

# Doubled, Sealed, Witnessed Documents: From the Ancient World to the Book of Mormon

John W. Welch

A distinctive legal practice employed in Israel around 600 BC was the use of doubled, sealed, and witnessed documents to record the terms of various important legal transactions. These documents had two parts: one was left open for ready access, while the other was sealed up for later consultation by the parties or for the conclusive use of a judge in court. Is there any connection between the format of the Book of Mormon plates and this ancient legal practice, which spread widely throughout the eastern Mediterranean and into the Roman Empire?

My purpose is not to argue that the Book of Mormon plates were constructed in exactly the same fashion and in all respects as were these doubled, sealed documents from the Old World. Rather, it is to show that the basic concept of preserving important ancient documents by preparing them in two parts and then sealing one of the two was common throughout much of the ancient world, and thus to argue that this practice seems to have been known to Nephi and may well have influenced his prophetic expectations and statements about the final form of the Nephite records.

I have been intrigued by these ancient legal documents for several years. The hospitality of the Papyrological Institute at the University of Leiden shown to me in connection with the 1995 conference of the Society for the Study of Ancient Law made it possible to locate many otherwise obscure sources and complete the research for this paper. I hope, by this work, to express my collegial admiration and personal thanks to John L. Sorenson, whose keen ability to sense and explain the human and social ramifications of archaeological data has enriched my understanding of sacred texts, especially the Book of Mormon.

## A Preexilic Biblical Legal Form

An intriguing Old Testament passage, Jeremiah 32:6–15, relates an event that occurred about 590 BC. Pursuant to his right of redemption within the family and with prophetic foreknowledge of the transaction, Jeremiah bought from his cousin a field located at Anathoth in the lands of Benjamin. His willingness to make this long-term investment was supportive of God’s enduring promise that “houses and fields and vineyards shall be possessed again in this land” (Jeremiah 32:15), notwithstanding the prophecy that Jerusalem would soon fall to the invading Babylonians (see Jeremiah 32:3).

In order to memorialize his purchase as impressively and as permanently as possible, Jeremiah as purchaser drafted and executed not just a single document but a two-part deed. One part of its text “was sealed according to the law [*mitzvah*] and custom [*huqqim*],” and the other part of the document “was open” (Jeremiah 32:11; compare 32:14). Jeremiah signed this double document and sealed it, as did several other people who witnessed the transaction and subscribed the text (see Jeremiah 32:10, 12). Moreover, in order to preserve this evidence of his purchase, Jeremiah took his doubled, sealed document and, in the presence of his witnesses, securely deposited it with both of its parts in a clay jar, “that they may continue many days” (Jeremiah 32:14). A slightly different version of this pericope is found in the Septuagint (LXX) in Jeremiah 39:6–15.

Jeremiah’s detailed account reflects many interesting legal technicalities that were evidently customary in his day.<sup>1</sup> As John Bright says of Jeremiah’s text, “Technical legal terminology is no doubt involved,” even though the precise nature of the Hebrew text and some of its phrases cannot be ascertained.<sup>2</sup>

While Jeremiah 32:14 clearly points to some form of double documentation, it is not clear whether the two parts of that documentation were written on one piece of papyrus or two. Jeremiah 32:14 has been confusing to some commentators in this regard because it uses both the plural and the singular: “Take these evidences [*sepharim*], this evidence [*sepher*] of the purchase, both which is sealed [*hatom*], and this evidence which is open [*galoi*].”

Likewise, while it would appear, both from what is known about normal Israelite practices and also from the use of the word *sepher*, that Jeremiah wrote his contract of conveyance on parchment, papyrus, or leather, and not on a clay sherd,<sup>3</sup> it is less clear what he means by *sepher* or *sepharim*. He calls the document a *sepher*, which may mean a scroll, a letter, or any other writing (see also LXX Jeremiah 39:10, *eis biblion*). Indeed, when Isaiah speaks of “a book that is sealed” (Isaiah 29:11), his word for book is also *sepher*, the same word that appears in both of Jeremiah’s expressions, “book of the purchase” and “evidence of the purchase” (Jeremiah 32:12, 14).

While his document obviously deals with a transfer of title to the land, Jeremiah does not say anything about the content of the two parts of this document or how the texts of these two parts related to each other. **Were their contents identical? Was one a copy or summary of the other? Or did they contain entirely different materials?**

**Jeremiah clearly relates that he “sealed” part of the documentation (Jeremiah 32:10; LXX Jeremiah 39:10, *esphragisamen*). Presumably he did this by rolling the document up and tying it with strings or strips of leather and then impressing his signet ring or other seal into a clay or wax fastener to keep the roll closed. The use of seal impressions by biblical personages is well attested during Jeremiah’s day.<sup>4</sup> He also records that the witnesses “subscribed” the document (LXX Jeremiah 39:10, *diemarturamen marturas*, and 39:12, “wrote in the book of the purchase”), but it is unclear in what fashion they did so, or if in addition to signing they also affixed their seals to the conveyance.**

Furthermore, intriguing linguistic ambiguities exist in the words *hatom* (sealed) and *galoi* (open). As Ben Zion Wacholder observes: “Literally this word [*hatom*] refers to a document upon which a seal has been affixed. Yet there are additional nuances to the term as well, such as ‘closed’ in the sense of ‘unavailable’ or ‘complete.’ . . . The ‘sealing’ may refer to the contents of the document, to the document itself, or to its mode of storage.”<sup>5</sup>

The open part of the documentation is said to be *galoi*, which similarly has a broad range of meaning. It may refer to the openness or availability of the document itself or to its contents being “revealed.” The root *gala* means “to uncover, remove,” and hence is used in such expressions as “to open [uncover] one’s eyes or ears” (e.g., LXX Numbers 24:4; 1 Samuel 9:15), “to show, or to reveal” (as in Amos 3:7, the Lord “revealeth his secret”), and “to open in widespread communication or proclamation” (compare *published* in Esther 3:14; 8:13). In another sense it means to “go forth into the world,” and hence to remove or to go into exile. Each of these meanings may find relevance to the open segments of important legal or religious documents.

Moreover, the King James Version says that the closed part of the documentation was sealed “according to the law and custom” (Jeremiah 32:11), but nothing more is known from preexilic times in Israel about the origins or nature of any such legal requirements or customs in Jerusalem. Other translations indicate that the closed part was sealed simply “according to the correct legal procedure,”<sup>6</sup> but this diminishes the force and effect of the words *mitzvah* and *huqqim*, which convey a sense that this procedure was not only correct but also long-standing and mandatory. Bright prefers to translate these words narrowly, by rendering them as containing “the contract and the conditions,”<sup>7</sup> and others have followed suit with “the title and conditions”<sup>8</sup> and “the terms and conditions.”<sup>9</sup> But such translations have two drawbacks: they imply that only the sealed part of the document contained the

essential “terms” or “title” and “conditions”—which flies in the face of the archaeological evidence, a discussion of which follows—and they give little clue as to what the “title” or “terms” in the contract might be. Interestingly, the Septuagint omits this particular phrase altogether, perhaps because its meaning was unclear to the Greek translators.<sup>10</sup> Although in such particulars we cannot be sure of the precise technical meaning of Jeremiah 32:6–15, it appears that Jeremiah was following some legal pattern well-known to his family, his witnesses, and his contemporary audience.

### Archaeological and Textual Evidences of Double Documents

Several archaeological discoveries made in the twentieth century shed considerable light on this interesting form of ancient legal documentation.<sup>11</sup> As discussed most recently by Elisabeth Koffmahn, these discoveries tend to clarify to a considerable extent both the terminology found in Jeremiah 32 and the history of the use of doubled, sealed documents, which expanded into the Hellenistic world and throughout the Roman Empire.<sup>12</sup> Several ancient documents give a fairly precise picture of what these double documents looked like; how they were executed, witnessed, and sealed; and what they contained.

#### The Two Parts

These documents, when written on parchment or papyrus, were written on a single sheet, the text standing in two parts, one at the top and the other at the bottom of the sheet. Archaeological evidence thus argues quite persuasively that Jeremiah 32 describes the use of a single document with two parts, not two separate scrolls or sheets. Several instances of such two-part documents have been found. Because each single document contains two parts, the singular and plural forms of the word *sepher* in Jeremiah 32:14 can both “refer to one and the same double document.”<sup>13</sup>

Typically, “the same text was written twice on one and the same papyrus, leaving an empty space about 2–3 cm wide between the two texts.”<sup>14</sup> For example, “the legal documents found at Dura are without exception double: that is to say, the text of the agreement or transaction was copied twice on the same sheet of parchment or papyrus” (see fig. 1).<sup>15</sup> Accordingly, Jeremiah 32 is not describing two separate documents, one for daily use and the other that is sealed and preserved as Friedrich Bilabel has suggested,<sup>16</sup> but one scroll with two parts that are both preserved. Not only does the archaeological evidence support this view, but, as Koffmahn points out, so does the fact that Jeremiah placed both parts of his documentation into the clay vessel, an action that would contradict the idea that the two parts were intended to remain physically separate to serve two distinct purposes: one open, or public, and the other closed, or private.

