W, W, W, We Are Theocracy: Legal Stammer

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Abstract
In this essay, I (Hereafter: the writer) will attempt to indicate the necessity of a minimalist position on the legal language. Moreover, the writer will transfer this conservative position to legal language in a theocracy and argue that religious legal language in a theocracy is involved the Legal Stammer Argument.

Minimalism in Religious Language
Minimalism in religious language has two advantages for the writer, first of all, minimalist religious language prepares minimalist true ambition of religious language, and so, it seems it could explain religious language. Second of all, this theory could not be misused or extended to other subjects of philosophy of religion i.e. metaphysics of religion or epistemology of religion. Altogether, the writer believes that if one considers the arguments of this theory, then one will agree that religious language is non-descriptive as Minimalism.

Legal Stammer Argument
The writer presents the Legal Stammer Argument in favor of non-religious language as legal language, and it is clear that principally theocracy applies to religious language as legal language, the argument will be in disfavor of theocracy. Conversely, if theocracy applies for non-religious language as a legal language, then Legal Stammer Argument will not be on this applying. Moreover, the writer argues that due to the

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2 The writer’s footnote: "W, W, W, We Are Theocracy: Legal Stammer" is an early draft and a chapter of the writer’s prospective Ph.D. thesis is "Philosophy of Theocracy", please do not cite without the writer’s permission. Also, the writer will be indebted to you if you invite this paper to your peer-review journal. In addition, the writer has applied the writer’s permanent methodology to this work. The writer has written this work as a Ph.D. semester requirement for autumn 2020.


The writer’s footnote: This work is not on religious language, and so the writer will not reply to objections to Minimalism, though, it is on religious language in a legal language alike in a theocracy. Simply, this work is on legal language.

4 For theocracy and law see: The divine law (Austin J. , 1832, pp. 31-125), (Rawls, 1999, p. 182), the conflict between laws of God and positive law (Austin J. , 1832, pp. 169-174), ideology and law (Sypnowich, 2019), natural law theory and God (Bix, 2004, pp. 67-8).

fact that religious language is non-descriptive and legal language is descriptive, religious language could not be legal language.\(^6\)

A. The writer presents the argument in this first way:

Case 1:
- X as a religious language= There is a true scripture that produces this utterance: God will forgive the bankrupts’ sin on judgment day.
- Y as a legal language= There is a provision that the state will forgive the bankrupts in the last days of every year.
- Z= Ana is bankrupt, and she believes in a monotheistic religion that believes in both God and judgment day.

- Z has to pay her debt to a bank,
- Z knows that if she would not pay her debt,
- But she knows that if she does not pay her debt she will face two matters,
- Z knows X,
- Z knows Y,
- Z believes that she is a sinner but X,
  - If X, Z after X, Z will not remain a sinner,
  - If X, then Z will be transformed from a sinner to an innocent religiously,
  - Because the sin of Z depends on the willingness of God to forgive Z,
  - It means that the forgiveness of X is otherworldly that first of all, there is sin as a religious concept and God as a religious entity in religious language and then, they have relations with each other, sin depends on God. Thus, religious language is non-descriptive and unique.
- However, Z knows that she is guilty but Y,
  - If Y, Z after Y is not an offender legally but will remain guilty morally,
  - Therefore, we know that the state will forgive Z and Z will be transformed from an offender to a guilty legally,

But we know Z after Y, Z will remain guilty morally, because the guilt of Z does not depend on the willingness of the state to forgive Z morally, bankruptcy is immoral and it is distinguished from forgiveness of the state,

It means that the forgiveness of Y is thisworldly that first of all, there is the guilt as a legal concept and the state as a legal entity in legal language, besides that, the guilt has the legal aspect and the moral aspect, and so, the guiltiness and the state have relations with each other, but the guiltiness is independent of the state.

Case 2:

X as a religious language= There is a true scripture that produces this utterance: God will forgive the bankrupts' sin on judgment day.
Y as a legal language= There is a provision that the state will forgive the bankrupts' sin in the last days of every year.
Z'= Ana is bankrupt, but she does not believe in monotheistic religions she does not believe in both God and judgment day, but she does not know Y.

