Kingship, Democracy, and the Message of the Book of Mormon

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Chapter 29 of the book of Mosiah, in which the people of Zara-hemla transform their government from a monarchy to a rule of judges, is a crucial—indeed, pivotal—chapter in the Book of Mormon.[1] Modern readers of the book, particularly those of us raised in Western

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1. G. Homer Durham, in his neglected study *Joseph Smith, Prophet-Statesman: Readings in American Political Thought* (Salt Lake City: Bookcraft, 1944), 3, notes that studies on the Book of Mormon have all too often focused on the question of its historicity, whereas it "contains a unique account of the rise and fall of political institutions and a comprehensive social message for the Mormon faith. Institutional transition, and social and political change in general, are explained in terms of a theory of righteous social contentment." Hugh Nibley also, for all his untiring labors aimed at demonstrating that the book is what it claims to be, advocated that the really important thing (and therefore the more important matter for study) was the underlying *message* of the work. In *The World and the Prophets,* ed. John W. Welch, Gary P. Gillum, and Don E. Norton, vol. 3 of Collected Works of Hugh Nibley (Salt Lake City: Deseret Book; Provo, Utah: Foundation for Ancient Research and Mormon Studies, 1987), 125, Nibley observed that "with every passing year this great and portentous story becomes more and more familiar and more frighteningly like our own. It is an exciting thing to discover that the man Lehi was a real histori-cal character, . . . but it is far more important and significant to find oneself in this twentieth century standing as it were in his very shoes. The events and situ-ations of the Book of Mormon that not many years ago seemed wildly improb-able to some and greatly overdrawn have suddenly become the story of our own times." The present study is given in the spirit of these remarks, as a small contribution aimed at achieving a better understanding of the underlying mes-sage of the Book of Mormon to the Latter-day Saints and to the world at large.

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nations, are prone to react very positively to this story, viewing it as the creation of a free, democratic system, and we are inclined to read this account with something of the same thrill with which we observed the freedom-loving, democratic urges of peoples worldwide, most notably in Eastern Europe in 1989 and in more recent years during the so-called Arab Spring.[2]

But this natural modern reaction is entirely out of place as a response to an ancient text. Most ancient peoples had a very different view of democracy, to the extent that they considered it at all. We usually think of democracy as the crowning creation of the ancient Greeks, but many Greeks did not admire it as a political system. Plato and Aristotle, among many others, saw it as a highly problematic form of governance.[3] Indeed, we can speculate that if the ancient Greeks had possessed the Book of

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2. It is worth noting that, in light of subsequent developments in both Europe and the Arab world, it has become obvious that a passion for freedom and democracy, no matter how fervidly held, is insufficient to create an effective democratic system. What is necessary is the expenditure of a great deal of hard work (and patience!) to bring people of differing views together to create effective and strong *institutions.* The British historian Niall Ferguson has argued that modern, stable Western society was brought about over much time through the development of ideas "about the way people should govern themselves. Some people make the mistake of calling that idea 'democracy' and imagining that any country can adopt it merely by holding elections. In reality, democracy was the capstone of an edifice that had as its foundation the rule of law—to be precise, the sanctity of individual freedom and the security of private property rights, ensured by representative, constitutional government." Niall Ferguson, *Civilization: The West and the Rest* (New York: Penguin Books, 2011), 97.

3. Plato acknowledged that a democratic state has the greatest degree of liberty and free speech: "Everyone in it is allowed to do what he likes; . . . each man in it could plan his own life as he pleases." Plato, *Republic* 8.557b, as quoted in A. H. M. Jones, *Athenian Democracy* (Oxford: Blackwell, 1957), 44. Plato also declared that a citizen in a democracy is neither required to hold office (as in Athens) nor to submit to authority "if you do not like it; you need not fight when your fellow citizens are at war, nor remain at peace when they do, unless you want peace." He calls it "an agreeable form of anarchy." *Republic* 8.558, in *The Republic of Plato,* trans. Francis MacDonald Cornford (New York: Oxford University Press, 1945), 282–83. According to Paul Rahe, Plato argued in his later years that Athenian democracy suffered "a decline in reverence and fear," which gave rise to "an excess of freedom and to a shamelessness that had undermined the friendship that was the foundation of the city's moral unity and its strength." Paul A. Rahe, *Republics Ancient and Modern: Classical Republicanism and the American Revolution* (Chapel Hill: University of North Carolina Press, 1992), 190. Plato's emphasis on *friendship* as the foundation for the success of a

Mormon, many of them would have found its account of the Nephite decline clear evidence of the inferiority of democracy, or "popular rule," as a form of government. It can be argued that the change from kingship to a weaker government of "judges" was a key contributor to the ultimate corruption and disintegration of the Nephite state.[4]

Kingship in the Ancient Near East

Kingship was the most common system of government in the ancient world and probably even in the modern world prior to the twentieth century.[5] It can even be said that kingship was broadly considered the most *natural* form of government throughout most of the ancient and medieval periods. Other types of governance either were not considered at all or were typically rejected. The very idea of a democratic government was felt to be akin to mob rule—unwieldy, impractical, and downright dangerous to the common weal. Among Greek intellectuals, in particular, a principal reason for this critique was the belief that the purpose of government was moral—it was intended to train or shape

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polis is reminiscent of Mormon's emphasis on *unity* and *dissension* as the keys for the success and failure of the Nephite state.

4. A similar message can easily be inferred from Thucydides' *Peloponnesian Wars.* Thucydides, in contrast to Mormon's moralizing style of history (for example, the repeated use of "And thus we see that . . ."), mostly avoided keeping a running commentary on the events of his narration. Hence his personal views of the events of his history are not always apparent. Nonetheless, it seems clear that he was no friend to Athenian democracy and viewed the popular rule in Athens at the end of the fifth century BC as a root cause of the missteps and blunders that led to the loss of the war against the Spartans and the virtual collapse of the state. See the discussion in Maurice Pope, "Thucydides and Democracy," *Historia: Zeitschrift für alte Geschichte* 37 (3d qtr., 1988): 276–96. Pope observes that Thucydides clearly approved of the "nominal" democracy under Pericles, when "power was really in the hands of the first citizen." Pericles' successors, on the other hand, he viewed as demagogues, whose populist approach to politics "resulted in their losing control over the actual conduct of affairs. Such a policy . . . naturally led to a number of mistakes, amongst which was the Sicilian expedition. . . . *In the end it was only because they had destroyed themselves by their own internal strife* that finally they were forced to surrender." See *Peloponnesian War* 2.65, in *History of the Peloponnesian War,* trans. Rex Warner (New York: Penguin, 1972), 164.

5. The ubiquity of kingship—indeed, of sacral kingship—throughout the history of mankind is one of the major themes of Francis Oakley, *Kingship* (Oxford: Blackwell, 2006). See, for example, pages 4–5.

its people according to notions of virtue, to give them moral guidance toward the best life, and so on. Democracy could not do this.[6]

Most kings prior to 1800 (and even beyond) were regarded either as gods or, more frequently, as semidivine representatives of the gods.[7] In ancient Egypt, where the kingship can be viewed as the monarchical system *par excellence,* any alternate form of governance was simply unthinkable.[8] The king, or pharaoh, was typically referred to as a god himself or as the son of a particular deity—for example, Re or Amun. In theological terms, Pharaoh acted as the principal intercessor between

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6. "The philosophers held that the State ought to mould and train the citizens in virtue and assumed that the average man was naturally evil or at least foolish. Political power must therefore be given to a select group of wise good men, who would impose a good way of life on the rest by a rigid system of education and control. The Athenian democrats, on the other hand, took an optimistic view of human nature, and believed that every citizen should be allowed to live his own life in his own way, within the broad limits laid down by the law, and that all citizens could be trusted to take their part in the government of the city, whether by voting and speaking in the assembly, judging in the juries, carrying on the routine administration as magistrates, or selecting the men to hold high political office." Jones, *Athenian Democracy,* 61. See also Rahe, *Republics Ancient and Modern.*

7. On the semidivine power of kings in general, see G. Van der Leeuw, *Religion in Essence and Manifestation: A Study in Phenomenology,* 2 vols. (New York: Harper and Row, 1963), 1:117–20. The literature on sacral kingship is voluminous. As convenient introductions into this massive subject, see Oakley, *Kingship*; Jean Hani, *Sacred Royalty: From the Pharaoh to the Most Christian King* (London: Matheson Trust for the Study of Comparative Religion, 2011); Jean-Paul Roux, *Le Roi: Mythes et symboles* (Paris: Librairie Arthème Fayard, 1995). With regard to the Ancient Near East, the classic work is Henri Frankfort, *Kingship and the Gods: A Study of Near Eastern Religion as the Integration of Society and Nature* (Chicago: University of Chicago Press, 1948). A more up-to-date summary is found in Adela Yarbro Collins and John J. Collins, *King and Messiah as Son of God: Divine, Human and Angelic Messianic Figures in Biblical and Related Literature* (Grand Rapids, Mich.: Eerdmans, 2008), 1–24. Stephen D. Ricks provides a convenient summary of numerous aspects of the sacral kingship as relating to the Book of Mormon in "Kingship, Coronation, and Covenant in Mosiah 1–6," in *King Benjamin's Speech: "That Ye May Learn Wisdom,"* ed. John W. Welch and Stephen D. Ricks (Salt Lake City: Deseret Book, 1998), 233–75. See also Todd R. Kerr, "Ancient Aspects of Nephite Kingship in the Book of Mormon," *Journal of Book of Mormon Studies* 1 (Fall 1992): 85–118.

8. Jan Assmann, *The Mind of Egypt* (Cambridge, Mass.: Harvard University Press, 2003), 16. In the Ancient Near East it was generally believed that "only savages could live without a king." See Frankfort, *Kingship and the Gods,* 3.

deity and the people. As chief priest, he represented the Egyptian people before the gods. Countless temple depictions of pious offerings made to the gods invariably show the king himself making the offering in person. The Egyptian priesthood played the decidedly secondary role of merely acting in the king's stead out of practical necessity. Yet Pharaoh also represented the gods among the people, and he was just as frequently depicted in close association with the gods as he was in giving service to them.

The kingship was essential to the entire notion of maintaining cosmic order, or *Maat,* a fundamental concept that comprised such matters as justice, truth, and law. *Maat* was the universal order established by the sun god Re in the time of creation when primordial chaos had been overcome.[9] But its divine creation at the beginning of the world did not mean that it could be passively maintained thereafter. *Maat* had to be actively established again and again through right behavior. And while this applied to all mankind, the Pharaoh was directly responsible for maintaining *Maat* by ruling justly and also by carrying out the required service to the gods, that is, in both the practical and the religious aspects of his reign.[10] In particular, for the king and other public officials, doing *Maat* demanded the protection of the needs of the socially underprivileged, maintaining a proper balance between the protection of ownership rights and the needs of the poor.

The Pharaoh, at least in theory, had absolute power over all the people of Egypt. Yet he was typically portrayed not as a tyrant, but as a

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9. *Maat* was of such fundamental importance that even the gods were subject to it. See A. Broadie and J. Macdonald, "The Concept of Cosmic Order in Ancient Egypt in Dynastic and Roman Times," *L'Antiquité Classique* 47 (1978): 123 n. 48.

10. It was necessary not just for the king, but for all human beings to "do" and to "speak" *Maat*—that is, to do what is correct and reasonable. Rudolf Anthes has provided this particularly expansive definition of *Maat*: "Maat holds this small world together and makes it into a constitutive part of world order. She is the bringing home of the harvest; she is human integrity in thought, word, and deed; she is the loyal leadership of government; she is the prayer and offering of the king to the god. Maat encompasses all of creation, human beings, the king, the god; she permeates the economy, the administration, religious services, the law. All flows together in a single point of convergence: the king. He lives Maat and passes her on, not only to the sun god above but also to his subjects below." Quoted in Erik Hornung, *Idea into Image: Essays on Ancient Egyptian Thought,* trans. Elizabeth Bredeck (N.p., Timken Publishers, 1992), 131–45.

shepherd or caretaker of the people whose duty it was to do the works of the gods and thus restore the Golden Age of happiness and plenty.

> His Majesty was one beloved of god,
> he spent day and night
> seeking good works for the gods,
> rebuilding temples that had crumbled,
> restoring their images as they were,
> building their storehouses and equipping their offering tables,
> bringing them offerings of all things
> and making them offering tables of electrum and silver.
> The heart of his Majesty was now content
> doing good works for them day by day.
> The land was bounteous in his time
> as it had been at the time of the All-Lord.[11]

As suggested by the last two lines of the inscription, the welfare of the people was directly dependent on the behavior of the king, specifically on his proper care for the gods. The death of a king was described as a time of chaos on earth—the loss of *Maat*—and the accession of his successor was portrayed as the recovery of proper order not only in the political sphere, but in nature itself. This cosmic drama was declared in stark language at the beginning of each king's reign, as seen in the following hymn written for the coronation of Merneptah:

> Be glad of heart, the entire land! The goodly times are come! A lord—life, prosperity, health!—is given in all lands, and *normality* has come down (again) into its place. . . . All ye righteous, come that ye may see! Right has banished wrong. Evildoers have fallen (upon) their faces. All the rapacious are ignored. The water stands and is not dried up; the Nile lifts high. Days are long, nights have hours, and the moon comes normally. The gods are satisfied and content of heart. [One] lives *in* laughter and wonder.[12]

Like the Egyptian Pharaoh, Mesopotamian kings were seen, despite their absolute power, as shepherds of the people. The ideology of the king as having been appointed by the gods to protect his people as a shepherd protects the flocks is best illustrated by a passage from the conclusion to Hammurabi's famous inscription:

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11. Stele of Taharqa, quoted in Assmann, *Mind of Egypt,* 358.

12. James Pritchard, ed., *Ancient Near Eastern Texts: Relating to the Old Testament,* 2d ed. (Princeton: Princeton University Press, 1955), 378. Also, see Pritchard for a similar declaration at the accession of Ramses IV.