In preparing these documents, the ancient legal scribes and notaries had various options available to them. In the earlier texts the sealed and the open parts are often identical. In one collection of documents from the third century BC, each has a “fully developed inner and outer text,”<sup>17</sup> and the Hibe Papyri (ca. 300 BC) present their full texts twice.<sup>18</sup> Two bronze tablets of the Roman emperor Trajan, with a Roman date equivalent to AD October 103 (see fig. 2), present the full text in neat lettering on the open side of the first bronze plate and then repeat exactly the same text in more hurried lettering on the inside faces of the two plates.<sup>19</sup>

In a world without copy machines or county recorders’ offices, the use of double documentation in this fashion made very good sense in preventing fraud or alteration of documents.<sup>20</sup> This was apparently the overriding

purpose behind all double documents that contained a nearly verbatim repetition of the *scriptura interior* (inner portion) in the *scriptura exterior* (outer portion): “The purpose of this institution lay not only in the daily inspection of the open text, which allowed each party to orient himself concerning the content of the contract, but also deterred, particularly through the sealing of the closed portion (the *scriptura interior*), any tampering and guarded against unauthorized emendations.”<sup>21</sup>

But the second part of many double documents was not a verbatim repetition of the first part, and “the form of the double document, especially with respect to the order and position of the two texts, changed over the course of the centuries.”<sup>22</sup> In several cases one of the two texts would be an abridgment of the other. In the papyri from Murabba’at,<sup>23</sup> for example, some of the double documents have a “greatly abridged [*stark verkümmertes*] scriptum interior,”<sup>24</sup> with the *scriptura exterior* counting as the original. At Dura-Europos<sup>25</sup> the “upper version was written in a smaller hand than the lower [open] and deviates from it intentionally or otherwise, being reduced to a brief notation in the later period.”<sup>26</sup> A demotic marriage contract (363 BC) did not repeat the text twice in full, but featured excerpts from the main text that were written on the open part of the document so that the basic contents of the scroll could be known without having to unroll the whole papyrus.<sup>27</sup>

Abridgments typically reduced the main text by a factor of three or four (see fig. 1). Ten lines in one text were reduced to three; twenty lines in another text were shortened to five.<sup>28</sup> In these cases the abridged text served as a working summary or general identification of the main contents of the transaction, so the shortened text would only prevent falsification of the main document in a limited number of cases. In any event, “both texts are always formatted in the same way and written in the same hand,”<sup>29</sup> although the handwriting of the second text is often less deliberate.

Whenever one creates two copies or versions of a legal document, the question is likely to arise as to which of the two is the controlling document; that is, which is the more important of the two? In the earliest cases it appears that the *scriptura interior* (the sealed portion) was viewed as the “original,”<sup>30</sup> for it bore the signatures of the witnesses (ca. fourth century BC), although both texts were written at the same time and both were probably considered “virtually primary.”<sup>31</sup> Later, the *scriptura exterior* bore the signatures of witnesses and thus was probably viewed as the “primary document.”<sup>32</sup> This development is attested as early as the third century BC in many Hellenistic documents in which the exterior text was the main text and the interior text was the “sealed abridgment” (*versiegelte Innenschrift verkümmerte*).<sup>33</sup>

## Sealing and the Seals

Sealing (closing the document) was essential, and the manner of sealing papyrus or parchment documents was relatively standard. Typically, these documents have a horizontal slit from the edge of the papyrus to the middle, between the two texts (as seen in fig. 1). The top half was rolled to the middle and then folded across the slit. Three holes were punched from the slit to the other side, thin papyrus bands were threaded through these holes and wrapped around the rolled-up and folded-over upper portion of the document, and on these bands the seals (wax or clay impressions) of the participants were affixed (see fig. 3).<sup>34</sup> In other cases the documents were just rolled down from the top without a slit and fold, and the top half was then sealed.<sup>35</sup> At Dura the upper part of the papyrus was rolled and “then tied with a single string in five knots across the sheet,” with a tassel on each end of the string so it could not be pulled through the holes without tearing the papyrus (see fig. 4).<sup>36</sup> The use of three

seals was common, but sometimes four or two are also found.<sup>37</sup> The documents at Dura bear the seals both of “the witnesses and principals.”<sup>38</sup>

The manner of sealing metal documents was somewhat different. The principles involved in the practice of doubled, sealed documents needed to be modified slightly depending on the writing materials used. The two bronze metal plates from the time of Trajan, found in Mainz, Germany (see fig. 2), have four holes, two on the corners and two in the middle: “The seal was fashioned in the following manner: A cord made out of bronze wire threads was laced through the middle holes of both plates and the two ends were tied together on the back side of the second plate. Over these knots a film of wax was poured, on which the witnesses impressed their seals. A half-cylindrical bronze seal was soldered over the wax for protection [see fig. 5].”<sup>39</sup>

## The Witnesses

Witnesses were necessary, although their number could vary. In one Assyrian agreement on a clay tablet from 651 BC that documented the sale of a property, twelve witnesses are listed.<sup>40</sup> Ten documents, each subscribed by six witnesses, come from the third century BC.<sup>41</sup> In Egypt it was common to use five or, most often, six witnesses.<sup>42</sup> The Hibeh documents bear “the signatures of the witnesses, whose names are also given on the verso and who seem to have been seven in number.”<sup>43</sup> The Babylonian Talmud stipulated that “at least three witnesses were required by law.”<sup>44</sup> Accordingly, in most Jewish texts three witnesses were common, and normally not more than seven seem to have been used,<sup>45</sup> although in principle one witness was required to sign on each fold and “if there are more than three folds more witnesses must be added, one for each fold.”<sup>46</sup> The number of witnesses in the Bar-Kokhba documents is “usually five or seven.”<sup>47</sup> In Dura-Europos “the standard number of witnesses is three; five occur in the two camp texts.”<sup>48</sup> The decree of Trajan on two bronze plates contains the names of seven witnesses listed on the back open side of the second plate (see fig. 2). All of these sealing and witnessing procedures, of course, may bring to mind the book with seven seals envisioned by John in Revelation 5:1–4 (see fig. 6).

The functions of witnesses could vary. In some cases (demotic and Mishnaic) all of the witnesses attested to the entire document, whereas in other Jewish cases one witness affirmed each line of text (after each line on the recto a witness signed on the verso). Some witnesses testified to the execution of the document or formation of the contract; others certified the correctness of the content of the document. Thus, for example, “the Dura witnesses attested the act or declaration which constituted the document. . . . [In documents executed outside of Dura] it is evident that the action indicated by the verb took place ‘before,’ ‘in the presence of’ the specific persons named as witnesses at the end.”<sup>49</sup> In documents drawn up within Dura itself, this element is lacking, “perhaps because it could be assumed that the act which they documented was performed in an official place.”<sup>50</sup>

## The Signatures

The signatures of the witnesses are typically found on the back of the document, on the sealed part in early times, and on the open part in later times.<sup>51</sup> The witnesses typically signed on the back of the document in ascending order from the bottom, with the first line of signatures directly opposite the last line of the text on the front side, the second line of signatures opposite the penultimate line of text on the other side, and so forth.<sup>52</sup> In one of the documents from Dura-Europos, the witnesses signed “on the verso opposite knots in the string tying shut the

upper text.”<sup>53</sup> In all cases except one, the signatures of the witnesses are found on the verso.<sup>54</sup> Similarly, on the twenty-three double deeds found among the Bar-Kokhba letters, “the witnesses signed their names on the back (the *verso*), each next to one knot,” with the names running from the knot toward the bottom of the document (see fig. 7).<sup>55</sup>

The Babylonian Talmud, written in the centuries directly after the time of Christ, describes two similar kinds of double documents. The difference is slight, principally with respect to the manner in which the signatures are to be affixed. In the first type, the entire scroll containing both parts of the document is rolled up into a single roll and sealed, with the signatures of the witnesses either on the front of the document in the space between the two blocks of text or on the back of the document. In the second type, only the closed text is rolled up and sealed; the signatures run on the right side of the open text, beginning at the last line and continuing to the first line of text, as proof that nothing was missing (see fig. 8).<sup>56</sup>

According to the Talmud, “an open document [has] its witnesses on the inside; and a bound [document has] its witnesses on the outside.” If this procedure is not followed correctly, the document is invalidated, as in a bill of divorcement, according to the majority opinion. For unsealed documents, two witnesses will suffice; but a sealed document requires three. In the case of a discrepancy between the top portion of the document and the bottom, “everything follows the bottom,” since the sealed, or upper, portion is only there “so that if one letter from the bottom should be erased, it will be derived from the top.”<sup>57</sup> The signing of a sealed or bound document under the Rabbinic practice required the paper to be folded over each line, sewn, and signed: “each fold requires the signature of a witness, with a different witness on each fold.” All such documents were required to conclude with the words firm and established.<sup>58</sup>