- Z' has to pay her debt to a bank,
- Z' knows that if she would not pay her debt,
- But she does not know that if she does not pay her debt she will face two matters,
- Z' does not know X,
- Z' does not know Y,
- Z' does not believe that she is a sinner but X,
  - If X, Z' after X, will not remain a sinner,
  - If X, then Z' will be transformed from a sinner to an innocent religiously,
  - Because the sin of Z' depends on the willingness of God to forgive Z',
  - It means that the forgiveness of X is otherworldly that first of all, there is sin as a religious concept and God as a religious entity in religious language and then, they have relations with each other, sin depends on God. Thus, religious language is non-descriptive and unique.
- However, Z' knows that she is guilty but Y,
  - If Y, Z' after Y is not an offender legally but will remain guilty morally,
  - Z' does not know Y, and so, reasonably she would not do the bankruptcy, but we know Y,
  - However, imagine Z' do the bankruptcy, if Y, Z' after Y is not an offender legally, but will remain guilty morally,
  - Therefore, we know that the state will forgive Z' and Z' will be transformed from an offender to a guilty legally,
  - But we know Z' after Y, Z' will remain guilty morally, because the guilty of Z' does not depend on the willingness of the state to forgive Z' morally, bankruptcy is immoral and it is distinguished from forgiveness of the state,
It means that the forgiveness of Y is thisworldly that first of all, there is the guiltiness as a legal concept and the state as a legal entity in legal language, besides that, the guiltiness has the legal aspect and the moral aspect, and so, the guiltiness and the state have relations with each other, but the guiltiness is independent of the state.

These cases show that First of all, applying different theistic or atheist beliefs in both cases does not lead to different concepts and entities in a religious language such as different beliefs on God’s bankruptcy forgiveness in the scripture, since, it is clear that applying the same religious language is independent of mental or epistemic states, and so, religious language is non-descriptive. Second of all, we discover not only that we could grasp the different aspects of thisworldly concepts and entities such as the moral and legal aspect of guiltiness, but also if we apply different beliefs to non-religious concepts and entities lead to different concepts and entities in a non-religious language such as legal language, and this legal language is descriptive. The first consequence of these cases is that X is an example of religious language, a non-descriptive one. The second consequence of them is that Y is an example of a non-religious language, a descriptive one.

The above-mentioned thesis is that religious language is not descriptive, but, one could perceive there are normative languages such as non-religious languages, those could bearer of descriptive and/or normative ones, also, we know that we require a legal language that has to fit bankruptcy as illegal. Altogether, if –religious language– does not indicate that bankruptcy is illegal, then it shall not be a law.

B. The writer also could present the argument as a second way to insist on the basic requirement of legal language:

Radically, imagine another way to prove the Legal Stammer Argument that we have to apply the law of applied physics to civic law because it is necessary to build hydroelectric dams, we know that religious language is not descriptive language and so, legal language could not be religious language, though, it has to be scientific language. One more time, to have theistic or atheistic beliefs on God does not target different concepts and entities in a religious language such as different claims on God’s attitudes on dams in the scripture due to the fact that again it is clear to applying of religious language is independent of mental or epistemic states, and so, religious language is non-descriptive. Moreover, we discover not only that we could grasp the different aspects of thisworldly concepts and entities such as the physical, chemical, and environmental aspects of dams, but also if we apply different beliefs to non-religious concepts and entities lead to different concepts and entities in a non-religious language such as legal language.

C. Let the writer formalizes the argument in these two ways of Legal Stammer Argument:

\[ \Phi = \text{Descriptive property} \]
\[ \alpha = \text{Religious language} \]
\[ \beta = \text{Legal language} \]
\[ \Theta = \text{empty} \]
\[ N_1 = \text{First descriptive legal code or provision} \]
To Nn= infinite descriptive one

- $\alpha$ is $\Theta$ of $\Phi$,
- But, $\beta$ needs to be $\Phi$,
- Because, $\beta$ has to be the bearer of N1 to Nn,
- If N1 is a descriptive discipline like applied physics, then, $\beta$ has to be the bearer of N1,
- So, $\beta$ has to include $\Phi$,
- A could not be $\Phi$,
- Altogether, $\beta$ could not be adopted from $\alpha$.
- $\subseteq$

$\Phi \in \beta$ iff $\alpha \neq \beta$, because $\alpha$ is $\Theta$ of $\Phi$.

