

# Benjamin's Speech as a Prophetic Lawsuit

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Legal terminology and judicial patterns have found their way into the daily life and ordinary language of virtually all peoples.<sup>1</sup> The speech forms and imagery of Bible and Book of Mormon prophets, including King Benjamin, are no exception.

To illustrate this point, one may approach Benjamin's speech through form criticism, a branch of literary analysis that seeks to identify various forms within a body of literature.<sup>2</sup> One of these speech forms is generally known to scholars as the "prophetic lawsuit." In passages of this type, the prophet accuses, indicts, or prosecutes the people as if he were bringing an action against them in a court of law. Gunkel argues that the prophetic lawsuit was a convenient form because "the trial was a concrete situation with which everyone was familiar,"<sup>3</sup> and Julien Harvey maintains that the prophets used this literary form in order to explain the disasters that Israel had experienced, presenting their explanations in a way that would emphasize the justice and moral correctness of Yahweh's actions.<sup>4</sup>

On some occasions, the form of the prophetic lawsuit appears to have closely paralleled a typical civil or criminal legal proceeding. Other times, however, the form was utilized less rigidly. Nielsen suggests that four elements capture the essence of the so-called prophetic lawsuit: (1) the calling of witnesses, (2) the lodging of an accusation, (3) the consideration of a defense, and (4) the issuance of a judgment. Biblical passages regularly identified as prophetic lawsuits include Isaiah 1:2–3, 18–20; Jeremiah 2:4–13; Micah 6:1–8; and Hosea 4:1–3. Furthermore, one wonders what type of trial the ancient prophet might have had in mind as he composed his speech. Three types of proceedings are possible: civil, international, and ritual, or perhaps a combination of all three. For example, Gunkel sees the prophetic lawsuit as an imitation of a civil proceeding at the town gate. Julien Harvey argues that the formal setting of the prophetic lawsuit is found in international law, in an action for breach of treaty between a lord and a vassal. Finally, this form of speech may have reminded Israelite audiences of other forms of indictment or reprimand connected with some religious ceremony, although this possibility is the least documentable of the three and thus has the smallest number of adherents among biblical scholars.

While several Book of Mormon texts may be analyzed as prophetic lawsuits, Benjamin's speech presents an especially interesting case. Although the legal elements are not particularly obvious in Benjamin's sermon—mainly because his speech features so many other literary forms—all the basic elements of the prophetic lawsuit can be found in the text.

## Viewed from a Rhetorical Civil Lawsuit Setting

The fact that Benjamin's address makes frequent use of several standard legal terms and regular trial concepts is consistent with seeing his speech as a prophetic lawsuit from the perspective of a civil proceeding. The speech begins with a *summons*: "Hearken unto me, and open your ears that ye may hear, and your hearts that ye may understand" (Mosiah 2:9). Possibly, in light of Benjamin's further declaration, this language constitutes a legal summons for the people to serve as witnesses: "And of all these things which I have spoken, ye yourselves are witnesses this day" (Mosiah 2:14). Apparently, Benjamin anticipated that his people would become fearful that they themselves might be accused by the prophet Benjamin when they heard him use the word *witnesses* and

various other terms relating to criminal law topics (see Mosiah 2:13). However, he immediately reassures them that he had not told them those things to accuse them (see Mosiah 2:15).

In terms of their public behavior, Benjamin had no accusation or complaint against his people, but he gives repeated notice to his people that the Lord Omnipotent would *judge*, “and his judgment is just” (Mosiah 3:18; see 3:17). Moreover, he legally warns them that the words of the angel would stand as a “bright” (or indisputably clear) legal “*testimony*” against them “at the judgment day,” when the wicked would stand “no more blameless” with “an awful view of their own *guilt*” and would be condemned to a mandatory sentence of “endless torment,” having “drunk out of the cup of the wrath of God” (Mosiah 3:22–26). Benjamin, of course, did not need to issue a formal indictment or accusation, for the people all *confessed* their guilt voluntarily (see Mosiah 4:2) and agreed that none of them should “be found blameless before God” (Mosiah 3:21) and that all were *without defense* or excuse (see Mosiah 3:22). The people were convicted of their guilt both in the present as they acknowledged their guilt that day (see Mosiah 4:5), and also in the future, for they were told that all “shall be judged, every man according to his works” (Mosiah 3:24; see also 2:33–41; 3:18–25). Mercifully, however, the impending judgment was suspended, and the people were told that the execution of the penalties mentioned in Mosiah 2:38–39 would be averted so long as the people continued to live righteously and kept their contract with God (see Mosiah 5:5), so that they might “remain guiltless . . . from day to day” and “walk guiltless before God” (Mosiah 4:25–26).

