

# STUDIA ANTIQVA

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FOR ANCIENT STUDIES

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in the Book of Mormon



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ARTS AND STUDIA ANTIQVA

BRIGHTON YOUNG UNIVERSITY  
PROVO, UTAH

The Student Society for Ancient Studies at Brigham Young University is pleased to present this issue of *Studia Antiqua*. From its inception, the Society has sought to provide BYU students from all disciplines of ancient studies opportunities to further their academic interests. Certainly one element that is critical for such a specialized field is that of student research and publication. To provide this venue of student publication, *Studia Antiqua* (Ancient Studies) has been created. The journal is dedicated to publishing original undergraduate and graduate research in all areas of ancient studies. It is hoped that such a publication will offer students the opportunity to improve their research and writing abilities, allow them to experience the editing and publication process, as well as prepare them for further educational pursuits by building their academic resume. The Society hopes that this opportunity will motivate ancient studies students in their current class work by allowing them to expand their academic vision and goals.

Students are invited to submit papers for publication in this journal. Papers are reviewed by the Student Editorial Advisory Board (consisting of the Society Presidency) and those that represent the highest quality of original research and writing are given to the appropriate member of the Faculty Review Board. The students receive helpful and professional suggestions for making each paper more academically credible. The papers are also given to competent student editors who help with grammar, structure, and formatting.

Submissions of original ancient studies articles will be accepted during the first week of every fall and winter semester and should be turned in to the Ancient Studies Office in 5435 HBL. All articles must be of sufficient length to cover the topic and should be fully documented in accordance with the *Chicago Manual of Style*. For questions regarding submissions, applying for an editorial position, or for any other comments contact the journal's editor-in-chief through the Ancient Studies secretary (801-422-3498) or at [studia\\_antiqua@yahoo.com](mailto:studia_antiqua@yahoo.com).

**STUDIA ANTIQUA**  
**THE JOURNAL OF THE STUDENT**  
**SOCIETY FOR ANCIENT STUDIES**  
**BRIGHAM YOUNG UNIVERSITY**

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# Table of Contents

FARMS AND STUDIA ANTIQUA

SUMMER 2003

Introduction <i>John W. Welch</i>	1
The Noachide Laws <i>Claire Foley</i>	19
Slavery in the Book of Mormon <i>James Moss</i>	51
Slavery in the Book of Mormon <i>Gregory R. Knight</i>	91
The Book of Mormon Sheds Valuable Light on the Ancient Israelite Law of False Prophecy <i>David W. Warby</i>	107
Illegal Speech: Blasphemy and Reviling <i>Eric E. Vernon</i>	117
Women, the Book of Mormon, and the Law of Moses <i>Carol Pratt Bradley</i>	125
Protecting the Widows and the Fatherless in the Book of Mormon <i>Hannah Clayson Smith</i>	173
Bibliography of Hebrew Law in the Book of Mormon <i>John W. Welch</i>	181



# Introduction

John W. Welch

On Saturday, February 24, 2001, a conference entitled Hebrew Law in the Book of Mormon was held at Brigham Young University. Law was extremely important in the ancient world, especially among the Israelites. Although it is often difficult to know exactly what the substantive and procedural rules of Israelite courts might have been in the seventh century B.C. and how much of that jurisprudence was carried over into the New World on the plates of brass and through the customs of Lehi and his descendants, reasonable reconstructions of Hebrew law in biblical times can be made, and those studies shed interesting light on possible meanings of many words and deeds reported in the Book of Mormon.

This public symposium, sponsored by the Foundation for Ancient Research and Mormon Studies, was well attended. The conference had four purposes: (1) to introduce and celebrate the recent publication of the second edition of Ze'ev W. Falk's *Hebrew Law in Biblical Times*;<sup>1</sup> (2) to make the general public more aware of the substantial amount of work that has been done in the last twenty years on Hebrew law in the Book of Mormon, particularly by my students in the law school at Brigham Young University; (3) to present selected recent research reports on law in the Book of Mormon; and (4) to collect reactions, responses, and suggestions from colleagues and the general audience. This copublished special issue of *Studia Antiqua* serves as the main report of those proceedings. The following details about the program provide an overview of the setting in which the student papers contained in this issue were presented.

The day-long program began with a welcome by M. Gerald Bradford, Director of Research at FARMS, followed by my brief description of the value of the new edition of Falk's book for those interested in understanding law in the Book of Mormon. A special tribute to Falk was then given by Douglas H. Parker, to help attendees and readers of Falk's book appreciate more of the spiritual and intellectual character of Professor Falk, who died in September of 1998, before the new edition of his book was completed.

Among my remarks about Falk's book were the following:

For anyone wanting to begin a study of Hebrew law, this book is a good place to start. It is not the final word on biblical law, but it gives an excellent orientation. For twenty years I have used photocopies of this book in my biblical law class at the law school, and this book has easily been the students' favorite as an introduction to this area of the law. Falk's book is clear, succinct, and conveniently organized by legal topics such as judicial procedure, crimes, torts, property, and family law. This book is admirable, not only because of its lucidity, but also because it is so true to the good spirit behind the letter of biblical law.

Many approaches have been taken over the years to the study of biblical law. Some of these approaches, often by secular scholars, have focused heavily on comparative Near Eastern sources, emphasizing the points of similarity between the law codes in the Bible and the Babylonian, Hittite, or Assyrian laws from Mesopotamia and often de-emphasizing the uniqueness of ancient Israelite law and society and attempting to explain everything in biblical law as a product of its surrounding ancient environment. On the other hand, Orthodox Jewish scholars, as one might expect, take another approach, seeing Hebrew law as a completely unique phenomenon fully consonant with later legal interpretations of the Talmud, which the Rabbis traced back through assumed oral traditions to Moses himself.

Falk's approach balances these two extremes. He is well aware of influences from the ancient Near East, but he is not beholden



to them, for they do not explain everything in biblical law. For instance, biblical law was ahead of time in its repudiation of distinctions in social class for virtually all legal purposes. Nowhere else in the ancient world do we find equality and classlessness to the extent that we do in the biblical texts. This brings into focus several passages in the Book of Mormon dealing with slavery and social justice, as discussed below. Falk is quick to point out such Israelite features and, while he is thoroughly informed about later Jewish law and is sensitive to the Talmud's use of biblical sources, he does not trace later Jewish developments back into the earlier texts.