## The Legal Contents

The contents of these doubled, sealed documents covered a wide spectrum of legal subjects. Bilabel lists thirty-seven Ptolemaic double documents (mostly receipts, *Quittungen*) and sixteen certain and five other probable documents that involve royal decrees (*Königseide*).<sup>59</sup> Portions of contracts are found in the Dead Sea Scrolls, but they are often so fragmentary that it is not possible to determine what kinds of documents they are;<sup>60</sup> one is a double deed regarding the sale of land.<sup>61</sup> The double documents from Dura-Europos, written in Greek from the first through the third centuries AD, feature a wide variety of transactions. They include a bequest (*Schenkungsvertrag*) with a complete inner and outer text, a division of property (*Teilungsvertrag*), loan documents (*Darlehnsvertrag*), purchases, a sale of a vineyard (five witnesses, with an abridged interior text of three lines), a deposit (*Verwahrungsvertrag*), marriage contracts, divorce documents (one with complete inner and outer text), and a receipt.<sup>62</sup> The double documents from Murabba’at and from the region around Nahal Hever<sup>63</sup> involve legal matters including acknowledgment of indebtedness, marriage, divorce, and purchases.<sup>64</sup>

## The Sealing Up, or Preserving

Security in preservation was provided by placing the double documents in vessels to secure and protect them. Jeremiah’s instructions are explicit on this: “Put them in an earthenware jar, so that they might last a long time” (see fig. 9).<sup>65</sup> During the time of the Neo-Babylonian Empire, “private archives of tablets were stored in clay jars in

the homes.”<sup>66</sup> Security in maintaining the integrity of the deed was provided by the use of seals, common in Babylonian administrative texts, but only after the Old Babylonian period with respect to legal texts.<sup>67</sup>

## Opening the Document

When and by whom could these seals be opened? It appears that only a judge or some other duly authorized official could break the seals and open the document. In Babylonia, if a dispute ever arose concerning the correct wording of the contract, a judge could remove the outer envelope and reveal the original tablet.<sup>68</sup> This rule seems to reflect the prevailing practice in the world of the Bible: “Only a judge could open the sealed copy to settle disputes.”<sup>69</sup> “In case of doubt, and only then, the *interior* could be opened in the appropriate office.”<sup>70</sup> Accordingly, John the Revelator “wept much, because no man was found worthy to open and read the book” that he beheld, until “the Lion of the tribe of Juda . . . prevailed to open the book, and to loose the seven seals thereof” (Revelation 5:4, 5; compare Isaiah 29:11).

## Origins and Applications

What can be said about the origins of this practice? Emphasizing its Israelite origin, Koffmahn argues that the archaeological record indicates that the double document originated as a Hebrew practice or custom. She concludes, “Everything appears to point to a Semitic origin.”<sup>71</sup> In Egypt “double documents first appear among the Hellenistic papyri from Elephantine (fourth century BC),” which shows that this legal form of documentation did not originate earlier in Egypt.<sup>72</sup> Elsewhere throughout the Hellenistic world, she argues, double documents “surface wherever any contact with the Semitic culture can be also demonstrated.”<sup>73</sup> While Koffmahn acknowledges that in the centuries after Christ the Jewish legal practice was modified under Hellenistic and Roman influences, especially with respect to “private documents, such as prenuptial agreements, divorce documents, debt instruments, and other such matters, for which the Old Testament does not prescribe the use of this particular form,”<sup>74</sup> she stands by her conclusion that “certainly in the first instance we are to call this the original Semitic law, as has been handed down to us through Jeremiah 32:10ff.”<sup>75</sup>

Other scholars, such as Hans Julius Wolff, do not see this practice as originating among the Israelites.<sup>76</sup> They look to parallels in the earlier Mesopotamian practice of preserving legal documents in case tablets with the interior text repeated on the envelope (see fig. 10). Examples of case tablets are found as early as 2900 BC,<sup>77</sup> but they do not surface in all eras or centuries of Mesopotamian history: they appear as Sumerian deeds from the third dynasty of Ur and also come under the heading of the so-called Cappadocian clay tablets of about 2000 BC.<sup>78</sup> Examples have been found that date to the middle of the second millennium,<sup>79</sup> but they drop out during the time of the Amorites. Case tablets surface again in the old and new Assyrian empires but were not used in the Neo-Babylonian period, when other practices such as giving each party a copy of the document were used to protect the transaction.<sup>80</sup> Case tablets are found again in Persian-Kurdistan.<sup>81</sup> In these documents both the inner tablet and the outer case repeated the basic text verbatim, and both bore the impressions of the cylinder seals or other seals of the witnesses.<sup>82</sup> In regard to Mesopotamian clay tablets at one location, “from some fragmentary examples, these tablets were all doubled, the one encased in the other, and by comparing the text on the inside and outside one could readily see that the seal and the inscription (*Inscription*) were the same.”<sup>83</sup>

The traditional material used since prehistoric times to make tablets such as these was the clay found prevalently in the alluvial riverbeds.<sup>84</sup> Tablets were formed from the clay and either sun dried, as prescribed, or fired. The sun-dried tablets became a gray color; those that were fired were red or black. Thanks to the protection of desert gravel and sand, many ancient tablets are still clearly legible today.<sup>85</sup>

Writing on clay was not easy; scribes were hired to prepare these legal documents. Starting with a somewhat flattened lump of clay, the scribe would use a stylus made of wood or a reed<sup>86</sup> to impress the characters, rather than scratching them in.<sup>87</sup> The parties to the contract would have their personal seals ready to be rolled in the clay to form a signature. Because it would have been easy to add or subtract from the contract before it dried out, a second lump of clay was formed into a case tablet by flattening it, “reducing it to the thickness of a pie crust.”<sup>88</sup> The signed document would then be folded into this second piece of clay and the outer tablet formed around it. The scribe would then inscribe the same words of the transaction on the outer tablet, and the parties would affix their seals to it in the same way. Surprisingly, the clay of the inner tablet did not adhere to the outer tablet; both copies were preserved. During the drying process both tablets shrank, again providing security because any attempt to replace the outer envelope with new clay would result in damage to the inner tablet from the moisture.<sup>89</sup>

Although these Mesopotamian practices seem to be somewhat related to the papyrus procedures of the eastern Mediterranean, John Bright prefers to discount any connection.<sup>90</sup> Hammershaimb and most others, however, do not: “The procedure [on papyrus or parchment] corresponds in principle to the Babylonian case-tablets, where the outer one serves to give information about the content and the inner one is only taken out if a dispute about the content arises.”<sup>91</sup> Wolff assumes that “the Babylonian tradition of the case-tablet must have been adapted and extended for use in connection with new writing materials.”<sup>92</sup> Rubensohn agrees.<sup>93</sup> Fischer sees the practice as “perhaps a general custom throughout antiquity.”<sup>94</sup> If the western papyrus procedures developed out of the eastern cuneiform cultures, then the Israelite conventions made no particularly unique contribution to legal practices in these regards. But if the papyrus procedures are independent of the practices connected with clay tablets, then Jeremiah 32 is the earliest known instance of such a doubled, sealed document, and the Israelite influence in the history of this convention becomes more prominent. Although Koffmahn’s position is not highly regarded among scholars today, her evidence still shows that the use of doubled, sealed documents was significant and prominent among the Israelites and Jews for many centuries, even if an Israelite origin of the basic underlying concept per se cannot be proved.

Applying this legal custom widely, the Romans undoubtedly borrowed the idea of double documents from the general legal practice in the Hellenistic world and incorporated it into their own practice and law (see fig. 11).<sup>95</sup>

Many Roman double documents have been found involving military instructions,<sup>96</sup> military retirements and benefits,<sup>97</sup> slave purchases, horse purchases, requests for information (*Bittgesuch*), and marriage contracts.<sup>98</sup> Indeed, Roman law in the first century AD expressly required this form of documentation in order to prevent falsification;<sup>99</sup> Paulus explained that double documentation was necessary to preserve the integrity of the transaction: “ut exteriori scripturae fidem interior servet.”<sup>100</sup>

Moreover, these Roman documents, consistent with the broad cultural practice of the ancient Mediterranean and Mesopotamian worlds, were subscribed by witnesses and sealed. The practical value and enduring importance of the use of seals in antiquity is further illustrated by the frequent presence of stamp and cylinder seals in Mesoamerica, as several items listed in John L. Sorenson’s monumental bibliography amply document.<sup>101</sup> Such



seals and their arguable connection with the ancient Near East offer some evidence that the practice of sealing documents was known and used in pre-Columbian America.