All in all, if the legal language has to be a descriptive language that could be the bearer of descriptive sciences and disciplines such as applied physics, engineering, medicine, and/or normative disciplines such as morality then it has not to be the religious one, there are, on the one side, the minimalist necessity of legal language that has to be descriptive, and on the other side, lack of descriptive aspect of religious language, and so, there is arising of the Legal Stammer Argument for non-religious legal language.

D. The writer will provide some exact examples of the Legal Stammer Argument to show how religious language could not be legal language, these examples would be in different fields.

One example could be a contrast between language's descriptiveness of scientific data on serious water shortage resources in a country and religious claims as to the opposite view of serious water shortage resources ...

E. But there could be some potential objections against the Legal Stammer Argument:

The Religious Experience Objection: One potential objection may evolve from the connection between religious language and religious experience. It means that a theocracy may argue that its constitutions and provisions and statutes have come from the religious experiences of legislators and many like them i.e. religious feeling, mystical experience, divine revelation. But there would be too many replies to the objection.

- One may rationally claim that it is hypocrisy in law to propose personal religious experience as the content of a statute or provision of law. It is hypocrisy because your personal experience plays impersonal roles as statutes or provisions of law.
- Second of all, this hypocrisy is not only a struggle in the religious language problems but also, it could not enroll functional demand of statutes or provisions of law. It is owing to the fact that a statute or provision of law has to be descriptive, and one more time, the religious experience could not enroll the descriptive aspect of legal language and so, functionally it could not enroll as statutes or provisions of law. For instance, a jurist who grasps a religious experience on the unexpected future earthquake that is in contrast to well-settled outcomes of earth sciences, then how could prove that her experience is a description of the future climate change. Also, it could be a descriptive
religious experience on climate change, unless all of the related experts and citizens have this experience universally.

- Last but not least, one may strongly object that religious experience and religious language have a reciprocal relationship and their interpretation that make the impossibility of religious language as legal language. Because legal language could not face biting the bullet, this means religious language in legal language disintegrates legal language and so, it leads to the dissolution of the legal system. Legal language only could be fulfilled by descriptive requirement, and non-descriptive property of religious language and religious experience and their reciprocal relationship will disintegrate law.

The Differential Descriptiveness Objection: Another common objection might be that religious language is not non-descriptive, but, it has a differential descriptive property that is not similar to descriptive scientific and/or philosophical language, thus, a theocracy could apply religious language in different ways. For instance, fine-tuning argument is descriptive, and so legal language could employ this religious language that is based on fine-tuning argument.

- First of all, the writer has shown that legal language has to be a non-religious one, because, it is true that not only religious language is non-descriptive and has no (differential) descriptive aspect, but also, legal language has to be descriptive, thereby legal language shall not be religious language.

- Also If one insists on the differential descriptiveness of religious language and rejects the argument theoretically in favor of some descriptiveness of religious language and its advantages practically, then one needs to live under the sovereignty of a theocracy to confess that the Legal Stammer Argument is cogent practically.

- Next, another reply would be that existence of God as a religious and otherworldly concept is one thing and fine-tuning argument as a philosophical and thisworldly concept in the favor of the religious concept is another thing. This distinction is cautionary that if one needs descriptive language in legal language, first of all, this perspective suffers from this serious weakness of this distinction, also, if one insists on the fine-tuning argument and then this argument collapse, the legal language will collapse.

- In addition, other otherworldly concepts that may have thisworldly interpretation and/or explanation like a religious experience that may have natural and/or thisworldly explanation, not only suffer from the last reply, but also, it may be true that religious experience may have natural and/or thisworldly explanation, but this discovery will transform an otherworldly religious concept and/or entity to non-religious thisworldly concept and/or

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7 The writer's footnote: There is philosophical literature on at least the three-dimensional relation between religious language and religious experience: Theories of Religious Language (except Face Value Theory) to religious experience, ineffability attribute of religious experience to religious language, and religious language and religious experience via interpretation. However, this note is on the philosophy of religion and so, it is beyond this work.

8 For a similar view see: (Vainio, 2020, p. 34).
entity. As a result, one more time, legal language will fill with the descriptive property of non-religious language that comes from an experience.