Needless to say, I find Falk's approach healthy and satisfying. In many ways it is similar to the approach that FARMS takes in the study of Latter-day Saint scripture and history—one that balances faith and relevance to the tradition with sound historical study and research. Of course, Falk never mentions the Book of Mormon, but his book has been the inspiration of many of FARMS publications over the years. Several examples can be seen in *Charting the Book of Mormon*.<sup>2</sup> Chart 119 presents five Hebrew terms for "law"—*torah*, *mishpat*, *huqqah* (*hoq*), *mitzvah*, and *edut*. It was Falk's discussion of these terms of law<sup>3</sup> that led me to look at the various words used for law in the Book of Mormon. This resulted in the discovery that the Book of Mormon usage comports quite remarkably with these Hebrew terms. Falk's discussion also enlightens modern readers as he explains that the Hebrew word *torah* comes from the root meaning "teachings" or "instructions."<sup>4</sup> We speak of the "law" of Moses; but the "torah" of Moses would be better translated as the "teaching" of Moses. This nuance makes a difference. Think how different one would feel about the *Teachings of the Prophet Joseph Smith* if Joseph Fielding Smith had called his compilation the *Law of the Prophet Joseph Smith* instead of the *Teachings of the Prophet Joseph Smith*.

Falk also understands the importance of the family as the basis of law in society. In chapter 2 he provides a helpful introduction to the tribal backgrounds of Israelite law in society.<sup>5</sup> The

spirit of biblical law is based in the family, and this was one of Falk's areas of legal specialization. His book begins and ends with tribal and family considerations. His work led me and my students to several of the topics that will be presented herein on women, widows, and inheritance. Falk also emphasizes the covenantal foundations of the law, another topic of obvious interest to readers of the Book of Mormon.

Above all, Falk recognizes the prominence of God in biblical law. His discussion of the role of divine judgment in biblical administration of justice in his chapter 3, for example, has led me and my students into a discussion of the role of divine judgment in the signs that led to the resolution of Sherem's accusations against Jacob and of Korihor's case before Alma the high priest. It was Falk's discussion of divine judgment that helped me read these cases with greater attention to their legal details. In her review of Falk's first edition, Eva Oswald correctly observed, "It is to be especially emphasized that Falk is particularly clear that Hebrew civilization cannot be analyzed with the help of law alone, but also religious, moral and social norms must play a role."<sup>6</sup> Latter-day Saints would certainly agree with that assessment.

On almost every page of Falk's handy introduction to Hebrew Law parallels to the Book of Mormon can be seen, for the Nephites were, indeed, a part of ancient Israel. For example, Hebrew legal documents at the time of Jeremiah were prepared in a double format, and similar documents have been discovered by archaeologists, as chart 117 of *Charting the Book of Mormon* shows. Falk mentions these doubled documents: "A double document, the upper half of which was rolled and sealed, while the lower part remained open for inspection."<sup>7</sup> It does not take much imagination to see that the Book of Mormon plates were similarly configured, with one part opened and the other part sealed.

I am very grateful to Ze'ev Falk. The more I have learned about the nature of ancient Israelite law in Jerusalem at the time of Lehi and Nephi, the more I am able to understand the

background of Nephite civilization. Nephi, Jarom, Alma, and other Nephite prophets who lived down to the time of the book of 3 Nephi attested that they were strict in observing the law of Moses in all things. It follows that the more we can know about the law of Moses in 600 B.C., the better chance we will have of understanding Nephite law and society. I hope that you will enjoy using this book and getting to know the spirit of this scholar as much as I have. I hope that it will add to your knowledge—that it will stimulate you to think and increase your testimony of the truthfulness of the law given through Moses, one of the greatest prophets who has ever lived, and of the Book of Mormon, the history of a people who drew great strength by following the principles and precepts of the law of Moses.

Among Professor Parker's comments were the following expressions of esteem and appreciation:

Ze'ev was born May 11, 1923, in Breslau, Germany, and died of a brain tumor in Jerusalem on *shabbat*, September 19, 1998, at age 75. He immigrated to Palestine with his parents and brother in 1939. I first met him in 1981 when I was a visiting research professor for six months with the law faculty at Hebrew University. I was surprised at the warmth of his greeting and the spirituality that seemed to radiate from him.

On the second or third visit to his office, he invited me, my wife Corene, and my fourteen-year-old daughter to his home to participate with his family in the celebration of the Passover *seder*. In the weeks and months that followed, we frequently visited and engaged in earnest conversation. Ze'ev shared spirituality and fellowshiped with a range of friends across religious lines. On two occasions he stayed as a houseguest in our home in Provo, each time for three or four nights.

At a dinner party we held for Ze'ev one evening while he was staying with us, Elliot Butler asked him when he thought the Jews would undertake the rebuilding of the Temple. He said, "Not until the spiritual reunification of the Jewish people occurs." Before then, the project would be too divisive and internally destructive, and internally pose more of a threat to the state of

Israel than the external threat posed by the antagonism of Arabs and Jews. When asked what would ever bring about spiritual reunification, he replied, "The coming of the Messiah."

One day I took Ze'ev to Salt Lake to meet Neal A. Maxwell. After the visit he expressed great interest in the fact that the functions of prophet, priest, and king were combined in the same persons in the Latter-day Saint kingdom of God, and there was no separation of power and checks and balances—no separate office of prophet to scold the priests and the king.

