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## Closing Statement

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## CLOSING STATEMENT



Many things can be said at this juncture about the legal cases in the Book of Mormon. Above all, I hope this book has caused readers to think about things they have not considered before. Those previously unfamiliar with the Book of Mormon have probably encountered for the first time names such as Sherem, Korihor, Paanchi, and Seantum, to say nothing of the details of their words and deeds. Beyond that, they, as with those who have grown up with the Book of Mormon, may have been exposed for the first time to concepts such as Jehovah's Covenant Code, talionic justice, collective responsibility, and the religious beliefs behind practices such as pre-execution confession and the forensic use of oaths, oracles, and ordeals, together with a dose of arcane legal terminology. In many respects, I hope that all readers have found this examination and their reflection on Nephite jurisprudence in light of biblical law traditions to be informative and rewarding.

I also hope that this study, as a groundbreaking effort, is only the beginning of further studies to follow. Just as David Daube's 1947 *Studies in Biblical Law* led out in showing biblical scholars the value of reading Old Testament narratives with ancient legal concepts and procedures in mind, the present study has tried to show the same for the Book of Mormon. Since much of the Book of Mormon is explicitly grounded on Hebrew law, it makes sense to draw on that cultural background in analyzing the legal cases in the Book of Mormon.

Seven main goals were set out at the end of the first chapter: (1) to examine the literary and historical background of each legal case in the Book of Mormon, (2) to compare the legal terms and procedures found in the Nephite record with those in the Hebrew Bible and the ancient world in general, (3) to understand the facts and legal issues raised by each case in the Book of Mormon, (4) to utilize all available tools to illuminate these passages, (5) to appreciate the judicial and historical uniqueness of each

case, (6) to highlight the various modes of persuasion and judgment in these cases, and (7) to extract ethical and religious values from each of these precedent-setting cases. Although more can yet be said to further enlarge our understanding of these cases, I submit that enough has been included to accomplish these goals and to make clear sense of these interesting texts, not only in terms of their broad judicial sweep but also in their use of technical legal terminology that otherwise tends to escape notice in the course of regular reading.

Following the methods and approaches discussed and adopted in chapter 2, it now seems clear that each legal case in the Book of Mormon can be amply understood in the context of pre-exilic Israelite law. Although one cannot always be certain about the precise state of the law in Jerusalem shortly before Lehi's departure and the Babylonian conquest, it is evident that the legal principles in these cases fit comfortably in the developing biblical law tradition at that time.

Viewed this way, the legal cases in the Book of Mormon make for very interesting reading. Paying careful attention to the narrative contexts and legal backgrounds of these cases brings their original meanings even more to life. Moreover, these stories are told with style, care, and sophistication befitting the particular purposes and personal experiences of their authors, compilers, and abridgers. The fact that these cases are more complicated than readers have previously noted makes the Book of Mormon all the more intriguing and respectable.

Through this legal reading, it has become evident that the authors of the Book of Mormon were experienced in the law, especially Alma, who served professionally for nine years as the Nephite chief judge. All these writers appear to have been fully conversant with their legal system. We see them consciously striving to judge righteously, being guided by the precepts of professional ethics that were set in legal stone by the judicial decalogue in Exodus 23:1–3, 6–9. They made accurate use of legal rules, jurisprudential principles, and judicial practices. They assumed that their readers would somehow understand the normal operation of their legal system, which they take for granted.

In sum, the following substantive laws have been found to surface most prominently in these seven cases: laws against blasphemy, leading others into apostasy, false prophecy, idolatry, becoming an apostate city, reviling the law, conspiring to commit treason, cursing the king, and shedding innocent blood. It is significant that most of these laws deal essentially with offenses against God, indicating that maintaining their covenant relationship with God was of utmost importance to the Nephites.

This study has also shown that the Nephite administration of justice, like the Israelite system upon which it was based, featured various modes of adjudication and dispute resolution, ranging from private contentions to formal divisions of jurisdiction between priests and the king. Having adopted the legal and political reforms of King Mosiah, the Nephite legal system became more structured with the establishment of a system of lower and higher judges known as the reign of judges. Under this regime, which lasted about 150 years, answers to several legal issues produced rules and practices concerning the number of judges involved in various proceedings, the transfer of difficult cases to higher judges, the public locations of trials, the importance of judgment seats, and the miscarriage of justice through political corruption and bribes. These and other developments in Nephite law are understandable reflections of authentic experiences within Nephite civilization as its leaders met challenges, made decisions, and lived with the consequences of their actions.