- Besides that, if one belongs to a theistic religion and identifies a religious claim e.g. miracle as a descriptive claim, and another one denies this claim owing to the fact that the second person belongs to a non-theistic religion, the first could not prove that the miracle claim is descriptive unless the first one could indicate that the claim could be provable i.e. as a scientific claim.

- Last but not least, it seems very odd that opponents of the argument are catching sight of the outcome of sciences and philosophy, and then, they persuade legal language to fill with the outcomes and suddenly label them as the religious ones.

The Revisionary Objection: One may think that it is true religious language is not descriptive, although it has to include descriptiveness. The one indeed claims in favor of revisionary religious language, and so, if the religious language does not a descriptive requirement of legal language in non-revisionary aspect, we have to prepare this requirement to religious language and then it could satisfy the requirement of legal language.

- The first reply to this objection is that one only disguises the non-revisionary aspect of religious language as the revisionary, it means that one would conceal that the religious language is not descriptive.

- Also, it is possible that one would insist religious language necessarily is revisionary. However, one correspondingly has to admit that one labels the non-descriptiveness of religious language as the descriptive one.

- If one comes up with the last reply, one ought to be doubtful and question whether this perspective of religious language as legal language is appropriate functionally and normatively. The writer is very doubtful that this perspective could be appropriate. Imagine it is appropriate, there is a criticism that if those lawmakers, legislators, and politicians compromise this aspect of legal language, there will arise the criticism to confirm that they only would exploit loopholes and/or manipulate advantages.

The Descriptive Replacing Objection: Some legal naturalists believe that legal language is not normative and we have to replace the normativity of legal language with descriptiveness of it, thus this replacement will defeat the Legal Stammer Argument.

- First of all, the Legal Stammer Argument mainly is on the descriptive requirement of legal language. Also, there are extremely few legal philosophers deny this approach.⁹

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⁹ For a similar view see: (Kramer, 2007, p. 75).
• Also, another common reply that could be applied to the argument is legal language is descriptive because it may include empirical sciences.  

• Besides that, there are only a few philosophers who reject normativity of law and/or legal language, and so, the writer presupposes that if A applies legal language to claim that B shall do or do not to Φ, it means B normatively shall do or do not to Φ.

• The last reply is that the Legal Stammer Argument proves that legal language shall be normative.

The H2O Objection: One may believe that her religious beliefs include descriptive claims that come from knowledge i.e. natural sciences and/or it is similar and/or identical with them, there are some descriptive claims in religious scripture and/or they are placed among other religious claims as religious language, therefore, those religious claims could be as the content of legal language. For instance, image one claims that H2O is the chemical formula of water and it comes from this religious scripture.

• First strict reply has been coming from denying this objection as a proposal fundamentally that means it couldn’t be a public reason of public justification to political authority in a theocracy although it is beyond the task of this work.

• Another reply could be doubtfulness on descriptiveness of H2O is water, but one more time it is not the writer’s responsibility to think of the philosophy of chemistry. Besides that, the writer deplores to relegate descriptiveness of scientific language in favor of religious language’s upgrading amply.

• The stimulating reply is that knowledgeable language i.e. formal scientific language or natural scientific language or moral language does not include religious language. It is owing to the fact that first of all, imagine if a religious scripture includes this phrase that H2O is water, although this claim remains scientific claim in the religious scripture, it is not only true that they will remain separated claims on two sorts of claims: religious claims i.e. monotheism, divine attributes, heaven and hell in the scripture and scientific claim: chemical formula of water in the scripture because one could conduct an experiment on the H2O is water claim and share the outcome of this investigation, though, the one could not test a religious claim such as resurrection and share the outcome of it, but also, Legal Stammer Argument corroborates non-descriptiveness of religious language and descriptive requirement of legal language. Second of all,

10 For a similar view see: (Kramer, 2007, p. 76), (Finlay & Plunkett, 2018).

11 For similar views see: (Endicott, Law and Language, 2022), (Carston, 2013, p. 19).

12 Writer’s footnote: One could study this argument in favor of non-theocratic authority and government and as an objection in disfavor of theocratic authority and government in another writer’s work: “Covid-19 Proves Theocracy Is False”.

13 For a similar view see: (Weisberg, 2006), differential view (Hendry, 2011, p. 293).
the religious claim is only an otherworldly claim and the scientific claim is simply a thisworldly claim.