You might wonder where Ze'ev Falk positioned himself within Judaism—was he orthodox, conservative, or reform? He had a devout relationship with God, kept the Sabbath, celebrated the festivals, and honored and kept the orthodox observances, but he said that none of these designations comfortably described him. He said that "reconstructionism" probably fit him the best. A tribute to Ze'ev printed in the front of volume 13 of the *Journal of Law and Religion* shows the affection, esteem, and respect held for him by the professional circle in which he was such a dominant and recognized figure. Among other things, the tribute says: one of his major missions "was to rebind Jewish intellectual tradition and spirituality back together in Jewish seminaries and in our common life. What he believed, he embodied: Ze'ev's intellectual and spiritual lives were rarely separated. . . . He [promoted] a larger understanding of the human person as *b'tzelem elokim* (imago dei), a vision that would find him equally at home in Reform, Conservative and Orthodox synagogues, or raising a devotion to God among his Muslim, Christian, and Buddhist friends. It was a vision that would lead him to demand for women first and foremost a place within the spiritual life of the Jewish community among all of the demands for equal respect that he made for them and for others left out of the community."<sup>8</sup>

I was deeply saddened by the news of his passing and feel it as a personal loss. Of all the persons whom I met during my six months' stay in Israel, Ze'ev was the one who lifted and

warmed my spirit and conveyed to me the holiness of the Jewish heritage as well as the holiness of the brotherhood and sisterhood of all people.

The second session on the conference considered various sources for understanding law in the ancient world, the Bible, and the Book of Mormon. Presenters in this session addressed basic questions concerning the extent to which the Nephites relied on the legal materials in the Pentateuch as the basis of their legal system and the extent to which they diverged or created their own law. Noel B. Reynolds discussed "Lehi as Moses," expanding upon material that had recently been published in the *Journal of Book of Mormon Studies*.<sup>9</sup> Reynolds concluded: "Lehi's last address to his people appears consciously to invoke at least fourteen important themes and verbal formulations from the final addresses of Moses as recorded in Deuteronomy. . . . When these are added to the numerous similarities of historical circumstance, Lehi's intention to invoke Moses as a type for himself is placed beyond doubt."

In addition, I identified and explained ten tools that students should learn to use in trying to understand Hebrew law in the Book of Mormon: (1) watch for technical legal terminology, (2) understand characteristic modes of legal expression, (3) work with a broader understanding of "law," (4) see the relative stability of ancient law, (5) strive to think more like an ancient person, (6) study the cases, (7) think procedurally, (8) look for the importance of the precedents set by these cases in Nephite religious history, (9) make skillful use of comparative law, and (10) be mindful of changes within Nephite civilization over time. In illustrating these points, I discussed legal reforms within the Book of Mormon, Jacob's use of terminology from the Ten Commandments, the Nephite law lists, the cases found in the Hebrew Bible and in Nephite scripture, the legal charges brought against Abinadi, and an overview of comparative legal traditions related to biblical law.<sup>10</sup>

Two student papers were presented in this second session: Claire Foley discussed “The Noachide Laws,” rules that set a minimum legal standard for all people; her paper appears herein. Drew Briney discussed “Deuteronomy and Nephite Law,” a subsequent version of which will appear in a forthcoming volume on Lehi’s Jerusalem.<sup>11</sup> Briney explored the influence of Deuteronomic law on Nephite jurisprudence, arguing that such a study legitimizes a more common and fundamental assumption—that the reference in 1 Nephi 5:11 to the “five books of Moses” found in the plates of brass does indeed include Deuteronomy. He highlighted fifteen of Deuteronomy’s legal provisions and listed evidences of Deuteronomy’s influence on Nephite jurisprudence. Some of these provisions were crucial to Hebrew jurisprudence at the time of Josiah and Lehi (e.g., centralization of worship) and remained crucial to Nephite jurisprudence as well. Occasionally, items that seem to be crucial to Hebrew law are either not significantly present in the Book of Mormon or not present at all (e.g., interest on loans, provisions for divorce, certain military exemptions for war).

The final morning session focused on law and social justice in the Book of Mormon. Questions considered were: Was ancient Israel a class-based society? In what sense were all people equal in Nephite society? How were the poor treated in Nephite law? And particularly, what was the Book of Mormon’s attitude toward slavery? Student papers presented included those by James Moss, “Slavery and Indebtedness in King Benjamin’s Address,” and Gregory Knight, “Servitude in Nephite Law,” both of whose research is included in this volume.

In response to these papers, Professor Donald W. Parry discussed the attitudes of King Benjamin toward slavery. Parry discussed a literary unit of King Benjamin’s speech (Mosiah 2:11b–28) that pertains to serving and service. In this section of the sermon, Benjamin uses the term *servants* (once), *serve* (six times), *served* (once), and *service* (seven times)—four

variations of the word used fifteen times in eighteen verses. In his use of these words, Benjamin, the master of discourse, evoked images of service through manual labor, servitude as defined by the laws and customs regarding slavery, kings, and vassals, as well as service as it pertains to temple work and religious service or ritual. Parry then outlined the use of the word *service* and related words in the Hebrew Bible, with particular emphasis on phrases pertaining to the tabernacle and the temple, where the rites and performances of the Mosaic sacrificial system were often called service. Formulaic phrases such as “the service of the house of God,” or “in the service of the house of the Lord,” or “every one that entereth into the service, to do the work of the tabernacle” are used to describe temple worship. A connection to the temple was very important in Benjamin’s discussion of service, and it is very probable that he had in mind these various Old Testament formulae that connected service to the temple system. His listeners could see the temple in the background as he spoke, and thus, Parry concludes, “many in Benjamin’s audience would have made the connection between temple service and Benjamin’s references to service, and thus would have had a greater appreciation for his words.”

The first afternoon session dealt with law and life, particularly addressing such questions as: How is murder defined and treated in the Book of Mormon? Why are there so many mentions of death in the Book of Mormon? And how was murder treated in the ancient world? How should we understand the slaying of Laban and the slayings by Teancum in light of ancient Hebrew law? In approaching these questions, I offered the following:

The people of the Book of Mormon certainly held the deepest respect for human life, and only under very particular circumstances could life be taken. The Bible was strongly opposed to murder as well, and throughout the Book of Mormon, murder heads the list on all lists of prohibitions for the Nephites. The

penalty for murder was death, as we read in Alma 30:10, and although Alma lists a number of crimes for which people were punished, murder is the only one for which Alma names the death penalty as mandatory.