In addition, the Old Testament demonstrates that physical records were not the only items that could be thought of as being sealed up: the Song of Moses refers to God's vengeance being "sealed up among my treasures" (Deuteronomy 32:34), and Job's "transgression is sealed up in a bag" (Job 14:17). Modern revelation brings us the promise that we can be "sealed up unto eternal life" through the "sure word of prophecy" (D&C 131:5; compare Mosiah 5:15), but the wicked, or those who reject the gospel, will have the testimony of the prophets sealed up from them. In other words, the legal practice of sealing important documents or judgments was impressive enough that it formed the basis of several scriptural images and idioms.

To sum up, while some of the particulars vary from culture to culture and from one writing medium to another, doubled, sealed, witnessed documents were common in the ancient world and were fundamental in preserving important written records. The standard elements included the presentation of the essential components of the document twice, the certification of witnesses, and the physical sealing (binding) together with the sealing up (concealing) of the document itself.

### **The "Sealed Torah" in the Dead Sea Scrolls and Pseudepigrapha**

Much as the idea of a "sealed book" proved useful in the creative biblical language of Isaiah and Jeremiah, it also captured the theological fascination of Jewish sectarians, as seen in the Dead Sea Scrolls. Ben Zion Wacholder argues that Jeremiah 32 holds the key to understanding *Damascus Document* 5:1–6. This text from the Dead Sea community developed or used the idea that a sealed book of the law of Moses existed, and the Essenes used this idea in rationalizing David's sins as inadvertent (except for the blood of Uriah), because "David had not read in the sealed Book of the Law which was inside the ark." This sealed version of the law of Moses was reportedly "hidden and was not revealed until the son of Zadok arose." Wacholder finds traces of Jeremiah 32 in this text in its use of the key words *sealed* and *revealed* (open). It is possible that Jeremiah 32 influenced the sectarians or that Jeremiah's language and the Dead Sea exegetes were both influenced by a widespread general tradition even more ancient than Jeremiah himself.

Similarly, several traditions springing largely out of Deuteronomy 31:26–30 are found among the Jewish legends and pseudepigraphic writings. In Deuteronomy 31:26, Moses was commanded, "Take this book of the law, and put it in the side of the ark of the covenant of the Lord your God, that it may be there for a witness against thee." Various understandings of this scripture arose. Did Moses write one copy of the law for open and public use and then deposit a duplicate copy of the law in some ark (perhaps the ark of the covenant) for use at the judgment bar of God? Or, as the author of the *Damascus Document* seems to claim, did Moses write two different versions of the law—one for present use and circulated in multiple copies among David and his people, and the other for eschatological use and inscribed in two copies, both of which "were in storage"?<sup>102</sup>

Whatever the case may be, the idea of there being a sealed Torah sealed up somewhere for God's future use in addition to the open, or revealed, Torah is clear enough. An account relates that, on the last day of his life, Moses "wrote thirteen scrolls of the Torah, twelve for the twelve tribes, and one he put into the Holy Ark, so that, if they wished to falsify the Torah, the one in the Ark might remain untouched." This thirteenth scroll was "fetched by Gabriel, who brought it to the highest heavenly court to show the piety of Moses. . . . It is this scroll of the Torah out of which the souls of the pious read."<sup>103</sup>

The idea of thirteen scrolls is upheld by Maimonides in the Mishneh Torah,<sup>104</sup> and even before Maimonides, the Zadokite sages “arrived at the conception of two Mosaic recensions.”<sup>105</sup> Those sages further concluded from Deuteronomy 31:26 that the second Torah was put in a “sealed container,” that is, a “box or chest in which scribes wrap their manuscripts for preservation and safekeeping.”<sup>106</sup> This box or chest may have been thought of as the ark of the covenant, since 2 Maccabees 2:5–8 says that Jeremiah hid the ark in a secret place that he sealed, and this ark was the storage place of the law.<sup>107</sup>

In the *Testament of Moses* 1:16–18, Moses was told: “Take this writing so that later you will remember how to preserve the books which I shall entrust to you. You shall arrange them, anoint them with cedar, and deposit them in earthenware jars in the place which (God) has chosen from the beginning of the creation of the world, (a place) where his name may be called upon until the day of recompense when the Lord will surely have regard for his people.”<sup>108</sup>

In *Jubilees* 1:5–29, Moses was given two stone tablets and was shown a vision of “what was in the beginning and what will occur in the future” (compare Moses 1; see no. 5 in table on p. 477). He was instructed to write a book containing everything the Lord would tell him on the mountain so that it might serve as a testimony in the future against the people. While the *Testament of Moses* and the book of *Jubilees* do not say that this eschatological and prophetic book of Moses would be sealed, the authors of those works presume that those writings of Moses would be preserved until the final day of judgment.

Jewish texts such as these show that the idea of doubled, sealed documents attracted attention far beyond the sphere of mundane secular transactions. The Israelite tendency to use daily practices to carry theological cargoes virtually assured that an institution as laden with solemn formality as the doubled, sealed, witnessed document would be carried into the literary imagery and religious discourse of the people in and around Jerusalem.

### **The “Sealed” or “Sealed Up” Documents in the Book of Mormon**

The legal use of doubled, sealed, witnessed documents during Jeremiah’s (and Lehi’s) lifetime in Jerusalem, together with the secular use of such instruments throughout much of the ancient world and the religious utilization of this formalism in biblical and intertestamental literature, raise the distinct possibility that Lehi knew of this practice and that Nephi and his successors had this form of double documentation in mind when they contemplated the preservation of their own records, constructed and assembled their written texts, and ultimately sealed and deposited the Book of Mormon plates. The following factors relate the form of the double documents of the ancient world to that of the Book of Mormon.

Nephi knew that the Nephite record would eventually be a two-part book. As early as about 550 BC, he described the time when “the words of a book,” meaning the Book of Mormon, would come forth (2 Nephi 27:6). Although Nephi could sometimes speak of that doubled book as a single document, just as Jeremiah had spoken of his two-part deed of purchase as a single document (*sepher*), Nephi, like Jeremiah, saw the final Nephite record as having two parts, one sealed and the other not: “The things which are sealed shall not be delivered in the day of the wickedness and abominations of the people” (verse 8), but the “words which are not sealed” shall be taken and delivered “to another” (verse 15) who shall be told to “touch not the things which are sealed, for I will bring them forth in mine own due time” (verse 21). Indeed, one portion of the Nephite record was sealed; the other part was open. Consistent with the ancient practices and requirements, witnesses were promised; in particular, at least three witnesses were stipulated. Others would be provided for, according to God’s will: “as many witnesses as

seemeth him good” (verse 14) to “testify to the truth of the book and the things therein” (verse 12). For security and preservation, the plates were buried; they were both sealed and sealed up. Similarly, Jeremiah both sealed his document and then sealed it up in an earthen jar, to preserve the document for later official use. These prima facie points of comparison call for a thorough inspection of descriptive material found in three parts of the Book of Mormon: 2 Nephi 27, Ether 3–4, and Ether 5.

## 2 Nephi 27: Nephi’s Conception of the Nephite Record

The idea of a doubled, sealed, witnessed document is encountered in 2 Nephi 27. Although this chapter draws heavily on Isaiah 29, its terminology does not come entirely from that chapter of Isaiah, which talks only about a sealed book (see Isaiah 29:11–12). The text in 2 Nephi 27 goes on to deal with witnesses and “sealing up” and contemplates a two-part collection of records.

Nephi begins by prophesying that because of iniquity among the gentiles, the eyes of their rulers and seers will be “covered” (verse 5). Nevertheless, the Lord will bring forth to the gentiles “the words of a book”—not the book itself but only the words of that book—which shall be the words of Nephites who “have slumbered” (verse 6). Moreover, while the words of the book will be open, the book itself will be sealed: “And behold the book shall be sealed” (verse 7). In other words, it appears that the book will be in the form of a sealed document, part of which will be open and part closed.

There seems to be a distinction in Nephi’s mind between being “sealed” and being “sealed up.” The former, according to the Old World practice, would normally have to do with physically tying the document shut and affixing a wax or clay seal to the closure. The latter has to do with whether or not a portion will be revealed: “because of the things which are sealed up, the things which are sealed shall not be delivered in the day of the wickedness and abominations of the people” (verse 8). Because of the unrighteousness of the gentiles, “the book shall be kept from them [the gentiles]” (verse 8). In other words, the plates themselves will be kept from the people, but the book itself “shall be delivered [given] unto a man [Joseph Smith]” (verse 9). He shall “deliver [translate] these words,” and “the words of the book . . . he shall deliver [dictate] . . . unto another [Oliver Cowdery]” (verse 9). Concerning the part of the book that is sealed, “he [Joseph Smith] shall not deliver [translate], neither shall he deliver the book [that is, show the plates themselves to the world]” (verse 10).

