands, Congress also established that those lands should be used as a "public park or pleasuring-ground for the benefit and enjoyment of the people."

Nineteen years later, Congress turned what had been an isolated occurrence into a path away from the disposition era. In Section 24 of the General Revision Act of 1891, Congress adopted a short provision—included as an undebated rider on that bill—that ultimately gave rise to our modern National Forest System: "the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations[.]"

The General Revision Act did not provide the President with any guidance as to what lands should be reserved, and how or for what to manage them once reserved. That failure gave rise to what is often called the Forest Service Organic Act of 1897. That Act, also enacted as an undebated rider to the largely unrelated Sundry Civil Appropriations Act of 1897 (Bassman, 1974), would guide management of the national forests for the next seventy-nine years.[7] It provided the following direction: "No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States[.]"[8]

The forest reserves, and to a lesser extent

[7] Not until Congress enacted the National Forest Management Act in 1976 did the National Forest system have its own comprehensive management regime. (National Forest Management Act of 1976).

[8] This provision remains codified at 16 U.S.C. §475.

Yellowstone, established a dual-purpose regime for the public lands. The purpose of the forest reserves was to protect water supplies and ensure a sustainable supply of timber. These are purposes that recognize that land should be used for human benefit. And that first purpose, to protect water flows, is very much locally-focused, given both how water is managed in the West and the significant difficulties of transporting it long distances.

Yellowstone includes parts of the headwaters of the Henrys Fork, and many of the first forest reserves surrounded Yellowstone and included parts of the Henrys Fork country. Much like Idaho water law suggested a particular purpose for the natural world, these legislative acts communicated a particular ambivalence, or even tri-valence, about the purpose of land. Both Yellowstone and the forest reserves identified specific parcels of land and specified their purposes: preservation and enjoyment for Yellowstone, and timber and water supply for the forest reserves. Of these, only the preservation aspect of Yellowstone suggests a potential non-human purpose, and even that purpose is largely so humans could enjoy, if not develop, the protected landscape. So even those protected landscapes were intended to serve human ends.

But what does that say about the non-protected landscapes? Law is, again, the formalization of our culture and values. In the Henrys Fork country, as across most of the West, those portions of the public domain not reserved or protected were thus primarily for human benefit. If they were not important for a sustainable supply of timber, or to protect water supply, then the timber could—perhaps in fact should—be harvested in its entirety, and the water and landscapes used without concern for the consequences. Even with its nuances, federal land policy thus set up a "use this/preserve that" kind of dichotomy, including on the newly reserved forest lands.

While the Henrys Fork Mormons may have experienced this dichotomy in a local, specific way, their experience mirrored a larger national experience. During the time Mormons were settling the Henrys Fork country, and determining the meaning of law and place in that context, the national public was also having a conversation about the meaning of the natural world. This conversation concerned whether conservation or preservation should be the predominant paradigm. (Worster, 2008; Smith M. B., 1998). In the end, Gifford Pinchot's conservation—"The first great fact about conservation is that it stands for development" (Pinchot, 1910)—proved more useful. That ideology would influence all Americans, including Mormons, in the decades to follow.

Western water law, the forest reserves, and even the creation of the world's first national park all suggest that the purpose of the natural world is to serve human needs. These broader cultural values had been formalized as law, or soon would be, when the Mormon settlers arrived in the Henrys Fork country. At a time in which Mormons were desperately trying to assimilate into broader American culture, having entered the Union in 1896 as the 45th state, forgoing the practice of polygamy in exchange, that culture demonstrated through its formalized legal regimes how it valued water and the natural world. These legal regimes, and the messages they communicated, likely played an important role in influencing the developing environmental ethic in the Henrys Fork country and all of the Mormon Cultural Region.

5. Pragmatists in an Ideological World

Human culture is not simply a byproduct of the environment in which it emerges and evolves, but neither is it independent of that environment. And while geological, ecological, and other natural processes can and do occur in the absence of human influence, any human-occupied landscape is an always developing constellation of human and natural elements. Law, as the most precise formalization of culture (both as influence and product), is thus interwoven into culture and landscape in both obvious and unrecognized ways. Understanding a place, and the people that live there, requires peering deeply into the smallest cracks and fissures where law, culture, and the physical landscape interact.

When Mormons arrived in the Great Basin, and later expanded out into its farthest corners, they did so with an environmental ideology already in place. But in many ways, that environmental ideology did not function in this new world. What did work, or provide value, was the industry and faith that are the hallmarks of Mormon culture. What *did not* work was the belief that people must become harmless before the brute creation.

The early Mormons were thus pragmatists, consistent with the American philosophical tradition that emerged at the same time the Mormons were settling the far corners of the western "howling desert."[9] When they arrived in the Henrys Fork country, Mormon settlers had to assess whether their existing beliefs about the natural environment would work given the physical landscape, existing legal regimes, and their religious, family, and cultural histories. Together with these somewhat secular influences was a deep and abiding faith that they had been called of God both to expand the boundaries of Zion, as they understood it, and to tame and improve the land.