Throughout the Book of Mormon, righteousness is also a matter of life and death. The entire book is comprised of a series of situations dealing with choosing life or death. And in the slaying of Laban we see several legal principles carefully balanced and applied to achieve a very unique but legal result.

First, we know that Hebrew law included cases of excusable or allowable homicide, even outside of warfare. Besides the right to slay a nighttime intruder in your home under Exodus 22:2, a killing that did not require a man to wait to convict the intruder before the town elders, we have an interesting case that arose when all Israel was suffering from a plague because some of the men were having sexual relations with Moabite women. Moses commanded the judges to kill any of the men in their tribes who were offenders. Phineas, the grandson of Aaron, took a javelin and went into a tent where he found a man and a Midianite woman and “thrust both of them through, the man of Israel, and the woman” (Numbers 25:8). For his zeal, Phineas was given by God a “covenant of an everlasting priesthood; because he was zealous for his God, and made an atonement for the children of Israel” (25:13). In this way the plague was removed from the children of Israel, for it was better that the offenders be killed than that the whole nation of Israel should die. Notice that there were no trials for these two offenders. They were given no further warning than the general one already issued (25:4–5). No evidence was presented to prove that they had violated the law. The rule of two witnesses was not invoked. This shows that under certain circumstances, people authorized in certain ways could take life in order to achieve a higher goal.

Second, another important difference between the Hebrew world and ours was the right of a prophet to abrogate or suspend the law in certain circumstances. Bernard Jackson has shown



that this is the sense of the passage in Deuteronomy 18 regarding the "prophet-like-Moses."<sup>12</sup> Under Hebrew law, a prophet who is like Moses can change the law. He is the bearer of divine commands and legal formulations. Later Jewish law would identify certain individuals whom the Rabbis considered to have possessed just this kind of authority to suspend the normal operation of law when guided as a prophet like Moses. The only restriction was that they could not command idolatry. The Rabbis explained, "If a prophet tells you to transgress . . . the commands of the Torah, obey him, with the exception of idolatry."<sup>13</sup> Thus it is significant that, like Lehi, Nephi compares himself on several occasions to Moses. In 1 Nephi 4:2, Nephi encourages his brothers to return to Jerusalem promising that God would deliver them as he had Moses, and in 1 Nephi 17:41–42, Nephi implicitly likens himself to Moses while preaching to his brothers Laman and Lemuel. Deuteronomy 18 does not imagine that there would be only one prophet like Moses. Bernard S. Jackson rightly sees that such a prophet will be needed continually so that the people will not turn to augury and divination. Having other prophets gives rise to the need to be able to differentiate true prophets from false ones. Indeed, Jackson states, "The coming of such a prophet is not described in Deuteronomy as a . . . once-and-for-all event."<sup>14</sup> The Book of Mormon is consistent with this understanding and is within its ancient rights to see both Joseph Smith in 2 Nephi 3:7–11 and Jesus in 3 Nephi 20:23 as prophets like Moses. All this bears on the slaying of Laban. By receiving the word of the Lord directly from the Spirit, Nephi became a prophet like Moses and, as such, Nephi had the right to suspend or clarify the law as necessary.

Moreover I wish to argue that in constraining Nephi, the Spirit of the Lord did not require him to act outside the prevailing rules of his day, but simply gave him authority to interpret those rules in a way that applied them to his particular facts. In other words, under the unique facts of his case, Nephi could see that what the Spirit was telling him was legal and justifiable on two counts, first, according to the "better one than all" principle

and second, according to the “not culpable homicide” principle found in Exodus 21:12–14.

Following a discussion of the first of these principles,<sup>15</sup> I explained the idea of excusable homicide under Hebrew law.<sup>16</sup> From these points, I identified several factors that would have put Nephi’s situation outside of the strict definition of murder under ancient law and moved it to within the protection of the rules for mitigated slayings. No single factor in this analysis is dispositive, but the entire picture that Nephi gives us of this event would vindicate him. Now, I do not know if Nephi would have been able to persuade a court in Jerusalem to let him off or not, but I think he certainly saw himself as not having violated the law.

Finally, I suggested that confirmation of this analysis can be found in the contrasting treatment of Teancum in the last part of the book of Alma, where the slayings committed by Teancum are not treated so positively. When Teancum killed Ammoron, things became more problematic. Unlike Phineas, Teancum acted independently, not according to the decision of the group. And unlike Nephi, Teancum went forth with cunning, seeking his prey. He went from place to place, looking for Ammaron very deliberately. Teancum does not say that he was led by the Lord. No miracle of finding that the Lord had put Ammoron in front of him occurred. In fact, Teancum, Alma 62:35–36 says, was “exceedingly angry with Ammoron . . . and . . . in his anger did go forth.” Animosity is a dominant factor that takes a slaying outside the rules defining forgivable homicide in Numbers 35. Nephi was reluctant, but Teancum sought this slaying out. And notice that Teancum didn’t get away with it. After he had thrust his javelin through Ammoron, the dying king made a noise that woke his servants, who pursued Teancum, caught him, and killed him. Perhaps this indicates some element of divine disapproval. At a minimum, looking closely at the facts of these two cases and thinking carefully in terms of Hebrew law helps us to focus on several significant details. To understand these cases and others from the ancient world, it is important to judge them by ancient standards and definitions, not by modern concepts or predispositions.