I, Hammurabi, the perfect king, was not careless (or) neglectful of the black-headed (people), whom Enlil had presented to me, (and) whose shepherding Marduk had committed to me; I sought out peaceful regions for them; I overcame grievous difficulties; I caused light to rise on them. With the mighty weapon which Zababa and Inanna entrusted to me, with the insight that Enki allotted to me, with the ability that Marduk gave me, I rooted out the enemy above and below; I made an end of war; I promoted the welfare of the land; I made the peoples rest in friendly habitations; I did not let them have anyone to terrorize them. The great gods called me, so I became the beneficent shepherd whose scepter is righteous; my benign shadow is spread over my city. In my bosom I carried the peoples of the land of Sumer and Akkad; they prospered under my protection; I always governed them in peace; I sheltered them in my wisdom. In order that the strong might not oppress the weak, that justice might be dealt the orphan (and) the widow, . . . I wrote my precious words on my stela.[13]

And like the Egyptians, the Mesopotamians also viewed the good king as not only causing prosperity in the human sphere but as having a direct beneficial effect in the natural world. One correspondent emphasizes this in a letter to the king Ashurbanipal of Assyria:

Ashur, [king of the gods], nominated [the king] my lord to kingship over Assyria, and Shamash and Adad by their reliable extispicy have confirmed the king my lord as king of the world. There is a fine reign: days of security, years of justice, very heavy rains, massive floods, low prices. The gods are propitious, religion abounds, temples are well provided for, the great gods of heaven and netherworld are exalted in the time of the king my lord. Old men dance, young men sing. Women and girls are happy and rejoice. Women are married and provided with (ear)rings. Sons and daughters are born, procreation flourishes. The king my lord pardons him whose crimes condemned to death. You have released the prisoner sentenced to many years. Those who have been ill for many days have recovered. The hungry have been satisfied, parched ones have been anointed with oil, the naked have been clothed with garments.[14]

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13. Quoted in Pritchard, *Ancient Near Eastern Texts,* 177–78, reformatted for continuity. Compare also the prologues to the laws of Lipit-Ishtar and of Ur-Nammu.

14. Quoted in W. G. Lambert, "Kingship in Ancient Mesopotamia," in *King and Messiah in Israel and the Ancient Near East,* ed. John Day (Sheffield, U.K.: Sheffield Academic, 1998), 69–70.

This "sacral kingship" can also be detected in the records of the Hebrew civilization of the Old Testament, though in a somewhat diluted form.[15] In ancient Israel, God (YHWH or Yahweh) was held to be the actual king, and the prophets decried the treatment of a human king as divine.[16] Nevertheless, kings clearly possessed certain elements of sacrality. The Davidic king was considered to be the son of God (Ps 2:7). God tells Nathan regarding David, "I will be a father to him, and he shall be a son to me" (2 Sam. 7:14). Yahweh, of course, was for the Israelites

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15. There has been and continues to be much debate among scholars relative to the status of the Israelite king and the degree to which the Hebrews shared their neighbors' beliefs in the sacredness of kingship. Those who concentrate their attention on the so-called "royal Psalms" (for example, Psalms 2, 20, 21, 110) have tended to see the king as an exalted figure who sits on God's throne at the right hand of God and is on occasion even equated with God. The classic study is Sigmund Mowinckel, *The Psalms in Israel's Worship,* 2 vols. (New York: Abingdon Press, 1962). For a recent discussion, see Shirley Lucass, *The Concept of the Messiah in the Scriptures of Judaism and Christianity* (New York: T and T Clark International, 2011). Another school of thought focuses more on biblical verses that emphasize the *humanness* of the king. For example, Deuteronomy 17:14–20, often referred to as the "law of the king," seems to place strict limits on the acceptable power of kings and to greatly emphasize the king's total subordination to the law and will of God. There may be no way to entirely reconcile the variety of views toward kingship as found in our current Old Testament. One's view depends very much on how one reconstructs the history of the various texts, especially Deuteronomy and Samuel. For example, it is widely agreed by scholars that there are at least two interwoven strands of tradition in the account of Saul and the origin of the kingship (1 Sam. 8–12), an earlier strand that viewed the kingship in a positive light and a later strand, probably influenced by Deuteronomy and the "law of the king," which was highly critical of the entire institution of the kingship. See, for example, P. Kyle McCarter Jr., *1 Samuel: A New Translation* (Garden City, N.Y.: Doubleday, 1980), 161–62. See also Christophe Nihan, "1 Samuel 8 and 12 and the Deuteronomistic Edition of Samuel," in *Is Samuel Among the Deuteronomists? Current Views on the Place of Samuel in a Deuteronomistic History,* ed. Cynthia Edenburg and Juha Pakkala (Atlanta: Society of Biblical Literature, 2013), 225–73. As Garrett Galvin has written, "The belief in sacral kingship seems to become stronger the further we move from Deuteronomy 17. It is minimal in 1 Samuel, a little stronger in 1–2 Kings, stronger still in 1–2 Chronicles, and robust in the Psalms." *David's Successors: Kingship in the Old Testament* (Collegeville, Minn.: Liturgical Press, 2016), 5.

16. See Ezekiel 28:2: "Mortal, say to the prince of Tyre, Thus says the Lord God: Because your heart is proud and you have said, 'I am a god; I sit in the seat of the gods, in heart of the seas,' yet you are but a mortal and no god." (All quotations from the Old Testament are from the NRSV, except as otherwise noted.)

the Shepherd *par excellence,* as illustrated in the famous Psalm 23: "The *Lord* is my shepherd . . ." (see also Isaiah 40:11; Jer. 31:10). But kings were also referred to as "shepherd." In 2 Samuel 5:2, the Lord addresses David: "It is you who shall be shepherd of my people Israel, you who shall be ruler over Israel."

In Ezekiel 34, the prophet reprimands the "shepherd-kings" of Israel for not living up to their duties, describing in some detail the ideology of a king's stewardship as shepherd of his people.

> The word of the Lord came to me: Mortal, prophesy against the shepherds of Israel: prophesy, and say to them—to the shepherds: Thus says the Lord God: Ah, you shepherds of Israel who have been feeding yourselves! Should not shepherds feed the sheep? You eat the fat, you clothe yourselves with the wool, you slaughter the fatlings; but you do not feed the sheep. You have not strengthened the weak, you have not healed the sick, you have not bound up the injured, you have not brought back the strayed, you have not sought the lost, but with force and harshness you have ruled them. So they were scattered, because there was no shepherd; and scattered, they became food for all the wild animals. My sheep were scattered, they wandered all over the mountains and on every high hill; my sheep were scattered over all the face of the earth, with no one to search or seek for them. (Ezek. 34:1–6; compare Matt. 9:36)

For Israel, although all the people were direct participants in the covenant with God and the welfare of the people was dependent upon everyone's obedience to his commands, the king's behavior was by far the most crucial. The success of the nation as a whole relied directly on the fulfillment of the king's responsibilities toward the people and toward God. His sin was their sin, his righteousness their righteousness.

In 2 Samuel 21:1–2, David laments a famine in the land, which has lasted for three years. When he inquires of the Lord regarding the cause, the Lord replies: "There is bloodguilt on Saul and on his house, because he put the Gibeonites to death."

The narrator in 2 Kings 13:10–11 relates that "Jehoash son of Jehoahaz . . . reigned sixteen years. He also did what was evil in the sight of the Lord; he did not depart from all the sins of Jeroboam son of Nebat, *which he caused Israel to sin*; but he walked in them."[17]

And in 2 Kings 21:11–12 the reader is told: "Because King Manasseh of Judah . . . has done things more wicked than all that the Amorites did, who were before him, and *has caused Judah also to sin* with his idols;

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17. All italics in scriptural quotations are mine. See also 2 Kings 14:24; 15:9.

therefore thus saith the Lord, the God of Israel, I am bringing upon Jerusalem and Judah such evil that the ears of everyone who hears of it will tingle."

Keith Whitelam describes Psalm 72 as "a testimony to the importance of the ideal" of judicial administration by the king, which guaranteed not only the smooth functioning of the nation, but also its fertility and prosperity, indeed the harmony of the cosmos itself.[18]

> Give the king your justice, O God,
> And your righteousness to a king's son.
> May he judge your people with righteousness,
> And your poor with justice.
> May the mountains yield prosperity for the people,
> And the hills, in righteousness. (Psalm 72:1–3)

Aubrey Johnson summarizes the position of the king as follows:

[Under the Davidic covenant,] the king becomes the trustee of Yahweh's chosen people. Henceforth it is his responsibility to defend the nation from internal corruption and external attack; and success in the latter connexion is conditioned by his success in the former. In other words, it is the king's function to ensure the "righteousness" or right relationship within the borders of his territory which will ensure the economic well-being of his people and at the same time will safeguard them from foreign interference. There can be no prosperity and no assurance of continuity for the nation without righteousness; and there can be no righteousness without the fidelity to Yahweh and His laws to which the tribal brotherhood of Israel was pledged under the terms of the Sinaitic covenant. In the ultimate, therefore, the righteousness of the nation is dependent upon the righteousness of the king.[19]

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18. Keith W. Whitelam, *The Just King: Monarchical Judicial Authority in Ancient Israel* (Sheffield, U.K.: Sheffield University Press, 1979), 29.

19. Aubrey R. Johnson, *Sacral Kingship in Ancient Israel* (Cardiff: University of Wales Press, 1967), 136–37. It should be noted that in Israel, compared to such societies as Egypt and Babylon, the king did not bear quite the same degree of responsibility for the welfare of the people as the kings of Egypt and Babylonia. This is clear because, in addition to the royal covenant between David and Yahweh, which is similar to the relationships between the deities and kings of other Ancient Near Eastern polities, the Israelite people had entered into their own covenant with the Lord before entering the holy land. See Joshua 24:14–28. See also Gerald Eddie Gerbrandt, *Kingship according to the Deuteronomistic History* (Atlanta: Scholars Press, 1986), 96–102. Gerbrandt observes that "for the Deuteronomist the law had been given to Israel by Yahweh, and all Israelites,

And perhaps the most fundamental responsibility of the king is to make sure that justice is carried out: "The king [must] watch carefully over the rights of his subjects, and so ensure, in particular, that the weaker members of society may enjoy his protection and thus have justice done to them according to their need."[20]

Of course, the king was not born a king, but became one at the time of his coronation. The coronation was the means by which a new king assumed this responsibility for the community. In Israel, the central element of the coronation was the anointing of the new king with oil. Anointing did not merely indicate that God had chosen him for this special role, but also that God's spirit had descended upon him, raising him to a level that was above normal humanity.[21]

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including the king, were expected to follow it. In this sense the king's identity as an Israelite was more significant than his identity as king" (pp. 100–101).

20. Johnson, *Sacral Kingship,* 8. Moshe Weinfeld has demonstrated at great length that under Old Testament law the king bore the primary responsibility of the establishment of a just society. The key phrase is "justice and righteousness" (*mishpat* and *tsedaqah*), which he describes as a *hendiadys* (a figure of speech that uses two words joined by "and" that expresses a single idea) for what today we would call "social justice," seeing to the needs of the underprivileged and less fortunate. Examples of this word pair are ubiquitous in the Old Testament, particularly the Psalms and the prophets. Psalm 72:1–2, for example, reads: "Give the king your *justice,* O God, and your *righteousness* to a king's son. May he *judge* your people with *righteousness,* and your poor with *justice.*" Isaiah declares in 11:3–4: "He shall not judge by what his eyes see, or decide by what his ears hear; but with *righteousness* he shall *judge* the poor, and decide with equity (*meshar*) for the meek of the earth." And in 1 Kings 10:9, the Queen of Sheba declares to Solomon, "Because the Lord loved Israel forever, he has made you king to execute *justice* and *righteousness.*" See Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Minneapolis: Fortress Press, 1995).

21. The relationship between the anointing and the spirit is clear from 1 Sam. 16:13: "Then Samuel took the horn of oil, and anointed [David] in the presence of his brothers; and the spirit of the Lord came mightily upon David from that day forward." Compare 1 Samuel 10:6. On the exaltation of the king above the remainder of the people, Psalm 45:7: "Therefore God, your God, has anointed you with the oil of gladness beyond your companions." See also Psalm 89:19–21; 1 Samuel 9:16, 10:1–13. See the discussion of royal anointing in Sigmund Mowinckel, *He That Cometh* (New York: Abingdon Press, 1954), 63–65. An exhaustive discussion is found in Tryggve N. D. Mettinger, *King and Messiah: The Civil and Sacral Legitimation of the Israelite Kings* (Lund: CWK Gleerup, 1976), 185–232. See also Z. Weisman, "Anointing as a Motif in the Making of the Charismatic King," *Biblica* 57 (1976): 378–98.

It is thus in the context of the king as shepherd and protector of his people that we should understand the plea of the Israelites to Samuel to "make us a king to judge us like all the nations." As we will see below, the word "judge" includes, but is not limited to, the judicial function of kings. "We will have a king over us; that we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles" (1 Sam. 8:5, 19–20, KJV).

Kingship in the Book of Mormon

In light of this relationship between king and people, it should come as no surprise when the people of the Book of Mormon repeatedly beg for a king to rule them. They were simply acting like a typical ancient people. Kingship was naturally the system with which they were most comfortable, which resulted in repeated attempts to establish kings throughout their history. In the very beginning, following the death of Lehi, when Nephi and his followers separated themselves from their brethren, there was apparently a universal desire to make Nephi their king. "And it came to pass that they would that I should be their king. But I, Nephi, was desirous that they should have no king; nevertheless, I did for them according to that which was in my power" (2 Ne. 5:18).

Nephi, like many of the Book of Mormon leaders, had a fundamental opposition to the rule of kings. There was in Hebrew thought a tradition that opposed kingship as an unnecessary intrusion between the people and their God, and Nephi seems to tap into that tradition.[22] Nevertheless, despite Nephi's refusal to assume the kingship, the people consistently looked to him "as a king or a protector" and depended on him "for safety" (2 Ne. 6:2).[23]

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22. See, for example, 1 Samuel 7:7–8:22. Mowinckel suggests that this hostility towards kingship emerged from the "desert ideals" of the early seminomadic Israelites. The kingship was viewed as a foreign importation from the decadent Canaanites. See *He That Cometh,* 60–62.

