



Type: Book Chapter

The Trial of Alma and Amulek

Author(s): John W. Welch

Source: *The Legal Cases in the Book of Mormon*

Published: Provo, UT; BYU Press/Neal A. Maxwell Institute for
Religious Scholarship, 2008

Pages: 237-271

CHAPTER EIGHT

THE TRIAL OF ALMA AND AMULEK



Nine years after the execution of Nehor and four years after Alma's military victory over Amlici, who was an ardent follower of Nehor (Alma 2:1), Alma relinquished the judgment seat to Nephihah (4:15–18) and set out on a religious mission to preach the word of God, to recommit the righteous (5:26), and to excommunicate the unrepentant (6:3). After considerable success in the cities of Zarahemla, Gideon, and Melek, Alma met the greatest challenge of his tenure as high priest upon arriving at the city of Ammonihah. While Alma's prayers that he might win a few converts in Ammonihah were answered by the conversion of a few local residents who believed and repented (8:10; 10:10; 15:1–3), he and his main convert, Amulek, were arrested, accused, and held by these Nehorites for more than a month in prison.

Nehorism had taken so firm a hold in Ammonihah that one wonders if it might not have once been Nehor's home or primary region. Not only was the chief judge in that city a leader "after the order and faith of Nehor" (Alma 14:16), but the general population there subscribed to Nehorism and refused to acknowledge Alma's priesthood, all of which is evident from their words and deeds, the popularity of Zeezrom's arguments, and the fierce hostility harbored by the people against Alma (8:12–13). Moreover, when Ammonihah was destroyed, it was called the "Desolation of Nehors" (16:11).

Alma 8–14 gives a jarring account of Ammonihah's perversion of justice. In this case, Alma and Amulek were wickedly imprisoned, and the women and children of their followers were viciously executed. These manifold miscarriages of justice and administrative abuses, coupled with the conclusive denomination of the city of Ammonihah as an apostate city, provided irrefutable evidence that divine justice was properly served when that city was reduced to a putrid heap shortly afterward by an invading Lamanite army.

Alma and Amulek's experiences in Ammonihah also reveal much of the Hebraic legal traditions inherited by the Nephites. While only a few elements of these proceedings are mentioned expressly in Alma 9–16, they provide interesting insights about the legal system in Ammonihah during the early years of the Nephite reign of judges.

The account recorded in these eight chapters bears the definite fingerprints of Alma as a firsthand participant in the events that transpired during these unforgettably searing months. The account is lengthy and detailed. Speeches and statements by accusers and interrogators are presented in the kind of insightful depth and legal precision that would be worthy of a person, such as Alma, who had extensive experience in the administration of justice. Moreover, the closing of this case in Ammonihah tied up the last remaining loose end in Alma's legal, political, military, and religious campaigns against Nehorism. The destruction of Ammonihah vindicated Alma's determined civic stance. With the eradication of this nest of unrighteousness, Alma's priestly duties were also fulfilled, ridding the land of Zarahemla of this source of abominations. The case also had great personal significance for Alma. Several years later, he would poignantly remember being delivered "from prison, and from bonds, and from death" (Alma 36:27), almost certainly referring to his imprisonment here in Ammonihah. In addition, the conversion of the very shrewd lawyer Zeezrom, whom the record goes out of its way to present as a formidable forensic opponent, must have been especially gratifying to Alma, the former judge. By giving such a full account of Amulek's faithfulness, Alma certainly went a long way toward validating Amulek in the eyes of his associates in Zarahemla. When he returned to Zarahemla with Amulek, he took him into his confidence as a prominent companion in church affairs (Alma 31:6). While Mormon for various reasons would have found this episode worthy of occupying so much space in his final abridgment of the Nephite records,¹ many factors in this account point strongly and reliably toward Alma as its primary author.

"Thou Hast No Power over Us"

Alma went to Ammonihah "to preach the word of God unto them" (Alma 8:8). He exercised faith and prayed, pleading with the Lord to pour out

1. Mormon took particular interest in bringing people to repentance and to walk in wisdom's paths (Helaman 12:5, 22), warning people that they will be destroyed if they reject the prophets (Mormon 1:19) and preparing people to "stand before the judgment-seat of Christ, to be judged according to [their] works" (Mormon 6:21). All of these themes are strongly manifested in the words of Alma and the events that ensued upon their rejection.

his Spirit upon the people, but “Satan had gotten great hold upon the hearts of the people” (v. 9), and they would not listen. Raising a serious jurisdictional objection both as text and pretext, the people of Ammonihah argued that “because we are not of thy church we know that thou hast no power over us” (v. 12). They resisted Alma’s words and treated him rudely and disrespectfully: they reviled him, spat on him, and cast him out of the city (v. 13).

While it was a crime to curse a political ruler under the law of Moses (Exodus 22:28)—to which the Nephite people adhered (2 Nephi 25:24)—Alma was no longer the chief judge over the land; he was now only the high priest (Alma 8:11). Apparently the people of Ammonihah depended heavily on this jurisdictional argument in justifying their position and in rationalizing their behavior. Perhaps they based their reasoning on the fact that an extraordinary grant of authority from King Mosiah to Alma the Elder had been required to give Alma the Elder authority to judge others in religious matters (Mosiah 26:8, 12), and now that Alma the Younger was no longer the chief judge he lacked any such authority with respect to the city or people of Ammonihah. Even more to the point, perhaps they recalled that Alma himself had taken jurisdiction over the trial of their leader Nehor—a judicial assertion of power to which the people of Ammonihah no doubt objected and took exception. For that reason, perhaps, they intentionally turned the tables on Alma and taunted him because he no longer held political jurisdiction over their city.

At this time in Nephite history, “the law could have no power on any man for his belief” (Alma 1:17; see 30:7). Therefore, even though Alma was the high priest over the land of Zarahemla, people in that land were free to distance themselves from any particular religious organization. Thus, religious iniquity or sinfulness in Ammonihah was protected under the law of Mosiah from legal prosecution, unless it resulted in prohibited overt conduct. Being wicked or apostate were religious offenses for which the people of Ammonihah could not be officially punished, either under the laws of the land or by the church over which Alma had authority (8:12).

After being rejected on the basis that he had no authority over the people, Alma left Ammonihah but was soon commanded by God to return and condemn the city: “Say unto them, except they repent the Lord God will destroy them,” for they had begun to “study” ways in which they might “destroy the liberty of thy people” (Alma 8:16–17). Because they sought to destroy the liberty of the people in the land of Zarahemla, the warning decree set forth nothing less than their own destruction.²

2. Indeed, destruction becomes a dominant leitmotif in chapters 9–16: the words *destroy*, *destroyed*, and *destruction* are found a total of thirty-five times throughout this narrative.

Alma Received by Amulek

Alma returned to Ammonihah and was received by Amulek, a prominent local resident of the city. Amulek was proud of his distinguished Nephite ancestry (Alma 10:2–4), but it probably alienated him from the anti-Nephite crowd in Ammonihah. Amulek’s family was probably used to distinction, as shown by Amulek’s awareness (and apparently his audience’s as well) of his ancestor who interpreted miraculous writing on the temple wall (v. 2). Amulek himself soon received guidance from an angel of the Lord. On the fourth day of the seventh month, Amulek left home to visit close kindred (vv. 6–7). Perhaps he and his family were on their way to celebrate a traditional Israelite feast with extended family, for the seventh month was a prime festival time on the annual calendar under the law of Moses. Indeed, if the Nephite calendar began the year in the fall, then their seventh month fell in the spring and was the month of Passover; otherwise, if their calendar began in the spring, the seventh month was in the fall, the time of Rosh Hashanah, the Feast of Tabernacles, and Yom Kippur.³ Assuming that Amulek was traveling to be with his close family relatives during the Passover season, perhaps he anticipated that Elijah was coming when the angel told him to return home to “feed a prophet of the Lord” (v. 7).⁴ Although the visitor turned out not to be Elijah coming before “the great and dreadful day of the Lord” (Malachi 4:5), Alma did come to announce the day of destruction in the city of Ammonihah. Indeed, in that very year, the destroying angel passed over only the few in that land who were willing to receive Alma’s message.

Alma stayed as a guest in Amulek’s household. In ancient society, an out-of-town traveler typically needed to have a local patron in order to re-

3. For a discussion of the ancient Israelite calendar and the festivals of the first and seventh months, see Terrence L. Szink and John W. Welch, “King Benjamin’s Speech in the Context of Ancient Israelite Festivals,” in *King Benjamin’s Speech: “That Ye May Learn Wisdom,”* ed. John W. Welch and Stephen D. Ricks (Provo, UT: FARMS, 1998), 147–223, esp. 149–58.

4. Elijah called himself “a prophet of the Lord” in his famous confrontation against the priests of Baal: “I, even I only, remain a prophet of the Lord” (1 Kings 18:22). Although this title appears on a few other occasions in texts about the time of the First Temple (1 Samuel 3:20; 1 Kings 22:7; 2 Kings 3:11; 2 Chronicles 28:9), Elijah’s declaration to the people that he alone remained as “a prophet of the Lord” could well have associated him with this distinctive title, which is the precise phrase used by the angel who spoke to Amulek. The return of Elijah, who was taken up into heaven (2 Kings 2:11) was prophesied as early as Malachi 4:5, a little after the time of Lehi. Although the traditions about the cup of Elijah at Passover and his role at the judgment of the world cannot be documented into pre-exilic times (Abraham P. Bloch, *The Biblical and Historical Background of Jewish Customs and Ceremonies* [New York: KTAV, 1980], 237–39), Elijah loomed large enough in pre-exilic Israel that expectations of his return may have originated in that era.

main legally or comfortably within a city.⁵ Amulek's hospitality may have rankled his fellow citizens, for Alma had already been expelled from town (Alma 8:13). Although Alma prudently waited awhile before he began preaching to the townspeople, it seems unlikely that he, a person of public stature, could have remained at Amulek's home for some time ("many days," according to v. 27) without his presence there becoming somewhat known in the community. Hosting Alma must have sooner or later ostracized both Amulek and his family socially since Amulek's actions were, in effect, acts in defiance of the prior determination of the town elders who had expelled Alma.

After "many days" as a house guest instructing Amulek, Alma spent a few days preaching and converting a group of loyal followers (Alma 14:7) before he and Amulek were cast into prison, where they likewise spent "many days" (v. 22). They were liberated on the twelfth day of the tenth month when the walls of the prison were brought down on their accusers (vv. 23–27). There was a total of three months and eight days (about one hundred days) between Alma's return to Ammonihah and this deliverance from prison. If this total time was divided about equally between two periods of "many days," Alma and Amulek first spent about fifty days together before their imprisonment and then suffered about fifty days in prison. However, if Alma and Amulek delivered their public message during or at the end of that same "seventh month" (as might be indicated in Amulek's speech when he said, "I went on rebelling against God, in the wickedness of my heart, even until the fourth day of *this* seventh month," 10:6), then Alma spent about twenty-five days instructing Amulek and his group of converts, and he and Amulek spent the eighth, ninth, and part of the tenth month, or about seventy-five days, in prison.