Moreover, Nephi indicates that the seals on the book were affixed by the power and authority of God: “For the book shall be sealed by the power of God” (verse 10). In this way the contents could become available in the day of the Lord, presumably for use on the day of judgment: “and the revelation which was sealed shall be kept in the book until the own due time of the Lord, that they may come forth” (verse 10). The plural *they* in this text may be taken to refer to the two parts of this record; in other words, “that they [the open and the sealed parts] may [both eventually] come forth” according to the Lord’s timetable. For “the day cometh that the words of the book which were sealed shall be read upon the house tops; and they shall be read by the power of Christ” (verse 11). That is, just as these words were sealed by the power and authority of Christ, they shall be read by that same power and authority. Christ, as judge, maker, and sealer of the document, would have the authority to open and disclose the sealed text.

Nephi also mentions witnesses in connection with this document. In 2 Nephi 27:12 he reaffirms that, apart from Joseph Smith, “the man of whom I have spoken, . . . three witnesses shall behold it, by the power of God.” As previously noted, the minimum number of witnesses required under Jewish law in order for a sealed document to be legally valid was three. According to Nephi, these three witnesses will have two functions: to “testify to the

truth of the book and [of] the things therein” (verse 12; compare “The Testimony of Three Witnesses,” in the forepart of the current edition of the Book of Mormon). Testifying to “the truth of the book” corresponds with the ancient function of verifying the validity of the formation of the contract and the formalities of the execution of the document; testifying to the truth of “the things in the book” corresponds with the legal role of affirming the accuracy of the words themselves.

Besides these three witnesses, “a few” others shall view “it” (presumably the external features of the book itself) so that they might “bear testimony of his [God’s] word [singular]” (verse 13). In other words, they will attest to the fulfillment of God’s promise (word) “that the words of the faithful [the slumbering Nephites] should speak as if it were from the dead” (verse 13). However, it was not anticipated that these other witnesses should testify of the words or contents of the book itself (which is consistent with “The Testimony of Eight Witnesses,” in the front matter of the current printing of the Book of Mormon). Thus God will bring forth “the words of the book,” as distinguished from the book itself, and in the mouths of “as many witnesses as seemeth him good will he establish his word” (verse 14). As in the ancient practice, the total number of witnesses mentioned by Nephi was not rigidly fixed, although he gives assurances that more than the required minimum of three would be provided. The testimonies of the Three and Eight Witnesses appeared at the back of the first edition of the Book of Mormon, just as the signatures of witnesses stood at the end of ancient documents, marking the conclusion of the document. Anything that came after the bottom witness’s name was presumptively not a part of the original document but an unauthorized addition.

Nephi next places a curse on anyone who rejects the word of God (see verse 14). Once an ancient legal statement was established by witnesses, it carried a high degree of seriousness. Unwitnessed statements could be disregarded at one’s own discretion, but witnessed documents were far more authoritative. Disregarding them was tantamount to rejecting the validity of the entire legal system and of the deity in whose name the witnesses swore; thus, rejecting sworn testimony would amount to a denial of the whole word of God, warranting the curse.

Moreover, in 2 Nephi 27:15–18 the ancient seer prophesies how the “words which are not sealed” (the open part of the book) would be delivered to another (Martin Harris) so that he could show them to the learned (Charles Anthon and others). Harris would explain that “it is sealed,” and Anthon would respond that he cannot read it (see verses 17–18). But the Lord will “deliver again the book and the words thereof” to the unlearned (verse 19), and he shall read “the words which I [the Lord] shall give” (verse 20). In other words, he shall read only those words, namely, the open part of the document. Joseph would be commanded to “touch not the things which are sealed,” for they will come forth in the Lord’s due time (see verse 21).

The contents of this two-part, sealed document are described four times by Nephi throughout this passage. We are told that “it” (the book as a whole) will contain “a revelation from God, from the beginning of the world to the ending thereof” (verse 7); that “they” will “reveal all things from the foundation of the world unto the end thereof” (verse 10); that when the sealed words are read upon the housetops, “all things shall be revealed unto the children of men which ever have been among the children of men, and which ever will be even unto the end of the earth” (verse 11); and that the sealed words will be preserved until the Lord sees fit to “reveal all things unto the children of men” (verse 22). While the latter two statements indicate that the sealed words will be made known *at the time* when the Lord will reveal all things, it is not clear whether all those things will be revealed entirely, partially, or perhaps not at all by means of this particular sealed text or in some other manner at that time. Moreover, the first two statements seem to say that information about things from the foundation to the end of the world will be contained in the book as a whole, both in the sealed portion and also to some extent in the open portion. It is unclear whether the book as a whole, or the sealed portion alone, will consist of a single revelation about all these

things, “a revelation from God,” or whether that revelation will be found among or embedded in other sorts of records. Indeed, to a very significant degree, the open portion of the Book of Mormon already reveals great and precious knowledge from the fall and before the foundation of the earth (see 2 Nephi 2; Alma 12) to the atonement and end of the world (see 1 Nephi 14; 2 Nephi 9, 28–30; Alma 7, 13; 3 Nephi 21–5). Therefore, the general contents of the open and sealed parts of this two-part record need not be very different from each other.

Nephi anticipated that, after the open part of the text had been read and the witnesses obtained, Joseph would be required to “seal up the book again” (verse 22). This might simply refer to putting the book back into its container (that is, simply sealing, or closing, it up), or it may indicate that the open portion of the book was initially closed with outer seals (in addition to the inner seals that were on the sealed portion) and that those outer seals would be reaffixed. Either way, the book was to be sealed by Joseph Smith “again,” and Nephi seems to have had something like the conventional legal practices of his day in mind.

Modern readers may wonder why Nephi would envision and thereby effectively prescribe the use of these practices, employed in the ancient world to memorialize and preserve secular legal contracts, when he spoke of the future configuration of the Nephite records, which were sacred, not secular. To the ancient mind, however, formalities such as these were the essence of validating and conserving documents and proclamations of utmost significance. More specifically, the Book of Mormon is indeed a binding document, a legal warning, a proclamation, a testament, covenant, and contract. Its provisions are about covenants of the Lord. It has much to do with rights of land possession, and it contains the terms and conditions that the owner of the land of promise requires those who occupy that land to obey. In other words, the religious and secular spheres were not widely separated in antiquity, and the Book of Mormon presents sacred materials often by using legalistic forms or concepts. These factors may well explain why Nephi would associate this legal form, typically used for legal contracts, with the final presentation of the Nephite records.

Moreover, the process of sealing up the Nephite records served several practical and religious purposes. To keep the record pure, Nephi and his posterity were instructed that the records should be “sealed up to come forth in their purity” (1 Nephi 14:26). As further protection against destruction, the Lord instructed his scribes to seal up the writings in a book so that “those who have dwindled in unbelief shall not have them, for they seek to destroy the things of God” (2 Nephi 26:17). Prophetically, Nephi reported that the book would be dedicated to the Lord, “sealed up again unto the Lord” (2 Nephi 30:3).

### **Ether 3–4: Instructions to the Brother of Jared**

Interestingly, the book of Ether, which also speaks of revelations being sealed, deals with two distinct times and sealings: first, the sealing up of a record written and sealed up by the brother of Jared; and second, the sealing up of an abridgment of that record by Moroni after he had included that material as part of the book of Ether at the end of the plates of Mormon. In describing this document and its abridgment, the brother of Jared and Moroni never use the word *seal* (or *sealed*) by itself, while the phrase *seal up* (or *sealed up*) is used eight times (see Ether 3:22, 23, 27, 28; 4:5 [3 times]; and 5:1). By contrast, 2 Nephi 27 uses the word *seal* (*sealed*) by itself nine times (see verses 7, 8, 10 [3 times], 11, 15, 17, 21), while the expression *seal up* (*sealed up*) is used only twice (see 2 Nephi 27:8 and 22; in verse 8 its meaning is unclear, but in verse 22 it means “to seal up” in the sense of “to hide up”). The dominance of *seal up* in Ether indicates that “sealing up” something meant something different, especially in the mind of the brother of Jared, from what “sealing” meant for Nephi. Culturally, one would expect to find a difference between these two texts. Nephi came from Jerusalem; the brother of Jared came many centuries

earlier from Mesopotamia, a culture that even in its earliest days kept records on clay tablets; and Moroni lived in the fourth century AD.

Perhaps the Jaredites knew of the practice of “sealing up” documents by use of cylinder seals and case tablets; but it is doubtful that, away from the river culture of Mesopotamia, the Jaredites would have had the clay and other resources necessary to record their words in this fashion. Although we do not know what medium the brother of Jared used to write on, his background and experience would still have inclined him to take special steps to protect and preserve written texts. Thus the brother of Jared was told to “treasure up” and “seal up” (Ether 3:21, 22) the things that he had seen, but nothing indicates that he prepared his record with one part open and the other part closed, as Jeremiah did in writing his deed and as Nephi contemplated would be done with the Nephite record.

The Jaredite document described by the brother of Jared in Ether 3:21–4:2 differs in many ways from the Nephite record discussed in 2 Nephi 27. Whereas Nephi spoke of the Nephite record as being “sealed,” that is, closed with a seal, the Jaredite account seems to envision something quite different in speaking about the record of the brother of Jared as being “sealed up.” For the Jaredite text, being “sealed” means that the holders of the document should “show it to no man” (Ether 3:21) and should write the words in a language in which “they cannot be read” (verse 22), since “the language which ye shall write I [the Lord] have confounded” (verse 24).