Next, Alison Coutts presented "The Legal Concept of Refuge," a paper that drew on her Master's thesis, which was completed in 2001.<sup>17</sup> She discussed Old Testament laws that defined asylum in ancient Israel and compared them to descriptions of passages in the Book of Mormon that appear to reflect the asylum tradition, including those that mention prohibition of slavery, blood vengeance and homicide, altars, temples, and sacred space. She considered at length the story of the Anti-Nephi-Lehis in relation to aspects of cities of asylum. While the details of the transfer of the land of Jerushon to the Anti-Nephi-Lehis do not specifically follow the laws set forth in the Old Testament, there are enough similarities to support her "belief that the people of the Book of Mormon possessed and carried on the traditions brought with them by Lehi and Nephi from Jerusalem."<sup>18</sup>

The mid-afternoon session considered the roles and functions served by God in the Hebrew legal system and judicial process. In particular, Why did biblical law care so much about offending God? What offenses against God were legally punishable? How does this information help us to understand the Book of Mormon? The presentations by David Warby on "The Law and False Prophecy" and Eric Vernon on "The Laws of Blasphemy" are included in this volume. Professor Steven D. Ricks, in a presentation titled "Oaths and the Divine Role in the Israelite Legal System," commented on God's role in the legal process and particularly on the importance of oaths and curses as a means of including God's presence in court and in validating testimony and other legal actions in the Israelite justice system. Professor Ricks discussed the structure of oaths and covenants (described as a two-sided oath) in ancient Israel. Oaths were and are essential to society as "the well-being and security of a community depends on its members speaking the truth in matters of crucial importance. Oaths provide a means of impressing upon the party or parties involved in an important affair their obligation to truthfulness and dependability."

The concluding session dealt with law and family, particularly the questions: How does an understanding of Hebrew law illuminate passages in the Book of Mormon? What eternal values or principles stand behind Hebrew family law, and what practices of ancient family law are obsolete and culturally conditioned? Carol Bradley presented her paper on "Family Law and Women" and Hannah Smith a paper on "Protecting Widows and the Fatherless in the Book of Mormon" both published in this volume. This session concluded with a panel discussion that included several of the presenters at the symposium, together with Professor S. Kent Brown. These were among the remarks that he made:

I have already noted passages in Falk's book that particularly stimulate my thinking about issues in the Book of Mormon. That's one of the wonderful things about reading a text like that—suddenly, if we're paying attention, it becomes clear that issues that are raised in the world of biblical law also apply, in some measure, to the world of the Book of Mormon. For example, such issues as described in the final two presentations have to do with the situation of women. In the passage from Moroni chapter 9 (which Sister Smith mentioned), the treatment of women, both by Lamanite warriors and by Nephite soldiers, is Mormon's way of saying how far down the slippery slope these societies have already slid. It says something about the direction that they're going, which at that point had become irreversible. It's interesting that he appeals to the situation of women to say just how bad things have become. Jesus similarly uses the situation of women in his prophecy about the fate of Jerusalem and the last days in Matthew 24 and parallel passages. Both Mormon and Jesus appeal to the same standard.

Another situation involving women concerns the abducted Lamanite daughters. This is one of the dimensions of the Book of Mormon text that pulls us into the world of biblical law. And it does so because Mormon allows this to stand from his sources. When the Lamanite army that had been chasing Limhi and his people into the forest became lost, they stumbled

onto the people of Amulon (as they're called by then), who had abducted and married these twenty-four young women, who knows by what means. But it's interesting that in the text of Mosiah, the women are called "wives," and men of Amulon, the wicked priests, are called "husbands." So it's clear that at least in Nephite culture, even though the wives were taken against their will, even though a crime was committed in the process—the word "stolen" was used to describe the wicked priests' action—nevertheless, at that point the men and women are legally considered husbands and wives. And that's a very interesting wrinkle in all of this, consistent with ancient Hebrew culture, and that sort of invited me into the whole issue, which I have discussed elsewhere.<sup>19</sup>

I hope that this information contextualizes the papers that appear in this special conference issue. Also at the symposium, a brief bibliography of publications and student papers on Hebrew law in the Book of Mormon was circulated. An expanded version of that bibliography is included at the end of this volume. The student papers on that list have been produced over the years in my law school seminars on law in the ancient Near East, Bible, and Book of Mormon. Many of those papers are now available in the reserve library and on the electronic reserve of the Howard W. Hunter Law Library in the J. Reuben Clark Law School at Brigham Young University.

Many people assisted in planning the program and coordinating the events of this symposium, for which I am very grateful. These people include especially Claire Foley, as well as Gerald Bradford (Director of Research at ISPART) and Brent Hall (former Director of Operations at ISPART), and all of the participants. Everyone involved is pleased to make the following papers available in this special edition of *Studia Antiqua*, and we are grateful to the editors at ISPART, to the student editors of this journal, and to the faculty advisors who have made this special copublication possible.

John W. Welch

# Notes

1. Originally published in Jerusalem by Wahrmann in 1964; enlarged 2nd ed., ed. by John W. Welch and published by Brigham Young University Press and Eisenbrauns in 2001.

2. John W. Welch and J. Gregory Welch, *Charting the Book of Mormon* (Provo, Utah: FARMS, 1999).

3. Ze'ev W. Falk, *Hebrew Law in Biblical Times*, 2nd ed. (Provo, Utah, and Winona Lake, Ind.: Brigham Young University Press and Eisenbrauns, 2001), 9–10.

4. *Ibid.*, 10.

5. *Ibid.*, 23.

6. Eva Oswald, *Orientalistische Literaturzeitung* 62/5–6 (1967): 262. For other reviews see Edward F. Siegman, *Catholic Biblical Quarterly* 27 (1965): 303–4; Otto Eissfeldt, *Zeitschrift der Deutschen Morgenlandischen Gesellschaft* 116 (1966): 375–76; G. R. Driver, *Journal of Theological Studies* 16 (1965): 478–79; P. Wernberg-Moller, *Journal of Semitic Studies* 11 (1966): 261.

7. Falk, *Hebrew Law in Biblical Times*, 60.

8. Marie Failingner, “In Memory of Ze'ev Falk,” *Journal of Law and Religion* 13/1 (1996): ix–xi.

9. Noel B. Reynolds, “Lehi as Moses,” *Journal of Book of Mormon Studies* 9/2 (2000): 26–35.

10. See charts 114, 120, 121, 123, and 127 in *Charting the Book of Mormon*.

11. John W. Welch, Drew Briney, and Robert Hunt, “The Influence of Deuteronomy on the Book of Mormon,” in *Glimpses of Lehi's Jerusalem* (forthcoming).

12. Bernard S. Jackson, “The Prophet and the Law in Early Judaism and the New Testament,” *Cardozo Studies in Law and Literature* 4/2 (1992): 127.