23. Grant Hardy, *Understanding the Book of Mormon: A Reader's Guide* (New York: Oxford University Press, 2010), 47, suggests that Nephi is simply being modest in refusing to identify himself as king of the Nephites. This is a plausible but unlikely reading. Nephi goes on to declare that, in fulfillment of the words of the Lord, he had (briefly) been the "ruler" and "teacher" of his brothers. See 2 Nephi 5:19, 1 Nephi 16:37. It is clear that while Nephi may briefly have been the "ruler" of his entire family, he was not their king. See Noel B. Reynolds, "Nephite Kingship Reconsidered," in *Mormons, Scripture, and the Ancient World: Studies in Honor of John L. Sorenson,* ed. Davis Bitton (Provo, Utah: Neal A. Maxwell Institute for Religious Scholarship, 1998), available online at http://publications

Nephi, despite his aversion to holding the kingship himself, ultimately gave in to popular demand prior to his death and "*anointed* a man to be a king and a ruler over his people now, according to the reigns of the kings" (Jacob 1:9). The mention of anointing a king is key here, because it indicates that the institution of the "sacral kingship" from the old world persisted into Nephite society. The king, as we have already seen, typically possessed, as a result of his anointing, a special status that placed him in a special relationship with the divine.[24] This conclusion is supported by the speech of King Benjamin when he tells the people not to view him as more than human, suggesting that the people did just that (Mosiah 2:10).[25]

.mi.byu.edu/fullscreen/?pub=1085&index=8. Reynolds argues convincingly that Nephi saw himself in the tradition of Moses, the prophet-ruler who filled the role of a king but was never made king. One major distinction of the kingship was that its conferral required anointing and consecration. Not all rulers were kings. Note the constant use of the phrase "king and ruler" throughout the Book of Mormon. See 1 Nephi 16:37; Jacob 1:9; Mosiah 1:10, 2:11, 2:30, 6:3, 23:39, 29:2. There is no indication that Nephi was ever anointed or consecrated, although Jacob indicates that Nephi was beloved of his people for his leadership and considered very much *like* a king (2 Ne. 6:2). In any case, the important point here is that the people demanded someone to fulfill the function of a king, whether that person was officially set apart as such or not. For an in-depth discussion of the portrayal of Moses as a virtual king, see Danny Mathews, *Royal Motifs in the Pentateuchal Portrayal of Moses* (London: Bloomsbury Publishing, 2012).

24. Note that kings in the Book of Mormon are *anointed* and *consecrated*, unlike judges. Royal anointing is consistently mentioned among the Jaredites (Ether 6:22, 27; 9:14–15, 21, 22; 10:10, 16). It is only referred to once with respect to Nephite kings, Jacob 1:9. However, there are repeated references to kings being *consecrated*: Mosiah 2:11; 6:3; Alma 2:9. Although we cannot be absolutely certain that consecration necessarily included anointing, it is reasonable to infer that the practice of anointing was continued even after the Nephites migrated to Zarahemla. Consecration is otherwise referred to repeatedly with respect to priests and teachers (2 Ne. 5:26; 6:2; Jacob 1:18; Mosiah 11:5; 23:17; Alma 4:4, 7; 5:3; 15:3). As we shall see, judges were never said to be consecrated or anointed. The concept of inviolability of the Lord's anointed (see 1 Sam. 24:6) was so powerful that it endured through hundreds of years of kingship in the medieval era. Even in seventeenth-century England, Queen Elizabeth refused to authorize the execution of Mary Queen of Scots for almost twenty years, because it was a crime against God. Stephen D. Ricks finds numerous indications of sacral kingship in King Benjamin's speech. See "Kingship, Coronation, and Covenant in Mosiah 1–6," in *King Benjamin's Speech: "That Ye May Learn Wisdom,"* ed. John W. Welch and Stephen D. Ricks (Salt Lake City: Deseret Book, 1998), 233–75.

25. Benjamin insists that while the people call him king, their *true* king is God (Mosiah 2:19).

This dichotomy between the pro-king attitude of the Nephite people and the opposition to kingship of their rulers persists throughout the book. One of the most consistent patterns in the Book of Mormon, as we shall see, is that of various attempts to restore or reintroduce the kingship into Nephite society during the period of the judgeship.

Indeed, this pattern is ubiquitous throughout the entire history of the Nephites. We have already discussed the importance of the kingship for the very first followers of Nephi. In the book of Omni, we are told that Mosiah I was warned in a dream and left the land of the Nephites' inheritance; he migrated with an apparently large group of people to the land of Zarahemla, where he was promptly appointed king over the union of his own followers and the people of Zarahemla (descendants of Mulek and his followers, see Omni 1:19). We know very little about the reign of Mosiah I, and only slightly more about that of his son and successor, Benjamin. There were apparently numerous wars with the Lamanites, in which the Nephites were generally successful (Omni 1:24; W of M 1:14). LDS scholars have written at some length about the ritual in which King Benjamin, son of Mosiah I, presented his son (Mosiah II) as his successor.[26] Naturally, the kingship is a prominent theme of the oration. But apart from that ceremony we know relatively little about his deeds while in office.

Omni goes on to tell us of the expedition under Zeniff, and we learn somewhat later that when Zeniff and his followers arrived in the land of their old inheritance, the first thing they did was to make Zeniff a king "by the voice of the people" (Mosiah 7:9; see also 19:26). Similarly, the people of Alma, after they had fled into the wilderness from the men of King Noah, want him to be their king (Mosiah 23:6). But Alma refuses, just like Nephi before him, citing the example of the oppressive King Noah. In the case of Amulon, we are told only that the king of the Lamanites granted that Amulon "should be a king and a ruler over his people" (Mosiah 23:39), without indicating clearly with whom the idea originated.

After the peoples of Limhi and Alma had arrived in Zarahemla, Mosiah held a grand assembly in which these various groups were united into a

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26. See, for example, Hugh Nibley, *An Approach to the Book of Mormon* (Salt Lake City: Deseret Book, 1988), ch. 23: "Old World Ritual in the New World"; John A. Tvedtnes, "King Benjamin and the Feast of Tabernacles," in *By Study and By Faith: Essays in Honor of Hugh Nibley,* ed. John M. Lundquist and Stephen D. Ricks, 2 vols. (Salt Lake City: Deseret Book, 1990), 2:197–237; various articles in Welch and Ricks, *King Benjamin's Speech.*

single people. Even the people of Mulek, who long ago had joined together with the Nephites, but had maintained a separate identity (Mosiah 25:4), now became fully unified as one people under one ruler.[27]

This was clearly a momentous occasion, which included a lengthy ceremonial reading of the records of Zeniff and of Alma. It was followed, however, by an increase in dissensions among the people. This should not be surprising. Whenever two corporations merge, there is typically a lengthy adjustment period for the two companies to adapt to a new business "culture," and sometimes the cultural conflicts can scuttle a merger that seemed quite advantageous on paper. The merger of two governments or peoples is naturally much more complex, and we would expect to see considerable growing pains in the new polity for a number of years as the different groups of people struggle to overcome their differences in customs and attitudes.[28] Even more would this be the case where the majority group (the people of Zarahemla) had lost knowledge of God, had perhaps become illiterate, and had suffered many "serious contentions" prior to their union with the Nephites (Omni 1:17). Similarly, the people of Alma and Limhi had each passed through a multitude of challenging experiences that would have deeply shaped their attitudes and their behaviors.

In discussing the rise of contentions among the people, Mormon focuses on the "generation gap" between those Nephites who had been old enough to understand the words of King Benjamin at the time of the great covenant making and those who were too young to remember (Mosiah 26:1–5). In any case, we are told that during the reign of Mosiah a significant movement arose among those who rejected the church of Alma and the traditional teachings of the Nephites. Mormon describes them as "a separate people" and quite numerous. Although at one point they constituted well under 50 percent of the population, he tells us that the faction continued to grow in size. For the most part, the differences between the groups seem to have been limited to religious matters. Mosiah at first declines to judge the transgressors and leaves things

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27. It is curious, however, that Mormon continues to refer to "King Limhi" (Mosiah 25:17). I take this to be a purely honorary reference, rather than an indication that he retained his title or his power as a subsidiary ruler to Mosiah.

28. We might think in recent memory of the political unification in 1990 between East and West Germany. In addition to the formal political reunification, there was also the much more subtle and complex process of "inner reunification." See Andreas Staab, *National Identity in Eastern Germany: Inner Unification or Continued Separation* (Westport, Conn.: Greenwood, 1998).

to Alma, the high priest of the newly established church. It was only when persecutions of church members became increasingly intense that Mosiah sent out a proclamation prohibiting persecution of members of the church, which seemed at least partially effective in establishing peace among the people (Mosiah 27:2–6).

Mormon goes on to emphasize the actions of the younger Alma and his cohorts, the sons of King Mosiah. Following their spiritual conversions, they attempted to repair the damage they had done to the church, at which point many chose to accept the message of Christ. Undoubtedly, however, many did not, since the group of those who rejected the church was very large.

Changes to Nephite Society in the Days of Mosiah

During his reign, Mosiah II (the son of Benjamin) carried out numerous reforms. We know nothing about the chronology of these structural modifications, but most likely they were done at different times during his reign rather than all at once. How the reforms might have been related to each other, if at all, is difficult to know. In all likelihood, there were many other related changes about which we know nothing. In addition, the reforms were related in certain ways to the unification of the peoples, but again Mormon leaves us in the dark about such things—first, because he was not a modern-day analytical historian, and, second, because his primary concern was with spiritual things rather than sociopolitical matters. In any case, we do know enough about the reforms to discern that they were transformational and undoubtedly had profound effects upon the people.[29]

Political Unification

In the days of Mosiah I (the father of King Benjamin), the Nephite refugees and the people of Zarahemla had resolved to live together under one ruler (Omni 1:19). Yet they continued to view themselves as two separate nations (Mosiah 25:4). As already noted above, Mosiah held a grand assembly whose purpose was the unification of the two peoples into one (25:12–13), together with the people of Limhi, the followers of Alma.[30]

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29. Many of these reforms are touched on by John W. Welch, "The Law of Mosiah," in *Reexploring the Book of Mormon,* ed. John W. Welch (Salt Lake City: Deseret Book, 1992), 158–61.

30. As a partial parallel to this, one might think of the Scots and the English, who were ruled by a single monarch from 1603 to 1707, at which point they were formally united as the Kingdom of Great Britain.

Establishment of a Church

Prior to the reign of Mosiah II, there is no mention in the Book of Mormon of the existence of a church or churches.[31] Alma had created the "church" while in the wilderness at the waters of Mormon (Mosiah 18). The question of what exactly was meant by "church" in the newer sense is an interesting one, but I will not attempt to develop it here at length. It is best described as a *covenant community*, one that places great emphasis on *unity* and absence of contention (Mosiah 18:10, 13, and esp. 21).[32] Following the unification, Mosiah granted Alma specific authorization to "establish churches throughout all the land of Zarahemla," along with authority to ordain officers for each church (Mosiah 25:18–19; 26:8). At that time, at least, there were specifically seven churches organized in the land of Zarahemla (Mosiah 25:23).

Establishment of Laws

As discussed above, the chief responsibility of a traditional king was to provide justice. Kings might also act as lawgivers, thereby establishing proper rules of justice. In later Hellenistic thought, the just king was conceived of as embodying law or justice.[33] The roots of this doctrine can be found in the early Near East. Thus, while Hammurabi had been appointed by the god Marduk to dispense justice, the decisions and laws were the king's, rather than specifically revealed by deity.[34] In Israel, the

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31. The only mentions of the word *church* prior to Alma 18 are from the small plates of Nephi and refer to such abstract entities as "the church of God" and "the church of the devil" rather than to an actual human community of believers.

32. Strong parallels exist between Alma's church and the *"yahad"* [unity] as described in Michael Wise, Martin Abegg Jr., and Edward Cook, *The Dead Sea Scrolls: A New Translation* (New York: HarperCollins, 1996), 123–26. According to the Qumran "Manual of Discipline," the Instructor was to teach the "Holy Ones . . . to seek God with all their heart and with all their soul, to do that which is good and upright before Him . . . to distance themselves from all evil and to hold fast to all good deeds; to practice truth, justice, and righteousness in the land" and "to bring the full measure of their knowledge, strength, and wealth into the *'Yahad.'"* Wise, Abegg, and Cook, *Dead Sea Scrolls,* 126–27. Note that Frank Cross referred to the *"yahad"* as a *church* of anticipation. Frank M. Cross Jr., "Dead Sea Scrolls: Overview," in *Encyclopedia of Mormonism,* ed. Daniel H. Ludlow, 4 vols. (New York: Macmillan, 1991), 1:362–63.

33. See Christine Hayes, *What's Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015), 66–67.

34. Whitelam, *Just King,* 207–8.

king was more strictly constrained by the belief in divinely revealed law, and it is debatable the extent to which the Israelite king was able to promulgate law at all beyond the law of God.[35] Be that as it may, we are told specifically in the Book of Mormon that Mosiah established laws that "were acknowledged by the people" at the beginning of the new government (Alma 1:1).[36] To be sure, these laws were presumed to be established "according to the laws which have been given you by our fathers, which are correct, and which were given them by the hand of the Lord" (Mosiah 29:25). Having such laws would have provided a strong and divinely sanctioned basis on which the new established government could function.

Establishment of Reckoning and Measures

One of the most curious sections of the Book of Mormon is Alma 11, which discusses such seemingly mundane matters as the wages of judges and the monetary system. But we are told specifically that Mosiah set in order the system, because previously the people "altered their reckoning and their measure, according to the minds and the circumstances of the people, in every generation" (Alma 11:4).

Weights and measures, which we in the modern world take for granted, along with the monetary system, were an important part of the responsibility of ancient rulers.[37] Why? The standardization and

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35. See the discussion in Whitelam, *Just King,* 207–18. He suggests that any "later royal promulgations of law" were likely "retrojected to the Mosaic period in order to provide legitimation for such laws and to conform to the general Deuteronomic theological assumption of the divine origin of all Israelite law" (p. 218).

36. Helaman 4:22 refers to "the laws of Mosiah," which had been "trampled" and "corrupted."

37. Readers of the Book of Mormon tend to assume that the Nephites had a system of coinage (see editorial heading to Alma 11 referring to "Nephite coinage"). This is unlikely, since the first true coins are generally believed to have been created in Lydia (western Asia Minor) in the early sixth century BC and did not spread to the area of Palestine until more than a century later. Nevertheless, it would be equally incorrect to assume that because they did not have coins, they did not have money! Money, including the standardized use of precious metals, is of much more ancient origin than coinage. A coin, simply put, is a certain weight of a given precious metal, stamped and certified by the state. Money, on the other hand, that is, the use of standardized weights of precious metals, was established in Mesopotamia by the later third millennium

regulation of weights and measures, including monetary weights, is a fundamental aspect of establishing justice and stability among the people. Fudging with weights was an easy and common way of carrying out deceit in commercial transactions, and in light of the number of times it was denounced by the prophets, it was apparently all too common a practice in Ancient Israel.[38]

Establishment of Wages for Judges and Officers

Along with the setting of monetary values, Mosiah set specific wages for judges, and perhaps other officers as well: "Now it was in the law of Mosiah that every man who was a judge of the law, or those who were appointed to be judges, should receive wages according to the time which they labored to judge those who were brought before them to be judged" (Alma 11:1). The reason for this change is difficult to verify. As far as our evidence allows us to determine, judges in ancient Israel and among the Nephites prior to Mosiah did not receive any type of pay for their services.[39] But the most reasonable conjecture is that Mosiah believed that in order for the new government to succeed, the new judges would have to be paid in some way. There would no longer be a king to act as patron. One alternative would be for the parties involved in judgment to pay the judge, but the opportunities for bribery under such an arrangement would be only too obvious. Instead, he set up a wage-based system in which the judges were paid handsomely for the actual time they spent in judgment. A good wage would, at least in theory, help to guard against bribery, which was illegal under Exodus 23:8.