Our understandings of both possible and desired

[9] For an excellent history of the origins of pragmatism, see Menand (2002).

future conditions, and present meanings, are shaped by our cultural and ecological origins. (Geertz, 1973, p. 35). It is the lived experience in a place—including its cultural, legal, and physical components—that provides the range of plausible futures available to both the individual and community. Figuring out our desired future, including the cultural norms and legal rules that might effect that future, occurs as we figure out the potential range of futures available to us, i.e., we decide what we want as we decide what is available for us to have. (Bromley, 2008). And what we understand as our available futures is, in part, a product of the legal, cultural, and physical structure of our place.

Thinking of Mormons as pragmatists is complicated in one sense. Pragmatism's core argument is that people make decisions based on the plausible real world consequences of those decisions. William James argued that these real world consequences are all that matters. For Mormons, this idea might seem initially counterintuitive. In fact, for many religious adherents, it might seem offensive to characterize them as pragmatists. Pragmatism, at its core, is about "cash value." (James, 1907, p. 200). Isn't religious belief just the opposite, about acting despite the lack of immediate earthly reward?

Mormons are most famous for their non-traditional behaviors. Many of these, like their famous dietary restrictions, might seem highly pragmatic. Their collective choice in 1833 to foreswear tobacco and alcohol, to reduce meat consumption, and to generally maintain a healthy diet—so they "shall run and not be weary, and shall walk and not faint"—was remarkably prescient and pragmatic. They likely immediately recognized the real benefits of this belief.

In other areas, Mormon belief was much less pragmatic, at least from a worldly perspective. This is most obvious with the practice of polygamy. Mormons continued to practice polygamy long after it had become a cultural and economic harm. There are few other examples in the American experience that match the level of religious oppression and persecution—by the government—suffered by Mormons on account of this particular religious belief. The United States Congress enacted multiple laws targeted directly and specifically at Mormons, including the Edmunds-Tucker Act of 1887, which dis-incorporated the church, seized many of its assets, and largely prohibited Mormons from voting or serving on juries. The law was not repealed until 1978. (An act to repeal certain provisions of law establishing limits on the amount of land certain religious corporations may hold in any Territory of the United States, 92 Stat. 2483, 1978).

Similarly, in Idaho, where then and now almost a quarter of all residents are Mormons, the territorial legislature in 1884 enacted the Test Oath Act, which prohibited all Mormons from voting, holding political office, or serving on juries, whether they themselves practiced polygamy or not. The Idaho Constitution originally incorporated the same prohibition, which, although it was ruled unconstitutional by the Idaho Supreme Court in 1908 (Toncray v. Budge, 1908), remained part of the Idaho Constitution until 1982. Although Mormons officially gave up the practice of plural marriage in 1890, they suffered significantly—and faced their complete dissolution as an organization—before doing so. These were actions taken without immediate or earthly benefit.

But even if the Word of Wisdom appears pragmatic, and polygamy less so, in both cases Mormons followed the clear teachings of their faith. With respect to their relationship with the natural environment, however, their religious ideology was ambivalent, suggesting two different paths. They were told to respect and protect the natural world. And they were told to subdue and improve it. In large part then, given the lack of the clear spiritual guidance they were accustomed to in other aspects of their lives, their developing environmental ethic was influenced by the consequences, on the ground, of the various options before them. So although Mormons could have developed an environmental ethic consistent with church teachings acknowledging the sanctity of the natural world, that ethic did not prove useful in making the Interior West blossom as the rose.

As we consider the three aspects of place—law, culture, and landscape—that Mormon settlers might have developed a conservative environmental ethic becomes unsurprising. Of the apparently ambivalent spiritual teachings Mormons received, one understandably might have been considered predominant. The very purpose of Mormon expansion in the Interior West, including in the Henrys Fork country, was to realize prophesies and promises in their scripture and spiritual tradition. Perhaps more significant, improving the desert and making it blossom as the rose likely would have been perceived as consistent with other teachings to care for the natural world.

The Mormons' spiritual motivations also were consistent with the broader cultural trajectory in the developing West, as formalized and explained by western legal regimes. Prior appropriation and federal land laws that emphasized use and development more than preservation suggested the same purposes of land and the natural environment as did Mormon "blossom as the rose" mythology. Pinchot's utilitarian conservation tenet—the greatest good for the greatest number over the long term—could have as easily emerged from the Mormon approach to resource management.

The Mormon story suggests that notwithstanding the environmental ethic professed by early church leaders, and many contemporary Mormon authorities, the Mormon environmental ethic evolved in much the same way as the broader western environmental ethic. The ethic that emerged was the ethic that Mormons—

together with their non-Mormon counterparts—believed to be most useful given the legal, cultural, and ecological conditions they faced at the end of the 19th Century.

The West was, and remains, a difficult place to fashion a living. When Mormons arrived in Utah and expanded out into the Great Basin and beyond, most aspects of their lived experience suggested that the land must be subdued; that in fact, its very purpose was to be subdued. That was the ideology that appeared most useful to Mormon settlers at the turn of the 20th Century. It was the ideology with cash value.

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