

ENCYCLOPEDIA OF MORMONISM



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of The Church of Jesus Christ of Latter-day Saints*

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in the Resurrection, so will Israel be reconstituted in the gathering; and the formerly divided nations will become one (Ezek. 37:1–14). Thus, the publication of the Book of Mormon in 1830 was a sign that the divided tribes of Israel were to become one under God and that God's latter-day work was beginning to be implemented (Ezek. 37:21–28; cf. 1 Ne. 13:34–41; 3 Ne. 20:46–21:11).

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BOOK OF MORMON, GOVERNMENT AND LEGAL HISTORY IN THE

Because the Book of Mormon focuses on religious themes, information about political and legal institutions appears only as background for the religious account. Even so, it is apparent that several different political institutions characterized NEPHITE, LAMANITE, and JAREDITE society.

The Nephites were ruled by hereditary kings from c. 550 to 91 B.C., when the rule changed to a reign of judges. After the coming of Christ, two centuries of peace under the government of his Church were followed by a breakdown of society into tribal units and finally by the destruction of the Nephites.

From the beginning, the Nephite legal system was based on the LAW OF MOSES as it was written in the scriptures, as it was possibly practiced by Israel in the seventh century B.C., and as it was modified (slightly) over the years until the coming of Jesus Christ. As the Nephite prophets had long predicted (2 Ne. 25:24), Jesus fulfilled the law of Moses. After his coming, Nephite law consisted of the commandments of Christ.

GOVERNMENT. After leading his family and a few others out of Jerusalem, Lehi established his colony in the Western Hemisphere as a branch of Israel in a new promised land, but its organization was inherently unstable, for it seems to have given

no clear principle for resolving political disputes. The seven lineage groups established at Lehi's death and mentioned consistently in the Book of Mormon were Nephites, Jacobites, Josephites, Zoramites, Lamanites, Lemuelites, and Ishmaelites (Jacob 1:13; 4 Ne. 1:36–38; Morm. 1:8; Welch, 1989, p. 69). When this system proved unable to keep the peace, NEPHI₁ led away the first four of these family groups, who believed the revelations of God; established a new city; and accepted the position of Nephite king by popular acclamation. The other three groups eventually developed a monarchical system, with a Lamanite king receiving tribute from other Ishmaelite, Lamanite, and Lemuelite vassal kings.

This original split provides the basic political theme for much of Nephite and Lamanite history. Laman and Lemuel were Lehi's oldest sons, and they naturally claimed a right to rule. But a younger brother, Nephi, was chosen by the Lord to be their ruler and teacher (1 Ne. 2:22), and Nephi's account of this early history was written in part to document his calling as ruler (Reynolds). The conflict over the right to rule continued, providing much of the rhetorical base for the recurring wars between Lamanites and Nephites hundreds of years later.

Possibly because of the controversial circumstances in which Nephite kingship was established, its ideology was clear from earliest times. Nephite kings were popularly acclaimed (2 Ne. 5:18). They had a temple as their religious center (2 Ne. 5:16) and were careful to maintain venerable symbols of divinely appointed kingship in the sword of Laban, the Liahona, and ancient records (2 Ne. 5:12–14; cf. Ricks).

Only the first Nephite king (Nephi₁) and the last three kings (MOSIAH₁, BENJAMIN, and MOSIAH₂) are named in the Book of Mormon. These four kings served as military leaders and prophets, and worked closely with other prophets in reminding people of their obligations to God and to one another. For example, in his final address to his people, King Benjamin reported to the people a revelation from God and put them under covenant to take the name of Christ upon them and to keep God's and the king's commandments.

Some Nephite kings were unrighteous. Noah, a king of one Nephite subgroup (the people of Zeniff), exploited the weaknesses of the Nephite system, sustaining himself and his council of corrupt priests in riotous living from the labors of the

people. Doubts about the institution of kingship became acute when the oppressions of Noah were reported to the main body of Nephites. King Mosiah₂, when his sons declined the monarchy, resolved the succession crisis by proposing to change the kingship into a system of lower and higher judges. This form of government was accepted by the people in 91 B.C. (Mosiah 29) and lasted, in spite of several crises and corruptions, for approximately a hundred years. Though the position of chief judge continued to have military and religious preeminence and was frequently passed from father to son, it differed from the kingship pattern in that the higher judges could be judged by lower judges if they broke the law or oppressed the people (Mosiah 29:29).

ALMA₂ became the first chief judge and served simultaneously as high priest, governor, and military chief captain. Because these offices required the approval of the people, who had rejected monarchy, critics have tended to confuse the Nephite system with the democracy of the United States. However, there was no representative legislature, the essential institution in American republican ideology. Also, the major offices were typically passed from father to son, without elections (Bushman, pp. 14–17); “the voice of the people” is reported many times as authorizing or confirming leadership appointments and other civic or political actions.

It appears that during the first two centuries after the coming of Christ, the Nephites operated under an ecclesiastical system without judges or kings, with courts constituted only of the church elders (4 Ne. 1:1–23; Moro. 6:7). With the eventual apostasy and collapse of the Nephite church, no civil institutions were in place to preserve law and order. Attempts to organize and conduct public affairs by reversion to a tribal system and, later, to military rule did not prevent the final destruction of the civilization.

The Book of Mormon also gives a brief account of the Jaredites, a much earlier civilization that began at the time of the great tower and was monarchical from beginning to end. Jaredite kings seem to have been autocrats, and succession was more often determined through political and military adventurism than through legal procedures.

LAW. Until the coming of Christ, the Nephites and converted Lamanites strictly observed the law of Moses as they knew and understood it (2 Ne.