(for example, the talent, mina, and shekel). Most Near Eastern kingdoms had officially designated monetary units (for purposes of fines, taxes, and exchange generally) by the early iron age. *The Oxford Classical Dictionary,* 3d ed., 994, s.v. "money." There is a delightful article on ancient money in *Discover* magazine. See Heather Pringle, "The Cradle of Cash," *Discover* (October 1998), available online at http://discovermagazine.com/1998/oct/thecradleofcash1518. See also Karen Rhea Nemet-Nejat, *Daily Life in Ancient Mesopotamia* (Westport, Conn.: Greenwood, 1998), 267–69; for an in-depth discussion, see Christopher M. Monroe, "Money and Trade," in *A Companion to the Ancient Near East* (Malden, Mass.: Blackwell, 2005), 155–68.

38. "A false balance is an abomination to the Lord: but an accurate weight is his delight" (Prov. 11:1). See also Deuteronomy 25:13, 15; Micah 6:11.

39. See John W. Welch, "Weighing and Measuring in the Worlds of the Book of Mormon," *Journal of Book of Mormon Studies* 8, no. 2 (1999): 36–45, 86.

Rule of Judges

By far the most radical aspect of the reforms of Mosiah was the aboli-tion of the monarchy and the creation of a judge-based system of rule. This drastic change was prompted by Mosiah's inability to persuade any of his sons to accept the kingship. Aaron, perhaps the eldest son, was selected as Mosiah's successor by the "voice of the people" (Mosiah 29:1), but he was apparently unwilling to return from his mission to the Lamanites to accept the throne (29:3). All of his brothers were equally adamant in not accepting the succession. Mosiah considered the pos-sibility of choosing another person not of royal descent but concluded that such a decision could easily result in "wars and contentions" among the people, along with much bloodshed and "perverting the way of the Lord" (29:7).

Therefore, he sent out a royal directive, proposing an entirely new form of government. He discussed additional reasons for this massive change, principally the example of Noah as the quintessential wicked king. It was not that the judgeship was inherently superior to kingship. Indeed, he insisted that if one could always ensure that future kings would be like King Benjamin, "then it would be expedient that ye should always have kings to rule over you" (Mosiah 29:13), an idea with which Alma agreed explicitly (see 23:8). However, because the succession in any kingship always created the risk of instability, it was preferable to have a more formal system of selecting new leaders based on the will of the majority.

Contrary to what we might easily assume, this proposal does not seem to have been laid before the people for their approval. Rather, the king *commanded* "that ye have no king" (Mosiah 29:30), and we are told that the people were "convinced of the truth of his words" (29:37), and began implementing the new system immediately. Even after the fact, they continued to maintain that the system was an excellent one: "They were exceedingly rejoiced because of the liberty which had been granted unto them" (29:39).

Powers of the Chief Judge

There are many things about this new system of government that seem strange to a contemporary reader. For example, how could a "king" be replaced by "judges"? We moderns are accustomed to viewing govern-ments in terms of the separation of powers. The United States government is designed as a strict tripartite system, in which the executive, legislative,

and judicial branches of government are mostly independent and act as a mutual system of checks and balances. In modern parliamentary systems, by contrast, the legislative and executive branches are mostly fused, while the judiciary maintains its independence. But this tripartite system was essentially an invention of early modern Europeans, namely the Baron de Montesquieu, and the American Founding Fathers, most notably James Madison. Ancient governments knew nothing of this pattern; indeed, as we have already seen, the traditional office of kingship in the Ancient Near East and elsewhere entailed at least as much judging as executing of the laws.[40] Similarly, the judgeship in ancient Zarahemla did not merely entail judicial powers but fused together judicial, legislative, and executive powers.

How did this new Nephite system actually function in practice? How much power did the chief judge actually have, and how did his power differ from that of a king? Mosiah 29 outlines a system of higher and lower judges, in which the higher judges have the power to judge the lesser judges (v. 28) and a panel of lower judges can be specially appointed with the power to judge the higher judges (v. 29). We know little of how any of this worked in practice. Mostly what we know about is the office of chief judge, which is not specifically mentioned in Mosiah's proclamation. But we are told that Alma the Younger "was appointed to be the first chief judge, he being also the high priest, his father having conferred the office upon him, and having given him the charge concerning all the affairs of the church" (29:42). What powers did Alma have as chief judge?

He was clearly empowered to judge legal cases. In the very first year of Alma's "reign," a man named Nehor was brought before him to be judged for the murder of Gideon. The trial of Korihor was also held before the "chief judge who was governor over all the land" as well as the high priest, Alma (Alma 30:29). But as this last description indicates, the chief judge's powers did not stop with actual judicial decisions. We are repeatedly told that the chief judge was "governor" of the land

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40. Of course, Montesquieu's tripartite division was based in part on the ancient idea of the "mixed constitution," a combination of democracy, kingship, and aristocracy, particularly as presented by Polybius in book 6 of his history of the Roman Republic. A convenient discussion of the theory of "mixed government" can be found in Carl J. Richard, *The Founders and the Classics: Greece, Rome, and the American Enlightenment* (Cambridge, Mass.: Harvard University Press, 1994). Aristotle did distinguish the three sections, or powers, of government in *Politics* 1297b–98a.

(Alma 2:16; 4:17; 50:39; 60:1–2; Hel. 1:5, 13; 3 Ne. 1:1.) This seems to be the principal reason why we always hear about the "reign" of the chief judge. He was in fact the ruler of the land. On assuming office, Pahoran, son of Nephihah, took "an oath and sacred ordinance to judge righteously, and to keep the peace and the freedom of the people, and to grant unto them their sacred privileges to worship the Lord their God, yea, to support and maintain the cause of God all his days, and to bring the wicked to justice according to their crime" (Alma 50:39).

The chief judge was also commander-in-chief: "Now Alma, being the chief judge and the governor of the people of Nephi, therefore he went up with his people, yea, with his captains, and chief captains, yea, at the head of his armies" (Alma 2:16). The chief judge did not always act in this role, of course, most notably when Moroni was *appointed* chief captain and "took all the command, and the government of their wars" (Alma 43:17; see also Alma 62).

With respect to term of office, it seems clear that the chief judge was appointed for life. Except in the case of Alma, who deliberately gave up his chief judgeship to focus on the affairs of the church (see Alma 4:16–18), there is no indication that judges did not hold life tenure.

It is clear that the governor/chief judge was a powerful figure. How did his power differ from that of his predecessors, the kings? Most notably, he did not possess immunity from judgment. Mosiah stresses in his description of the new system that higher judges (presumably including the chief judge himself) could be called to account for any judgments he made which were not deemed righteous judgments "according to the law which has been given" (Mosiah 29:28). In such a case "a small number of your lower judges should be gathered together, and they shall judge your higher judges, according to the voice of the people" (Mosiah 29:29).

This passage suggests another limitation on the power of the chief judge, namely that he did not possess the ability to alter the established laws. We are told in the first chapter of Alma that Mosiah had "established laws," which were "acknowledged by the people; therefore they were obliged to abide by the laws which he had made" (Alma 1:1). These two passages suggest that the chief judge did not have legislative powers; the laws were already established, and the people—even the chief judge himself—did not have the power to alter them. There is an interesting exception to this rule, however. Nephihah, when he was placed in the judgment seat, was given the power "to enact *laws according to the laws which had been given*" and "to put them in force according to the

wickedness and the crimes of the people" (Alma 4:16). This limited legislative power seems to have been an exception to the established power of a chief judge and was given him "according to the voice of the people" (4:16). And it contrasts with the overall power of a king to alter the fundamental laws of the land. According to Mosiah, although a righteous king would enact laws and rule in accordance with the laws and commandments of God (Mosiah 29:13), a wicked king, on the other hand, had the ability to tear up the laws of his righteous predecessors and enact laws "after the manner of his own wickedness" (Mosiah 29:22–23).

Above all, the fundamental difference between a king and a chief judge was that the chief judge lacked the sacral anointing and all the sacral connotations that accompanied it. Thus, judges lacked the "supernatural status" of the king. They were never identified as God's son. Never once is a chief judge "consecrated" like kings and priests. They were always *appointed*.[41]

A Democracy or Something Else?

How then should we classify this new government? Does it make any sense to identify it as a type of democracy? To be sure, it bears little resemblance to modern conceptions of democracy, which are distinguished above all by the principle of representation.[42] But before rejecting the category altogether, we should consider the judgeship in light of ancient democracies, which is a somewhat larger and more diverse group than one might initially suppose. In particular, we can view it in the context of what is sometimes referred to as "primitive democracy." And indeed, when viewed in such a light, it becomes much more plausible to locate it among a broader class of democratic governments.

As noted above, ancient peoples almost universally embraced kingship as the most natural and even the best form of government. The Nephites, we are told, had to *relinquish* "their desires for a king" before acceding to Mosiah's wishes (Mosiah 29:38). So why did Mosiah, a man of the archaic world, opt for a more democratic-style government over

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41. See note 24 above.

42. An earlier standard edition of the Book of Mormon included an editorial headnote to Mosiah 29 incorrectly stating that Mosiah was recommending "a representative form of government." See Richard Bushman, "The Book of Mormon and the American Revolution," in *Book of Mormon Authorship: New Light on Ancient Origins,* ed. Noel B. Reynolds (Provo, Utah: BYU Religious Studies Center, 1982), 210 n. 21.

kingship? Some critics of the Book of Mormon have of course argued that the book's strong embrace of democracy and the repeated references to love of "freedom" are one of Joseph Smith's greatest "gaffes," in which he allowed his nineteenth-century sympathies to invade his account of an ancient society. However, Richard Bushman, in a seminal essay, demonstrated that in fact a close reading of Mosiah 29 shows little affinity to post–Revolutionary War thought.[43] Part of the problem with such criticisms of the Book of Mormon is that they are based on a conventional, but erroneous and misleading, reading of history.

According to the time-honored version of the "history of democracy," the Greeks can claim sole responsibility for the creation of a new, previously unheard-of form of government, known as "demo-kratia," in which the *kratos* (power) was in the hands of the *demos,* the people. Prior to the Greeks, it is almost universally believed, democracy simply did not exist.[44] Ancient Near Eastern societies, from early Mesopotamia and Egypt down to the time of Alexander the Great, were under the control of absolute monarchies and empires, which were totally incompatible with any form of democracy. By contrast, beginning in the Greek city-state of Athens in the sixth century BC, under leaders such as Solon and Cleisthenes, new institutions were created that granted increasing power to the common people, and the Athenian democracy reached its apogee under the famous Pericles and began spreading to other Greek city-states. However, following the conquest of Greece by Alexander the Great in 335 BC, democracy essentially disappeared from history until the fourteenth century in England, where it was fundamentally reinvented, beginning with the rise of Parliament and, in particular, the House of Commons. From there, it took a great leap forward in the eighteenth century with the conscious and deliberate creation of an entirely new form of republican government under the U.S. Constitution, which included a carefully crafted system of representation of the citizens by Congress.

This "western civilization" version of events makes a neat, compact story, but the historical reality is more complex. It turns out upon closer inspection that Ancient Near Eastern peoples were not as cut off from political power as the category of "kingship" tends to imply. Numerous scholars have argued that, in fact, there is considerable evidence for

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43. Bushman, "Book of Mormon and the American Revolution," 189–212.

44. See, for example, John Dunn, *Democracy: A History* (New York: Atlantic Monthly Press, 2006).

the existence of "primitive democracy" in the Ancient Near East, particularly for the earlier periods (third millennium BC and the first half of the second millennium). This evidence primarily has reference to the sovereignty of the "assembly" of the people, who, even where there were kings, had the ultimate say over at least certain issues, for example whether or not to go to war. At times, they may have had the right to express their will concerning the acceptance of a new ruler. Acceptance may have been expressed through acclamation, but there may have also been opportunities for any man to express his opinion openly, though doubtless the opinions of certain highly regarded individuals would have carried the most weight. In certain instances, these assemblies give the appearance of consisting of two "houses," an upper house of nobility and a lower house of commoners.[45]

After considering this issue at length, a pair of Assyriologists conclude: "In spite of the general tendency of Mesopotamian history to increased centralization of political power, assemblies appeared to be the ultimate seats of sovereignty and even to elect monarchs or decide on war and peace in times of crisis. There was a tendency to make the officers of the assembly, including the war leader, permanent, and this tended over time to favor the growth of the power of the king, who may have originated as the war leader."[46]

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45. For example, the town of Sippar, north of Babylon, from 1890 to 1590 BC. See A. L. Oppenheim, "Mesopotamia—Land of Many Cities," in *Middle Eastern Cities: A Symposium of Ancient Islamic and Contemporary Middle Eastern Urbanism,* ed. Ira M. Lapidus (Berkeley: University of California Press, 1969), 3–18. See further Daniel E. Fleming, *Democracy's Ancient Ancestors: Mari and Early Collective Governance* (New York: Cambridge University Press, 2004), esp. xi–xv; Thorkild Jacobsen, "Primitive Democracy in Ancient Mesopotamia," in Jacobsen, *Toward the Image of Tammuz and Other Essays on Mesopotamian History and Culture* (Eugene, Ore.: Wipf and Stock, 1970), 157–62; Benjamin Isakhan, "What Is So 'Primitive' about 'Primitive Democracy'? Comparing the Ancient Middle East and Classical Athens," in *The Secret History of Democracy,* ed. Benjamin Isakhan and Stephen Stockwell (New York: Palgrave Macmillan, 2011), 19–34; Benjamin Isakhan, "The Assyrians," in *The Edinburgh Companion to the History of Democracy,* ed. Benjamin Isakhan and Stephen Stockwell (Edinburgh: Edinburgh University Press, 2012), 40–49. For "primitive democracy" in ancient Israel, see p. 32 below.

46. Matthew Martin III and Daniel C. Snell, "Democracy and Freedom," in *A Companion to the Ancient Near East,* ed. Daniel C. Snell (Oxford: Blackwell, 2005), 399.