After those days of instruction and private association with Alma, Amulek was converted and called to "go forth and prophesy" that if the people would not repent, the Lord would not turn away his "fierce anger" (Alma 8:29). Amulek accepted the call, and together he and Alma commenced their public mission (9:1). The exact text and precise date of their judgment speech is not known, but fifty days after Passover would place their public declaration, like Abinadi's, very close to the time of the Feast

5. "Travellers often had no alternative to using private hospitality. And private hospitality continued to play a significant role long after the increased pace of movement had planted inns all over the land. Traders counted on being lodged with business associates, the noble or wealthy with their influential friends, and the humble with whoever would take them in. Families in different cities united by ties of friendship extended hospitality to each other from generation to generation." Lionel Casson, *Travel in the Ancient World* (London: George Allen & Unwin, 1974), 87.

of Pentecost, a time traditionally associated with remembering the law and calling the nation to repentance.⁶

Evidently, Alma prophesied that the earth would pass away (Alma 9:2) and that the city of Ammonihah would be destroyed “in one day” (v. 4). The people of Ammonihah found these two ideas preposterous, but Alma’s prophecy about the single-day destruction was eventually fulfilled and duly recorded (16:10).

The Need for Two Witnesses

The people of Ammonihah rejected Alma’s testimony out of arrogance and incredulity, to be sure, but their rejection also had legal grounds. Their penchant for legal detail manifests itself when they reject Alma’s testimony on the technicality that he appeared to be a sole witness or testifier.⁷ Rather than addressing the truthfulness of Alma’s claims by accusing him of being a false witness or a false prophet (as had been the failed strategy of King Noah and his priests against Abinadi), these people argued that if God were to condemn this city as an apostate city, he would need more than one witness to stand against it in such a weighty matter: “Who art thou? Suppose ye that we shall believe the testimony of one man, although he should preach unto us that the earth should pass away? . . . Who is God, that sendeth no more authority than one man among this people?” (Alma 9:2, 6). An accusation such as this one for apostasy, they correctly and forcefully argued, needed to be supported by two witnesses: “If there be found among you, within any of thy gates . . . transgressing his covenant, and hath gone and served other gods, . . . at the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death” (Deuteronomy 17:2–6). In general, pentateuchal law required that “one witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established” (19:15; see 17:6; Numbers 35:30; 1 Kings 21:10).⁸

6. See the discussion of Pentecost in connection with the trial of Abinadi, in chapter 6 above.

7. On the problem of single witnesses, see Bernard S. Jackson, “Two or Three Witnesses” and “*Testes Singulares* in Early Jewish Law and the New Testament,” in *Essays in Jewish and Comparative Legal History*, ed. Bernard S. Jackson (Leiden: Brill, 1975), 153–71, 172–201.

8. On the strong need for two or three witnesses in order to constitute sufficient testimony, especially in the absence of any other documentary or physical evidence (as was the case in Ammonihah), see Bruce Wells, *The Law of Testimony in the Pentateuchal Codes* (Wiesbaden: Harrassowitz, 2004), 84–108. See generally Haim H. Cohn, “Evidence,” in *The Principles of Jewish Law*, ed. Menachem Elon (Jerusalem: Keter, 1975), 599; Cohn, “Witness,” in Elon, *Principles of Jewish Law*, 605–6; Zeev W. Falk, *Hebrew Law in Biblical Times: An Introduction*, ed. John W. Welch, 2nd ed. (Provo, UT Brigham Young University Press; Winona Lake, IN: Eisenbrauns, 2001), 59;

This rule was especially well established and observed about the time of Lehi and during the Neo-Babylonian period.⁹

However, Abinadi had testified alone in the city of Nephi (Mosiah 11:20), and Alma had worked alone in the cities of Zarahemla, Gideon, and Melek (Alma 5:1–2; 6:7–8; 8:4). Prophets delivering judgment speeches or messages of destruction in the Old Testament usually stood and spoke alone, sometimes calling on heaven and earth or prior prophets as their corroborating witnesses. Further, a prophetic warning, accusation, or call to repentance was not precisely equal to a legal indictment.¹⁰ In Ammonihah, however, given the hardness of these people's hearts, a single witness (especially Alma's testimony) would not suffice. Perhaps the people sensed the imminent legal implications that attended Alma's denouncing them as an apostate city, and thus they demanded stronger testimony. In any event, by demanding a second witness, the people of Ammonihah moved Alma's encounter from the sphere of religious exhortation to the domain of the law and unwittingly laid the groundwork for the entrance of Amulek as the required second witness only a short time later.

Moreover, because they invoked the two-witness rule, it seems that the Nehorites accepted the validity of the law of Moses, at least with respect to such points of civil procedure. Similarly, because they believed that God had created all men and had redeemed all men (Alma 1:2–4), it appears that they did not object in principle to the concept of redemption, an important element of the law of Moses; they simply believed that all people had been redeemed. They were not, however, nihilists, anarchists, or antinomians; they clearly took cover behind certain technicalities of the law, and they alleged that Alma had crossed over a legal line by testifying against them. Accordingly, when Alma had made his point, the people tried to lay their hands on him (9:7). Perhaps they thought they could punish him as a single, and therefore false, accuser or on some other legal ground.

Alma's Testimony concerning Accountability

Alma answered the Nehorites' tactic with another bold testimony and interesting response (Alma 9:8–30). His line of reasoning focused on their

Hyman E. Goldin, *Hebrew Criminal Law and Procedure* (New York: Twayne, 1952), 234–36; and James E. Priest, *Governmental and Judicial Ethics in the Bible and Rabbinic Literature* (New York: KTAV, 1980), 262.

9. F. Rachel Magdalene, "On the Scales of Righteousness: Law and Story in the Book of Job" (PhD diss., University of Denver and Iliff School of Theology, 2003), 83nn136–38; and Wells, *Law of Testimony in the Pentateuchal Codes*, 108–26.

10. See further the discussion of the prophetic lawsuit in John W. Welch, "Benjamin's Speech as a Prophetic Lawsuit," in *King Benjamin's Speech*, 225–32.

degree of accountability: the higher their level of knowledge, the greater their accountability. His words to the people were firm, reminding them first of their past and asking how it was possible that they could have forgotten the experiences of their fathers and the commandments and blessings of God (vv. 8–10). He cited the Lamanites as a case in point of those who did not keep the commandments and were “cut off from the presence of the Lord” (9:13). Nevertheless, he argued, the Lamanites will fare better “in their state of ignorance” (v. 16) than the people of Ammonihah who transgress “after having had so much light and so much knowledge given unto them” (v. 19); for the Lamanites sin in ignorance, but the people of Ammonihah act in rebellion (vv. 16, 24).

As a principle of law, as well as doctrine, greater understanding implies a higher level of culpability. For example, according to Exodus 21:29, if a man knows that his ox is prone to gore people and the ox kills someone by goring, the owner, as well as the ox, is put to death. Under Jewish law, ignorance of the law was not an excuse that completely exculpated the transgressor;¹¹ but one’s degree of knowledge affected the availability of atonement and forgiveness. Atonement was possible and necessary under the law of Moses for sins committed in ignorance (Numbers 15:27–28). Open rebellion, however, was much more difficult to deal with—if not unforgivable (Numbers 15:30–31; Mosiah 2:33–38). Accordingly, Alma’s argument agrees with ancient jurisprudence as well as with sound doctrine: mercy would be far more readily available to the Lamanites than to the Ammonihahites.

Because their hearts were grossly hardened, the people of Ammonihah were condemned several times by Alma to “utter destruction” (Alma 9:12, 18, 24; 10:18, 22). Alma specifically prophesied that “the Lamanites shall be sent” to bring about that utter destruction (Alma 9:18). The words “utter destruction,” “utterly destroy,” and similar phrases appear almost exclusively in scripture in the Old Testament and in the Book of Mormon. This expression may have had legal connotations. Its main occurrences in the Pentateuch refer to the prescribed annihilation of the Canaanite cities during the Israelite conquest (Numbers 21:2; Deuteronomy 7:2; 12:2; 20:17), and in the historical and prophetic books it is often associated with destroying idolaters, notably the heinous Amalekites (1 Samuel 15; Isaiah 2:18). Thus, in addition to being extremely provocative, this rather distinctive expression appears to have been reserved for use in terminally

11. Haim H. Cohn, “Penal Law,” in Elon, *Principles of Jewish Law*, 473–74, ties the excuse of ignorance to the talmudic insistence on prior warning. Falk, *Hebrew Law in Biblical Times*, 69, points out that “ignorance of the law” was recognized as an excuse, but “atonement for his misdeed” was still required.

idolatrous cases. Alma's repeated pronouncement of this ultimatum categorized the city of Ammonihah with the worst of the wicked cities ever placed under the divine judgment of obliteration and threatened the city with total eradication and disappearance.

In response, the people immediately sought to imprison Alma (Alma 9:31–32). Even though their Nehorite doctrine, in theory, avowed belief in a God who would redeem all people, Alma's words in Alma 9 were extreme and could not be ignored. The people of Ammonihah lost their composure and became "angry" with Alma, specifically when he accused them of being "a lost and a fallen people" (vv. 30, 32). To these legally minded people, the offensive connotations of being consigned to "utter destruction" escalated to a nearly criminal accusation in the threatening implications of Alma's words when he called them "a lost and a fallen people." Alma thereby effectively identified them as an apostate people under Deuteronomy 13, making them subject to the mandate of annihilation.¹²

The Law of Apostate Cities

As I have shown in more detail elsewhere, it appears highly likely that Alma had Deuteronomy 13:12–17 specifically in mind in his accusation of the wicked people in the city of Ammonihah.¹³ That legal text provided that an apostate city should be destroyed and anathematized in a particular way, involving a thorough investigation that produced clear evidence that the inhabitants of the city had withdrawn to serve other gods and had become "children of Belial" (or of Satan, Alma 8:9), followed by execution by the sword, leaving the city as "an heap for ever" (Deuteronomy 13:16). Of course, Alma no longer commanded the armies of the Nephites, and thus he did not have the military power at his disposal to carry out the destruction of an apostate city by his own physical means, but in due time God brought the scourge of war upon the city of Ammonihah at the hands of an invading Lamanite army that would "slay the people and destroy the city" utterly, killing "every living soul" (Alma 16:2, 9).

Amulek's Testimony of Alma's Truthfulness

As Alma was about to be taken to prison, Amulek stepped forward to stand as a second witness in support of Alma's testimony. It must have

12. See generally Raymond Westbrook, "Punishments and Crimes," in *The Anchor Bible Dictionary*, ed. David Noel Freedman et al., 6 vols. (New York: Doubleday, 1992), 5:546–56.

