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## Excursus: The Voice of the People

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**Abstract:** The book of Mosiah ends with a dramatic rearrangement in Zarahemla's political landscape. Mosiah not only abdicated his throne; he symbolically destroyed it. He dissolved a monarchy in favor of a government headed by judges. What was this new government? How did it compare to the government by a king?

## Excursus: The Voice of the People

The book of Mosiah ends with a dramatic rearrangement in Zarahemla's political landscape. Mosiah not only abdicated his throne; he symbolically destroyed it. He dissolved a monarchy in favor of a government headed by judges. What was this new government? How did it compare to the government by a king?

Mosiah introduces this new political organization with the following injunctions:

Therefore, choose you by the voice of this people, judges, that ye may be judged 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.

Now it is not common that the voice of the people desireth anything contrary to that which is right; but it is common for the lesser part of the people to desire that which is not right; therefore this shall ye observe and make it your law—to do your business by the voice of the people.

And 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 29:25–27).

Verse 25 tells us three important things about the new government. First, authority would be vested in several judges rather than a single king. Second, they would judge according to law. Third, an important mechanism of government would be the “voice of the people.”

The rule of law is relatively easy to understand as our modern society is also governed by the rule of law. Even the system of judges is not too foreign to us. They formed a governmental hierarchy, with local judges reporting to higher judges:

And now if ye have judges, and they do not judge you according to the law which has been given, ye can cause that they may be judged of a higher judge.

If your higher judges do not judge righteous judgments, ye shall cause that 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 29:28–29)

The third element, “the voice of the people,” merits closer examination because we may too easily assume that it is likewise similar to familiar, modern political functions. President Anthony W. Ivins did so in associating it with American democracy: “This book [the Book of Mormon], as has been testified before, is the very embodiment of the spirit of Americanism. We hear a lot about

that in these days. In its simplicity it lays down those fundamental principles of democracy upon which every republican form of government must be based and rounded [sic]. It teaches us that there should be no king to dictate upon this land. It teaches us that the will of the people, the voice of the people shall govern.”<sup>1</sup> J. Keith Melville, an emeritus professor of political science at Brigham Young University, equates the Nephite judges with democracy:

The Book of Mormon contains several meaningful discussions of political values. For example, there is the prophet-king Mosiah’s comparison of the virtues and vices of monarchy with those of a democratic government. The ideal system, in Mosiah’s view, would be to have just kings who would “establish the laws of God” (Mosiah 29:13), but the prospects of wicked kings prompted him to advocate a system of government where judges, chosen by the “voice of the people,” would rule within constitutional guidelines and under the laws of God.<sup>2</sup>

However, Richard Lyman Bushman, Gouverneur Morris Professor of History emeritus at Columbia University, counters: “The ‘reign of the judges,’ as the Book of Mormon calls the period, was a far cry from the republican government Joseph Smith knew.”<sup>3</sup> John L. Sorenson notes much continuity between the monarchy and the rule of the judges:

The discourse on the subject of kingship delivered by King Mosiah II further points up features of the conventional system of kingly rule, with which he saw many problems. He mandated a change in the Nephite system of rule, providing for a chief judge whose powers were more limited than those of a king. However, in many ways the old customs and notions surrounding the king as head of government continued under the “new” system. For instance, judges too were considered “rulers,” who not only “reigned” and sat on “thrones” but controlled the distribution of the government’s resources obtained by tribute or taxation. The chief judge also led Nephite armies in battle.

Moreover, while the modified system of rule under the judges the people are said to have “cast in their voices” to choose the judges who would “rule” them, this would not have been anything like a “one-man, one-vote” election but probably was an expression of preference by the senior males who led the various kin groups (lineages) who would have arrived at their decision by consultation within their groups and spoke for their unit.<sup>4</sup>

While the voice of the people plays a more prominent role after the establishment of the reign of the judges, it was nevertheless a functioning part of

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<sup>1</sup>Anthony W. Ivins, *Conference Report*, Sunday afternoon, October 7, 1923, 146, on *GospelLink 2001*, CD-ROM (Salt Lake City: Deseret Book, 2000).

<sup>2</sup>J. Keith Melville, “Joseph Smith, the Constitution, and Individual Liberties,” *BYU Studies* 28, no. 2 (Spring 1988): 65.