As far as the presence of democratic elements in ancient Israelite society is concerned, scholars have pointed out that the "people" act in various situations. The assembly of the people is frequently seen approving monarchs, either before or after the fact (see, for example, Judg. 8:22–25; 1 Sam. 8:4–7, 19, 21; 10:17–24; 2 Sam. 5:1–3; 1 Kgs. 12:20; 2 Kgs. 11:12). They also served judicial functions in matters involving capital punishment (see Num. 35:12, 24–25; 15:33) as well as in other matters (for example, Judg. 20). It is generally assumed that there was no actual voting in the assembly but that the assembly acted after reaching a consensus, which would have been expressed by acclamation.[47]

The Nephite chief judge was selected, according to Mosiah 29, by the "voice of the people." The people "assembled themselves together in bodies throughout the land, to cast in their voices concerning who should be their judges" (29:39; compare Alma 2:5). They would "cast in their voices," and the matter was "laid before the judges" (Alma 2:6) to determine the outcome. The exact mechanism of voting is not clear. Given our modern notions of "one person, one vote," we are inclined to assume that a tally was kept of individual votes town by town, then the votes from each town were sent in to the capital, where the total was calculated. Such a model is possible but not necessarily the correct one. In the first place, the phrase "cast in their voices" suggests that some sort of oral system was used. Written ballots were not common even in Athens.[48] It is certainly conceivable that individual oral votes were

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47. See C. U. Wolf, "Traces of Primitive Democracy in Israel," *Journal of Near Eastern Studies* 6 (1947): 98–108; R. Gordis makes a strong argument that the Hebrew ʿēdāh did not mean "congregation" or "religious fellowship" but "was the people's 'assembly,' the supreme arbiter in all phases of the national life." Specifically, it sat in judgment on capital cases and the declaration of war. Although it declined in power and influence beginning with the kingship, it was "uniquely characteristic of Israel that, unlike other Semitic peoples, it retained the strong democratic impulse derived from the nomadic stage" of their existence as a people. Gordis, "Primitive Democracy in Ancient Israel—The Biblical ʿĒdāh," in *Alexander Marx: Jubilee Volume* (New York: Jewish Theological Society of America, 1950), 369–88.

48. Voting in the general assembly (*ecclesia*) was by show of hands, and generally the vote was estimated rather than accurately counted. When the citizens assembled as an appellate court (*heliaia*), they did vote secretly by casting pebbles (in later years, pebbles made of bronze) into an urn. See Paul Cartledge, *Democracy: A Life* (New York: Oxford University Press, 2016), 68. The Roman Republic in 139 BC began voting using a secret written ballot on a small wax tablet known as a *tabella*. Prior to that, voters would declare their vote orally

counted, but it is also quite possible that voting was by general outcry or by consensus.[49]

Note that the same process of "casting in voices" was carried out over questions outside of the selection of judges. In both instances of votes over the restoration of the kingship, regarding the Amlicites (Alma 2:5–7) and the king-men (Alma 51:7), the matter was settled by the voice of the people. Such consultation was also made in one instance regarding a decision of capital punishment (Hel. 1:8) and even in matters that apparently required complex discussion beyond a simple up-or-down vote. For example, the decision to grant land to the people of Anti-Nephi-Lehi came about through consultation with the "voice of the people" (Alma 27:21–24), while Ammon and King Limhi sought the will of their people regarding "how they should deliver themselves out of bondage" under the Lamanites (Mosiah 22:1). Finally, there are two curious mentions of the "voice" of the people that seemingly involved no actual voting at all. In Alma 51:3, protesters who wanted to change a few points of the law "had sent in their voices with their petitions." Later that same year, after the king-men refused to take up arms to defend their country, Moroni sent Pahoran a petition, "with the voice of the people" (Alma 51:15). The second instance took place during a time of chaos and war, when there had not even been time for trials, let alone for voting assemblies (Alma 51:19).

Who was eligible to vote under this system and to "run" for office? Because of limited evidence, it is impossible to know with any certainty who was eligible to attend such assemblies, who could vote, who was eligible to speak, or exactly how decisions were made. It would not be surprising if participation were limited by age, wealth, or ownership of

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to a recorder. See E. S. Staveley, *Greek and Roman Voting and Elections* (Ithaca, N.Y.: Cornell University Press, 1972). Note that the word "vote" does not appear in the Book of Mormon, nor is "election" or "elect(ed)" ever used in a political context.

49. Plutarch describes a curious method of voting by outcry in connection with election to the senate (*gerousia*) of Sparta, in which the assembled people shouted *en masse* for each candidate. During this process, a small group of officials was kept locked in a nearby room where they could hear the shouts, and they would record the loudness of each shout for each candidate in order. The recorders were kept ignorant of the specific order in which the candidates were presented in order to avoid biased results. The candidate who was perceived as receiving the loudest outcry was the winner. Aristotle described this procedure as "childish." See Plutarch, *Life of Lycurgus* 25; Aristotle, *Politics* 2.9, 1271a (10).

land. Above all, one would automatically assume that all women were excluded from the decision-making process, but the story of Deborah, to whom "the Israelites came up . . . for judgment" (see Judg. 4:4–5) is at least enough to give one pause.

What type of limitations were there on who could "run" for office? When Alma gave up his judgment seat, he "*selected* a wise man who was among the elders of the church, and gave him power according to the voice of the people" (Alma 4:16). This passage suggests that the voting, however it took place, did not necessarily involve a choice among a slate of candidates, as in modern elections. It is possible that there may have been only a single "candidate" for the chief judgeship, and the people in their assemblies merely expressed their support or lack of support. Note that even in the old system of kingship, when it came to the selection of a successor, Mosiah "sent out throughout all the land, among all the people, desiring to know their will concerning who should be their king," and "the voice of the people came, saying: We are desirous that Aaron thy son should be our king" (Mosiah 29:1–2). Even Benjamin, who otherwise seemed to have inherited the throne, declared that he was "chosen by this people."[50]

Finally, it seems clear that inheritance and bloodline played an important role in succession to the judgeship. In the first chapter of Helaman, following the death of Pahoran, we are presented with the only account in the Book of Mormon of a competition for the judgment seat. We are told that, following the death of Pahoran, three individuals each sought the position. The surprising thing is that the three were brothers and that they were all sons of Pahoran, the chief judge. Was that mere coincidence? Apparently not. When the younger Pahoran was appointed chief judge by the voice of the people, his brother Pacumeni acquiesced in the outcome, but the third brother, Paanchi, did not. He had a number of followers, who hired an assassin (Kishkumen) to kill Pahoran. Paanchi was condemned to death, leaving only Pacumeni, who was then "appointed, according to the voice of the people, to be a chief judge and a governor over the people, to reign in the stead of his brother Pahoran; *and it was according to his right*" (Hel. 1:13). It is difficult to be sure what exactly that last phrase means, but the most obvious reading is that sons of a chief judge had a right to succeed their father, and that since his two brothers were either dead or in a state of rebellion,

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50. Note that the English Act of Succession (1707) declares that monarchs rule by consent of the people (which was usually carried out by acclamation).

Pacumeni was the next in line. At the very least, given the context that the only three contenders for the judgment seat in the first place were sons of the prior judge, it seems certain that family played a significant role in who could be appointed as chief judge.

We now come back to the broader question of whether this system should be described as a democracy. The answer to that question depends, naturally enough, on how one defines democracy, and there are many definitions even among political scientists. As previously noted, the Nephite system bears little resemblance to any modern-day democratic government. There was no legislature, no congress, and no parliament, whereas the election of "representatives" of different divisions of the population is generally considered the hallmark of modern-day democracy. Ancient Athenian democracy, in contrast, had an assembly that possessed legislative power, but it consisted not of elected representatives but of citizens themselves, chosen by lot, who took turns serving. The principle of representation was not invented anywhere, so far as we know, prior to the gradual development of the English parliamentary system beginning in the fourteenth and fifteenth centuries.

On the other hand, the people themselves considered their new system a government of "liberty" (Mosiah 29:39) and rejoiced greatly because of it. Exactly what they meant by "liberty" will be considered below. But I think that, given the variety of forms of democracy and partial democracy throughout history, it is not unreasonable to include the Nephite system within the overall class of democracies.

Why Judges?

Given that the judgeship was a weaker office than the kingship that preceded it, why did Mosiah choose to set up a system of "judges"? And why did he argue so strongly in favor of judgeships? Again, our modern intuition is misleading. We are apt to conclude that Mosiah was inspired by God to convert the government to the best possible government, namely democracy. But we have seen that the system that Mosiah established bore only a broad resemblance to modern democratic governments. Moreover, Mosiah himself declared that the best possible system (at least on paper) was not judgeship, but rather kingship (Mosiah 29:13); Alma agreed with him (Mosiah 23:8). He implies that to have a king as judge is tantamount to being judged by God, which corresponds to the idea of the sacral kingship—the king was the direct representative of God. It was only because a people could not guarantee that the royal throne would always be held by a righteous man that he resorted to the judgeship.

We have already recognized that judging was often one of a monarch's primary responsibilities. The Code of Hammurabi emphasizes this, as does the story of Moses, who is depicted in countless ways as a virtual king.[51] Established as the leader of the Israelites, Moses had a constant stream of judicial decisions to make, and ultimately had to appoint lesser judges to handle the caseload (Ex. 18:13–26).

Many years ago, Hugh Nibley suggested that the ease with which the Nephites embraced the new system of judges indicates that it was not an entirely new idea.[52] As to where they obtained the idea of rule by judges we can only speculate. Of course, we hear of judges in the Old Testament, most notably in the book of Judges, and the Nephites presumably had access to this record in some form on the brass plates of Laban. One of the ironies of the book of Judges for the modern reader is that it seems to have very little to do with judges or judging. Instead, it presents a rather disconnected narrative—or, rather, a series of disconnected accounts—of various dramatic deeds of derring-do performed

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51. See Danny Mathews, *Royal Motifs in the Pentateuchal Portrayal of Moses* (London: Bloomsbury Publishing, 2012).

52. Hugh Nibley, *Lehi in the Desert and the World of the Jaredites* (Salt Lake City: Bookcraft, 1952), 20–22. Nibley's suggestion regarding the basis for their familiarity is weak on several grounds. He refers to the seizure of popular law courts by the priests of Amon in eleventh-century Egypt, led by the strikingly named Herihor (compare Korihor). But his arguments and evidence for the connection with the Nephite judge-led government are surprisingly weak. There was never any voting for such judges in Egypt, while in Zarahemla there is no real indication that judges were typically priests, although they could be on occasion. Alma 30:21 indicates that chief judge and high priest in Gideon were two people. The only known instance in which the chief priesthood and chief judgeship were held by the same person is that of Alma, who was chosen as chief judge because of his great prestige (see Mosiah 29:42). Nibley also notes that later on Korihor accuses the authorities (Alma 30:23) of adopting "the foolish ordinances and performances [that were] laid down by ancient priests to usurp power and authority over them," and so forth, but this has nothing clearly to do with judgeship. And again, in Alma 30:31, he "did revile against the priests and teachers," but there is no mention of any connection with the judges. John W. Welch contends that King Benjamin's speech helped prepare the way for the "remarkably smooth transition" from kingship to judgeship among the ruling Nephites. Welch, "Democratizing Forces in King Benjamin's Speech," in *Pressing Forward with the Book of Mormon: The FARMS Updates of the 1990s,* ed. John W. Welch and Melvin J. Thorne (Provo, Utah: Neal A. Maxwell Institute for Religious Scholarship, 1999), 110–26, available online at http://publications .mi.byu.edu/fullscreen/?pub=1121&index=30.

by men who had individually been summoned by the Spirit of God to defend the early Israelites and to deliver them from their enemies. This was in the days, as the book reminds us repeatedly, before there was any king of Israel, when "the people did what was right in their own eyes" (Judg. 17:6; see also Judg. 18:1, 19:1, 21:25).[53]

In other words, it seems to have been a period in which there was little central governance of any kind. And although many of these defenders, such as Othniel, Ehud, the prophetess Deborah, Gideon, Abimelech, and Samson, were successful deliverers, the people grew impatient with the absence of a king and went to Samuel, repeatedly importuning that they be granted "a king to govern us" (1 Sam. 8:6). Samuel resisted this demand at first, concluding quite rightly that the people were rejecting both the Lord and Samuel himself. But in response to Samuel's prayer, the Lord instructed him to grant the people's wish: "Listen to the voice of the people in all that they say to you; for they have not rejected you, but they have rejected me. . . . Now then, listen to their voice; only—you shall solemnly warn them, and show them the ways of the king who shall reign over them" (1 Sam. 8:7–9).

So, is there any possible connection between the judges of the book of Judges and the judgeship of Mosiah 29? Many Bible commentaries argue that Old Testament "judges" (Heb. *shophet,* pl. *shophetim)* were simply charismatic military leaders and war heroes and did little, if any, judging of legal disputes.[54] Some have even argued that the book of "Judges" should more properly be called "Saviors" or "Deliverers."

Such a conclusion, however, is probably shaped too much by the dramatic stories that happened to be included in the text of the book. Naturally, such dramatic accounts as those of the battles led by Deborah, Abimelech, Gideon, and Samson draw our attention to the military

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53. Byron Merrill has argued that this phrase "implies that each individual made personal choices and accepted the consequences rather than being compelled to act according to the desires of a monarch." See Byron Merrill, "Government by the Voice of the People: A Witness and a Warning," in *The Book of Mormon: Mosiah—Salvation Only through Christ,* ed. Monte S. Nyman and Charles D. Tate Jr., vol. 5 (Provo, Utah: BYU Religious Studies Center, 1991), 113–37. This is an unlikely interpretation, given that the book of Judges describes an era of apostasy, chaos, and disaster and not a time of productive liberty. The "judges" were repeatedly called upon to deliver the people from the disastrous results of their own disobedience.

54. For example, see J. Alberto Soggin, *Judges: A Commentary* (Philadelphia: Westminster Press, 1981), 1–4.

exploits of the "judges" in "saving" Israel from external threats. But we should not conclude too readily from this that the "judges" were simply warriors who had nothing to do with judging.

Numerous studies of the words deriving from the Hebrew root *sh-p-t,* primarily the noun *shophet* and the verb *shaphat,* have reached a variety of conclusions as to their most fundamental meanings, without attaining any clear consensus. Some scholars insist that the most basic meanings are "judge/to judge," while others argue that "governor (ruler) /to govern (to rule)" are the root meanings.[55] Such a clear-cut disagreement is evidence that the question itself may be based on a false assumption, namely that there is a clear distinction between the two offices of judge and governor or the actions of judging and governing.