13. John W. Welch, "The Destruction of Ammonihah and the Law of Apostate Cities," in *Reexploring the Book of Mormon*, ed. John W. Welch (Salt Lake City: Deseret Book and FARMS, 1992), 176–79; and "Law and War in the Book of Mormon," in *Warfare in the Book of Mormon*, ed. Stephen D. Ricks and William J. Hamblin (Salt Lake City: Deseret Book and FARMS, 1990), 91–95.

taken extraordinary courage for Amulek to rise to this occasion. Up to this point, nothing of a public nature had indicated that anyone could or would be available to serve as a second witness, or more technically as a second accuser, in support of Alma.¹⁴ Amulek proved faithful and potent on this occasion. Later he would similarly serve at Alma's side as a second witness in the wicked Zoramite city of Antionum (Alma 31–35), once again satisfying the demands of the two-witness rule.

Amulek first established and qualified himself as a credible witness by stating his genealogy and his economic status in the community (Alma 10:2–4). One wonders why Amulek introduced himself this way: perhaps he was somewhat unknown to some groups of people in the city, or perhaps it was simply natural and typical for Nephite witnesses to state their credentials at the beginning of their testimony.

Amulek next testified that an angel had told him that Alma was a holy man, and he swore with a solemn oath—"as the Lord liveth"—that Alma spoke the truth (Alma 10:9–10). The swearing of such an oath not only enhanced the seriousness of a witness's demeanor but also exposed him to divine punishment should the testimony be untrue. The commandment "Thou shalt not take the name of the Lord thy God in vain" (Exodus 20:7) has been interpreted to have applied originally to judicial settings and to have prohibited witnesses from implicating God in their act of perjury or false swearing.¹⁵ Moreover, "typically, ancient Near Eastern courts did not impose penalties for false accusation when [the accusers] utilized the oath. Instead, they transferred the responsibility for the execution of justice and the imposition of punishment to the divine realm."¹⁶ Thus, by swearing a divine oath, Amulek may well have shielded himself from human remonstrance but exposed himself to divine retribution.

The initial reaction of the people to Amulek's legal maneuver was astonishment (Alma 10:12). The details of Amulek's testimony must have taken them quite by surprise. Some of the people wanted to question Alma and Amulek further, scheming to "catch them in their words, that they might find witness against them," and seeking one of two possible punishments for Alma and Amulek: death or imprisonment (v. 13). But

14. For more on witnesses, see Pietro Bovati, *Re-Establishing Justice: Legal Terms, Concepts and Procedures in the Hebrew Bible* (Sheffield, England: JSOT Press, 1994), 236, 263.

15. See Exodus 20:7; Deuteronomy 5:11; Leviticus 19:12; Psalm 24:3–4; Ecclesiastes 9:2; Jeremiah 5:2; Zechariah 8:15–17; Matthew 5:33–39. "He who takes the oath before God (cf. Ex. 22:7–8, 10) brings God's curse on himself if he perjures himself." Haim H. Cohn, "Ordeal," in Elon, *Principles of Jewish Law*, 524. "False or useless swearing by God is one of the grave sins prescribed in the Decalogue." Cohn, "Oath," in Elon, *Principles of Jewish Law*, 616.

16. Wells, *Law of Testimony in the Pentateuchal Codes*, 146.

Amulek, perceiving the plot of the lawyers “as they began to question him” (v. 17), seized the opportunity and took the offensive.

Amulek’s Defense and Statement on Collective Responsibility

Amulek did not wait to be questioned. He proceeded immediately to defend himself, accusing the people of “laying traps and snares to catch the holy ones of God” and calling the people “wicked and perverse” (Alma 10:17). Amulek’s words may well have recalled Isaiah’s curse on those who “lay a snare for him that reproveth in the gate” (Isaiah 29:21), in other words, a curse on those who try to trip up plaintiffs who bring valid actions against the wicked at the town gate or in a public proceeding. To the ancient mind, Amulek’s accusation that the people were laying “traps and snares” would have been especially effective since such conduct was unquestionably premeditated. Lying in wait to catch and slay another person, for example, was expressly condemned as reprehensible and despicable conduct (Exodus 21:13–14).

Amulek next made a strong statement about the collective responsibility of people for their ultimate preservation or destruction (Alma 10:22–23). Comparing the situation in Ammonihah to the wickedness of the world “in the days of Noah,” Amulek declared that “if it were not for the prayers of the righteous, who are now in the land, that ye would even now be visited with utter destruction” (v. 22). Only by such intercessory prayers were the people collectively spared, and accordingly, “if ye will cast out the righteous from among you then will not the Lord stay his hand; but in his fierce anger he will come out against you” (v. 23). Either through repentance or through rejection of the righteous few, those residing in Ammonihah would choose to rise or fall together.

This concept of collective or corporate responsibility was an important element in ancient Israelite jurisprudence that surfaces at several stages of this case. Under this basic sociolegal concept, each person in a group was held responsible for the collective conduct of “the whole.” Thus the blessing or cursing of an entire land or town or family turned on the behavior of any and all of its members. Nuances in the degree of one’s culpability or responsibility were overridden by this dominant sense of collective well-being.

The notion of collective responsibility manifests itself on several occasions in the Bible, but nowhere is it more pronounced than in Joshua 7. After divine influence had detected that an Israelite soldier named Achan had violated orders by hiding under his tent floor the booty he had taken in battle, he and his sons and daughters (presumably unaware of what Achan

had done), along with all of his animals and property, were stoned to death and burned (vv. 24–25). Other soldiers and all Israel seemed to be suffering innocently because of Achan’s wrongdoing. Likewise, in 2 Samuel 21:1–14, one encounters the idea that the bloodguilt of Saul was visited upon him and upon his entire house collectively. Several other biblical texts assume that the nation can be punished for the wrongs of the king.¹⁷

While modern Western minds might think it unfair for God or society to hold all people in a family or city equally culpable for the wrongs of a few, as a very practical matter the fortunes of ancient communities rose or fell in several immediate senses on the conduct of each and every member. Economically, socially, politically, militarily, and in many other ways, the daily survival of most ancient peoples depended directly on the success and cooperation of the entire group. The fates of entire armies were determined by the success or failure of their heroes, such as David and Goliath, Achilles and Hector, or perhaps to some extent in the face-off between Alma and Amlici (Alma 2:29–33). Thus the idea of collective justice was a significant principle of ancient law, often given precedence over the ideas of individual merit or responsibility, as is widely discussed by biblical law scholars and in classical literature.¹⁸ The concept of collective responsibility also surfaces many times in the Book of Mormon.¹⁹

Joel S. Kaminsky has written the most recent major treatise on the ancient Israelite concept of collective justice.²⁰ Among other things, he shows that this concept is best understood as a composite of several theological and human elements. Theologically, it draws conceptual energy from the ideas of divine justice and divine anger; it grounds its legitimacy in the idea of covenant, and it seems fair and plausible in light of the

17. Joel S. Kaminsky, *Corporate Responsibility in the Hebrew Bible* (Sheffield, England: Sheffield Academic Press, 1995). On pages 67–95, Kaminsky provides a thorough analysis of Joshua 7, and on pages 96–113 he discusses 2 Samuel 21. For further discussion by law student Andrew G. Cannon, see “We’re All in the Same Boat: Old Testament and Book of Mormon Concepts of Corporate Responsibility as a Complement to Individual Responsibility for Describing Our World” (2006, paper in the Howard W. Hunter Law Library, Brigham Young University).

18. For example, Falk, *Hebrew Law in Biblical Times*, 67–70.

19. Solid papers that have been written over the years on this topic by students in my law school course on ancient laws in the Bible and Book of Mormon include Geoffrey Potts, “Communal Liability and Joint and Several Liability” (1989, paper in the Howard W. Hunter Law Library, Brigham Young University); and Jeffrey B. Teichert, “The Principle of Collective Salvation in Ancient Israelite Law” (1994, paper in the Howard W. Hunter Law Library, Brigham Young University).

20. Kaminsky, *Corporate Responsibility in the Hebrew Bible*. For further thoughts about the limited circumstances under which group responsibility applies both in ancient and in modern times, see Saul Levmore, “Rethinking Group Responsibility and Strategic Threats in Biblical Texts and Modern Law,” *Chicago-Kent Law Review* 71, no. 1 (1995): 85–121.

willing acceptance by people of collective benefits and religious blessings. On the human side, collective responsibility emerges from the general consequences that are naturally thought to arise from human error, sin, and culpability. Bloodguilt also plays a role, making all people subject to the taint. Royal responsibility is also a major factor: if the king is unrighteous, all the people will suffer, and the people are responsible because they requested a monarch (Deuteronomy 17:14; 1 Samuel 8:5). The biblical view of justice is grounded, especially in Deuteronomy, in a strong collective sense of “you” and a vivid sense of divine reward or punishment for collective behavior. Drawing these disparate elements together, Kaminsky argues that the biblical concept of justice is a coherent idea, even though it is a complex mixture of many elements. Accordingly, one need not conclude that the God of biblical justice is arbitrary or unfair. God’s wrath and anger may be unleashed, especially for a violation of holiness, even if the transgression is inadvertent.

Amulek understood and invoked many of these elements that played a role in shaping the ancient concept of collective responsibility. He explicitly mentioned divine justice: that God cries by the voice of his angels that he will come down “with equity and justice in my hands” (Alma 10:21). He referred to God’s anger: that “in his fierce anger he will come out against you” (v. 23). Amulek cited the group’s choice as a source of collective responsibility, warning that destruction will follow “if the time should come that the voice of this people should choose iniquity” (v. 19). He based the people’s culpability on the group’s “iniquities” (v. 20) and cited the fact that they were collectively warned: “Well doth [God] cry” (v. 20). Moreover, Amulek argued forcefully that the people of Ammonihah were collectively responsible because they had chosen those leaders who “pervert the ways of the righteous” and “bring down the wrath of God upon your heads” (v. 18). Because all of the people together had appointed their judges and lawyers, they were communally responsible for the conduct of those men. Indeed, King Mosiah had made the people vicariously liable for the wrongs of their leaders, not under the old concepts of kingship, but because the new leaders were to be chosen “by the voice of the people” (Mosiah 29:26–27; Alma 10:19). Thus, in a matter of only a few succinct words, Amulek connected virtually all of the elements that were typically associated with the ancient concept of corporate responsibility and thereby boldly formulated his verdict of collective punishment upon the people of Ammonihah as if they lived “in the days of Noah” and the flood (Alma 10:22).

Fortunately, the doctrine of corporate responsibility²¹ and its attendant utter destruction has a favorable reciprocal side, namely, collective preservation. Just as the wickedness of a few may lead to the destruction of the entire community, so the righteousness of a few may preserve the whole. Thus Amulek also declared that the prayers of a few righteous people in the city of Ammonihah were all that were preventing the Ammonihahites from already being condemned to “utter destruction” (Alma 10:22–23; see 62:40). Amulek’s words may well have drawn to mind the image of Abraham searching and praying to find but ten righteous souls in the cities of Sodom and Gomorrah (Genesis 18). Only because of the prayers of Abraham were those wicked cities temporarily spared. The implicit comparison with Sodom and Gomorrah would not have been flattering to the people of Ammonihah. Even more devastating were the days of Noah, when all flesh was destroyed in divine punishment for the general state of wickedness. But this time, Amulek prophesied that Ammonihah would be destroyed not by flood but by “famine, and by pestilence, and the sword” (Alma 10:22).