Over the course of Nephite history, most of the basic judicial procedures, however, remained stable. Little change is seen concerning such procedural particularities as the populace's obligation to initiate judicial actions; taking, binding, and carrying an indicted party before a judge; smiting on the cheek as a form of humiliation and indictment; judging one's accountability based on degree of knowledge; requiring parties to appear personally without advocates or representatives; insisting on the two-witness rule; the swearing of oaths and the predominance of oral testimony; diligent inquisition or examination of parties; severe consequences for false accusation or perjury; construing silence as an admission of guilt; the acceptance of self-incrimination under certain conditions; resolving deadlocked cases by ordeal, signs, or oracular detection of culprits; accepting unequivocally the divine determination of innocence or guilt; the absence of courts of appeal on the merits; heralding judicial outcomes; using certain types of punishments; justifying the death penalty on certain rationales and in prescribed modes of execution; using post-judgment and pre-execution confessions; using the accusers as executioners; and ensuring that the operation of the legal system resulted in the establishment of justice and the restoration of peace in the society.

The significant number of legal principles found in these cases shows that the Book of Mormon cannot be fully appreciated without seeing it through many lenses, including the lenses of law, justice, equity, and mercy. Understood in the broad Israelite sense, law (*torah*), with its judgments, statutes, customs, and testimonies, was fundamental to Nephite culture and religion. The Nephite prophets strictly honored both the letter

and the meaning of the law. The legal cases in the Book of Mormon reflect the importance of revealed law in Nephite society and convey significant truths about judging righteously.

By way of overview, these cases can now be headnoted and characterized as follows:

- The case of Sherem stands as a classic case of an overconfident critic who seriously misjudges the situation and makes unsustainable accusations of blasphemy, apostasy, and false prophecy. This episode should give pause to any would-be plaintiff or political opponent. Pride and hubris blur righteous judgment. It is unclear what Sherem had to gain by accusing the aged Jacob of these capital offenses, but what he tried to impose on Jacob eventually came back upon himself.
- The trial of Abinadi is an archetypal case of abuse of power that resulted when King Noah took umbrage at Abinadi's remonstrations. The case swirls around a king's unwillingness to be corrected and his priests' obsequious interest in currying favor. Yielding more than a case about a gadfly who got swatted, the death of the prophet Abinadi will haunt King Noah, whose execution by his priests shows that those who play with fire themselves get burned.
- The trial of Nehor is a classic case of an angry member of a minority religious and political party who lost his temper, feeling oppressed, frustrated, or insulted by the controlling government. Probably assuming that his popular power base was strong enough, Nehor figured he could use force with impunity. In his way stood only the novice judge Alma, who had to make a politically difficult decision in order to reinforce and stand up for important legal values and against the use of violence and physical force.
- The accusation and imprisonment of Alma and Amulek is a shocking case of local pride on the part of a schismatic group that got carried away in its rejection of its previous leaders. Their tactics included perversion of the legal system, bribery, self-justification, torture, humiliation, censorship, and killing innocent women and children. This horrific miscarriage of justice soon ended in the complete demise of the perpetrators.
- The trial of Korihor presents a remarkable case of a radically independent thinker. Ultimately, his case asks, at what point does the individual's right to speak jeopardize the welfare of the



community as a whole? Is speech more like thought (which is necessarily protected) or like action (which is therefore publicly punishable)? Each society must determine the limits of free speech and when it will hold people responsible not only for what they do but also, in some cases, for what they say.

- The case of Paanchi is a lamentable case of a raw thirst for power among three brothers, all of whom end up dead.
- The matter of Seantum is an all-too-familiar case of corruption, cowardice, and trying to get others to do the dirty work under the cloak of secrecy. In this case, all was eventually revealed, for God sees and knows all things, and this ultimately leaves nowhere to hide.

Collectively, these cases help significantly to establish key precedents that support the stated purposes of the Book of Mormon, namely, to convince readers that Jesus is the Christ, the Messiah of whom the prophets have spoken, and that God remembers the covenants that he has made and sustains his righteous followers. The case of Sherem proves that prophesying of Christ was neither inconsistent with nor incorrect under the law of Moses. The validated testimony of Abinadi establishes that true prophets bear good tidings of Christ, through whose redemption and resurrection all mankind may have eternal life. The ignominious deaths of Nehor, of his followers in Ammonihah, and of the anti-Christ Korihor show that teachers and leaders who deny Christ and aggressively reject the priesthood order of the Son of God are not to be sustained, while the true and accurate prophecy of Nephi in the detection of Seantum shows that God will sustain his covenant keepers.