Besides the charismatic military saviors such as Gideon, Abimelech, and Samson, there were other individuals mentioned as "judges" in this period. These figures are known in modern scholarship as the "lesser judges," since there are no dramatic stories about them in the book of Judges, and in fact we know little about them except for their names and the number of years they "judged Israel" (see Judg. 3:9, 3;15, 4:4, 10:1–10). Regarding Elon the Zebulonite, for example, we are merely told that he judged Israel for ten years (Judg. 12:11). However, one of these "lesser" judges named Tola the son of Puah, the son of Dodo, a man of Issachar, "rose to deliver Israel" and "judged Israel twenty-three years" (Judg. 10:1–2), suggesting that "delivering" Israel through war and "judging Israel" in peacetime were not mutually exclusive activities. There is no fundamental difference between the lesser judges and those about whom the great stories are told, and there is no reason to regard them as separate. Tola was undoubtedly a military leader, but the statement that he "judged" Israel for twenty-three years suggests that he did more than simply lead an army in battle. He must have exercised during that period a broader type of leadership, which is supported by the earlier general statement that "the Lord raised up judges, who delivered them out of the power of those that spoiled them. Yet *they did not listen even to their judges*" (Judg. 2:16). This seems to suggest that they ruled in some way and were not merely military saviors. The author of Judges is lamenting that, although the victories of the judges clearly demonstrated that they had the Spirit of the Lord with them, the people did not give proper heed to their declarations in times of peace.

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55. See the useful survey of the evidence in Whitelam, *Just King,* 48–59.

At the end of the period of the judges, the prophet Samuel is also described as having "judged Israel all the days of his life," exercising his duties as he traveled "on a circuit year by year to Bethel, Gilgal, and Mizpah" (1 Sam. 7:15–16), where he judged Israel, as well as in Ramah, where he lived. That he actually engaged in the act of judging is confirmed in the following chapter, when Samuel makes his sons Joel and Abiah judges over Israel. We are told that those sons refused to follow in their father's footsteps and unfortunately "turned aside after gain; they took bribes and perverted justice" (1 Sam. 8:3).

All these verses taken together suggest that the word *shophet* referred first and foremost to judicial activity but had other connotations as well, most notably ruling or governing.[56] It is quite possible that the same individuals acted as military leader, judge, and perhaps ruler all in one. Note that after we are told that Samuel's sons perverted judgment, the narrative relates that the elders of Israel came to Samuel and demanded that he "appoint for us, then, a king to govern us, like other nations" (1 Sam. 8:5). The king, naturally enough, acted as governor or ruler, but the elders' primary concern at that point was that they expected better quality justice from their king acting as judge. A later verse, however, relates that the Israelites had another concern as well: "Nay; but we will have a king over us; that we also may be like all the nations; and that our king may *judge* us, and go out before us, and *fight our battles*" (1 Sam. 8:19–20, KJV).[57]

In our analysis so far, we have noted that ancient kings often held multiple roles, of ruler, commander, and supreme judge. Our modern insistence on distinguishing between these roles is misguided when examining institutions in the ancient world. We have also seen this shared duty portrayed in the Book of Mormon throughout the account of the "reign" (or rule) of the "judges." The titles of chief judge and governor were interchangeable. Indeed, it is even conceivable that the English translation is based on a single word in the original text. If (for example) the Nephites used a derivative of the Hebrew word *shaphat,* it is possible that two English words were used to translate one Hebrew (Nephite) word when the text states that Nephihah, as chief *judge,* sat in the judgment-seat "to judge and to govern" (Alma 4:17) the people. It seems clear that *governing* and *judging* among the Nephites were two aspects of the same thing. That is why the two offices are consistently

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56. See Whitelam, *Just King,* 47–69.
57. The NRSV has "govern us" in place of "judge us."

used interchangeably, depending on the context. When the context is judicial, he is identified as the *chief judge.* In other contexts, he is called the governor.

An intriguing parallel to this idea of judges acting as governors comes to us by way of Phoenicia. The Jewish Hellenistic historian Josephus relates that following the thirteen-year siege of the Phoenician city of Tyre by Nebuchadnezzar of Babylonia and a ten-year reign of a king named Baal, there followed an interregnum of seven to eight years during which a series of five "judges" (Gr. *dikastai*) were appointed in succession and ruled the city.[58] We know very little about what this reign by judges consisted of. Josephus tells us only that they were "appointed" (καθέστησαν) and that they "judged" (εδίκασαν) for a certain number of months or years. One of those judges was also high priest. While we cannot know with certainty the original Phoenician term behind Josephus's use of the Greek *dikastai,* it is highly likely that these five judges were known as "suffetes," the Latin version of a Phoenician word that derives from the root *sh-p-t* and is cognate with the Hebrew *shophetim.*[59] Thus, we have an example of "judges," contemporary with the life of Lehi, who governed the state for a period of time in the place of kings. Sandro Filippo Bondì supposed that Tyre was governed during this period as a "republic" with "elective magistrates."[60] He provides no justification for this interpretation, but his reasoning may be based on the later Carthaginian usage of the title "suffetes" for elective magistrates. Again, Josephus tells us only that the Tyrian judges were "appointed," but not how they were selected or by whom. Interestingly, as we have already noted, the Nephite judges are similarly always described as "appointed," never "elected."

I am certainly not arguing that Mosiah's plan for a reign of judges was in any way a direct restoration of a political system that existed in eleventh-century BC Israel. The era of the *shophetim* we see in the book

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58. Josephus, *Against Apion,* 1.21 (154). See the discussion in Michael D. Coogan, ed., *The Oxford History of the Biblical World* (New York: Oxford University Press, 1998), 189.

59. The word *suffes* (pl. *suffetes*) is actually a Latin rendition of the Carthaginian term and comes to us from Livy.

60. Sandro Filippo Bondì, "Political and Administrative Organization," in *The Phoenicians,* ed. Sabino Moscati (New York: Abbeville Press, 1988), 126. See also Stephen Stockwell, "Before Athens: Early Popular Government in Phoenician and Greek City States," *Geopolitics, History, and International Relations* 2, no. 2 (2010): 123–35.

of Judges was one of a much more loosely organized tribal society without any strong central government, perhaps without any central government at all, whereas the Nephite system had a clear center and periphery manifested by the chief judge and lesser judges. But what the evidence clearly shows is that the term "judge," both in an Israelite context and in a broader context of the Ancient Near East, comprised not only judging in the narrow sense, but also governance in a broader sense, frequently including military leadership as well. It also seems reasonable to suppose that the era of the *shophetim* served as part of the background from which Mosiah and his contemporaries drew in their understanding of the "reign" of judges.

Weaknesses in the New Government

Mosiah introduced his decision to abolish the monarchy and introduce the reign of judges by expressing his wish to avoid wars and contentions: "And now if there should be another appointed in his [Aaron's] stead, behold I fear there would rise contentions among you. And who knoweth but what my son, to whom the kingdom doth belong, should turn to be angry and draw away a part of this people after him, which would cause wars and contentions among you, which would be the cause of shedding much blood and perverting the way of the Lord, yea, and destroy the souls of many people" (Mosiah 29:7).

If this was Mosiah's primary motive for the change of government, however, his decision turned out to be a dismal failure. What the Nephites got instead of peace was an unending series of wars, contentions, and rebellions, just the opposite of Mosiah's profound wishes. Most strikingly, these rebellions, in great measure, amounted to a series of attempts to *restore the kingship* that Mosiah had abolished. An account of the major events following the institution of the judgeship shows just how true this was.

Following the selection and appointment of the first judges, we are told that the people "were exceedingly rejoiced" (Mosiah 29:39). Mormon then assures us that "there was continual peace through the land" (Mosiah 29:43). It is thus easy for the casual reader (especially one who is already inclined to be prodemocracy) to conclude that the new government was a marvelous success.

The unfortunate reality, however, is that the very opposite soon became true. In the very first year of the new government, immediately following the deaths of Alma the Elder and King Mosiah, a man named Nehor began practicing priestcraft and committed a murder (Alma 1:2–10). Lamentably,

this was not an isolated case, but rather was the first in a long series of events that ultimately led to the virtual destruction of the Nephite polity in just over a century. A civil war broke out in the fifth year of the judges over the restoration of the monarchy, followed by a long series of wars and contentions, each of them driven not by the Lamanites (as might seem to be the case on a superficial reading) but by Nephite dissenters. The ensuing century was filled with rebellions, wars, and contentions, during which several chief judges were assassinated, and the capital city of Zarahemla was taken captive. At least when judged by the sequence of events during the tenure of the judgeship, the new government could reasonably be described as an unmitigated disaster.

The following survey of Nephite history during the reign of the judges will help put the events of this period into perspective, to remind us of the nature, frequency, and intensity of the conflicts that took place after the beginning of the fledgling judgeship. To provide a basis for comparison, we will begin with the earlier period of the kings. Prior to the institution of the judgeship, one finds numerous references to wars and contentions with the Lamanites, but there are virtually no indications of any internal political turmoil among the Nephites. Jarom refers in the briefest way to "contentions and dissensions" (v. 13) among his people. Amaleki mentions "many wars and serious contentions" among the Mulekites prior to the arrival of Mosiah and his appointment as their king (Omni 1:17). Of course, we know virtually nothing of the reasons behind the Lord's warning to Mosiah to "flee out of the land of Nephi" along with a certain (unknown) number of fellow Nephites, "as many as would hearken unto the voice of the Lord" (Omni 1:12). Some type of internal conflict can easily be imagined, but it is likely that they fled to escape from Lamanite domination.

During the reign of King Benjamin, there were "somewhat of contentions" among the Nephites (now joined with the Mulekites), which involved the appearance of "false Christs, . . . false prophets, and false preachers and teachers," as well as "much contention and many dissensions away to the Lamanites" (W of M 1:12, 15–16). The cause or basis of such dissensions is again unspoken, but that it was a serious matter is clear from the record. It required extensive preaching by "holy men" with "much sharpness," and Benjamin was forced to labor "with all the might of his body and the faculty of his whole soul" to "establish peace in the land" (W of M 1:17–18). Despite these challenges to the society, the overall impression we get from the extant record is one of a strong central government, where "the laws of the land were exceedingly strict"

(Jarom 1:5), and transgressors were "punished according to their crimes" (W of M 1:16). In Benjamin's great speech, he reminds the people that he has not permitted anyone in his kingdom to "murder, or plunder, or steal, or commit adultery; nor even have I suffered that ye should commit *any manner of wickedness*" (Mosiah 2:13). In such an environment, it is not surprising that contentions were kept to a minimum. Accordingly, we are told that "there was no more contention in all the land of Zarahemla . . . so that king Benjamin had continual peace all the remainder of his days" (Mosiah 1:1).

After the accession of the younger Mosiah to the throne (Mosiah 6:3), "there was no contention among all his people for the space of three years" (Mosiah 6:7). But this blessed state did not last. Indeed, when we examine all the evidence for Mosiah's reign, it is clear that it was an era of dramatic change, even of revolutionary transformation, which is a condition that is not conducive to calmness and peace. Change is nearly always difficult to accept. No doubt many of their problems arose as a result of the merger with the Mulekites, who were much greater in number than the Nephites, and who had spent several hundred years in the new land without benefit of revelation or scriptures.

Upon consideration of the extent of the reforms carried out by Mosiah—and there were doubtless many things that did not make it into Mormon's record—one can hardly doubt that the fact that Mosiah saw the need for such restructurings indicates the existence of deep-seated problems in Nephite society, or that those radical reforms, in turn, served as the *cause* of further disruptions. Notoriously, "many of the rising generation" (Mosiah 26:1), ultimately including the son of Alma and the sons of King Mosiah himself, began to dissent from the "church" that Alma had established in the land. The exact status of this "church" vis-à-vis the government is not entirely clear from the record; it seems to have been independent of the royal government, but it was closely allied with that government and was established with full endorsement by the king (Mosiah 25:19, 26:8). Alma, as high priest over the church, ruled humbly but firmly, issuing "a strict command throughout all the churches that there should be no persecutions among them, that there should be an equality among all men" and judging the members of the church "according to the commandments of God" (Mosiah 27:3; 26:33).

Thus, while dissensions occurred during the reigns of the two Mosiahs and King Benjamin, the overall impression we get is one of strict laws, firm execution, orderliness, and a government that worked actively and powerfully to suppress any troubles before they got completely out of hand.

Immediately following the institution of the new government of judges, however, much more serious troubles began. In the very first year of the reign of the judges, as noted already, the newly established laws underwent a serious test. At first blush, Nehor was simply another Sherem (see Jacob 7)—a man who preached false doctrine, which it was feared might subvert the people spiritually, but which had only a minimal impact on the people as a whole (see Jacob 7:23). But, in fact, this new dissenter was a sign of a much larger problem. We are told that Nehor preached against the church of God, "declaring . . . that every priest and teacher ought to become popular; and they ought not to labor with their hands, but that they ought to be supported by the people" (Alma 1:3). He also taught that "in the end, all men should have eternal life" (1:4). These doctrines, while they might well be objectionable from a spiritual perspective as tending to undermine the feeling for a need for repentance, do not appear on their face to have had any political import. To be sure, when Gideon "withstood" Nehor "with the words of God," the dispute ended in Gideon's murder (1:9). Nonetheless, this brief episode seems at first to be merely a brief scenario in which a personal dispute over correct doctrine got way out of hand and resulted in the violent death of one of the disputants. For this murder, Nehor was arrested and brought before Alma, the chief judge, who ultimately condemned him to death (1:4).

However, several hints in the text concerning the Nehor incident suggest that something much more complex and even more sinister was developing than Mormon's narration tells us directly. In the first place, Mormon has an odd habit of avoiding naming Nehor by name. Prior to verse 15, he instead refers to him several times by circumlocution. At first, we are told only that Nehor was "a man who was large, and was noted for his much strength" (Alma 1:2). In verse 10, Mormon identifies him merely as "the man who slew [Gideon]." The circumstances of his death are also described with evasive language, as though Mormon were deliberately avoiding a description of what actually happened: "And there he was caused, or rather did acknowledge, between the heavens and the earth, that what he had taught to the people was contrary to the word of God; and there he suffered an ignominious death" (1:15).

More importantly, we are told immediately after Nehor's execution that his death in no way put an end to his teachings (Alma 1:16), which provides an interesting contrast to the statement regarding Sherem in Jacob 7:23. Nehor's teachings seem to have caught on very quickly and become quite popular despite Nehor's execution. We are told that

relations between these followers of Nehor and the members of the church became warm to the point of physical blows (Alma 1:22), yet there were no further deaths nor, it seems, any immediate broader political ramifications.

This picture changes dramatically in chapter 2. At the very beginning of the fifth year of the judges, a certain Amlici, a "very cunning man," who was "after the order of the man that slew Gideon by the sword" (again, note Mormon's strange reluctance to name Nehor), "began to be very powerful" and his followers "began to endeavor to establish Amlici to be a king over the people" (Alma 2:1–2). In other words, there was a movement among the people to reestablish the kingship. This movement became quite large and led quickly to a major civil war. How did Nehor's philosophy become so popular in four years following his death that it seems to have been embraced by close to half the population?