<sup>3</sup>Richard Lyman Bushman, “The Book of Mormon and the American Revolution,” in *Book of Mormon Authorship: New Light on Ancient Origins*, edited by Noel B. Reynolds (Provo, Utah: BYU Religious Studies Center, 1982), 201.

<sup>4</sup>John L. Sorenson, *Nephite Culture and Society*, edited by Matthew R. Sorenson (Salt Lake City: New Sage Books, 1997), 202–3; internal references silently removed. Sorenson provides the following notes on the continuities: “See Alma 12:20 on a judge as ‘a chief ruler’ in the city of Ammonihah; Alma 35:5, 8, on ‘rulers’ among the Zoramites; Helaman 7:4–5, judges ‘do according to their wills’ and enrich themselves; Alma 60:1, 7, 11, 21, rulers ‘sit upon your thrones’; Alma 1:2, judges ‘reign,’ the same term used regarding kings; Alma 2:16, and compare Words of Mormon 1:14, the chief judge leads his forces into battle as had the king; Alma 60:19, 34–35, control of tax resources.”

the monarchical system. The earliest mention of the “voice of the people” being used in conjunction with a king is from Zeniff’s story. Zeniff was the leader of those who eventually colonized the city of Lehi-Nephi. Limhi, in giving his genealogy, explains: “I am Limhi, the son of Noah, who was the son of Zeniff, who came up out of the land of Zarahemla . . . who was made a king by the *voice of the people*” (Mosiah 7:9; emphasis mine).

It might be possible to read this statement as Zeniff’s “election” to kingship, since he apparently did not rule by lineal right, although his son, Noah, and grandson, Limhi, would. However, both Benjamin and Mosiah, who *did* rule by lineal right, also invoke this principle. Benjamin commented in his great public discourse: “But I am like as yourselves, subject to all manner of infirmities in body and mind; yet *I have been chosen by this people*, and consecrated by my father, and was suffered by the . . . Lord that I should be a ruler and a king . . .” (Mosiah 2:11; emphasis mine). Although Benjamin identifies the Lord as the ultimate source of his position, the proximate source is being chosen by the people.

The people’s participation in transferring the kingship reappears in Mosiah’s attempt to find a successor when his four sons opt for Lamanite missions instead of the throne: “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 and our ruler” (Mosiah 29:1–2; emphasis mine).

Just as Benjamin was “chosen” by the people, Mosiah solicited the people’s preference concerning which son should be the king. In most monarchies, the heir would have been undisputed. While these examples show that the voice of the people functioned in the most important political decision—the change of king—it was not confined to transferring political power. When Ammon and Limhi plan in the land of Lehi-Nephi how to escape Lamanite bondage, they “began to consult with the people . . . ; and even they did cause that all the people should gather themselves together; and this they did that they might have the *voice of the people* concerning the matter” (Mosiah 22:1; emphasis mine). And of course, the voice of the people was presumably mobilized on other decisions that would affect the entire community. The very fact that the voice of the people was functioning under the monarchy should alert us that it was not the same as modern voting or elections.

Just as the voice of the people functioned in installing a king, it was part of installing the judges, and presumably in the same way. During the reign of the judges, an official may have been appointed, or assumed his position by lineal right, but was still confirmed by the voice of the people. For instance, “Helaman, who was the son of Helaman, was appointed to fill the judgment-seat, by the voice of the people” (Hel. 2:2).

Note that Helaman<sub>2</sub> was “appointed,” but still “inherited” his father’s judgment-seat. The father-son lineage gave Helaman<sub>2</sub> a presumption of appointment. The people confirmed; they did not appoint. This was not an elected position. Even clearer was the case of Pacumeni: “Pacumeni was 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; emphasis mine). Thus, Pacumeni became chief judge both by lineal right and by the voice of the people.

A third example of this same conjunction of the voice of the people and an appointment in which they did not make the selection occurred when Alma<sub>2</sub> transferred the chief judgeship to Nephiah:

And he selected a wise man who was among the elders of the church, and gave him power according to the voice of the people, that he might have 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.

Now this man's name was Nephiah, and he was appointed chief judge; and he sat in the judgment-seat to judge and to govern the people. (Alma 4:16–17)

In this case, Alma<sub>2</sub> apparently had and exercised the prerogative of appointing his successor. His authority to do so was "according to the voice of the people," although this passage contains no specific details of how they communicated that authority. Based on the evidence examined to this point, I suggest that, in transferring political power, the voice of the people functioned as confirmation rather than election.