Amulek Accused of Reviling and Lying

As soon as he finished his speech, Amulek was accused by the people of “revil[ing] against our laws which are just, and our wise lawyers whom we have selected” (Alma 10:24; 14:2). Unfortunately, we do not have a record of all that Amulek said on this occasion (11:46; 9:34), and from the record we have it is difficult to see why he was accused of reviling against the laws of this people. Whatever he may have said about the laws in general, it would seem that he must have said something aimed at a unique

21. For more information on collective responsibility, see Ze'ev W. Falk, “Collective Responsibility in the Bible and the Aggadah” (in Hebrew), *Tarbiz* 30 (1960): 16–20; Julien Harvey, “Collectivisme et individualisme (Ez. 18, 1–32 et Jer. 31, 29),” *Sciences Ecclesiastiques* 10 (1958): 167–202; Barnabas Lindars, “Ezekiel and Individual Responsibility,” *Vetus Testamentum* 15, no. 4 (1965): 452–67; Dale Patrick, “Collective Address in Deuteronomical Law,” in *American Academy of Religion and Society of Biblical Literature*, comp. F. O. Francis (Missoula, MT: American Academy of Religion, 1974), 1–13; Dale Patrick, “The Rhetoric of Collective Responsibility in Deuteronomical Law,” in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law and Literature in Honor of Jacob Milgrom*, ed. David P. Wright, David Noel Freedman, and Avi Hurvitz (Winona Lake, IN: Eisenbrauns, 1995), 421–36; Anthony Phillips, “Double for All Her Sins,” *Zeitschrift für die alttestamentliche Wissenschaft* 94, no. 1 (1982): 130–32; Stanislav Segert, “Bis in das dritte und vierte Glied (Ex 20, 5),” *Communio Viatorum* 1 (1958): 37–39; and Ze'ev W. Weisman, “The Place of the People in the Making of Law and Judgment,” in Wright, Freedman, and Hurvitz, *Pomegranates and Golden Bells*, 407–20. On horizontal and vertical reciprocity relating to corporate responsibility that also includes natural disasters as responses to human culpability as well as the responses of nature to human virtue, see Joseph P. Schultz and Lois Spatz, *Sinai and Olympus: A Comparative Study* (Lanham, MD: University Press of America, 1995), 131–73.

aspect of law authorized only in Ammonihah. Perhaps Amulek targeted the way in which they had contrived to pay lawyers in this city. It appears that the law of Mosiah had contemplated the compensation only of judges: “It was in the law of Mosiah that every man who was a *judge* of the law . . . should receive wages” (11:1); “and the *judge* received for his wages according to his time—a senine of gold for a day” (v. 3). But in Ammonihah it had become “the object of these *lawyers* . . . to get gain; and they got gain according to their employ” (10:32). Apparently the law of Mosiah had been expanded in Ammonihah to include “lawyers” within the ambit of the law authorizing compensation of judicial functionaries (v. 27).

In addition, Amulek reviled against these lawyers themselves and by implication reviled the people who had selected those lawyers (Alma 10:24). He accused them of “laying the foundations of the devil,” of “laying traps and snares to catch the holy ones of God,” and of “laying plans to pervert the ways of the righteous” (vv. 17–18). Amulek’s denunciation of the lawyers was tantamount to cursing them or accusing them of adopting a premeditated plot to trap him like an animal in a net or snare. As in the case of “lying in wait” under the law of homicide (Exodus 21:13–14), plotting to expose a person to wrongful harm through a miscarriage of justice would have been seen as a serious element of intentional perversion of the justice system.

Evidently, however, some people in Ammonihah felt very strongly about the justice and validity of their legal system. Their rules were based on significant provisions in the law reform of Mosiah that were crucially important to the less empowered groups in Nephite society. Those provisions protected minority parties and guaranteed that every man would have “an equal chance” (Mosiah 29:38). The fact that the people of Ammonihah had selected their own legal officials and arranged their affairs presumably by the voice of the people gave legitimacy to their public conduct and system (following v. 39). Because Amulek’s accusations effectively challenged the freedom and correctness of the legal and religious system in the land of Ammonihah, over which liberty this people only a few years earlier had “exceedingly rejoiced” (v. 39), it is at least understandable that the people of Ammonihah would object and claim that Amulek was wrongfully “reviling” against them at this time. Amulek’s accusations must have raised fundamental questions in the minds of these people about the degree to which populations like the Ammonihahites would enjoy freedom from insult and condemnation at the hands of leaders from the dominant Nephite culture. Moreover, although Amulek was a resident of the land of Ammonihah, his background and genealogy would

have made it plain to all involved that his predispositions and ultimate loyalties all along were on the side of the Nephites (Alma 10:3).

In response, Amulek adamantly denied the charge that he had reviled their law (Alma 10:26). He claimed, instead, to have spoken in favor of their law, although to their condemnation, by reminding the people that they were indeed free to govern themselves by their own voice, but that Mosiah had also said that “if the time should come that the voice of this people should choose iniquity, . . . they would be ripe for destruction” (v. 19). Amulek admitted, however, that he meant what he had said about “the unrighteousness of [the] lawyers and [the] judges” (v. 27).

Amulek was then accused of lying for claiming that he had not spoken against the law when in fact he had (Alma 10:28). This charge of lying seems to have subsumed the prior accusation of reviling the law, for in the next verse the people seem to drop or diminish the reviling charge, which may have simply transmuted into the charge of reviling the lawyers, and now they accused Amulek of reviling not only “our lawyers” but also now “our judges” (v. 29).

Money in Ammonihah

At this point in the narrative, the text introduces a man named Zeezrom and gives a remarkable explanation of the Nephite system of weights and measures.²² This system was “established” by King Mosiah (Alma 11:4), apparently as an integral part of his great legal reform. The economic interlude provided in Alma 11 serves several rhetorical purposes in helping readers appreciate various details in Alma’s account. By dwelling so long on gold and silver, the text subtly highlights Zeezrom’s crass motives, and by pointing out the fact that these weights and measures had been decreed by King Mosiah, the account implicitly corroborates Amulek’s point that the people of Ammonihah were bound by all of Mosiah’s words, not only some of them. Moreover, this information prepares the reader to assess the value of the bribe (v. 22), which amounted to the equivalent of a judicial salary for about two months’ time (vv. 11–13). But perhaps most of all, this interruption shifts the momentum in the debate in favor of Amulek. His devotion to eternal treasures and divine truths shines in contrast with the love of money that motivates Zeezrom.

22. For a comparative examination of royal standardization of weights and measures, mathematical fractions and ratios, and the use of weights before coins in the ancient Near East, the laws of Eshnunna, and in Alma 11, 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): 36–46.

Paying Judges for Judicial Services

The immediate reason for Mormon's detour into the Nephite system of weights and measures was the need to explain the fact that, under the new law of Mosiah, Nephite judges had become entitled to be paid a daily sum for their service (Alma 11:3). This arrangement had contributed to judicial corruption and bribery in the city of Ammonihah. Significantly, this particular system of weights and measures was somewhat new, having been established ten years earlier by King Mosiah. This innovation among the Nephites accompanied the change from kingship to judgeship and was a radical departure from past judicial practice.

Under the ancient theory of kingship in the Old World, the monarch was generally responsible to ensure the equitable administration of justice throughout his kingdom.²³ If officers were needed to administer court procedures, or law books or tablets were required, or agents were necessary to carry out decrees or judgments, these goods and services either had to be provided voluntarily by the people in the kingdom or the king would need to conscript or pay people to perform these tasks. In a small kingdom, especially where the population was culturally homogeneous and socially coherent, town elders and priests probably provided most of the judicial machinery needed to keep the customary rules of the community operating smoothly.²⁴ But with the abandonment of kingship at the end of the book of Mosiah, and with the increased diversity of competing social interests that arose at this time among the Nephites, Zoramites, Nephites, Limhites, Amlicites, and the covenant congregations of Alma, the legal system in the land of Zarahemla became much more complex.

Under Israelite law in ancient times, priests, town elders, or officers of the king served as judicial officials (2 Chronicles 19:8–11).²⁵ Prior to the law reform introduced by King Mosiah around 91 BC (Mosiah 27:4–5; 29:40–41), it is unlikely that any judges were paid for their services in Nephite society. There is no evidence in the Bible that Israelite towns or cities paid judges or judicial administrators,²⁶ and the only parties who would

23. Keith W. Whitelam, *The Just King: Monarchical Judicial Authority in Ancient Israel* (Sheffield, England: JSOT Press, 1979), 37; and Hans Jochen Boecker, *Law and the Administration of Justice in the Old Testament and Ancient East*, trans. Jeremy Moiser (Minneapolis: Augsburg, 1980), 40–49.

24. Falk, *Hebrew Law in Biblical Times*, 34, 36–50.

25. Falk, *Hebrew Law in Biblical Times*, 36; and Boecker, *Law and the Administration of Justice*, 25–26.

26. See Ruth 4:1–2; Harold B. Clark, *Biblical Law* (Portland, OR: Binfords & Mort, 1943), 260n19, "Originally the judges were not paid"; Haim H. Cohn, "Bribery," in Elon, *Principles of Jewish Law*, 510, "[Judges] are urged to be impartial, and not susceptible to bribes (2 Chronicles

have had a financial interest in paying judges would have been the litigants themselves, and they were forbidden to do so because any such payment was viewed as a form of bribery.²⁷ The law of Moses strongly prohibited judges from receiving gifts that might in any way influence their opinions (Exodus 23:8). The traditional understanding of this rule held that it precluded the payment of judges in any form, even the giving of gifts of appreciation by a winning litigant long after a case had been closed.²⁸

As he fashioned his reform, Mosiah must have realized that his judges would need to be paid in some way if his new system was going to have any chance of succeeding. Switching to a reign of judges involved enormous risks. Who would the judges be? How would they learn their job? Where would they find the time to investigate facts thoroughly and judge righteously according to the law? Sensing the political problems brewing in his own kingdom, and appreciating as an insider the great difficulty and importance of justice in all public affairs, Mosiah chose to provide generously for the new judges: “And the judge received for his wages according to his time—a senine of gold for a day, or a senum of silver, which is equal to a senine of gold; and this is according to the law which was given” (Alma 11:3).

As well-intentioned as Mosiah’s program was, it was quickly subject to abuse. Many people who, in all probability, had never served as judges or legal assistants soon realized that for every day they spent working on a case, they could claim a senine (worth one full measure of grain) as a

19:7) and reminded that judicial services should be given free (Bek. 29a)”; Herbert Lockyer, *All the Trades and Occupations of the Bible: A fascinating Study of Ancient Arts and Crafts* (Grand Rapids, MI: Zondervan, 1969), 125, “Fees for judgment were not allowed but were regarded as bribery”; Aaron M. Schreiber, *Jewish Law and Decision Making* (Philadelphia: Temple University Press, 1979), 346, citing Babylonian Talmud (TB) *Bekhorot*, chap. 4, Mishnah chap. 6. See also Jacob Bazak, “Judicial Ethics in Jewish Law,” *Jewish Law Association Studies III: The Oxford Conference Volume*, ed. A. M. Fuss (Atlanta: Scholars Press, 1987): 27–40.

