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The Reign of the Judges: An Outline of Nephite Government

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Abstract: The author discusses King Mosiah's political discourse in which he introduces a democratic government and does away with the autocratic government system of kings. Democratic laws that were implemented into the Nephite judicial system at this time include the right to appeal, capital punishment, cross examination, and religious freedom.

The Reign of the Judges

AN OUTLINE OF NEPHITE GOVERNMENT

BY ALTON C. MELVILLE

It was quite natural that as the need for organized government arose that an autocratic form should be adopted by the early Americans of the Book of Mormon. Their forefathers had been ruled by kings on the Eastern continent, then too, such an organization was the most simple and easily perfected. And so we observe that as the land became populated and the need for government arose, quite naturally, kings were chosen.

Later on, however, it was made known to the people by the inspired King Mosiah, in the far-famed political discourse which was published and sent throughout the land, that as a general rule it was not a good policy to have a single autocrat to rule them. He went on to explain that while there had been many good and just kings, yet to leave the political destiny of a people in the hands of a single autocrat, in all probability, an unjust ruler would sooner or later gain the throne, to the grave danger of the governed. A king might be desirable, he continued, when men become better able and more honest, but not at that time. (Mosiah 29:4, 13.) Mosiah probably bore in mind also the divine decree promulgated by Nephi and others that kings should not be allowed to rule in this chosen land. (2 Nephi 10:11.)

Being divinely inspired concerning this matter, and realizing that he was becoming aged, King Mosiah prepared to "newly arrange" the political affairs of his people on a more democratic basis. In this famous address on political science he advised the citizens to appoint judges and to carry on the affairs of the government by the voice of the people. The plan was presented to the people of his kingdom who almost unanimously expressed favor toward the plan, and thereupon assembled at the polls and chose their judges, with

Alma, son of Alma, as the chief judge. There are many interesting phases of this unique governmental plan, many of which are remarkably similar to our present democratic government.

The Right of Appeal. On questions of law, as is the case under the United States government today, King Mosiah recommended the right of appeal from a lower judge to one higher in authority. In case one of the parties still felt that the case was not rightly decided, a second court of appeal was arranged for, to be composed of a small number of the lower judges. (Mosiah 29:28-29.)

Capital Punishment. One of the first cases brought before Alma, the first chief judge under this new regime, was a complaint against Nehor. This man, during a heated argument with a member of the church, became very angered, and drawing his sword, slew his contender. It was clearly a case of killing another with malice aforethought, and today would probably be considered as first degree murder. After hearing the case, Alma found him guilty under the law accepted by the people, and he was thereupon condemned to die, which sentence was duly executed. (Alma 1:1-15.)

The capital punishment law is again emphasized wherein it says, "the law requireth the life of him who hath murdered." (Alma 34:12.) Later it appears that before a sentence of capital punishment could be executed the death warrant had to be signed by the governor. Herein lies a remarkable similarity to our State laws, which also gives to the governor the power to commute a death sentence.

Martial Law. An instance of martial law being executed temporarily among the Nephites is recited. (Alma, chapter 51.) There was a class of proud, would-be aristocrats, who opposed free government

as it then existed and desired that a king be substituted in place of the chief judge. A referendum was taken in which the majority of the people declared themselves favorable toward the present government. These antagonists, or "king-men," as they were called, were not satisfied, but pressed their cause. During this agitation the Lamanites were entering the borders of their land and threatening the people. The king-men refused to take up arms or to defend their country. Moroni, who was head of the Nephite army, thereupon presented a petition to the chief judge asking for authority to compel the support of these dissenters. The petition was granted and Moroni immediately proceeded to exercise this grant of authority. Submission of the dissenters came only after four thousand of them were slain, and a large number imprisoned without trial, pending the outcome of the ensuing battle with the Lamanites. The remainder of the king-men enlisted with Moroni.

Remuneration. A system of not only paying lawyers, but also of paying their judges for the actual time spent in the trial of a case was their practice. A likely result of this system of remuneration was for some to seek personal enrichment, to the sacrifice of justice and service. (Alma 10:32; 11:1.)

Cross-Examination. It was under this

system which tended toward money-corruption that the Prophet Alma, who was accused of false preaching, was arraigned for cross-examination. Zeezoram, a clever lawyer of that time, conducted the examination. His questions, with Alma's firm and sincere replies, availed nothing toward Alma's conviction. (Alma 11:21.)

Religious Freedom. Religious freedom under the reign of the Judges was a guarantee to all. Christian and atheist alike, were allowed to preach their beliefs. We have the instance of Korihor, who was given protection in his atheistic preaching. (Alma 30:7-9.)

The Reign of the Judges lasted for nearly forty years, and from all indications was quite efficient, especially as compared with other forms of government which they later tried. Eventually, the people fell victim to the dangers pointed out by King Mosiah. A conspiracy was successful, wherein the chief judge was murdered on the judgment seat, and the government overthrown. The conspirators' plan to set up a kingdom, however, failed, and the result was that the people were divided into many tribes, each having its own code of laws and tribal leader. Such was the unfortunate political condition of the people just prior to the coming of the Savior. (3 Nephi 6:30.)

Try, See the Other Side

We often hastily blame for guilt and judge for sins unseen,
And take the words of meager souls who tells us the unclean.
But, stop, my brother, do not judge nor lend your tongue to shame,
But let your heart be big and broad, treat fellow men the same.

Then scale the hilltop with the just, and see the other side,
For face the truth you sometime must; have you kept trust or lied?
It matters not what means you hold, it matters not the rank,
But only that the truth you told when you of favors drank.

Try, see the other side for once, if you are told the worst,
There's bound to be some sunshine there if you will only search.
You'll know that truth most precious is in all this world so wide;
When slanders reach you, brother; try to see the other side.