13. *Ibid.*, 135, quoting TB, Sanh. 90a.

14. Jackson, “The Prophet and the Law,” 127.

15. See the discussion in *Pressing Forward with the Book of Mormon*, ed. John W. Welch and Melvin J. Thorne (Provo, Utah: FARMS, 1999), 17–19; and chart 115 in *Charting the Book of Mormon*.

16. See John W. Welch, “Legal Perspectives on the Slaying of Laban,” *Journal of Book of Mormon Studies* 1 (1992): 119–41.

17. Alison V. P. Coutts, “Refuge and Asylum in the Ancient World” (Master's thesis, Brigham Young University, David M.

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18. Coutts, "From a Convert's Viewpoint," 430.

19. S. Kent Brown, "Marriage and Treaty in the Book of Mormon: The Case of the Abducted Lamanite Daughters," in *From Jerusalem to Zarahemla* (Provo, Utah: BYU Religious Studies Center, 1998), 99–112.





# The Noachide Laws

Claire Foley

## Introduction

For thousands of years, people lived in relatively isolated groups and developed their own unique traditions, culture, and laws. Today, technology is making it possible for people all over the world to connect, and while this has significant benefits, problems invariably arise as nations attempt to work together. Ever increasingly, news articles discuss global demand, global alliances, global debt, global networks, global workforce, global marketing, global communication, and global warming, and leaders must now routinely consider global repercussions as they search for global solutions.<sup>1</sup>

Globalization would be simplified if a universally accepted standard existed by which to judge or evaluate worldwide issues. However, no enduring set of global laws has surfaced to guide our progression to a more unified society. This absence of lasting universal law is surprising, given the time that philosophers through the ages have spent seeking a way for us to “all get along.”<sup>2</sup> Indeed, on a smaller scale compared with today’s global cognition, political entities such as kingdoms, empires, and nations have always had to find ways to deal with their foreign neighbors as borders and rulers have been established throughout the ages, and numerous efforts have

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certainly been made at establishing a standard of morality or law that could be applied to all people.

One of the most compelling sources from which to determine universal law is holy scripture. Unlike legal code, which can be altered by an opposing political party, scripture historically remains unchanged, though it has sometimes been extensively interpreted by either the liberal or conservative groups of a particular era. One such set of universal laws, the Noachide laws, is based on the Pentateuch. This paper examines the tradition of the Noachide laws, the variations on these laws, and the relevance of these universal standards to the history and development of law in the Book of Mormon.

### **Universal Laws in Biblical Texts**

Through the biblical relation of the events of the creation and the subsequent growth of civilizations, God has expressed a minimum expectation for his children of this world. These scriptures have also recorded the universal laws structuring creation, and these laws, like gravity, must be acknowledged by all. Hebrew tradition in particular, according to one scholar, “did not distinguish between norms of religion, morality, and law. As befitting their common divine origin, man was bound to obey all of them with equal conscientiousness.”<sup>3</sup> Laws, for the Jews, “were attributed to divine revelation besides which there was no other legislation on record.”<sup>4</sup> According to their tradition, “the right of lawmaking was not mentioned among the royal privileges; on the contrary, the king was ‘to keep all the words of this law and these statutes’ (Deuteronomy 17:19).”<sup>5</sup> Thus, disobedience to law was an offense against God. In the first few chapters of Genesis, prohibitions against (1) murder (see Genesis 4:8–11), (2) violence (see Genesis 6:11, 13), (3) wickedness—“every imagination of the thoughts of his heart was only evil continually” (Genesis 6:5), and (4) corruption of flesh (see Genesis 6:12) appear.

Further, the scriptures imply (5) the instruction for all things to obey and listen to the commandments of God (see Genesis 1:3, 7, 9, 11, 14–18, 20, 24, 31). The scriptures also include the commandment to all living things to (6) “be fruitful, and multiply, and replenish the earth” (Genesis 1:28; see also Genesis 1:11–12, 21–22, 24–25); and the commandment, to God’s children specifically, (7) to subdue the Earth and “have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth” (Genesis 1:26; see also v. 27).

With Noah, Noah’s sons, the seed of Noah, and with “every living creature that is with you, of the fowl, of the cattle, and of every beast of the earth with you, from all that go out of the ark, to every beast of the earth . . . for perpetual generations” (Genesis 9:8–10, 12), God reestablished the covenant he had made with Adam in the Garden of Eden. This renewal included promises by God: “I will not again curse the ground any more for man’s sake; . . . neither will I again smite any more every thing living, as I have done. While the earth remaineth, seedtime and harvest, and cold and heat, and summer and winter, and day and night shall not cease” (Genesis 8:21–22), and “neither shall all flesh be cut off any more by the waters of a flood; neither shall there any more be a flood to destroy the earth” (Genesis 9:11). In return, Noah covenanted (1) to “be fruitful, and multiply, and replenish the earth” (Genesis 9:1, 7), and (2) to use for meat “every moving thing that liveth,” but to not eat “flesh with the life thereof, which is the blood thereof” (Genesis 9:3–4). He promised (3) to respect life, recognizing that God had decreed that “the fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth upon the earth, and upon all the fishes of the sea” and that “into your hand are they delivered” (Genesis 9:2), but that “surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man;

at the hand of every man's brother will I require the life of man" (Genesis 9:5); and (4) to not murder (see Genesis 9:5-6).

Noah, as the new Adam, represented all mankind, and God's laws to him are to be distinguished from the specific covenants God made with Abram regarding his posterity and inheritance of land (see Genesis 12:1-3; 13:14-18; 14:4-6, 13-16, 18-21; 17:2-21), with Isaac (see Genesis 26:2-5) and Jacob (see Genesis 28:13-15; see also Exodus 2:24), and with Moses and the Israelites at Sinai (see Exodus 19:5-6; 20:1-17, 22-26).