- One may cleverly add to the objection that the formula of water in another world is something else and it is mentioned in the scripture, thereafter it proclaims descriptiveness of religious claim. However, one has forgotten that this example is on another earth in the same world, it is not only accessible formula to test within people of another earth and they could share the experiment's outcome with the people, but also, they could share the outcome with people of our earth if they have a method to pass information.

The Multi-Dimensional Objection: It objects to the writer's argument, imagine a series of acts that are forbidden by common law e.g. the law is on drunk driving, the law prohibits drunk driving. The law proscribes drunk driving as follows: "Every driver while the driver is driving a car or vehicle shall be fully conscience which means drinking alcohol beverage and/or taking the drug is banned since declaring of this law. On condition that the driver involves in an accident and/or other torts and/or crimes, the driver will be fully and legally responsible. Although, if police arrest the driver, the driver will receive punishment by a court due to divine law and/or religious jurisprudence and/or theocratic law." So, the law has both secular and theocratic dimensions.

- The first reply of the writer to this objection is that there is no descriptiveness of religious language or religious language as legal language. Thus, this legal language will struggle with a lack of legal descriptiveness.

- The second reply to another version of the objection in which one may claim the law only has a religious dimension as a symbolic and/or virtual and/or fictional, though, the writer would reply this interpretation of the law will break the law since we need the descriptiveness of the law, it has to be not only on the drunk driving banning but also on the punishment.

- This objection also produces another problem, this non-descriptiveness of the law will violate the descriptive dimension of the law, due to the fact that it wastes the function of the law which means the rightfulness of the prohibition of drunk driving will be infringed by the criminal legal dimension of the law. It will be violated when the driver would claim "I will not obey the law since I am not a religious citizen and/or I disagree with this interpretation of this religious jurisprudence and/or I only follow the secular legal authority since Legal Stemmer Argument inclines the requirement of legal descriptiveness." In this case, the law does not have legal authority.

The Legal Non-Dissolution Objection: One may claim if the Legal Stemmer Argument is true, there could not be a correspondence theocratic system. However, there could be a theocratic system.

14 For the similar idea see: (Putnam, 1973).
• One reply is that if it is true legal system is on social rules or facts to prepare legal authority, then there could be non-legal social rules without legal authority that enroll this correspondence authority and obligation e.g. a rich culture could enroll partially correspondence obligations.

• Second of all, it is also true that those non-legal authorities and obligations could not enroll those norms and so, those systems will face dissolution gradually.

• Also, we need to keep this thought in mind that some theocratic legal system could enroll their norms as long as the correspondence country is a micronation and or they do not need a legal system at all.

The Commensurability Objection: Another objection could run as follow, it is feasible that a theocratic government does not fully make theocratic law, but it introduces theocratic law partially, and it could be a defeater to the argument.

• The writer admits that this objection is serious, but it is necessary to remember that the related legal system will face full of non-consistencies and non-functioning.

• This law-making will create tremendous conflicts of aims and norms of the law, it is equal to having a legal obligation in favor of a secular statute and/or constitution and in disfavor of a related theocratic statute and/or constitution. There is no doubt that it blocks one sort of the two groups of law.

The Secular Content Objection: One may insist on the normative force of a religious language as legal language, but one argues its content remains fully secular.

• The first reply of the writer is that religious beliefs and actions at first face principally claim neutral and/or non-normative and/or non-valued otherworldly concepts and entities, and so they could run this objection.

• If they have some normative forces they are their second-order and so, they are inherently non-normative.

• Another reply is that the religious normative force of statutory or constitutional provisions could conflict and/or contract with secular content and/or other aspects of it.

• The last reply is that the normative force of secular normative language is principally more enforced. It is because it targets directly authoritative normativity of secular language. Although, authoritative normativity of religious language is authoritative since authority on the correspondence laws depends on the authority of religious language and religions.
Conclusion
In this work, first of all, the writer argues Legal Stammer Argument shows that religious language is non-descriptive and so, normative language like legal language could not be the religious one, because of the descriptive necessity of legal language. In addition, the writer presents some other examples to incline how religious language as legal language could not work. The next was that the writer presents some potential objections to the argument and reply to them.

Bibliography