27. Cohn, “Bribery,” 510, “The injunction not to take [or give] bribes is several times repeated in the Bible, twice with the reason given that ‘bribes blind the clear-sighted and upset the pleas of the just’ (Ex. 23:8; Deut. 16:19). . . . Bribery seems to have been rather widespread (cf. 1 Samuel 8:3), or else the prophets would hardly have denounced it so vehemently (Isa. 1:23; 5:23; 33:15; Ezek. 22:12; Amos 5:12; Micah 7:3).” See Bernard S. Jackson, “Ideas of Law and Legal Administration: A Semiotic Approach,” in *The World of Ancient Israel: Sociological, Anthropological and Political Perspectives*, ed. R. E. Clements (Cambridge: Cambridge University Press, 1989), 187–88.

28. Moses Maimonides, *The Code of Maimonides: Book Fourteen, the Book of Judges*, trans. Abraham M. Hersham (New Haven, CT: Yale University Press, 1949), 68–69. See also Clark, *Biblical Law*, 260n19, “Even manifestation of unusual kindness on the part of a judge was frowned upon.” Cohn, “Bribery,” 511, “Other talmudic jurists carried the rule against bribery to extremes by refusing to sit in judgment over any person who had shown them the slightest courtesy, such as helping them to alight from a boat (Ket. 105a).”

daily wage guaranteed by statute. It is unclear who paid these wages. Perhaps the losing litigants were charged, perhaps the local village took this amount out of common storehouses, or perhaps the central government in the land of Zarahemla had to foot the bill.²⁹ But whatever the source of the wages was, it would not have taken a genius to figure out that more litigation equaled more personal gain (Alma 11:20). Moreover, though the law itself seemed to contemplate that only a judge would receive wages, the practice soon emerged “that every man who was a judge of the law” and in addition all “those who were appointed to be judges” or lawyers were claiming entitlement to payment (10:32–11:1). Thus it appears that all men involved with the administration of the law (including elected judges, appointed officers, and lawyers) were able to get gain “according to their employ” in these litigations (10:32).³⁰

Lawyers in Ammonihah

In this interlude, the narration also mentions briefly the presence of lawyers in the legal system in Ammonihah. Because lawyers are mentioned

29. According to Cohn, in the Second Temple period, “originally judges were remunerated from Temple revenues (Ket. 105a), which furnished the legal basis for their remuneration, in later periods, from communal funds. As all members were required to contribute to the communal funds, so were litigants later—as today in the rabbinical courts in Israel—required to pay court fees, not to any particular judge but into a general fund out of which all court expenses were defrayed.” Cohn, “Bribery,” 511. Maimonides writes that “Karna [a judge of the exile] used to take one *istira* from the innocent party and one *istira* from the guilty party and then informed them of his decision. . . . Karna took [the two *istira*] as a fee . . . [as] compensation for loss of work.” Maimonides, *The Code of Maimonides*, 69, cited in Cohn, “Bribery,” 511.

30. The Old Testament does not mention lawyers (nor attorneys or advocates), and lawyers are mentioned in the Book of Mormon only after Mosiah’s legal reforms (see Mosiah 29), the first mention being in Alma 10:14. Originally, allowing the appointment of judges posed little threat to the government or the society because cases were brought to the judges by the people. But expanding the system so that officials could initiate lawsuits created a blatant conflict of interest. Mosiah probably should have guarded against such distortion and corruption that certainly runs contrary to the spirit of the law of Moses, which prohibits judges from taking bribes or gifts: “Thou shalt take no gift: for the gift blindeth the wise, and perverteth the words of the righteous” (Exodus 23:8; see Deuteronomy 16:19). Jewish law interpreted this provision as prohibiting judges from receiving any compensation at all for serving as a judge, considering any payment or gift to any judge to be equivalent to a bribe. Although Mosiah’s judicial program seems to have gotten off to a rocky start, corrections were evidently made quickly enough for the system to endure. After the judicial tragedy in Ammonihah (Alma 14:23–28), the reign of judges became more stabilized. Perhaps the law was clarified so that only the highest-ranking judges received wages and their appointees received less than the full statutory wage, or perhaps some officials were not paid at all. Whatever the reason, there are no further references in the Book of Mormon to unethical lawyers or judicial corruption as such (although in the heyday of the Gadianton robbers, politicians sought power in order to get gain, and perhaps it was by means of exploiting this system or one similar to it that they were able to extort riches from the system; see Alma 60).

rarely in the Book of Mormon (3 Nephi 6:11), it is impossible to determine who these lawyers were, how they were educated, and specifically how they functioned. It does not appear, however, that they were lawyers in the modern sense of that term. The lawyers in Ammonihah were not likely private advocates or independent professional counsel. In the ancient Israelite world, there were no attorneys as we know them today who represented clients in court. The parties were required to appear *pro se*.³¹ No evidence indicates that the lawyers in Ammonihah represented clients or served as advocates for clients.

Rather, they were unique officers or officials of the state skilled in the study of the law. What little we know simply says that they were skilled and clever, and their role is described very briefly. They were “hired or appointed by the people to administer the law at their times of trials, or at the trials of the crimes of the people before the judges” (Alma 10:14). As state officials, quasi-judges, or rulers, they would have been protected under the principles of the law of Moses from those reviling them (Exodus 22:28).

From the information in Alma 11, it is evident that three groups of judicial functionaries operated in the legal system in the land of Zarahemla: judges, lawyers (Alma 10:14–15), and officers. One can assume that the “officers” mentioned in Alma 11:2 were different from the lawyers and judges (Alma 14:17; 30:29; 3 Nephi 6:11; compare *shoterim* in Exodus 5:6; Deuteronomy 16:18), and thus one might conclude that the officers did not receive the statutory wages paid to judges.³² Likewise, the “lawyers” were not judges, for at this time they only administered the law at trials before the judges (Alma 10:14).³³

One wonders whether the lawyers were paid by the state or by the losing party. In 3 Nephi 12:26, Jesus says that the losing defendant will have to pay the “uttermost senine,” perhaps implying that the losing party would have to pay the judge’s wage as well as any damages. As mentioned above, while the law of Mosiah contemplated that some judges would be elected by the voice of the people and that others could be appointed, it seems clear that Mosiah intended that only those who actually served as judges would be paid (at least Alma 11:1 mentions only “judges” who

31. “For one’s own behalf.” Haim H. Cohn, “Attorney,” in Elon, *Principles of Jewish Law*, 573–74. Cohn explains that this practice changed over time and that the talmudic law allowed attorneys to represent parties in order to avoid injustice.

32. Perhaps these officers performed the same functions as those mentioned in Matthew 5:25; Luke 12:58; John 7:32, 45–46; and Acts 5:22, 26.

33. A century later, lawyers in the land of Zarahemla were powerful players in the process of condemning people, but it appears that they would have needed, even then, to present their condemnation to the governor, either directly or through a judge or high priests (3 Nephi 6:21–22).

should receive wages). In Ammonihah, however, not only the judges but also the lawyers were getting paid, which seems to have been the result of an expansive reading of the intent of the law of Mosiah. Thus it seems that the people in Ammonihah innovatively appointed many lawyers and took the liberty of paying them like judges. Those administrators then corruptly exploited the situation by instigating and encouraging lawsuits so they could charge more in court costs and fees (Alma 11:20). All this is consistent with the important plank in the Nehorite platform that every priest or teacher “ought to be supported by the people” (1:3).

Zeezrom’s Interrogation

After the detour into Mosiah’s system of weights and measures, the account turns to accusatory questioning by one Zeezrom, who was “the foremost” and “one of the most expert” of the accusers (Alma 10:31). Zeezrom’s strategy, reflecting his Nehorite tendencies, was to require Amulek to answer specific questions regarding the nature of God. He gave Amulek little opportunity at first to explain himself or to clarify the apparent contradictions inherent in his answers to Zeezrom’s questions.

Before Zeezrom began, he offered Amulek, a man of considerable wealth, a substantial bribe of six onties (Alma 11:22). This was a very large bribe—worth forty-two days of professional labor—large enough that it might not have been taken seriously. Amulek generously discounted Zeezrom’s ploy as a disingenuous offer and did not accuse Zeezrom of having made a serious attempt at bribery, but rather accused him of lying (v. 25).

Zeezrom’s questions involved the existence of a true God, the coming of the Son of God, and the redemption of sinful people (vv. 26–37). Evidently, Zeezrom was trying to set up a case that Amulek had violated the commandment “Thou shalt have no other gods before me” (Exodus 20:3) when he had Amulek admit that “there is but one God, yet . . . the Son of God shall come” (Alma 11:35). And when he led Amulek to say that Christ would come and that God would not save his people (v. 35), it seems that Zeezrom was promoting two of the main Nehorite doctrines, namely, that Christ would not come (Mosiah 26:2) and that God would surely save all men (Alma 1:4).

When Zeezrom finished, Amulek again accused Zeezrom of lying (Alma 11:36), and Amulek then delivered a detailed statement about the basic elements in the plan of redemption and divine judgment as taught by the Nephites. His points were directly responsive to Zeezrom’s stances: God will redeem his people if they will believe and repent; the Son is indeed the “very Eternal Father of heaven and of earth” (v. 39; compare “the

Father of heaven and earth,” Mosiah 3:8); and the Son and God the Father, along with the Holy Spirit, are “one Eternal God” (Alma 11:44). Amulek’s direct and penetrating response caused the people to be astonished and Zeezrom to tremble, conscious that he was guilty of lying (11:46–12:1).

Alma Accuses Zeezrom of Lying to God

Alma then reentered the proceeding. He accused Zeezrom of lying not only to men but also to God (Alma 12:3–6). This accusation reflects the fact that the underlying purpose of most serious judicial proceedings in the ancient world was to determine the will of God on the subject.³⁴ Thus all false statements made under an oath sworn in the name of a god and all dishonest declarations pertinent to an investigation through which the divine will would be determined were considered to be tantamount to lying to God.

In response, Zeezrom asked to know more about the resurrection and the judgment (Alma 12:8). However, his questioning took a different tone; given his later defense of Alma and Amulek (14:6–7), he likely asked out of sincere desire to understand. Zeezrom’s point of departure makes good sense, coming from a follower of Nehor who “did not believe what had been said concerning the resurrection of the dead” (Mosiah 26:2) and did not understand the need for divine judgment (Alma 1:4).

