

Benjamin's Speech as a Prophetic Lawsuit

John W. Welch

Legal terminology and judicial patterns have found their way into the daily life and ordinary language of virtually all peoples.¹ 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. In the study of the Old Testament, form-critical scholars have defined and identified instances of several forms or genres of prophetic speech involving oracles, threats, reproaches, accusations, messenger formulas, and salvation speeches; judgment speeches to Israel, individuals, or other nations; the cry of woe, the legal procedure, the disputation, the parable, the lament, or the prophetic torah.² One of these speech forms is generally known to scholars as the "prophetic lawsuit," sometimes referred to as the "judgment speech," the "covenant lawsuit," or the "trial speech." 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.³ Gunkel argues that the prophetic lawsuit was a convenient form, because "the trial was a concrete situation with which everyone was familiar,"⁴ 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.⁵

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.⁶ 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.⁷ 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.

On first impression, it may seem odd to think of Benjamin's speech as a prophetic lawsuit, for his address is not heavily accusatory or legalistic. At no time does Benjamin enumerate a specific list of sins or transgressions committed by his people. Indeed, it appears that Benjamin's people were fairly righteous and well prepared to receive spiritual instructions from Benjamin and to enter into a covenant that required of them a high level of consecration of their resources and a mature degree of Christian devotion to God and their fellow beings. Moreover, when Benjamin told his people about his accomplishments as their king and the fulfillment of his duties

as their leader, he went out of his way to say that he had not made these declarations to his people in order to accuse them: “I have not done these things that I might boast, neither do I tell these things that thereby I might accuse you” (Mosiah 2:15).

These facts, however, do not mean that Benjamin absolved his people from all possible indictments. On the contrary, he mentioned their guilt on several occasions. He shook their blood from his garments (see Mosiah 2:28), and they perceived his admonitions as a call to personal repentance. The people viewed themselves in their sinful state and cried out that they might be forgiven of their sins (see Mosiah 4:2). The effect of Benjamin’s speech was so plain that even the little children could not misunderstand that they were subject to the rules and principles of God’s justice and mercy (see Mosiah 2:40). Thus Benjamin made his people aware of the inevitable judgments of God, their own culpability before him, and the only way by which they might stand blameless at the judgment day. These are the same results that the Israelite prophets sought to achieve through the rhetorical force of the prophetic lawsuit.

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. This is not to say, however, that they had nothing to fear or that they were absolved from all liability. Indeed, at the center of his speech, Benjamin 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, as Stephen Ricks has demonstrated and as others have concurred.⁸ 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.

In 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 *ABD*, 2:838–41. This chapter draws on research by Richard McGuire, a student in my ancient law class at the J. Reuben Clark Law School in 1983. Several other law students have worked with me in developing this material. An early version of McGuire’s paper has been circulated by FARMS. For further discussion of other prophetic lawsuits in the Book of Mormon, see the chapter on prophetic lawsuits in my forthcoming study on law in the Book of Mormon.
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. Nielsen’s monograph provides an excellent survey of biblical scholarship on the prophetic lawsuit, including a very useful bibliography.
4. Cited in *ibid.*, 6.
5. See Julien Harvey, “Le ‘Rib-Pattern’ requisitoire prophétique sur la rupture de l’alliance,” *Biblica* 43 (1962): 192, cited in Nielsen, *Yahweh as Prosecutor and Judge*, 18.

6. See Nielsen, *Yahweh as Prosecutor and Judge*, 27. Her four elements are a depiction of the scene of the trial, an accusation, a proffered defense, and a reference to a judgment; compare Psalm 82.
7. See Nielsen, *Yahweh as Prosecutor and Judge*, 22.
8. See Stephen D. Ricks, "The Treaty/Covenant Pattern in King Benjamin's Speech," *BYU Studies* 24/2 (1984): 151–62; see also his discussion of this subject, "Kingship, Coronation, and Covenant in Mosiah 1–6," in this volume; and Terrence L. Szink, "Israelite Festivals and Benjamin's Speech," presentation at the Ninth Annual FARMS Symposium on the Book of Mormon, 13 April 1996 (video available).