Is this the full story? It would appear not. In fact, Nehor appears to have been part of a much greater movement from the very beginning. Chapter 21 of Alma tells the brief story of Aaron's missionary labors in the land of Jerusalem in Lamanite territory. When the sons of Mosiah, having rejected the royal succession, insisted on fulfilling a mission to the land of Nephi to preach among the Lamanites, they split up and each went his separate way. Aaron journeyed first to a region known as Jerusalem, to a "great city" of the same name. Surprisingly, the city was populated not only with Lamanites, but also with "Amalekites" and the "people of Amulon" (Alma 21:1–3). The latter group were the remnant of the priests of Noah who had made friends with the Lamanites and settled in Lamanite territory (see Mosiah 24). The Amalekites, on the other hand, seem to appear in the story out of nowhere.[61] We are told, however, that "they had built synagogues after the order of the Nehors; for many of the Amalekites and the Amulonites were after the order of the Nehors" (Alma 21:4). The meaning of the term "order of the Nehors" is never fully explained, although Mormon had referred previously to Amlici as "being after the order of the man that slew Gideon by the sword" (Alma 2:1).

It is important to note that Aaron's encounter with the Amalekites took place in the first year of the reign of the judges—*the same year that*

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61. The detailed *Commentary on the Book of Mormon* by Reynolds and Sjodahl concludes that "the Amalekites were a sect of Nephite apostates whose origin is not given." George Reynolds and Janne M. Sjodahl, *Commentary on the Book of Mormon,* 7 vols. (Salt Lake City: Deseret Book, 1955), 3:290.

Nehor himself appeared in Zarahemla and met his death (see Alma 17:6, with 21:1 and 17:13). This suggests that the "order of the Nehors" was not something that sprang up in Zarahemla following the death of Nehor, but had already been in existence prior to that time. Indeed, it seems likely that Nehor himself may have been a resident of the city of Jerusalem, and it seems likely that he first propagated a following among the people there before journeying to Zarahemla.

But what about the Amalekites? We are told that they, like Nehor, believed that "God will save all men" (Alma 21:6; compare 1:4). They also rejected the prophecies of the coming of Christ (21:8). It was typical of the Nephites to create political sects and name them, like their cities, after the name of the founder of the sect (see Alma 8:7). If that was the case with the Amalekites, who indeed was Amaleki? The answer to this mystery, and to the mystery of the origin of the Amalekites themselves, appears to be found in the story of Amlici in Alma, chapter 2. J. Christopher Conkling has made a convincing case that the "mysterious Amalekites" were in fact the same as the Amlicites, the difference in name being attributable merely to alternate spellings in the original manuscript.[62] Amlici must have been an associate of Nehor's, and a member of his "order" (keep in mind that the Amulonites were descendants of the old priests of Noah). He and his associates had built up their movement and "order" over several years, both before and after the death of Nehor.

This solution to the mystery of the Amalekites also helps solve, among other things, the question of how Amlici, in chapter 2 of Alma, seems to have built up a huge following for himself in less than one year (Alma 2:2). It appears that it was not merely a question of Amlici himself

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62. For example, the original manuscript at Alma 24:28 has *Amelicites* instead of the current spelling *Amalekites.* Alma 43:6 has two different spellings in the same verse: *Amaleckites* and *Amelekites*. See J. Christopher Conklin, "Alma's Enemies: The Case of the Lamanites, Amlicites, and the Mysterious Amalekites," *Journal of Book of Mormon Studies* 14, no. 1 (2005): 108–17. Conkling based his discussion on the textual analysis of Royal Skousen. See Royal Skousen, ed., *The Original Manuscript of the Book of Mormon: Typographical Facsimile of the Extant Text* (Provo, Utah: FARMS, 2001) 245; and Royal Skousen, ed., *The Printer's Manuscript of the Book of Mormon: Typographical Facsimile of the Entire Text in Two Parts* (Provo, Utah: FARMS, 2001), 2:396–97, 514. Skousen also explores this possibility and accepts it as a correct reading in *Analysis of Textual Variants of the Book of Mormon: Part Three, Mosiah 14–Alma 17,* vol. 4 of The Critical Text of the Book of Mormon, 2d ed. (Provo, Utah: FARMS, 2017), 1666–70.

building upon the work of Nehor, but that he had a movement behind him from the beginning, with his primary base in the city of Jerusalem in the land of Nephi.

In any case, there is no doubt that Amlici was able to build up a large following of tens of thousands in a very few years, perhaps in part through his own skills at demagoguery, but also in part because of the deep-seated desire of the people for a king. The degree of emotional attachment to the monarchy in Great Britain, even today, gives us an inkling into the feelings of despair, frustration, insecurity, or disinheritance that may have been felt among the people of Nephi when the kingship was abolished.[63] The royalist movement was so great that the question of restoring the monarchy was put up to a vote, which suggests that there was no other way to be sure whether the supporters of Amlici made up a majority of the people or not.

As it turned out, the followers of Amlici lost the vote, but they did not give up their aspirations. Instead, they split themselves into a separate polity, consecrating Amlici as their own king, and attempted to take the city by force. This rebellion quickly grew into a major insurrection—or, better said, a small civil war. The people of Nephi armed themselves with "weapons of war, of every kind" (Alma 2:12) and the rebels did likewise. Amlici appointed many "rulers and leaders over his people, to lead them to war against their brethren" (2:14). The army had to be called up, with the chief judge and governor at its head (2:16). Thousands on both sides were killed. The Amlicites ultimately joined together with an army of Lamanites, which seems quite natural once we are aware of their base in the land of Jerusalem. They both attacked, driving the government forces back toward Zarahemla (2:26). Alma, as governor and chief commander, confronted Amlici personally and slew him in combat, and the Nephite forces ultimately succeeded in driving back the Lamanites as well.

The popularity of Amlici and his ideas was so widespread that even following his death and the end of the civil war, the threat did not disappear. Alma decided the following year to take the drastic step of

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63. Even in the newly created United States, following a bloody revolution to cast off what the colonists viewed as the unjust rule of King George III, there was considerable sentiment in favor of "monarchy, or something like it, seeing and dreading the evils of democracy." For a while, many supposed that Washington might hold office for life—in effect, an elective kingship. See ch. 2, "A Monarchical Republic," of Gordon S. Wood, *Empire of Liberty* (New York: Oxford University Press, 2009), 53–94.

resigning from the office of chief judge and turning it over to Nephi-hah (Alma 4:16–17). His belief was that the only way to maintain order in society was to get people to repent of their sins and turn to God.[64] He found a measure of success in several cities through his powerful preaching, but his message was completely rejected by the people of Ammonihah. He naturally left that city to go elsewhere, but an angel appeared to him and commanded him to return to Ammonihah (see Alma 8). This was now the tenth year of the new government. Ammoni-hah, it turns out, was a hotbed of revolutionary activity, possibly having become the preserve of many of the remaining Amlicites. Not surpris-ingly, many of them were "after the order and faith of Nehor," their spiritual father (Alma 14:16; compare 14:18; 15:15). They had previously failed at their attempts to seize power both politically and militarily, and they were now attempting a type of legal strategy, for we are told that the people in Ammonihah "do study at this time that they may destroy the liberty of thy people" (10:14). Many of these men were learned, working as lawyers. These lawyers had "much business to do among the people," their primary object being to "get gain . . . according to their employ" (10:31–32), much like Nehor and the practitioners of priestcraft (see 1:5; 15:15). Amulek, preaching alongside Alma, accused their lawyers and judges of attempting to lay "the foundation of the destruction of this people," suggesting that there were legal schemes afoot to undermine the government (10:27).

Ammonihah was notoriously annihilated the following year by the Lamanites, in fulfillment of prophecy (Alma 9:18; 16:9), although Zeez-rom and certain others were able to repent in time (15:1). But this was by no means the last attempt to restore the monarchy. The Zoramites, though they are never identified as followers of Nehor, were clearly cut from the same cloth as the Amalekites and the people of Ammo-nihah, and indeed they were closely associated with the Amalekites. Zerahemnah made use of both Amalekites and Zoramites—and them alone—as his chief captains (Alma 43:6, 13; compare 48:5). We are never told whether Zerahemnah himself was a Nephite "dissenter" or a native Lamanite, but it is interesting that Mormon mentions that the Zoramites

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64. This is one of the peculiarities of righteous Nephite society, namely, the assumption that the best way to put an end to political dissension was to preach repentance. See especially Enos 1:23. The idea of repentance was politically unacceptable to some, for it assumes the existence of sin, the reality of account-ability, and a need for submissiveness.

became Lamanites just prior to the war with Zerahemnah, and the distinctions among Lamanites, Amalekites, and Zoramite dissenters became less pronounced (Alma 43:13). In any case, the Nephite dissenters were the primary inspiration for the whole effort (Alma 43:44).

Zerahemnah's goal in attacking the Nephites was to bring them "into bondage" (Alma 43:8, 29, 48, 49), presumably by making himself king (see Alma 43:45). In the year following his defeat by Moroni (a mere fourteen years after the suppression of the Amlicites), a new insurrection arose, with Amalickiah at the head of a movement overtly seeking once again to restore the kingship and "to destroy the foundation of liberty which God had granted unto them" (Alma 46:10). This movement was, if anything, on a larger scale than that of Amlici. Many of the lesser judges of the land were allied with him (46:4), and even many who were members of the church supported him, so that matters became "exceedingly precarious and dangerous" (46:7).

In accordance with the standard pattern of behavior, the rebels who escaped arrest at the hands of Moroni ran off and allied with Lamanites, with the expectation that they would return with much larger forces. Amalickiah succeeded in his stratagem to become king of the Lamanites, but he was unsuccessful in his larger scheme to conquer and become king of the Nephites, in large part because of the defensive skills of Captain Moroni. Peace then ensued for several years following the defeat of Amalickiah, but in the twenty-fifth year of the judges a new monarchist movement arose, the so-called king-men. At first, the movement consisted merely of legal attempts to have certain laws changed through petition.[65] But when Pahoran refused to acknowledge their petition, they attempted to "dethrone" Pahoran and restore the kingship (51:3–5). We are told that many of these dissenters were men "of high birth," a natural constituency for a royalist movement. Some of them may have also been the judges who had earlier supported Amalickiah. Once again, this severe challenge to the new government had to be decided by the "voice of the people," and the king-men were compelled to be silent. When the Lamanites threatened to attack again, the king-men, rather

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65. The right of petition to the high priest was undoubtedly legal, although the request to alter "a few particular points of the law" might have been considered completely inappropriate by Pahoran. In ancient states, the notion of changing the law was viewed in an entirely different light than it is in the modern world. It is tempting to see this (semi-) legal approach to change the government as associated with the attempt, discussed above, by the lawyers in Ammonihah to use the law to undermine the government.

than join with them, merely threatened to remain passive and stay out of the conflict. But Moroni felt that the situation was so risky that he needed to obtain authority from the chief judge/governor to execute all those who would not take up arms in defense of their people. We are told that four thousand such rebels were put to the sword, and many others were thrown into prison, there being no opportunity to hold formal trials (51:19).

Amalickiah attacked again with his army composed of Lamanites and Nephite dissenters, and a war raged on for six years. During the war, the king-men, seeing their chance, stirred up a huge rebellion and were able to take control of the governorship and drive Pahoran and his supporters into exile. Now in power, the king-men naturally appointed a king (61:8), who attempted to ally himself with the king of the Lamanites. Eventually the rebellion was quelled and the Lamanites were subdued and, finally, peace settled over the Nephite realms (Alma 62:29–42).

Yet only nine years later a new contention arose over who was to hold the chief judge's seat. This situation was all too reminiscent of the very kind of contention that King Mosiah had hoped to prevent by abolishing the kingship. As discussed earlier, three sons of Pahoran, each with their supporters, contended for the governorship (Hel. 1:2–5). When the younger Pahoran was chosen by the normal procedure, one brother, Paanchi, rose up in open rebellion and was condemned to death. As a result, Kishkumen was hired by the rebels to assassinate Pahoran. Pacumeni, the new chief judge, was killed during an invasion of the city of Zarahemla by Coriantumr, a dissenter from the Nephites who led the Lamanite armies (Hel. 1:7–9, 21).

The following year, yet another contention arose over who should fill the empty judgment seat (Hel. 2:1). With the aid of a servant, the new governor, Helaman, escaped assassination and was able to drive the rest of the rebels into the wilderness, after which calm ensued for a good six years. From that point on, internal corruption, dissensions, and wars became so frequent and were so interlaced that I cannot even outline them here, but I will note a few events. The "works of darkness" sponsored originally by the followers of Gadianton became more widespread (6:28). In the sixty-sixth year of the judges, the chief judge Cezoram was assassinated (6:15), as well as his son who had succeeded him. And several years later Seezoram, another chief judge, was also found murdered (9:3). In the seventy-second year, there was an increase in "contentions . . . insomuch that there were wars throughout all the land among all the people of Nephi" (11:1).

Some of the people repented briefly under the preaching of Nephi and Lehi, but their resolve lasted only a few years, and the band of Gadianton was revived and began to spread their mayhem and destruction (Hel. 11). At one point the robbers made a general attack on the people, but they were defeated and driven off following a massive loss of life on both sides (3 Ne. 4:11). The people repented on several occasions, but each time their dark impulses got the better of them, resulting in the threatened disintegration of both the society and the government.

In the twenty-ninth year after the prophesied birth of the Messiah, distinctions of wealth and social class once again reared their head, so that "the people began to be distinguished by ranks, according to their riches and their chances for learning," resulting in persecutions, "great inequality," and the destruction of the church (3 Ne. 6:12–14). Once again a monarchist movement arose, and the followers of this new movement succeeded in appointing a king over themselves, at least, who was named Jacob (6:30, 7:9–10). Yet another chief judge was murdered (7:1). So far had Nephite government and society deteriorated by this point that Mormon tells us:

> The people were divided one against another; and they did separate one from another into tribes, every man according to his family and his kindred and friends; and thus they did destroy the government of the land. And every tribe did appoint a chief or a leader over them; and thus they became tribes and leaders of tribes. . . . And the regulations of the government were destroyed. . . . They were divided into tribes, every man according to his family, kindred and friends; nevertheless they had come to an agreement that they would not go to war one with another; but they were not united as to their laws, and their manner of government, for they were established according to the minds of those who were their chiefs and their leaders (3 Ne. 7:2–3, 6, 14).