5:10; 25:24–26; Jarom 1:5; Jacob 4:4–5; Alma 25:15; 30:3; Hel. 13:1; 3 Ne. 1:24–25). Preserved on the brass plates, the law of Moses was the basis of their criminal and civil law, as well as of the rules of purity, temple sacrifice, and festival observances of the Nephites; they knew, however, that the law of Moses would be superseded in the future messianic age (2 Ne. 25:24–27).

Recent publications (Welch, 1984, 1987, 1988, 1989, 1990) have identified a rich array of legal information in the text of the Book of Mormon. Procedural and administrative aspects of Nephite law developed from one century to another, while the substance of the customary law changed very little. Nephite leaders seem to have viewed new legislation as presumptuous and generally evil (Mosiah 29:23) and any change of God’s law without authority as blasphemous (Jacob 7:7). Their religious laws included many humanitarian provisions and protections for persons and their religious freedom and property. These rules were grounded in a strong principle of legal equality (Alma 1:32; 16:18; Hel. 4:12).

In two early incidents, Jacob, the brother of Nephi₁, was involved in controversies concerning the law. The first involved the claimed right of some Nephites to have concubines (Jacob 2:23–3:11), and the second arose when Sherem accused Jacob of desecrating the law of Moses (Jacob 7:7).

The trial of ABINADI (Mosiah 11–17) indicates that, at least in the case of Noah, the king had jurisdiction over political issues but took counsel on religious matters from a body of priests: Causes of action were brought against Abinadi for cursing the ruler, testifying falsely, giving a false prophecy, and committing blasphemy (Mosiah 12:9–10, 14; 17:7–8, 12). Legal punishments in the Book of Mormon were often fashioned so as to match the nature of the crime; thus, Abinadi was burned for reviling the king, whose life he had said would be valued as a garment in a furnace (Mosiah 12:3; 17:3).

At the time the Nephites abandoned monarchy, Mosiah₂ instituted a major reform of Nephite procedural law. A system of judges and other officers was instituted; lower judges were judged by a higher judge (Mosiah 29:28); judges were paid for the time spent in public service (Alma 11:3); a standardized system of weights and measures was instituted (Alma 11:4–19); slavery was formally prohibited (Alma 27:9); and defaulting debtors faced banishment (Alma 11:2). There were

officers (Alma 11:2) and lawyers who assisted, but their official functions are not clear. It appears that ordinary citizens had sole power to initiate lawsuits (otherwise, the judges would have brought the action against Nephi₂ in Helaman 8:1).

The trial of Nehor was an important precedent, establishing the plenary and original jurisdiction of the chief judge (Alma 1:1–15). It appears that under the terms of Mosiah 29, the higher judges were intended only to judge if the lower judges judged falsely. But in the trial of Nehor, Alma₂ took the case directly, enhancing the power of the chief judge.

The reform also protected freedom of belief, but certain overt conduct was punished (Alma 1:17–18; 30:9–11). The case of Korihor established the rule that certain forms of speech (blasphemy, inciting people to sin) were punishable under the Nephite law even after the reform of Mosiah.

All this time, the underlying Nephite law remained the law of Moses as interpreted in light of a knowledge of the gospel. Public decrees regularly prohibited murder, plunder, theft, adultery, and all iniquity (Mosiah 2:13; Alma 23:3). Murder was defined as “deliberately killing” (2 Ne. 9:35), which excluded cases where one did not lie in wait (on Nephi’s slaying of Laban, cf. Ex. 21:13–14 and 1 Ne. 4:6–18). Theft was typically a minor offense, but robbery was a capital crime (Hel. 11:28), usually committed by organized outsiders and violent and politically motivated brigands, who were dealt with by military force (as they were typically in the ancient Near East).

Evidently, technical principles of the law of Moses were consistently observed in Nephite civilization. For example, the legal resolution of an unobserved murder in the case of Seantum in Helaman 9 shows that a technical exception to the rule against self-incrimination was recognized by the Nephites in the same way that it was by later Jewish jurists, as when divination detected a corpus delicti (Welch, Feb. 1990). The execution of Zemnarihah by the Nephites adumbrated an obscure point attested in later Jewish law that required the tree from which a criminal was hanged to be chopped down (3 Ne. 4:28; Welch, 1984). The case of the Ammonite exemption from military duty suggests that the rabbinic understanding of Deuteronomy 20 in this regard was probably the same as the Nephites’ (Welch, 1990, pp. 63–65).

One may also infer from circumstantial evidence that the Nephites observed the traditional

ritual laws of Israelite festivals. One example might be the assembly of Benjamin’s people in tents around the temple and tower from which he spoke. There are things in the account that are similar to the New Year festivals surrounding the Feast of Tabernacles and the Day of Atonement (Tvedtnes, in Lundquist and Ricks, *By Study and Also by Faith*, Salt Lake City, 1990, 2:197–237).

With the coming of the resurrected Christ, recorded in 3 Nephi, the law of Moses was fulfilled and was given new meaning. The Ten Commandments still applied in a new form (3 Ne. 12); the “performances and ordinances” of the law became obsolete (4 Ne. 1:12), but not the “law” or the “commandments” as Jesus had reformulated them in 3 Nephi 12–14.

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BOOK OF MORMON, HISTORY OF WARFARE IN

Much of the Book of Mormon deals with military conflict. In diverse, informative, and morally instructive accounts, the Book of Mormon reports a wide variety of military customs, technologies, and tactics similar to those found in many premodern societies (before A.D. 1600–1700), especially some distinctive Israelite beliefs and conventions as adapted to the region of Mesoamerica.