In answer to Zeezrom’s questions, Alma delivered one of his most profound discourses (Alma 12:9–13:20) and called the people of Ammonihah to repentance or, in the alternative, consigned them to destruction (13:20–21). Alma discoursed on the mysteries of God, the creation, the fall of Adam and Eve, the first death, the plan of redemption and happiness, the second death, the priesthood after the order of the Son, ordinances allowing for the remission of sin, repentance, righteousness, and many other sacred themes.³⁵ Because Alma must have known that many of the people in Ammonihah would not comprehend or accept his message, the point of his elaborate statement must have been to strengthen Amulek and the other faithful men in the audience, to instruct Zeezrom, and simply to warn the rest. Biblical and Jewish law requires that a person be given a full warning before he can be held liable for a transgression (2 Chronicles 19:10; Ezekiel 3:19).³⁶ Alma’s declaration certainly gave

34. See the discussion of divine judgment in Falk, *Hebrew Law in Biblical Times*, 50–56.

35. For a discussion of the sacred elements in this speech, see John W. Welch, “The Temple in the Book of Mormon,” in *Temples of the Ancient World: Ritual and Symbolism*, ed. Donald W. Parry (Salt Lake City: Deseret Book and FARMS, 1994), 364–67.

36. Cohn, “Penal Law,” 473; and “Evidence,” 599–600.

everyone present a clear and full understanding of the plan and will of God so that each became fully accountable for any subsequent conduct contrary to the word of the Lord.

Moreover, one of the main themes of Alma's discourse concerned the true nature of the priesthood (Alma 13).³⁷ The relevance of this subject to the circumstances at hand remains obscure until one realizes that priesthood authority and the nature of priesthood service had been made a major issue by the Nehorites. The people of Ammonihah followed priests after the "order" of Nehor; Alma spoke exclusively of priests after God's holy "order." The people denied Alma's authority over them; his reply in Alma 13 affirmed that he had true authority over them by virtue of his divine calling. The Ammonihahites had fostered their own order of popular priests; Alma in effect repudiated their entire priesthood order and urged them to replace it with the order that Alma represented, the order of the Son of God typified by the most noteworthy ancient high priest, Melchizedek.³⁸

Apprehension and Indictment

Following Alma's profound and eloquent oration, however, the majority of the people remained resolute; the priests in Ammonihah were probably especially resentful at Alma's delineation of a priesthood order that supplanted their own. Some of the Ammonihahites repented (Alma 14:1), but most of them took Alma and Amulek, bound them, and delivered them to the chief judge of the land of Ammonihah (v. 4). There a number of witnesses appeared against them (v. 5, see 10:13) who testified of Alma and Amulek's words, which Zeezrom had told them to remember (11:35). Alma and Amulek were taken into custody and held in prison.

Zeezrom's Change of Heart

Upon hearing his own arguments rehearsed and analyzed critically before the chief judge, Zeezrom became "astonished" (Alma 14:6). This cannot mean that he was surprised at what the witnesses said, for Zeezrom himself had expertly crafted the arguments (10:31). What shocked Zeezrom must have been the stark consequences of his shrewdness. He

37. Discussed further in John W. Welch, "The Melchizedek Material in Alma 13:13–19," in *By Study and Also by Faith*, ed. John M. Lundquist and Stephen D. Ricks (Salt Lake City: Deseret Book, 1990), 2:238–72. See also Robert L. Millet, "The Holy Order of God," in *The Book of Mormon: Alma, the Testimony of the Word*, ed. Monte S. Nyman and Charles D. Tate Jr. (Provo, UT: Religious Studies Center, Brigham Young University, 1992), 61–88.

38. See, for example, Margaret Barker, "The Great High Priest," *BYU Studies* 42, nos. 3–4 (2003): 65–84.

knew that he had been too clever and manipulative in his debate with Amulek (11:21–46), that he had lied (14:6), and that he himself had been silenced by Amulek’s bold response (12:1). To his eternal credit, Zeezrom knew that he could not join the other witnesses in accusing Alma and Amulek, for as one of the accusers he would have to be among those to carry out the punishment or execution (Deuteronomy 17:7).

Zeezrom’s reversal was even more dramatic than Alma the Elder’s in the trial of Abinadi, for the young priest Alma had probably not taken a leading role in accusing Abinadi but had attentively listened, knowing all along of the iniquity of which Abinadi spoke (Mosiah 17:2). Alma was converted because he knew that Abinadi spoke the truth; Zeezrom changed when he honestly saw that he had perverted justice and had been party to a false accusation. He openly confessed his own legal culpability before the chief judge (“behold, I am *guilty*,” Alma 14:7; emphasis added); he testified on behalf of Alma and Amulek (“these men are spotless before God,” v. 7) and began to plead their case before the judges and his former cohorts.

Expulsion of the Faithful Men

For their support of Alma and Amulek, all the men of Ammonihah (including Zeezrom) who believed their words were cast out of the city, and other men were sent to “cast stones at them” as they left (Alma 14:7). Why were these men not put to death? Probably because the use of capital punishment had been sharply curtailed under the law of Mosiah. Only for murder, it appears, could a man under ordinary civil conditions be “punished unto death” (30:10). For a man’s beliefs, however, he could not be punished (1:17; 30:9). Since it is clear that the Ammonihahites ostensibly operated their legal system under the authority of the law of Mosiah, to which they owed their separate “equality” and right to appoint and pay their own local judges, they would not have dared to repudiate that law by putting these men to death for their beliefs. That would have brought down upon these judges the political powers of the nation from Zarahemla. Instead, they ostracized and expelled these men from their community under a severe ban, or *herem*.³⁹

Burning of the Women, Children, and Books

Under that law, however, the women, children, or property of these banished men were even less protected. The law was primarily concerned with the conduct of men: “If a *man* murdereth . . .,” the law read

39. For a discussion of *herem*, see Haim H. Cohn, “*herem*,” in Elon, *Principles of Jewish Law*, 539–44.

(Alma 34:11; emphasis added).⁴⁰ While women and children were highly valued in biblical society, their status was secondary in Israelite law.⁴¹ Women, for example, could not generally serve as witnesses⁴² or inherit property equally with their brothers,⁴³ and their civil rights were in many ways dependant upon the status and situation of their men.⁴⁴ Obviously, in Ammonihah the women and children who believed or had been taught to believe in Alma's doctrines were not given the protections of the law of Mosiah ensuring them the freedom of belief. In what must be seen as another perversion of the intent of the law by the men in Ammonihah, the law as it was applied in that city apparently granted no rights to women and children in this regard. They were taken and, along with the men's books, were burned (14:8).

Because women in biblical societies had great potential to teach and influence religious beliefs in the home (e.g., the concerns expressed about marrying women outside the tribes of Israel in Exodus 34:16 and Deuteronomy 7:4), perhaps the people of Ammonihah saw total destruction of the women as the most sure method of guaranteeing that the teachings of Alma and Amulek would not be perpetuated in the community. With the men already expelled from the city, perhaps the people were concerned that, should these women marry again, or should they be allowed to remain and to raise their children to believe in the words of Alma and Amulek, they would—like the wives of Solomon—turn away the hearts of the people “after other gods” (1 Kings 11:4) or walk in ways not favored by the Ammonihahites.

The burning of these women, children, and “holy scriptures” (Alma 14:8) is reminiscent of the expunging of Achan and his property from the camp of Israel in Joshua 7:24–25 and also belongs to the genre of religious war.⁴⁵ For his crime, Achan was burned and buried under a great heap of

40. The significance that should be given to the fact that “the whole Torah always uses the masculine form” was a subject debated in Jewish law; Cohn, “Witness,” 606. Some medieval scholars concluded, for example, that this grammatical detail was not trivial but played a controlling role in defining the legal rights of women. Similar implications may have been drawn by the Nephites regarding application of provisions in their law to women and children.

41. See Carol Pratt Bradley, “Women, the Book of Mormon, and the Law of Moses,” *Studia Antiqua* (Summer 2003): 125–71; and Hannah Clayson Smith, “Protecting the Widows and the Fatherless in the Book of Mormon,” *Studia Antiqua* (Summer 2003): 173–80.

42. Cohn, “Witness,” 606; and Falk, *Hebrew Law in Biblical Times*, 110.

43. Falk, *Hebrew Law in Biblical Times*, 112.

44. “The law, for instance, treated women harshly, whereas custom operated in her favor. . . . While socially the wife was considered her husband's partner (‘God said unto *them*’ Genesis 1:27–28), assistant (‘helper’ Genesis 2:18), and mistress of the household (Proverbs 31:10–28), in law she was accorded a lower status.” Falk, *Hebrew Law in Biblical Times*, 110.

45. Falk, *Hebrew Law in Biblical Times*, 75.

stones, along with his children, his animals, tents, and property (for some reason his wife is not mentioned), in order to remove evil from the community. One major difference between Achan's day and Alma's, however, was the greater observance in Zarahemla of the rule that "the fathers shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for his own sin" (Deuteronomy 24:16). This rule was evidently a major plank in the doctrines of Nehorism, and it continued to play a part in Korihor's sophistry in arguing that the fall of Adam could not have had a negative moral impact on mankind: "Ye say that this people is a guilty and a fallen people, because of the transgression of a parent. Behold, I say that a child is not guilty because of its parents" (Alma 30:25). Thus it is significant that the Ammonihahites did not burn the women and children in Ammonihah under some theory of vicarious liability for the crimes of their husbands and fathers, but because they had believed or had been contaminated by having been taught to believe in Alma's preaching of the word of God (14:8).

Alma and Amulek as Witnesses

Alma and Amulek were forced to watch the burning at "the place of martyrdom, that they might witness the destruction of those who were consumed by fire" (Alma 14:9). The wicked people of Ammonihah may have wanted them to watch this gruesome scene to intimidate them into retracting the prophecy that the Ammonihahites as a hard-hearted and unbelieving people would "be cast into a lake of fire and brimstone" (14:14; see 12:17). Thus the burning of the women and children was a perverse form of talionic punishment, fashioned to mirror the very words spoken by Alma and Amulek.⁴⁶ These two witnesses, however, would not be swayed, and saw in the deaths of these martyrs a different purpose. They watched and became witnesses⁴⁷ in order "that [God's] judgments which he shall exercise upon them in his wrath may be just; and the blood of the innocent shall stand as a witness against them" (14:11). This scene was particularly "awful" for Amulek (v. 10). Amulek had "many kindreds" and family in Ammonihah (v. 4). It is possible (even likely, given Alma's sojourn in his house) that a number of those women and children listened to and were converted by Alma. While the men who followed Alma and

46. See the discussion of talionic punishments in chapter 13 below.

47. The Hebrew word for witness, *ʿed*, has at least three meanings: (1) one "who is able to say publicly something of another," (2) an accuser, and (3) one "officially present at an act." J. P. M. van der Ploeg, "Studies in Hebrew Law: The Terms," *Catholic Biblical Quarterly* 12, no. 3 (1950), 257. The third concept of witnessing is present in Alma 14:11; the term is used in the first and second senses in Alma 10:12 and 19, respectively.

Amulek were chased out of the city (v. 7), the women and children—quite possibly Amulek’s own wife and children—were burned unspeakably in front of Amulek’s eyes.