Moreover, the two records differ in content and in the time when they shall come forth. The brother of Jared’s record reports his two-part revelation: first, he was shown Christ’s premortal body (see Ether 3:13); and second, he saw “all the inhabitants of the earth which had been, and also all that would be; and he [the Lord] withheld them not from his sight, even unto the ends of the earth” (verse 25). Following his vision of the premortal Christ, the brother of Jared was told by Christ that the prophet’s account of this great vision should not be made public “until the time cometh that I shall glorify my name in the flesh” (verse 21) or “until after that he should be lifted up upon the cross” (Ether 4:1). In fulfillment of this prophecy, “after Christ truly had showed himself unto his people [the Nephites], he commanded that they [the records] should be made manifest” (verse 2); this does not match the time when the sealed Nephite records would come forth. Regarding the second part of the revelation given to the brother of Jared, the Lord told him to “write these things and seal them up; and I will show them in mine own due time unto the children of men” (Ether 3:27). This may or may not correspond with the manifestation of all things to the children of men mentioned in 2 Nephi 27.

Together with the Jaredite record, two stones were also sealed up (see Ether 3:23). This is reiterated later: “The Lord commanded him that he should seal up the two stones which he had received, and show them not, until the Lord should show them unto the children of men” (verse 28). No stones are mentioned in 2 Nephi 27 in connection with the sealed Nephite book. Thus, on several grounds, it appears that the record that the brother of Jared “sealed up” in very ancient times is a different record from the sealed part of the Nephite book.

#### **Ether 4–5: Moroni’s Handling of the Jaredite Record**

In Ether 4:3–5:4 Moroni speaks of “sealing up” the record of the brother of Jared. After all of the Nephites and Lamanites had “dwindled in unbelief,” the Lord commanded Moroni to “hide them [the words of the brother of Jared] up again in the earth” (Ether 4:3). After writing or abridging “the very things which the brother of Jared saw” and including them on the plates of Mormon (verse 4), Moroni “sealed up” those records and the interpreters (verse 5). The Lord told Moroni that the full record of the brother of Jared would not go forth to the gentiles until they repented and became clean and had the same faith as the brother of Jared (see verses 6–7).

Moroni then pronounced a curse on anyone who might “contend against the word of the Lord” (verse 8). Nephi’s curse, somewhat differently, was aimed at anyone who might “reject” the word. Moroni, like Nephi, however, set his warnings in connection with the judgment bar of God: “for ye shall know that it is I that speaketh, at the last day” (verse 10; see also 5:6). Moroni then invited the gentiles to come to Christ and learn “greater things, the knowledge which is hid up because of unbelief” (Ether 4:13), indicating yet another way—namely, by unbelief—in which the great revelations given to the brother of Jared were “sealed up.”

Moroni affirmed that he had “told [the reader] the things which [he had] sealed up,” and thus he prohibited the translator from touching the things that he, Moroni, had sealed up (see Ether 5:1). He promised the translator that he could “show the plates unto those who shall assist to bring forth this work” (verse 2), but Moroni’s text does not indicate that those people would necessarily become formal witnesses. Three others, however, would be shown the plates “by the power of God” (verse 3), for “in the mouth of three witnesses shall these things be established” (verse 4). They will be joined at the last day by the testimony of three others, namely, the Father, the Son, and the Holy Ghost (see verse 4).

While certain similarities exist between the prophetic statements of Nephi and Moroni, Moroni made little use of the full legal model used by Nephi. Moroni did not speak in terms of the open and sealed nature of the document, the particular roles and functions of the witnesses, or of the significance of the document itself being sealed, not just sealed up. Apparently, Moroni simply sealed up the records without thought of, or recourse to, the ancient legal customs or practices.

I leave it to the reader to judge the extent to which the concept of doubled, sealed, witnessed documents employed anciently in various media is relevant to the composition, sealing, and witnessing of the Book of Mormon and to sort out the differences and similarities between Nephi’s expectations, the instructions given by the Lord to the brother of Jared, and the actions taken by Moroni with respect to the records under his jurisdiction. Beyond the texts in the Book of Mormon and the comparative studies explored above, there is little further information to go on. We know that part of the plates of Mormon were sealed, but ultimately the descriptions of the plates known to us from history are too brief to provide much further assistance. Joseph Smith once briefly described the plates of Mormon as bound together as a single document, the plates having uniform dimensions and comprising two parts, and that “a part” of the plates “was sealed.”<sup>109</sup>

In 1878 David Whitmer was asked, “Did the angel turn all the leaves before you as you looked on it?” He answered: “No, not all, only that part of the book which was not sealed, and what there was sealed appeared as solid to my view as wood.” Responding to the question “How many of the plates were sealed?” he said: “About the half of the book was sealed. . . . There is yet to be given a translation about Jared’s people’s doings and of Nephi, and many other records and books, which all has to be done, when the time comes.”<sup>110</sup> In 1881, 1885, and 1888, David Whitmer added the following comments: “About one-third of which appeared to be loose, in plates, the other solid, but with perceptible marks where the plates seemed to be sealed.”<sup>111</sup> “A large portion of the volume was securely sealed, but on the loose pages were engraved hieroglyphics.”<sup>112</sup> “A large portion of the leaves were so securely bound together that it was impossible to separate them, but upon those loose leaves were engraved hieroglyphics.”<sup>113</sup> “A large portion of the volume was securely sealed, but on the loose pages were engraved hieroglyphics.”<sup>114</sup> “A large portion of the leaves were so securely bound together that it was impossible to separate them, but upon the loose leaves were engraved hieroglyphics.”<sup>115</sup>

## Conclusions

From this study I conclude that Nephi was familiar with the Israelite legal practice of using double documents or deeds and that he instructed his posterity to construct the Nephite record in a fashion that would conform with that tradition. His discussion in 2 Nephi 27 not only expands on Isaiah 29 but also draws on Jeremiah 32 or the general tradition of doubled, witnessed documentation, one part of which was sealed and the other left open.

Nephi envisioned that the Nephite record would eventually consist of two parts—one being sealed, hidden, sacred, and protected and the other being open, public, revealed, and revealing. In this regard the record of the brother of Jared and the rest of the Book of Mormon differ; Nephi's conception of a sealed text differed from that reflected in Moroni's abridgment and description of material in the book of Ether. Although these two sealed or sealed-up records may come forth at the same future time, they are different.

According to the double-document practices of the ancient Mediterranean, the two parts of the doubled document were closely associated with each other: the sealed portion typically provided confirmation of the revealed portion. Moreover, because the revealed, or open, portion (the published Book of Mormon) is itself an abridgment of other records, one may surmise that the sealed portion of the plates of Mormon is a longer version of, and closely related to, the material that has been revealed to us. In conformance with the concepts of the double deed, then, the purpose of the sealed portion will be to confirm the truth of the revealed portion. Moroni himself said, "Ye shall see me at the bar of God; and the Lord God will say unto you: Did I not declare my words unto you?" (Moroni 10:27). Thus a primary purpose of the sealed portion of the Book of Mormon will be to stand as a witness that what has been declared unto us in the Book of Mormon is true.

The format of the double documents in antiquity was somewhat flexible, depending on materials available and the individual needs and circumstances. One cannot expect that the Book of Mormon plates physically conformed exactly to patterns used in other ancient legal and administrative practices. Double documents could be inscribed in various fashions on papyrus, parchment, metal tablets, or clay-case tablets. Although the particular details of implementation varied to suit the available writing media and sealing materials, the underlying concepts remained essentially the same.

The necessity for, and functions of, witnesses are attested through many ancient legal documents. Although the number of witnesses varied, it could not be less than three for a sealed document, according to Jewish law. Biblical law called for two or three witnesses in judicial settings. The witnesses were crucial for verifying the validity of the document, the sealed part standing as a witness for the revealed part in time of judgment, when the seal was broken by an authorized person. Since the witnessed document was received under oath, curses fell upon those who failed to give heed to these documents: "Cursed be he that confirmeth not all the words of this law to do them" (Deuteronomy 27:26). All this gives additional force to the comment found in Job, "For God speaketh once, yea twice, yet man perceiveth it not" (Job 33:14).

In ancient societies, where duplicating equipment and central record offices did not exist, the practice of stating important decisions or transactions twice provided an important degree of certitude concerning the accuracy of crucial official records. No wonder this practice was impressive and memorable to many ancient people: it provided a powerful image to the prophet Jeremiah, it grew to be prevalent in Hellenistic Egypt, it was remembered by the Dead Sea sectarians, it was useful in the hands of apocryphal writers, it became mandatory in certain cases under Jewish law, and it persisted in Roman administration. For many of the same reasons, it also was paradigmatic for Nephi and the plates of Mormon.