While integral to the Book of Mormon's broad purposes, these cases were also significant to the individual writers who were personally involved with them, another perspective that readers can now more fully appreciate. All these authors saw this mortal life as a time for all people to prepare to stand resurrected before God to be judged according to their works (1 Nephi 15:32–33; 2 Nephi 9:44; 25:22; Mosiah 3:23–24; 16:10; Alma 12:12; 34:32; 40:21; Mormon 3:18). The theme of God's judgment runs throughout the Book of Mormon, even down to its concluding line in which Moroni says: "I bid unto all farewell . . . until my spirit and body shall again reunite, and I am brought forth triumphant through the air, to meet you before the pleasing bar of the great Jehovah, the Eternal Judge of both quick and dead" (Moroni 10:34). No doubt Moroni and his predecessors envisioned the future judgment as comparable to their own judicial tribunals: the facts would be clear, the parties would know of their guilt

or innocence, and God's justice would dispense righteous judgment. This will be pleasingly triumphant for some, but it will be especially unfortunate for those who have not judged righteously. Indeed, the legal cases in the Book of Mormon offer a unanimous warning in this regard.

Although much ground has been covered in this volume, many other legal topics remain to be addressed concerning Nephite law as a whole. Other volumes planned to build on this one will discuss homicide, robbery, family law, property law, martial law, social justice, festival laws, and many other legal topics. Considerable research, however, already indicates that the Nephite understanding of those subjects is also compatible with an ancient Israelite origin for the Nephite legal system, just as with the procedural laws that have been the focus of this volume.

Also remaining to be considered are other questions such as, How much would or could Joseph Smith have known about ancient Israelite law from his reading of the Bible or from his surrounding culture? Could Joseph have grasped the nature and operation of biblical law as a young reader of the Bible? (He was twenty-three when he dictated the text of the Book of Mormon.) Although a few biblical scholars in the 1820s were aware of certain legal features of the Old Testament, they were mainly interested in the New Testament. Disciplined study of early biblical law only began much more recently. There is no evidence that Joseph Smith conducted any study along these lines, and even if he had somehow acquired a full understanding of biblical law on his own, one wonders how he could have seamlessly woven all these legal principles into these narratives as he dictated the entire book in the short period of time between April 7 and June 30, 1829. Although a full discussion of early American law must be left for another day, present results show that the Book of Mormon is accurate in its use of such terms as *contend* and *robber*, which precisely correspond with their Hebrew counterparts *rib* and *gedud*, and that its texts present a coherent picture of an actual legal system that is quite different from the New York legal system that Joseph had encountered as a material witness as early as 1819 and as an accused in 1826.

For the time being, I mention the subject of Book of Mormon origins because this question legitimately arises in all serious discussions of this book. For many skeptical readers, of course, the Book of Mormon is too extraordinary to be plausible. But there are answers to these detractions, even if they require a few crucial assumptions about holy scripture, historiography, salvation history, and the possibility of divine revelation.

This is not to say that hard evidences, for or against the Book of Mormon, are unimportant. As I have discussed elsewhere, evidence plays

important roles in the nurturing of faith. As theologian Austin Farrer has written, “Though argument does not create conviction, lack of it destroys belief. What seems to be proved may not be embraced; but what no one shows that ability to defend is quickly abandoned. Rational argument does not create belief, but it maintains a climate in which belief may flourish.”<sup>1</sup> One may hope, in any religious quest, that the fruits of earnest inquiry and positive experience will eventually lead sincere people to ask God to impart to the honest in heart a needed measure of inspiration, wisdom, truth, and goodness.

In the end, the Book of Mormon simply invites people to give it a chance. It may be just as hard to explain the existence of this book as it is to deny the validity of its claims. The book should not be simply brushed aside, but taken seriously, at least as one of the most remarkable instances of raw religious creativity to come out of America if not as one of the vanguards in the parade of long-lost ancient texts that began to come forth in the mid-nineteenth century.

I sincerely hope that the Book of Mormon might be taken seriously as an instrument in improving the condition of people everywhere throughout the world. As one can now see, a large part of its mission is to inspire people to judge righteously, something that the world urgently needs now. One could hope that the legal precedents contained in the Book of Mormon, reaching back into the roots of Judeo-Christian-Islamic civilization, might curb abuses of justice and offer effective models for establishing peace and harmony. In today’s society, which is more potentially violent than any before, the tempering virtues of righteous judgment are more needed than ever: telling the truth; following God, not the crowd; shunning bribes and their equivalents; not persecuting or killing the innocent; and not oppressing others just because they come as strangers from other lands or traditions.

Rules for judging righteously are legally exemplified in the Bible and Book of Mormon. These books extend to the world vivid and poignant invitations to “judge righteously between every man and his brother, and the stranger that is with him” (Deuteronomy 1:16); to be “merciful unto your brethren”; and to “deal justly, judge righteously, and do good continually” (Alma 41:14).

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1. Austin Farrer, “Grete Clerk,” in *Light on C. S. Lewis*, comp. Jocelyn Gibb (New York: Harcourt and Brace, 1965), 26, discussed in my chapter “The Power of Evidence in the Nurturing of Faith,” in *Echoes and Evidences of the Book of Mormon*, ed. Donald W. Parry, Daniel C. Peterson, and John W. Welch (Provo, UT: FARMS, 2002), 17–53.