With this atrocity, the case against Ammonihah, the apostate city, was completed and sealed. The people had been warned, the high priest had made a diligent investigation, and all the righteous men had been driven out of town and their righteous women and children killed. Those left in the city were ripe for destruction. God could thus utterly destroy the city without reservation.

Smiting on the Cheek

After the burning of the innocents, the chief judge approached Alma and Amulek and “smote them with his hand upon their cheeks” several times (Alma 14:14, 15, 17, 20). He returned the next day and “smote them again on their cheeks” and many others did the same, each one taunting, accusing, and threatening Alma and Amulek (v. 20). Many days later, the chief judge and the accusers again returned, each one smiting the prisoners on the cheek and “saying the same words, even until the last” (vv. 24–25).

It would seem that something formulaic was occurring here. Every judge and witness did and said exactly the same thing, one at a time. Although there is no precedent that absolutely confirms this practice in the ancient world, it appears that the slap on the cheek was used in Ammonihah as a form of ritual indictment. Alma and Amulek were slapped on the face and challenged to a legal duel: “Will ye stand again and judge this people, and condemn our law” (Alma 14:20); “If ye have the power of God deliver yourselves from these bands, and then we will believe that the Lord will destroy this people according to your words” (v. 24). Like throwing down the gauntlet, the slap on the face appears to have been the equivalent of the modern notion of “service of process,” a legal step in giving notice and obtaining jurisdiction over a defendant. No text displays this more vividly than this incident in Alma 14.

Although it is a novel thesis that the slap on the cheek had procedural, legal significance in this ancient context,⁴⁸ there is support for this idea. Physical gestures often accompanied the making of serious oaths and

48. For example, most biblical commentators see the slapping or smiting of Jeremiah only as an insult, a beating, or an expression of impatience and improper anger. Gwilym H. Jones, *New Century Bible Commentary* (Grand Rapids, MI: Eerdmans, 1984), 2:368; Carl Friedrich Keil, *Biblical Commentary on the Prophecies of Ezekiel*, trans. James Martin (Edinburgh: T. and T. Clark, 1857), 1:312; George A. Butterick and others, eds., *The Interpreter’s Bible* (New York: Abingdon, 1956), 5:969; and William L. Holladay, *A Commentary on the Book of the Prophet Jeremiah* (Philadelphia: Fortress, 1986), 542.

the incurring of legal obligations.⁴⁹ Although the symbolic function of this slapping remains obscure, it is significant that smiting on the cheek is mentioned four times in the Old Testament in connection with judicial process or legal punishment: the prophet Micaiah was smitten on the cheek before being sentenced to prison by Zedekiah (1 Kings 22:24–27); Jeremiah was smitten perhaps on the face by Pashur and put in the stocks as the officer of the temple in Jerusalem tried to maintain order there (Jeremiah 20:2); in a twist of irony against the judges who imposed such sanctions, Micah wrote, “They shall smite the judge of Israel with a rod upon the cheek” (Micah 5:1); and Isaiah spoke of turning his back to smiters and his cheeks to those who plucked out the hair, being shamed and spit upon but knowing that God would justify the righteous against those who contend against them and accuse them (Isaiah 50:6–9).

An eighth-century BC Aramaic treaty curse likewise reads, “[and just as this wax woman is taken] and one strikes her on the face, so may the [wives of Matîʿel] be taken [and . . .].”⁵⁰ Jesus also was smitten while he was being accused before the Sanhedrin (John 18:23). The slap on the cheek was not just an extreme form of insult,⁵¹ but a “deadly affront.”⁵²

49. Oaths were often sworn in Israel while laying on hands or making physical contact, as, for example, in Genesis 24:9. See David P. Wright, “The Gesture of Hand Placement in the Hebrew Bible and in Hittite Literature,” *Journal of the American Oriental Society* 106, no. 3 (1986): 433–46. Gestures of legal and ritual importance in sacrificing, incurring indebtedness, or appointing an agent are mentioned by Falk, *Hebrew Law in Biblical Times*, 53, 55–56, 96, 97, 98–99.

50. Joseph Fitzmyer, *The Aramaic Inscriptions of Sefire* (Rome: Pontifical Biblical Institute, 1967), 17, 57, brackets in original. I am grateful to Jo Ann Hackett for drawing this inscription to my attention, agreeing that there is a judicial background to at least some of the cases of smiting on the cheek. Compare Jo Ann Hackett and John Huchnergard, “On Breaking Teeth,” *Harvard Theological Review* 77, nos. 3–4 (1984): 259–75, discussing the ancient legal context of a different but comparable practice.

51. See Job 16:10; Psalm 3:7–8; Lamentations 3:30; Micah 5:1. Martha T. Roth, “Mesopotamian Legal Traditions and the Laws of Hammurabi,” *Chicago-Kent Law Review* 71 (1995): 13–39, shows that slapping on the cheek was viewed as a serious tort in the ancient Near East because the face was “a part most susceptible to shame” (p. 29). In the Old Babylonian period, an Amorite infantryman was accused of striking an important man on the cheek; the case went to the viceroy and judges, who sent the accused to the Gate of Ishtar; he was eventually required to pay three and a half shekels of silver. See James B. Pritchard, ed., *Ancient Near Eastern Texts Relating to the Old Testament*, 3rd ed. (Princeton: Princeton University Press, 1969), 545, document 11. Daube interprets Jesus’s statement of turning the other cheek in terms of the law of *boshet*. See David Daube, *The New Testament and Rabbinic Judaism* (London: Athlone, 1956), 254. *Boshet* allowed for “humiliation” damages to be assessed for personal injuries. See Elon, *Principles of Jewish Law*, 332–34. For the similar insult of plucking off a beard, see Edward J. Kissane, *The Book of Isaiah: Translated from a Critically Revised Hebrew Text with Commentary* (Dublin: Browne and Nolan, 1943), 2:150.

52. Heinrich L. E. Luering, “Cheek,” in *The International Standard Bible Encyclopedia*, ed. Geoffrey W. Bromiley et al. (Grand Rapids, MI: Eerdmans, 1979), 1:639.

The Lord, then, was asking the ultimate when he told his disciples to turn the other cheek (Matthew 5:39; 3 Nephi 12:39).

In Babylonia smiting on the cheek also had ritual as well as grave legal consequences. In the Babylonian year rite, the high priest slapped the king on the cheek until he cried as a part of his humiliation and confession in their New Year festival: "He shall strike the king's cheek. If, when [he strikes] the king's cheek, the tears flow, (it means that) the god Bel is friendly."⁵³ Under the law codes of Eshnunna and Hammurabi it was actionable to slap another person on the cheek.⁵⁴ "The oriental guards with jealous care his cheek from touch or defilement, therefore a stroke on the cheek was, and is to this day, regarded as an act of extreme rudeness of behavior, a deadly affront."⁵⁵ The slap on the cheek was also a sign of repudiating the authority of another person of formerly higher status. Thus, if a son wished to disavow his legal relationship to the wife of his deceased father, he would "say, '(She is) not my mother,'" and she would "strike his cheek" and then leave the household empty.⁵⁶ This is not to say that every slap on the cheek was a ritual or formal act, but that such a blow was a very serious act with many meanings, some of which had legal implications.

The slap on the cheek certainly had great significance to the descendants of Lehi.⁵⁷ Abinadi cursed the people of Noah that they would be "smitten on the cheek, . . . and slain" (Mosiah 12:2);⁵⁸ among these people this was a symbol of humiliation, subjugation, and exercising of authority (21:3). The sons of Mosiah were smitten "upon [their] cheeks; . . . stoned, and taken and bound with strong cords, and cast into prison" (Alma 26:29). Among the Nephites, smiting upon the cheek is also mentioned in the list of wrongs committed by members of the church (Helaman 4:12) in violation of the laws they had been taught to obey (Alma 1:32; 16:18), whereas one of the signs of righteousness was to suffer such humiliation: "I gave my back to the smiter, and my cheeks to them that plucked off the hair. I hid not my face from shame and spitting" (2 Nephi 7:6, quoting Isaiah 50:6).

53. Pritchard, *Ancient Near Eastern Texts*, 334. Slapping the face is also discussed in Jonathan Z. Smith, *Imagining Religion: From Babylon to Jonestown* (Chicago: University of Chicago Press, 1982), 90–92 (the slap was a symbolic threat to strip the king of his kingship if he acted like foreign kings).

54. Laws of Eshnunna 42 (the penalty was ten shekels of silver, the same as the penalty for daytime trespass or housebreaking); Code of Hammurabi sections 202–205 (the penalties were comparable to those imposed for putting out another's eye). In Roman law, see Aulus Gellius, *Attic Nights*, 20:1.12; Twelve Tables 8:2–4.

55. Luring, "Cheek," 1:639.

56. See the Emar testament discussed in Roth, "Mesopotamian Legal Traditions," 32–33.

57. Quite parenthetically, the word for cheek in Hebrew is *lehi*.

58. Compare Fitzmyer, *Aramaic Inscriptions of Sefire*, 16–17.

Remaining Silent

In response to the insulting challenges and threats of the chief judge and witnesses, Alma and Amulek simply remained silent (Alma 14:17, 18, 19). For many days they refused to say anything. They had already said enough.

For the accused in an ancient Israelite court of law, however, there was no right to remain silent.⁵⁹ Silence was viewed as an admission of guilt or capitulation to the charges, and apparently a person's silence in the face of his accusers could be held against him.⁶⁰ Thus, by refusing to reply to the charges, Alma and Amulek exposed themselves to whatever sentence the chief judge in Ammonihah dared, in the purported name of justice, to impose.

Imprisonment and Abuse in Ammonihah

The decision of the chief judge was not to burn or kill Alma and Amulek but to hold them in prison under extremely severe, torturous conditions (Alma 14:17, 22), undoubtedly hoping that they would die of "natural" causes. Prolonged imprisonment was mentioned as an option that was considered by the Ammonihahites from the time Amulek finished speaking (10:13); and in the end, Alma and Amulek were held in prison for "many days" (perhaps as many as forty days), during which they were bound with cords, taunted, stripped, and starved; food and water were withheld (14:22).⁶¹ The clear intention was that they would not be supported by God and would die (compare Jeremiah 38:9; 52:11). Unlike the three-day imprisonment of Abinadi,⁶² the treatment of Alma and Amulek was conducted more as an ordeal than as mere detention. Testing the veracity of a witness or the guilty of an accused by subjecting him to some form of water or fire ordeal was a well-established practice in ancient Near Eastern and biblical law, as is evident in Numbers 5:12–31, Deuteronomy 32:34–36, Daniel 3:17–27, and elsewhere.⁶³ Subjecting Alma and Amulek to the rigors of starvation and physical privation, along with scaring them with the prospect of "delivering [them] up unto the flames"

59. Compare Falk, *Hebrew Law in Biblical Times*, 59. See the discussion above of Abinadi and remaining silent.

60. Allison A. Trites, *The New Testament Concept of Witness* (Cambridge: Cambridge University Press, 1977), 46–47, 83, 176, citing, among others, Isaiah 41:21–23; 43:9; 44:7. See also Bovati, *Re-Establishing Justice*, 335–36, 341–43.