## Notes



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1. See Leopold Wenger, "Über Stempel und Siegel," *Zeitschrift der Savigny-Stiftung* 42 (1921): 626, in which Wenger correlates Jeremiah's double deed to Assyrian double deeds while noting the difference in material.
2. John Bright, ed., *Jeremiah*, The Anchor Bible, vol. 21 (Garden City, N.Y.: Doubleday, 1965), 237 n. 11.
3. See Elisabeth Koffmahn, *Die Doppelurkunden aus der Wüste Juda* (Leiden: Brill, 1968), 19.
4. See Tsvi Schneider, "Six Biblical Signatures: Seals and Seal Impressions of Six Biblical Personages Recovered," *Biblical Archaeology Review* 17 (July/August 1991): 26–33; Yigael Shiloh, "A Group of Hebrew Bullae from the City of David," *Israel Exploration Journal* 36 (1986): 33.
5. Ben Zion Wacholder, "The 'Sealed' Torah versus the 'Revealed' Torah: An Exegesis of Damascus Covenant V, 1–6 and Jeremiah 32, 10–14," *Revue de Qumran* 12 (December 1986): 353.
6. Bright, *Jeremiah*, 237 n. 11.
7. *Ibid.*, 236.
8. Jeremiah 32:11, New American Bible.
9. Jeremiah 32:11, Revised Standard Version; see Daniel C. Browning, "Contracts, Deeds and Their Containers," *Biblical Illustrator* (spring 1990): 64.
0. See Bright, *Jeremiah*, 237 n. 11.
1. See especially Leopold Fischer, "Die Urkunden in Jer 32 11–14 nach den Ausgrabungen und dem Talmud," *Zeitschrift der Altertums Wissenschaft* 30 (1910): 136–42; Leopold Wenger, "Über Stempel und Siegel," 611–38.
2. Koffmahn, in *Doppelurkunden*, tends to overstate the Hebraic origin of double documents; nevertheless, she provides the most extensive recent discussion of the topic available. Translation from her German is mine.
3. *Ibid.*, 17, citing Friedrich Bilabel, "Zur Doppelausfertigung ägyptischer Urkunden," pt. 2, *Aegyptus* 6/2–3 (1925): 94, which refers to ten examples from a collection of Egyptian double documents dating from 300 BC.
4. Koffmahn, *Doppelurkunden*, 11.
5. Ann Perkins, ed., *The Excavations at Dura-Europos*, final report 5, pt. 1 (New Haven: Yale University Press, 1959), 14.
6. See Koffmahn, *Doppelurkunden*, 18; see also Friedrich Bilabel, "Zur Doppelausfertigung ägyptischer Urkunden," pt. 1, *Aegyptus* 5/3 (1924): 98.
7. Koffmahn, *Doppelurkunden*, 23.
8. See Bernard P. Grenfell and Arthur S. Hunt, eds., *The Hibeh Papyri*, pt. 1 (London: Egypt Exploration Fund, 1906), 242, 266. Hibeh is on the east bank of the Nile between Benisuêf and Shêkh Fadl; the papyri form part of the John Rylands Library, demotic collection.
9. See Alfred v. Domaszewski, "Ein neues Militärdiplom," in *Die Altertümer unsere heidnischen Vorzeit* (Mainz: Römisch-Germanisches Zentralmuseum, 1911), 5:181.
0. See Fischer, "Die Urkunden in Jer 32 11–14," 139; Otto B. Rubensohn, *Elephantine-Papyri* (Berlin: Weidmann, 1907), 7.
1. Koffmahn, *Doppelurkunden*, 11.
2. *Ibid.*, 15.

3. Wadi Murabba'at is located in the Judean desert. Excavation there revealed archaeological remains in four caves. These remains included full papyri, papyri fragments with traces of letters, several small ostraca, and two coins. See Emanuel Tov and Stephen J. Pfann, eds., *Companion Volume to the Dead Sea Scrolls Microfiche Edition* (Leiden: Brill, 1995), 115.
4. Koffmahn, *Doppelurkunden*, 13.
5. In the 1930s archaeologists uncovered a Roman garrison town, Dura-Europos, once located at the edge of the Persian empire of the Sassanians, now found in the Syrian desert near Dayr az-Zawr.
6. Perkins, *Excavations at Dura-Europos*, 14.
7. See Koffmahn, *Doppelurkunden*, 14.
8. See *ibid.*, 15.
9. Leopold Fischer, "Die Urkunden im Talmud," in *Jahrbuch der Jüdisch-Literarischen Gesellschaft* (Frankfurt: J. Kauffmann, 1912), 138.
0. Browning, "Contracts, Deeds," 64.
1. See Koffmahn, *Doppelurkunden*, 13–15.
2. See *ibid.*, 13–14, as in the talmudic practice.
3. *Ibid.*, 15.
4. See Rubensohn, *Elephantine-Papyri*, 6–8; Fischer, "Die Urkunden in Jer 32 11–14," 138; Friedrich Preisigke, *Griechische Papyrus* (Leipzig: Hinrichs, 1912), 1:221.
5. See Fischer, "Die Urkunden in Jer 32 11–14," 138.
6. See Perkins, *Excavations at Dura-Europos*, 14.
7. See Friedrich Preisigke, *Griechische Papyrus* (Leipzig: Hinrichs, 1920), 2:15.
8. Perkins, *Excavations at Dura-Europos*, 14.
9. Domaszewski, "Ein neues Militärdiplom," 181.
0. See E. Hammershaimb, "Some Observations on the Aramaic Elephantine Papyri," *Vetus Testamentum* 7 (January 1957): 24.
1. See Koffmahn, *Doppelurkunden*, 23.
2. See Hans J. Wolff, "Die hellenistische Zeugen-Hüterurkunde," in *Das Recht der griechischen Papyri Ägyptens* (Munich: Beck, 1978), 2:63. For a long list of published six-witness documents from Egypt, see Bilabel, "Doppelausfertigung," pt. 1, 156–7; see also Paul M. Meyer, *Juristische Papyri* (Chicago: Ares, 1976), 103.
3. Grenfell, *Hibeh Papyri*, 266.
4. Koffmahn, *Doppelurkunden*, 12.
5. See Fischer, "Die Urkunden in Jer 32 11–14," 139; Wolff, "Die hellenistische Zeugen-Hüterurkunde," 63 n. 39.
6. TB *Gittin* 81b.
7. Yigael Yadin, *Bar-Kokhba: The Rediscovery of the Legendary Hero of the Last Jewish Revolt against Imperial Rome* (New York: Random House, 1971), 230.
8. Perkins, *Excavations at Dura-Europos*, 15.
9. *Ibid.*
0. *Ibid.*
1. See Koffmahn, *Doppelurkunden*, 11.
2. See Fischer, "Die Urkunden in Jer 32 11–14," 138.
3. Koffmahn, *Doppelurkunden*, 26.
4. See *ibid.*, 27.
5. Yadin, *Bar-Kokhba*, 229.

6. See Koffmahn, *Doppelurkunden*, 12, citing Mishnah Tosephta *Baba Bathra* 10:12 (TB and TY). See also Fischer, "Die Urkunden im Talmud," 51–88.
7. Koffmahn, *Doppelurkunden*, 12, citing Mishnah Tosephta *Baba Bathra* 10:12 (TB and TY).
8. Talmud *Baba Bathra* 160b. Compare *firm and steadfast* in 1 Nephi 2:10 and 3 Nephi 6:14.
9. See Koffmahn, *Doppelurkunden*, 23; see also Bilabel, "Doppelausfertigung," pt. 2, 105.
0. It has been said that five fragments of doubled manuscripts from Qumran Cave 4 may be dated to the second century before Christ (see Koffmahn, *Doppelurkunden*, 20). While they have not been published, these fragments (4Q344, 345, 346, 348, and 349) have been identified as including a debt acknowledgment, a sale of land, an act regarding ownership, and a seal of property, but they are highly fragmentary and difficult to read. It is not clear what kinds of documents they are.
1. See Jozef T. Milik, "Deux documents inédits du désert de Juda," *Biblica* 38 (1957): 255–60.
2. See Koffmahn, *Doppelurkunden*, 25–7.
3. Nahal Hever is located in the Judean desert. Cave 5/6 contained the Babatha archive, the contents of which include many double documents (see Tov and Pfann, *Companion Volume to the Dead Sea Scrolls*, 117).
4. See Koffmahn, *Doppelurkunden*, 27.
5. Bright, *Jeremiah*, 236.
6. Browning, "Contracts, Deeds," 63; see A. Leo Oppenheim, *Ancient Mesopotamia: Portrait of a Dead Civilization*, rev. Erica Reiner (Chicago: University of Chicago Press, 1977), 241.
7. See Oppenheim, *Ancient Mesopotamia*, 282.
8. See *ibid.*
9. Browning, "Contracts, Deeds," 64, citing Nahman Avigad.
0. Yadin, *Bar-Kokhba*, 230; emphasis in original.
1. Koffmahn, *Doppelurkunden*, 22.
2. *Ibid.*, 21–2.
3. *Ibid.*, 28.
4. *Ibid.*
5. *Ibid.*
6. See Wolff, "Die hellenistische Zeugen-Hüterurkunde," 61.
7. See Wenger, "Über Stempel und Siegel," 626. The practice of enclosing tokens in clay envelopes has been dated to the early fourth millennium BC. See Denise Schmandt-Besserat, "Strings of Tokens and Envelopes," in *From Counting to Cuneiform*, vol. 1 of *Before Writing* (Austin: University of Texas Press, 1992), 108.
8. See Marian San Nicolò, "Die Tontafel als Urkundenform des Privatrechtes," in *Beiträge zur Rechtsgeschichte im Bereiche der Keilschriftlichen Rechtsquellen* (Oslo: Aschehoug, 1931), 126.
9. See Oppenheim, *Ancient Mesopotamia*, 282.
0. See *ibid.*
1. See Wenger, "Über Stempel und Siegel," 626.
2. See *ibid.*, 625; Browning, "Contracts, Deeds," 63.
3. Fischer, "Die Urkunden in Jer 32 11–14," 141, citing S. N. Strassmaier.
4. See San Nicolò, "Die Tontafel," 116.
5. See *ibid.*, 116–17.
6. San Nicolò refers to the instrument as a *qân tuppi*.
7. See Edward Chiera, *They Wrote on Clay* (Chicago: University of Chicago Press, 1938), 69–70.
8. *Ibid.*, 70.
9. See *ibid.*, 71–2.