By this point, the only thing the various tribes could agree on was their "hatred of those who had entered into a covenant to destroy the government"—what little was left of it (3 Ne. 7:11). Indeed, as we have just seen, there was no general government at all; the society was completely fragmented, although they apparently honored an agreement among the tribes—"very strict laws that one tribe should not trespass against another" (3 Ne. 7:14), which was the only barrier against out-and-out civil war. It was at this point, we are told, that nature wreaked its terrible havoc on the land, with the most extreme natural upheavals, including massive storms, earthquakes, and possibly volcanic eruptions. Most of the major cities of the land, including Zarahemla, were destroyed by fire

or upheaval. The grand culmination of this, of course, was the appearance of Christ, which brought over 150 years of peace and prosperity, during which time we know nothing of the nature of the government.

I will not attempt to narrate the story of the final decline of the Nephites during the last two centuries, for our focus has been on the political disruptions during the judgeship, which ended at this point. I will only note that the social and political corruption seemed to pick up exactly where it left off nearly 200 years previously, with the division of the people once again into their sociopolitical groupings which they called Lamanites and Nephites, but which had nothing to do with the original groupings based on tribal descent (see 4 Ne. 1:20, 26, 36). The primary difference with the period prior to the appearance of Christ is that there were no longer any periods of repentance and recovery, but only one long, dramatic slide into total anarchy and war. Of government during this period we read absolutely nothing.

It was thus that the noble experiment of Mosiah and the Nephites to establish a government of "liberty" had come to an ignoble end. During the 120 or so years that the judgeship was in existence, there were approximately forty-three years of war and bloodshed. This does not include many other years in which there were contentions "but not unto bloodshed" (Alma 51:4). Some of these contentions were strictly domestic in nature (for example, the Amlicites) but, in addition, the vast majority of the wars with the Lamanites were stirred up and led by Nephite dissenters, especially Zoramites—Nephites fighting Nephites.

Mormon and Democracy

It may seem unfair to blame the judgeship for this instability. And I am certainly not arguing that the abandonment of the kingship was the sole cause of the ultimate collapse, nor that the successes of the dissenting movements were necessarily due to weak or incompetent administration of the government. I do suggest, however, that as an institution the judgeship was *structurally* weaker than a government controlled by a king. We have seen that judges had less power than kings (for example, they were unable to alter the basic laws) and less symbolic legitimacy (they were not consecrated by God). The contrast in the amount of dissension and violence between the eras of kingship and judgeship, as we have seen above, is striking. The constantly recurring desire on the part of many Nephites to restore the kingship after its abolition under Mosiah is the thread that runs through this entire account. These monarchist movements were always defeated when the matter was put to a vote,

but the record gives every indication that the years of the innovative judgeship allowed for much greater instability than did the established instution of kingship.

Mormon, as always, presents the causes of the Nephite collapse in stark moral terms, in terms of lovers of wickedness and lovers of righteousness, the proud versus the humble. The "cycle of pride" is well known to students of the Book of Mormon. In Helaman, chapter 3, Mormon outlines in a few verses how this cycle impacted the political aspect of their world. Beginning in verse 33, he tells us that there was peace, "save it were the pride which began to enter into the . . . hearts of the people who professed to belong to the church of God—and they were lifted up in pride, even to the persecution of many of their brethren." And in the following year, great pride "had gotten into the hearts of the people; and it was because of their exceedingly great riches and their prosperity in the land" (Hel. 3:36). A mere two years later, "there were many dissensions in the church, and there was also a contention among the people, insomuch that there was much bloodshed" (4:1). Pride, as the Latter-day Saints were famously warned in 1989, is having a sense of superiority toward others. This, in turn, leads to enmity toward those to whom one feels superior, which manifests itself as arrogance, persecution, and ultimately bloodshed.[66]

The same cycle is equally visible in chapter 6 of 3 Nephi. At first there were "some disputings among the people," some people who were "lifted up unto pride and boastings because of their exceedingly great riches, yea, even unto great persecutions" (3 Ne. 6:10). One of the main grounds for men's pride was their "great learning," which they had been able to obtain because of their "great riches" (6:12). The great inequality that arose in the land as a result of this pride led to the breaking up of the church in all the land, except among a few Lamanites (6:14). In very short order, this situation led to the destruction of the government, the assassination of the chief judge, and the complete fragmentation of the people into families and tribes (3 Ne. 7:1–2).

Alma the Elder had taught his people at the waters of Mormon that the key to remaining in "this liberty wherewith you have been made free"

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66. "The central feature of pride is enmity—enmity toward God and enmity toward our fellowmen. *Enmity* means 'hatred toward, hostility to, or a state of opposition.' It is the power by which Satan wishes to reign over us. Pride is essentially competitive in nature." Ezra Taft Benson, "Beware of Pride," *Ensign* 29 (May 1989): 4.

was to "trust no man to be a king over you" and "that every man should love his neighbor as himself, that there should be no contention among [you]" (Mosiah 23:13, 15). Christ similarly taught that "there shall be no disputations among you as there hath hitherto been" and that "he that hath the spirit of contention is not of me, but is of the devil, who is the father of contention, and he stirreth up the hearts of men to contend with anger, one with another" (3 Ne. 11:28–29).

Finally, we can take another look at the book of 4 Nephi. Mormon tells us again and again that, in contrast to the century and a half preceding the visit of Christ and the century and a half leading up the final catastrophe, during the more than 150 years of Zion-like society following the visit of Christ "there was no contention among all the people, in all the land" (4 Ne. 1:15; see 1:2, 12) and that "there were no envyings, nor strifes, nor tumults" (v. 16). Nevertheless, once again, in the years following AD 200 or so, the peace was disrupted as people began to divide themselves into social groups ("Lamanites" and "Nephites"), into economic classes, and ultimately into tribes. Hugh Nibley once described the Nephites and Lamanites as living in a polarized world.[67] But it was not merely a polarization between the two nations. The Nephites were frequently and repeatedly polarized among themselves, and it was those divisions that led to their ultimate destruction.

Moroni described his vision of our modern situation in similar terms:

Behold, I speak unto you as if ye were present, and yet ye are not. But behold, Jesus Christ hath shown you unto me, and I know your doing. And I know that ye do walk in the pride of your hearts; and there are none save a few only who do not lift themselves up in the pride of their hearts, unto the wearing of very fine apparel, unto envying, and strifes, and malice, and persecutions, and all manner of iniquities; and your churches, yea even every one, have become polluted because of the pride of your hearts. For behold, ye do love money, and your substance and your fine apparel, and the adorning of your churches, more than ye love the poor and the needy, the sick and the afflicted. . . . Why do ye adorn yourselves with that which hath no life, and yet suffer the hungry, and the needy, and the naked, and the sick and the afflicted to pass by you, and notice them not? . . . Behold, the sword of vengeance hangeth over you; and the time soon cometh that he avengeth the blood of the saints upon you, for he will not suffer their cries any longer. (Morm. 8:35–37, 39, 41)

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67. Hugh Nibley, *Since Cumorah: The Book of Mormon in the Modern World* (Salt Lake City: Deseret Book, 1967), 375–78.

The Ancient Law of Liberty

One of the great tragic ironies of the Book of Mormon, as already noted, is the failure of King Mosiah's hopes for peace and stability through a change in governments. From this perspective, his experiment was an abject failure. The historical record shows clearly that instead of leading to an absence of contention, the new government seemingly spawned an endless series of political dissensions, rebellions, assassinations, and civil wars. Many Nephites longed for the good old days of the kingship, but instead they ended up with an utterly broken government, a fragmented society reduced to tribalism.

So, with this array of weaknesses and failures, are we to conclude that the experiment with "free government" was a failure? Not necessarily. Despite Mosiah's hope that contentions could be avoided, he had more substantial reasons for persuading the people to give up their beloved kingship. At the end of his proclamation to the people, he declared:

> And I command you to do these things in the fear of the Lord; and I command you to do these things, and that ye have no king; that if these people commit sins and iniquities they shall be answered upon their own heads. For behold I say unto you, the sins of many people have been caused by the iniquities of their kings; therefore their iniquities are answered upon the heads of their kings. And now I desire that this inequality should be no more in this land, especially among this my people; but I desire that this land be a land of liberty, and every man may enjoy his rights and privileges alike, so long as the Lord sees fit that we may live and inherit the land. . . . And he told them that . . . the burden should come upon all the people, that every man might bear his part. (Mosiah 29:30–32, 34)

The people clearly understood what Mosiah was telling them, for they echoed these sentiments in their response. "And now it came to pass, after king Mosiah had sent these things forth among the people they were convinced of the truth of his words. Therefore they relinquished their desires for a king, and became exceedingly anxious that every man should have an equal chance throughout all the land; yea, and *every man expressed a willingness to answer for his own sins*" (Mosiah 29:37–38).

What is going on here? Clearly, Mosiah and the people were working from the basis of the sacral kingship. Because the king was both the representative of God to the people, and of the people before God, he was typically held responsible for the acts of the people, and effectively got the principal "credit" for both the good and bad that happened in

his kingdom and to his people. As we already observed in the Old Testament, "Because King Manasseh Judah has committed these abominations, has done things more wicked than all that the Amorites did, who were before him, and has *caused Judah also to sin* with his idols; therefore thus saith the Lord, God of Israel, I am bringing upon Jerusalem and Judah such evil that the ears of everyone who hears of it will tingle" (2 Kgs. 21:11–12).

Under such circumstances, Judah is going to be punished for its sins, but they are the sins that the king had *caused* them to commit, for which the people were not truly responsible. In contrast, under Mosiah's judgeship, because there would be no royal intercessor, each person would be held responsible by God for his own sins. Thus, whatever evil was committed by the people would be "answered upon their own heads" (Mosiah 29:30) rather than upon the head of the king (v. 31).

Note that there is never any mention of freedom, or the pursuit of happiness, as the natural right of a people. These are modern doctrines that would be out of place in an ancient document. Liberty, to the Book of Mormon writers, is not the right to act however one wishes, let alone the right to seek self-fulfillment, but the freedom to be righteous, particularly the right to worship God and his truths. More broadly, it is the right to choose for oneself between good and evil and to be held responsible for that choice.

This doctrine is comparable to what the early Christians called the Ancient Law of Liberty, which is the freedom God has given mankind so that they can be judged for both their righteousness and their wickedness. The early bishop Irenaeus taught that if some men had been made evil by nature, and some good, the latter could not be rightly praised for their righteousness, and the former could not be justly condemned, for they were simply following their God-given nature.[68] Similarly, if the Nephites were merely following the commands of a wicked monarch, they could scarcely be held guilty by God. (A righteous king, by contrast, would not *force* men to be good, but rather guide them to righteousness.)

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68. See Irenaeus, *Against Heresies* 4.37.1–2, in *The Ante-Nicene Fathers: Translations of the Writings of the Fathers down to A. D. 325,* ed. Alexander Roberts and James Donaldson (New York: Charles Scribner's Sons, 1903), 519; compare *Clementine Recognitions* 3.26, in *ANF,* 121. See ch. 21, "The Ancient Law of Liberty," in Nibley, *World and the Prophets,* 182–90.

As a general rule, then, good kings are the best, but in light of the tendency of kings to turn wicked (especially from one generation to the next), Mosiah endorses a system of liberty, that is, democracy. The value of freedom is not, however, because it necessarily leads to greater individual self-fulfillment, as moderns would have it. Rather, it is because freedom permits mankind to be held responsible for their actions—even when, on occasion, it leads to utter disaster. As the Lord declared in 1833: "[I have suffered the U.S. Constitution to be established] that every man may act . . . according to the moral agency which I have given unto him, that every man may be accountable for his own sins in the day of judgment. Therefore, it is not right that any man should be in bondage one to another. And *for this purpose* have I established the Constitution of this land, by the hands of wise men whom I raised up unto this very purpose, and redeemed the land by the shedding of blood" (D&C 101:78–80; see also D&C 134:1).

The Book of Mormon was given to us today, specifically to the United States, the mother of modern democracies, as a warning. Is the book predicting the failure of modern democracies, specifically the American democracy? Yes and no. The story of the Book of Mormon, as we have seen, is hardly a tract for the efficacy of democracy or "free government" in achieving a stable society. As if making a prophecy, Mosiah observes specifically that "if the time comes that the voice of the people doth choose iniquity, then is the time that the judgments of God will come upon you; yea, then is the time he will visit you with great destruction even as he has hitherto visited this land" (Mosiah 29:27).[69]

The last phrase, of course, is an allusion to the fate of the Jaredites, whose history had been translated by Mosiah himself. The Jaredites had disintegrated even though they had not a hint of democratic governance. Although there "never could be a people more blessed than they" (Ether 10:28), their civilization perished, instead, because of their "wars and contentions" (Ether 11:7), their bloodthirstiness, and above all their desire to "get power and gain" (Ether 11:15). And yet it is notable that the

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69. Mosiah knows of the destruction of the Jaredites from his translation of the twenty-four gold plates of Ether (Mosiah 28:11–18). Mormon echoes these words in his account of Nephi, son of Nephi, when he delivered up the judgment seat to Cezoram: "For as their laws and their governments were established by the voice of the people, and they who chose evil were more than they who chose good, therefore they were ripening for destruction, for the laws had become corrupted" (Hel. 5:2). See also Alma 46:18.

book of Ether is entirely a story about kings. We know virtually nothing about the righteousness or unrighteousness of the Jaredite people. This may be a factor of the abbreviated nature of Moroni's account, but it is more likely because the Jaredite kings were the only moral actors in the story. As noted above, the anointing of kings, and thus the sacral nature of the Jaredite kingship, is particularly prominent in the book of Ether. Hence, as I have argued repeatedly, the kings bore the ultimate responsibility for everything that took place.

So, to be sure, the Book of Mormon is not a political tract for any particular form of governance. The Jaredites collapsed under kingship, the Nephites under a more democratic type of government. The crucial point for Mormon is not that democracy is unstable or that kingship is evil, but that it is only under a "free government"—or, alternatively, a righteous kingship—that individual men and women can exercise their free agency to be righteous. As my mission president once said, to allow a missionary to be a great missionary, you have to give him enough freedom to be a lousy one. Freedom necessarily comes with risks. But it is only when we undertake those risks that we will have the ability to show who we really are.

Gregory Steven Dundas received his PhD in Greek and Roman history from UCLA and a BA in history and classics from San Diego State University. He taught for several years as an adjunct professor in the Los Angeles area before attending the University of Michigan Law School. He currently works as an attorney for the U.S. Securities and Exchange Commission but continues to pursue his scholarly interests in history and religion, with a particular focus on the interactions of politics and religion in antiquity. He is currently at work on a much-too-ambitious project dealing with the evolution of the idea of the savior-king throughout the ancient world. He also is passionately interested in the topic of building bridges between belief and skepticism. He has written a book (as yet unpublished) entitled *Mormonism for Skeptics* and makes occasional contributions to his blog, *The Believing Skeptic.*