61. Similar treatment was given to the sons of Mosiah in the city of Middoni (Alma 20:29).

62. See the discussion of the brief imprisonment of Abinadi pending trial, in chapter 6 above.

63. See, for example, P. Kyle McCarter, "The River Ordeal in Israelite Literature," *Harvard Theological Review* 66, no. 4 (1973): 403–12; K. van der Toorn, "Ordeal Procedures in the Psalms and the Passover Meal," *Vetus Testamentum* 38, no. 4 (1988): 427–45.

(Alma 14:19), constitutes a prototypical use of physical ordeals in ancient judicial settings.⁶⁴ Willing to see their survival as a manifestation of God's judgment (v. 29), the chief judge was able to expose Alma and Amulek to extreme conditions without actually rendering a verdict against them and carrying out their execution. If they were to have died as a result of the ordeal, the chief judge and his judicial officers would not have been guilty of murder. Indeed, at least as a general principle of later Jewish law, "starving a man to death, or exposing him to heat or cold or wild beasts, or in any other way bringing about his death by the anticipated—and however certain—operation of a supervening cause, would not be capital murder."⁶⁵ Evidently, the chief judge in Ammonihah was operating under similar concepts of ordeal and exposure to extreme conditions.

Just as the Ammonihahites had burned the women and children because Alma had preached of fire and brimstone, they came into the prison, smote Alma and Amulek on their cheeks, "gnashed their teeth upon" them (compare Psalm 35:16) and demanded to know, "How shall we look when we are damned?" (Alma 14:21), doing this because Alma had said they would be punished by God. This abusive treatment, however, came to an abrupt halt as the prison walls split in two at the word of Alma (vv. 26–29), and Alma and Amulek departed out of the city (15:1).

Aftermath

Less than four months later (Alma 16:1), the city of Ammonihah was destroyed (vv. 2–4; 25:2). It was obliterated by the Lamanites who were seeking their own revenge against the Amalekites and Amulonites, who, like the people of Ammonihah, were also after the order of the Nehors (24:28; 25:2). As a result of this invasion, "every living soul of the Ammonihahites was destroyed, and also their great city" (16:9), thus completing the judgment of God upon them in a single day.

The carcasses of those who were slain were "heaped up upon the face of the earth" and were given the token burial of "a shallow covering" (Alma 16:11). In other words, no grave was dug and a small amount of dirt was thrown on top of them. Receiving some kind of burial was considered of great importance in the ancient world ("If a man beget a hundred

64. This topic has been capably explored by one of my students, Ammon Sutherland, in his paper "Alma 14 as a Trial by Ordeal," (2006, paper in the Howard W. Hunter Law Library, Brigham Young University). See also Eric E. Vernon, "Illegal Speech: Blasphemy and Reviling," *Studia Antiqua* (Summer 2003): 123 ("The ruling, again given by divine intervention, is that Amulek spoke the truth.")

65. Haim H. Cohn, "Homicide," in Elon, *Principles of Jewish Law*, 476, citing Maimonides, *Yad, Roze'ah* 3:10–13. Compare also 1 Nephi 7:16.

children, and live many years, . . . [yet] his soul be not filled with good, and also that he have no burial; I say, that an untimely birth is better than he," Ecclesiastes 6:3); any burial was better than no burial at all, even if it consisted only of a small symbolic act. One thinks readily of the Greek case of Antigone, who risked her life to sneak out at night to give her brother a token burial so that his soul would not suffer the fate of wandering over the face of the earth interminably.⁶⁶ Less well known is the case of the Athenian admirals who chose to pursue their vanquished enemies' ships and not to return into dangerous stormy waters to recover the bodies of some of their sailors who had died at sea in the Battle of Arginusae (406 BC) so that they could be given a proper burial; upon returning to Athens, these admirals were executed for not giving the dead a proper burial and for not attempting to rescue the survivors.⁶⁷ While it cannot be determined how the people in Ammonihah felt about burials and the afterlife of the soul,⁶⁸ it would appear that the purpose behind the "shallow covering" of earth involved in the burials in Ammonihah was not hygienic, but rather was some kind of token collective gesture showing a minimal degree of honor to those who had been slain, for the covering of earth was not sufficient to cover the bodies for very long. Soon, "so great was the scent" that people did not return to the land of Ammonihah for many years, and the bodies were "mangled by dogs and wild beasts of the wilderness" (Alma 16:10), a noted fate of those who pervert justice (1 Kings 21:23–24; Mosiah 12:2).

The city of Ammonihah was left desolate, becoming known as the "Desolation of Nehors" (Alma 16:11). Just as the law of Moses required, under Deuteronomy 13:12–17, the city of Ammonihah became a "heap" and "the people did not go in to possess the land of Ammonihah for many years. . . . And their lands remained desolate" (Alma 16:11). These lands were deemed untouchable for just over seven years (there are eight years, nine months, and five days between Alma 16:1, which gives the date of the destruction, and Alma 49:1–3, where mention is made of the rebuilding of the city), which would seem to be some kind of ritual cleansing period.⁶⁹

66. Sophocles, *Antigone* 21–77, 407–40.

67. Diodorus, *Historical Library* 13.14.1–2. Xenophon, *Hellenica* 1.6.34–1.7.35, gives the impression that the admirals could have rescued some of these men still alive and that they were executed for wronging the people of Athens by disobeying orders to pick up the shipwrecked (1.7.20), not mentioning the issue of burial emphasized by Diodorus.

68. For a general discussion of various burial customs in the First and Second Temple periods in Israel, see Elizabeth Bloch-Smith and Rachel Hachlili, "Burials," in *Anchor Bible Dictionary*, 1:785–94.

69. A seven-year ban on occupation was placed on the island of Cyprus after it had been annihilated in the Christian patristic era. Constantinus Prophyrogentius, *De Administrando Imperio*

The Law of Apostate Cities

| Deuteronomy 13:12-18 | Ammonihah (Alma 9-16) |
|---|---|
| certain men gone out from among you | Nehorites had gone out from Zarahemla (Alma 1:15; 15:15) |
| withdrawn the inhabitants of their city | they had withdrawn their city from Nephite leadership (9:6; 14) |
| serve other gods | turned from God (11:24) |
| children of Belial | Satan had great hold (8:9; 9:28; 11:21) |
| inquire and search diligently | Alma visits personally (8:8) |
| smite all inhabitants with the sword | everyone killed (16:9; 25:2) |
| destroy utterly | everything destroyed (16:9-10) |
| a heap forever | bodies heaped up (16:11) |
| abomination | desolation of Nehors (16:11) |

Underlying this desolation was the systematic miscarriage of justice. The case of Alma and Amulek in Ammonihah stands as a dominant social marker of Alma’s and God’s righteous judgment against a people who persisted in judging unrighteously in spite of Alma’s repeated warnings, his extraordinarily full declarations of principles and doctrines, and his extension of ample opportunities to correct past violations and misjudgments. In light of the numerous infractions of the prevailing code of judicial ethics in Exodus 23 (see chapter 3 above), the disastrous outcome of this case for the city of Ammonihah is easily justified. The account in Alma 14 shows violations, in order, point by point, of most of the commandments required of Israelite judges. These judges and officers brought false accusations against Alma and Amulek, claiming that they had intentionally lied (Alma 14:2; compare Exodus 23:1). The accusers “went forth and witnessed against them” (Alma 14:5), thus combining with others to “raise a false report” (Exodus 23:1). They clearly “follow[ed] a multitude to do evil” (v. 2). They turned against Zeezrom when he righteously attempted to “speak in a cause to decline after many to wrest [pervert] judgment” (v. 2; see Alma 14:7). They denied justice to defenseless women and children (compare Exodus 23:6). They went on to “execute [those] innocent and righteous” women and children (Alma 14:8; compare Exodus 23:7), and in the end their own women and children will consequently also be

47, in *Patrologia Graeca* 113:366.

killed. They openly offered to “take a bribe” (v. 8; see Alma 11:22). And if the people of Ammonihah were of Mulekite descent, and if they thus considered Alma and Amulek to be foreigners in their midst because of their Nephite ancestry (Alma 10:3), these people even succeeded in breaking the final commandment in the Israelite code of judicial justice, “Thou shalt not oppress a resident stranger” (Exodus 23:9). Indeed, the only part of the code not violated—namely, “neither shalt thou countenance [be partial toward] a poor man in his cause” (v. 3)—was inapplicable, because Amulek was not poor, but well-to-do (Alma 10:4). Thus the case rightly becomes a paradigmatic case of judging unrighteously.

A number of immediate legal precedents flowed directly from Alma’s courageous victory in Ammonihah. For example, the use of “lawyers” in administering judicial affairs and the abuse of the system that provided for the payment of judges are not mentioned again in subsequent Nephite history. Sympathy for those who had been persecuted because of their faith was also certainly strengthened, paving the way for the ready acceptance in Zarahemla of those Ammonite converts who had managed to survive execution at the hands of other Nehorites in the land of Nephi. When those fortunate survivors were brought to Zarahemla by Ammon, they were immediately given land, granted exemption from active military duty,⁷⁰ and afforded other privileges (Alma 27:22), perhaps due in large part to the feeling of sympathy that must have prevailed among the Nephites in response to the tragic pain and loss suffered by the faithful women and children less than four years earlier in Ammonihah.

For the Nephites, however, the broadest long-term legal value of this overt display of God’s judgment against the order of the Nehors resided in the fact that this result put an end to overt, organized religious opposition to the Church of Christ among the Nephites. Soon enough, other religious dissenters, such as Korihor, would still surely come, but they would function mainly as individual operators, not as an alternative church within the land of Zarahemla. Likewise, political opposition would also continue to arise, but these opponents were forced to hide and work essentially underground in the mode of secret combinations and robber bands. After the destruction of Ammonihah, outright, blatant priestcraft (whether enforced by the sword or not) or competitor churches ceased to be a factor in the city of Zarahemla. Apparently, the legal and religious messages emerging from the destruction of Ammonihah were strong and clear enough that people took heed and avoided the appearance of organized apostasy within the lands

70. John W. Welch, “Exemption from Military Duty,” in *Reexploring the Book of Mormon*, 189–92.

under the influence of Alma's leadership or jurisdiction. Accordingly, the Zoramites (who like the followers of Nehor also refused to keep the law of Moses, to "observe the performances of the church," or to supplicate God in daily prayer, Alma 31:9–10) found it necessary to withdraw from Zarahemla and thus "gathered themselves together in a land which they called Antionum" (v. 3), where they built their own style of synagogue and worshipped in their own unusual way upon their Rameumptom. Only seven years after the destruction of Ammonihah, that very separatist and somewhat guarded conduct of these Zoramites and of Korihor (who will eventually die in the Zoramite city of Antionum) will give rise to the next major trial in Nephite legal history, the case of Korihor.