0. See Bright, *Jeremiah*, 238 n. 13.
1. Hammershaimb, "Aramaic Elephantine Papyri," 25.
2. Wolff, "Die hellenistische Zeugen-Hüterurkunde," 62.
3. See Rubensohn, *Elephantine-Papyri*, 8.
4. Fischer, "Die Urkunden in Jer 32 11–14," 141.
5. See Koffmahn, *Doppelurkunden*, 29.
6. See Wenger, "Über Stempel und Siegel," 631.
7. See Géza Alföldy, "Zur Beurteilung der Militärplome der Auxiliarsoldaten," *Historia* 17 (1968): 215–27; Theodor Mommsen and Herbert Nesselhauf, *Corpus Inscriptionum Latinarum volumen XVI, Diplomata militaria* (Berlin: de Gruyter, 1936, 1955); Instrumentum Domesticum, fascicule 1 (military diplomata, metal ingots, tesserae, dies, labels, and lead sealings), ed. S. S. Frere, Margaret Roxan, and R. S. O. Tomlin, vol. 2 of *The Roman Inscriptions of Britain*, by R. G. Collingwood and R. P. Wright (Oxford: Clarendon, 1990); and the following by Margaret Roxan: "Epigraphic Notes," *Epigraphische Studien* 9 (1972): 246–50; *Roman Military Diplomas, 1954–1977* (London: Institute of Archaeology, 1978); "The Distribution of Roman Military Diplomas," *Epigraphische Studien* 12 (1981): 265–86; *Roman Military Diplomas, 1985–1993* (London: Institute of Archaeology, 1994).
8. See Koffmahn, *Doppelurkunden*, 24–5.
9. See *ibid.*, 15.
0. Cited in *ibid.*, 15–16.
1. See John L. Sorenson and Martin H. Raish, eds., *Pre-Columbian Contact with the Americas across the Oceans: An Annotated Bibliography*, 2nd ed. rev. (Provo, Utah: Research Press, 1996), from which the following references and notations have been drawn: José Alcina Franch, "Distribución geográfica de las pintaderas en América," *Archivo de prehistoria levantina* 3 (1952): 241–55, discussing the distribution of stamp seals in America; José Alcina Franch, "Diffusion of Pottery Stamps (summary)," *Proceedings of the 30th International Congress of Americanists* (Cambridge: n.p., 1952): 248, which deals with the seals or pottery stamps of Mexico and the hypothesis that they were introduced to America in Neolithic times, originally from the Near East by way of the Mediterranean; José Alcina Franch, "Hipótesis acerca de la difusión mundial de las 'pintaderas,'" *Trabajos y conferencias* 3 (1955): 217–23, arguing for a worldwide diffusion of stamp seals; José Alcina Franch, "Las 'Pintaderas' de Canarias y sus posibles relaciones," *Anuario de estudios atlánticos* 17 (1971): 103–49, regarding the possibility of an Atlantic diffusion of seals; Stephan F. de Borhegyi, "Notas sobre sellos de barro existentes en el Museo Nacional de Arqueología y Etnología de Guatemala," *Antropología e Historia de Guatemala* 2 (1950): 16–26, examining the dating of cylinder seals and stamps throughout most of the archaeological sequence of highland Guatemala, especially in the Early Preclassic period; George W. Brainerd, "A Cylindrical Stamp from Ecuador," *Masterkey* 27/1 (1953): 14–17, reporting a stamp that incorporates the Mesoamerican concept of the speech scroll in its design; George F. Carter and Sol Heinemann, "Pre-Columbian Sellos: Another Artifact Showing Possible Cultural Contact and Trans-Pacific Diffusion," *Anthropological Journal of Canada* 15/3 (1977): 2–6, analyzing the writing on Mexican cylinder and stamp seals; Gabriel deCicco and Donald Brockington, *Reconocimiento arqueológico en el suroeste de Oaxaca*, informes 6 (Instituto Nacional de Antropología e Historia, Dirección di Monumentos Pre-Hispánicos, 1956): 22–5, featuring a presentation of a stamp seal found in Oaxaca; David H. Kelley, "A Cylinder Seal from Tlatilco," *American Antiquity* 31 (1966): 744–6, discussing the inscription on a cylinder seal apparently from the Olmec occupation at Tlatilco; Carlos Navarrete, *Un reconocimiento de la Sierra Madre de Chiapas: Apuntes de un Diario de Campo*, cuadernos 13 (Universidad Nacional Autónoma de México, Centro de Estudios Mayas, 1978), examining nonpictorial characters on a stamp seal found in the Sierra Madre. See also Carl Hugh Jones,

- "The 'Anthon Transcript' and Two Mesoamerican Cylinder Seals," *Newsletter of the Society for Early Historic Archaeology*, no. 122 (September 1970), 1–8.
2. Wacholder, "'Sealed' Torah," 360. Consider also 4Q203, a fragment that speaks of a "copy of the second tablet" that "has not been read up till now," as rendered in Florentino García Martínez, ed., *The Dead Sea Scrolls Translated: The Qumran Texts in English*, trans. Wilfred G. E. Watson (Leiden: E. J. Brill, 1994), 260.
  3. Louis Ginzberg, *The Legends of the Jews*, trans. Henrietta Szold (Philadelphia: Jewish Publication Society of America, 1988), 3:439–40, citing Petirat Mosheh.
  4. See Wacholder, "'Sealed' Torah," 354.
  5. *Ibid.*, 355; emphasis in original.
  6. *Ibid.*, 357 and n. 21.
  7. See *ibid.*, 362 and n. 34.
  8. As translated by J. Priest, in James H. Charlesworth, ed., *The Old Testament Pseudepigrapha* (Garden City, N.Y.: Doubleday, 1983), 1:927.
  9. *History of the Church*, 4:537; compare *The Papers of Joseph Smith*, ed. Dean C. Jessee (Salt Lake City: Deseret Book, 1989), 1:399–400.
  0. As quoted in *David Whitmer Interviews: A Restoration Witness*, ed. Lyndon W. Cook (Orem, Utah: Grandin, 1991), 20–1.
    1. *Ibid.*, 75.
    2. *Ibid.*, 172.
    3. *Ibid.*, 221.
    4. *Ibid.*, 248.
    5. *Ibid.*, 254.

The testimony of eight witnesses. Be it known unto all nations, kindreds, tongues, and people, unto whom this work shall come: That Joseph Smith, Jun., the translator of this work, has shown unto us the plates of which hath been spoken, which have the appearance of gold; and as many of the leaves as the said Smith has translated we did handle with our hands; and we also saw the engravings thereon, all of which has the appearance of ancient work, and of curious workmanship. And this we bear record with words of soberness, that the said Smith has shown unto us, for we have seen and hefted, and In fact, the Book of Mormon translation process was performed entirely without looking at the plates, which were either out of the room or said to have been covered with a cloth. While a select few did hear Joseph refer to magical items, nobody ever saw a breastplate, spectacles, or ancient interpreter stones. No artifact or document containing such a language has ever been located in the Old World or New. A prime example includes, Why Joseph Smith's Dictation of the Book of Mormon is Simply Jaw Dropping, featured in the November 2018 issue of LDS Living. It seems the LDS Church is subtly attempting to shift the narrative for future generations, perhaps to "inoculate" them from the very real threat of disaffection. Urim & thummim = peep stone.