### **Fundamental Principles**

Jewish Rabbis have "interpreted the story of the creation as a legitimation of divine rule over the world."<sup>6</sup> From their interpretations of scriptures such as those mentioned above, Jewish scholars established the scope of God's commandments and a minimum standard of conduct. Soon after the time of Christ,<sup>7</sup> Jewish laws solidified these interpretations, defining acceptable behavior and legal obligations for all humans—both Jews and non-Jews. These laws consist of prohibitions against (1) idol worship, (2) blasphemy, (3) murder, (4) sexual sins, (5) theft or robbery, and (6) eating flesh cut or torn from a living animal.<sup>8</sup> To these was added the injunction to (7) establish courts of justice.<sup>9</sup>

This legal doctrine, defined largely in terms of primeval history, was loosely based on interpretations of scripture such as Genesis 2:16-17 and 9:1-9. Such laws outlined the "minimal moral duties" that all people must obey and described the basic relationship between God and humankind.<sup>10</sup> In other words, this doctrine set the standards of civilized society from a rabbinic perspective.<sup>11</sup> Because the Rabbis believed that the basic tenets of this doctrine had been introduced to Noah after the great flood, they often called this body of rules the "Noachide" laws.<sup>12</sup> The prevailing understanding about these laws is that the covenant with Noah was a renewal of the

covenant God made with Adam<sup>13</sup> and thus is binding on the entire human race.

The list of Noachide laws is distinct from the Sinaitic covenant established with Moses. Whereas the Sinaitic covenant is between God and Israel alone, the Noachide covenant applies to all people.<sup>14</sup> The term *Noachide* indicates this universality. Accordingly, while the Jewish laws of circumcision (applicable to the posterity of Abraham), temple sacrifice (required of covenant Israel), and the additional 613 commandments of the law of Moses<sup>15</sup> are to be strictly observed by the Jews, the laws given to Adam and repeated to Noah are to be observed by both Jew and Gentile.<sup>16</sup>

Jewish scholars are divided on the exact purpose of the Noachide laws. To various scholars they may be the universal formulation of "natural law," "universal social convention," or "reasonably presumed constructs of social contract."<sup>17</sup> Other scholars view them differently still. To them, these laws apply because God issued them as commandments in a manner that makes them binding on all people as descendants of Adam and Noah. The rules are thought to be stipulations or conditions that attend the promises that God made to Adam and Noah (in the case of Adam, it was the promise of a Savior; in Noah's case, it was the promise to never again destroy the Earth by flood); as beneficiaries of those covenants, all their descendants are bound to keep those covenantal stipulations and conditions. Yet to other scholars, the Noachide laws are merely an amalgam of directives "to govern the behavior of the non-Jewish resident living under Jewish jurisdiction."<sup>18</sup> Elements of each of these perspectives have been considered by those striving to formulate globally applicable rules, and evidences of these same motivations are also found throughout the Bible. So although the underlying reason for the laws may be disputed, most believe that their effect would be universally beneficial.

## Standards of Civilization

Simple moral or societal norms are essential for the success of any civilization, and many believe that the list of Noachide laws is sufficiently broad and adaptable to most, if not all, societies, and would preserve basic order and morality.<sup>19</sup> Accounts from the Bible indicate that as civilizations or societies increased in wickedness and disobedience to the basic principles of respect and order found in the Noachide laws, they became unstable, and either they were destroyed by neighboring groups or by internal forces, or they repented and regained the strength and security that comes with obedience to the commandments of God. For example, Cain was banished for having murdered his brother (see Genesis 4:12), King Ahaz's kingdom was destroyed for worshipping false idols (see 2 Chronicles 28:1-5), and Jeremiah prophesied that Jerusalem would be destroyed by a great and cruel nation because of the prevalence of theft, murder, and adultery among the people (see Jeremiah 6). While these last two examples involved punishments of the Israelites, who had accepted a higher covenant, this higher covenant encompassed the basic commandments of the Noachide laws, and Jeremiah in the final example made it clear that part of the reason the people of his time would be punished was for their disregard of these standards of civilization. Note, too, that while it seems ironic that a wicked nation would be victorious over the perhaps equally iniquitous Israelites, Jeremiah also prophesied that these conquering nations of "heathens," who were also guilty of worshipping false gods, would not escape punishment if they did not repent (see Jeremiah 10).

## Covenant Obligations

Although not all people acknowledge that they are the beneficiaries of covenants made between God and Adam and Noah and their posterity, most recognize that each person is individually responsible for his or her actions. An important

precept of the Noachide laws is that all men and women are created in the image of God and possess the ability to discern good from evil; consequently, they are capable of acting for themselves. Genesis 3:22 informs us that this ability is one of the effects of the Fall (see also 2 Nephi 2:26; Helaman 14:30–31; Moroni 7:15–16). Whether or not people recognize a supreme being or subscribe to eschatological theories, most understand that in order to be included in a successful group—whether that means functioning in a basic civilization or belonging to an elect few—they must agree to certain restrictions on behavior. The Noachide laws are an example of one half of such an agreement; as indicated above, the other half is God's promise to preserve the Earth, bless the land, and never destroy the world by flood again. Thus the principles behind the Noachide laws can be seen not only as a matter of "natural law," "universal social convention," or "reasonably presumed constructs of social contract," but also as a reflection of the basic principles of covenants.

### **Justice and Equity**

While nonbelievers are expected to abide by simple moral norms or covenants, followers of God and the prophets, who understand the higher laws, are held to a stricter standard. According to Nahum Rakover, the thrust of the law "is not really concerned with prescribing regulations but with implementing just and equitable law."<sup>20</sup> This becomes a concern whenever societies with different legal and moral standards intermingle. Because of the impossibility of keeping the covenant people of God separate from other civilizations, the Noachide laws provide a basic list designed to deal with this situation. References in the Bible make it apparent that all foreigners living within Israelite cities were expected to obey the Sabbath laws (see Exodus 20:10; Deuteronomy 5:14) and the law of Moses in general: "And Moses commanded them, saying, . . . gather the people together, men and women, and

children, and thy stranger that is within thy gates, that they may hear, and that they may learn, and fear the Lord your God, and observe to do all the words of this law" (Deuteronomy 31:10, 12).