### **Viewed from the Rhetorical Setting of International Relations**

From the realm of international relations and the understanding of prophetic lawsuits associated with that domain, all the legal elements of treaty making, covenant renewal, and covenant maintenance can also be found in Benjamin’s speech. Although nothing in Benjamin’s speech indicates that his people had breached the basic covenant between God and Israel and were thus being accused by Benjamin as having violated that agreement, Benjamin clearly saw himself as a *vassal* of the Lord for having discharged his *stewardship* and was eager to “answer a clear conscience before God” himself (Mosiah 2:15; compare 2:28). Consistent with that aim, his speech reflects the additional elements of the prophetic lawsuit viewed from the standpoint of international law and ancient Near Eastern treaty enforcement. A written copy of his speech was circulated and later read in public, fulfilling the typical treaty requirement that a written copy be deposited in the temple and periodically read in public. Treaty and covenant functions are emphasized by Benjamin in part because his people consisted of Nephites and Mulekites, and the *covenant renewal* would have served political purposes in further uniting this combined population under the leadership of Benjamin’s son, the new king. The covenant renewal process probably took the form of a formal *oath* (see Mosiah 6:3; 5:5), combined with a solemn ceremony. Language describing the benevolence and blessings of the “heavenly King” to his people (see Mosiah 2:19–25; 4:9–12, 19–21) parallels the historical prologue of Hittite treaties. Furthermore, Benjamin’s entire speech is replete with the expected *stipulations* (see Mosiah 2:22, 32; 3:19; 4:13–16, 26) and cursing or blessing formulas (see Mosiah 2:22, 31, 33, 36–41; 3:24–27; 4:23, 25).

### **Viewed from a Rhetorical Ritual Setting**

Ritual or ceremonial elements are especially prevalent in Benjamin’s speech. The actual *Sitz im Leben*, or real-life context, of King Benjamin’s speech can unambiguously be identified as ceremonial, since the people gathered around their temple to hear the speech (see Mosiah 2:5–6). If more were known today about ancient Israelite rites, more could be said about the ritual dimensions of the prophetic lawsuit in general, as well as the rhetorical significance of these factors in Benjamin’s speech in particular. Under the circumstances, however, it is possible to assume that Benjamin’s speech drew further rhetorical power from its use of ceremonial terms that were part of

the covenant renewal process that occurred under the law of Moses on the Israelite Day of Atonement. Both Benjamin's speech and the Day of Atonement rituals occurred at the temple (see Mosiah 2:5–6); both used animal sacrifice (see Mosiah 2:3) to induce an awareness of sinfulness, guilt, mortality, confession, and repentance, resulting in the deferral of God's judgment, the remission of sins, forgiveness, reconciliation, and joy (see Mosiah 2:25; 4:2–3, 10). In the end, the people pledged to believe in God and obey his commandments (see Mosiah 5:5–8; 6:1–3). Thus many factors support the idea that Benjamin's speech used judgment motifs also found in the ritual practices of Israel, which biblical commentators have argued may well be related to the idea of the prophetic lawsuit.

## Conclusion

Biblical scholars have identified the prophetic lawsuit as a form of speech in which the Lord takes legal action through his prophets against his people, delivering a formal complaint or legal warning of impending judgments. Several examples of the prophetic lawsuit are found both in the Bible and the Book of Mormon, and Benjamin's speech appears to draw effectively on this traditional form of speech—a type of speech that was probably familiar to the writers of the Bible and the Book of Mormon, as well as to their respective audiences. By including the elements of the prophetic lawsuit and by making use of judicial phraseology and precepts in his speech, Benjamin was able to emphasize concretely the justice and power of God's judgments. Indeed, Benjamin's speech not only draws strength from all three types of lawsuits that scholars have detected in the Bible, but it also forms one of the best illustrations of a prophetic lawsuit in an actual ritual setting found anywhere in sacred literature.

## Notes

1. See, generally, John Barton, "Form Criticism (OT)," in *Anchor Bible Dictionary*, ed. David N. Freedman (New York: Doubleday, 1992), 2:838–41.
2. See Robert R. Wilson, "Form-Critical Investigation of the Prophetic Literature: The Present Situation," *Society of Biblical Literature* (1973): 100–127.
3. Kirsten Nielsen, *Yahweh as Prosecutor and Judge* (Sheffield, England: JSOT, 1978), 1, 6.
4. See Julien Harvey, "Le 'Rib-Pattern' requisitoire prophetique sur la rupture de l'alliance," *Biblica* 43 (1962): 192, cited in Nielsen, *Yahweh as Prosecutor and Judge*, 18.