Nevertheless, in the Book of Mormon record, the voice of the people was active even when there were disputes. Indeed, those disputes are valuable in giving us new insights into how the voice of the people functioned. For example, Pahoran's service as chief judge generated such a dispute:

And those who were desirous that Pahoran should remain chief judge over the land took upon them the name of freemen; and thus was the division among them, for the freemen had sworn or covenanted to maintain their rights and the privileges of their religion by a free government.

And it came to pass that this matter of their contention was settled by the voice of the people. And it came to pass that the voice of the people came in favor of the freemen, and Pahoran retained the judgment-seat, which caused much rejoicing among the brethren of Pahoran and also many of the people of liberty, who also put the king-men to silence, that they durst not oppose but were obliged to maintain the cause of freedom. (Alma 51:6–7)

Significantly, Pahoran was already sitting as the chief judge. The dispute was whether to retain (confirm) him. In this case, the voice of the people seems to have functioned something like a vote of confidence in a parliamentary system.<sup>5</sup> If Pahoran had lost, he would have stepped down. Furthermore, the voice of the people had the power to quell (at least in this case) the opposing voice of the king-men.

This incident also reveals that the voice of the people was not only a representation of a statistical community voice; it was invoked in a general assembly. Similarly, Ammon and Limhi "did cause that all the people should gather themselves together; and this that they might have the voice of the people

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<sup>5</sup>Donald Arthur Cazier, "A Study of Nephite, Lamanite, and Jaredite Governmental Institutions and Policies as Portrayed in the Book of Mormon" (M.A. thesis, Brigham Young University, 1972), 87, 103, suggests that the voice of the people functioned as a vote of no confidence under the monarchy but was a more democratic institution under the judges.

concerning the matter” (Mosiah 22:1). When it was impractical to physically gather the people together, then the leaders took the question to the people. This approach reaffirms the communal nature of the voice of the people. When possible, they would gather to take the entire community “voice” and when that was not possible, the “voice” of the community was still sought, presumably through representatives of the kin groups (Mosiah 29:1, where Mosiah sent “throughout all the land” for the people’s voice on the next king, and Alma 27:21, when the chief judge sent a proclamation “throughout all the land” to obtain the voice of the people about arrangements for the people of Anti-Nephi-Lehi).

One case provides a little more information about how the “voice of the people” might actually function in decision-making:

Now this was alarming to the people of the church, and also to all those who had not been drawn away after the persuasions of Amlici; for they knew that according to their law that such things must be established by the voice of the people.

Therefore, if it were possible that Amlici should gain the voice of the people, he, being a wicked man, would deprive them of their rights and privileges of the church; for it was his intent to destroy the church of God.

And it came to pass that the people assembled themselves together throughout all the land, every man according to his mind, whether it were for or against Amlici, in separate bodies, having much dispute and wonderful contentions one with another.

And thus they did assemble themselves together to cast in their voices concerning the matter; and they were laid before the judges.

And it came to pass that the voice of the people came against Amlici, that he was not made king over the people. (Alma 2:3–7)

This passage describes the people’s assembling in groups, possibly several groups in several locations, and presumably at the village/town/hamlet level along kin-compound lines. The population was already too large to allow for a single assembly split into two. At each location, the two opposing bodies had “much dispute and wonderful contentions.” While this division may possibly have been figurative and the debates individual rather than communal, I argue that we should read this verse literally and as collective and organized (though not necessarily orderly) debates. The “voice of the people” appears to quite literally be a group function, not a synonym for ballot-casting. I propose that these groups, probably of men only, created vocal and “wonderful” shouting matches from two points of a public space, then men moving from one group to another as they were persuaded by the arguments. As one group attained the majority, the collective “voice” would be manifest in their increasing numbers, while the opponents’ numbers decreased. Therefore, the “vote” was determined for that village/town/hamlet.

Of course, this reconstruction is speculative, but the proposed details fit the descriptions. In some cases, contention may not have been a factor at all, as, for example, in confirming a seated king who already had the weight of lineage behind his selection. Mosiah’s succession from Benjamin would be such an example. The process of how the voice of the people functioned, however, is best seen in contested cases. In all cases, it appears to be very different from modern voting.