These ideas outline the principles behind the Noachide laws. Although specific Noachide laws were not codified until centuries after the events of the Bible and the Book of Mormon, the fundamental ideas underlying these laws are clearly alluded to throughout the Bible and, as will be demonstrated, throughout the Book of Mormon as well.

### **Variations of Scriptural Universal Standards<sup>21</sup>**

Universal standards are most helpful when integrating two differing systems. When one society or civilization meets another, they seek common ground to resolve important differences. In the Old Testament, such encounters and the resulting compromises led to variations in the articulation of Noachide-type laws. The later enumerations of these laws all come after Lehi had left Jerusalem, but they reveal that the above-mentioned principles upon which the Noachide laws were founded are stable.

As these laws became codified, disagreement arose over how many commandments were actually issued to Adam and Noah, respectively. Various texts record possible additional prohibitions such as those relating to (1) drinking the blood of living animals, (2) emasculation or castration, (3) sorcery, (4) all magical practices listed in Deuteronomy 18:10–11 ("There shall not be found among you any one that maketh his son or daughter to pass through the fire, or that useth divination, or an observer of times, or an enchanter, or a witch, Or a charmer, or a consulter with familiar spirits, or a wizard, or a necromancer"),<sup>22</sup> (5) crossbreeding different species of animals (as mentioned in the Talmud),<sup>23</sup> (6) grafting different types of trees together,<sup>24</sup> (7) mixing seeds, and (8) blemished sacrifices. Injunctions regarding (9) charity, (10) procreation,



and (11) obedience to the Torah are also found.<sup>25</sup> Another record lists the seven Noachide provisions as prohibiting (1) idolatry, (2) adultery, (3) murder, (4) robbery, (5) eating from a limb cut from a living animal, (6) the emasculation of animals, and (7) pairing of different species of animals.<sup>26</sup> At one point, thirty Noachide laws were mentioned.<sup>27</sup>

Another list of laws recorded in *Jubilees*, which predates the rabbinic law lists, includes strikingly different commandments:

And in the twenty-eighth jubilee Noah began to command his grandsons with ordinances and commandments and all of the judgments which he knew. And he bore witness to his sons so that they might do justice and cover the shame of their flesh and bless the one who created them and honor father and mother, and each one love his neighbor and preserve themselves from fornication and pollution and from all injustice. (*Jubilees* 7:20–21)

From this passage, the Noachide laws are (1) to do justice (righteousness), (2) to dress modestly, (3) to bless the Creator, (4) to honor parents, (5) to love one's neighbor, (6) to avoid fornication, and (7) to remain free from pollution.

Other pseudepigraphic texts attributed to the antediluvian or pre-patriarchal periods list a different set of eight basic laws. Pseudo-Phocylides reads:

[1] Neither commit adultery nor rouse homosexual passion. [2] Neither devise treachery nor stain your hands with blood. [3] Do not become rich unjustly, but live from honorable means. [4] Be content with what you have and abstain from what is another's. [5] Do not tell lies, but always speak the truth. [6] Honor God foremost, and afterward your parents. [7] Always dispense justice and let not your judgment be influenced by favor. [8] Do not cast down the poor unjustly, do not judge partially.<sup>28</sup>

Similar to the *Jubilees* text, the Sentences of the Syriac Menander reads: "[1] Fear God, and [2] honor (your) father and mother. . . . You shall [3] do no murder, and [4] your

hands shall not do what is hateful."<sup>29</sup> And the Greek 3 Baruch reads: "Those who drink in excess do all evil: Brother does not show mercy to brother, nor father to son, nor son to father. And from the evil of wine comes forth: [1] murder and [2] adultery, [3] fornication [4] and cursing, [5] theft, and [6] similar things. And nothing good is accomplished through it."<sup>30</sup>

Despite the possible additions and variations, the prevalent opinion in the Talmud is that there are only seven Noachide laws—the others are understood as falling under one or another of "the seven laws."<sup>31</sup>

In the New Testament Paul gives a list of four commandments for converts to Christianity who were not Jews. "This list is the only one that bears any systematic relationship to the set of religious laws which the Pentateuch makes obligatory on resident aliens" dwelling amid the Israelites.<sup>32</sup> Paul's four commandments are found in the following passage:

Known unto God are all his works from the beginning of the world. Wherefore my sentence is, that we trouble not them, which from among the Gentiles are turned to God: But that we write unto them, that they abstain from [1] pollutions of idols, and from [2] fornication, and from [3] things strangled, and from [4] blood. (Acts 15:18–20)

The Noachide laws, then, were not a rigid list (for that matter, neither were the contents of the Ten Commandments),<sup>33</sup> but underlying each list are principles that bring about a standard of civilization, obedience to covenant obligations, and preservation of justice and equity. The earlier lists, such as that in *Jubilees*, reflect more of a concern with basic ethical and religious belief and behavior rather than with crossing boundaries or contracting impurities. As time went on, the Noachide laws expanded and became more concerned with Jewish ritual purity. Whatever their source or purpose, these laws are mandatory study for the Jewish scholar but almost universally ignored by the modern-day Gentile.

## Universal Laws in the Book of Mormon

The record of interactions between groups of people in the Book of Mormon describes the development of legal or moral standards for civilization that seem to be based on principles similar to those behind the Noachide laws. While the same lists of laws are not precisely enumerated in the Book of Mormon, the same ideas and moral principles upon which they are based are found throughout the record.<sup>34</sup> Because Book of Mormon history parallels the Noah-Abraham-Moses-David-Diaspora history of the Jews—Lehi's small group separates, wanders, enlarges into a civilization, and finally falls into apostasy and forced destruction—the environment was such that similar evolution was possible if the Noachide principles were present at the onset.

The development of Nephite law occurred in three stages. The initial stage began when Nephites and Lamanites separated from each other. The middle period involved King Benjamin and the interactions his kingdom had with outside groups. Finally, with the coming of Christ, a new legal standard was implemented that applied to all. These stages highlight important legal developments in Book of Mormon history that reflect principles of universal standards.

## Early Nephite History

After the prophet Lehi died, disagreements arose between his sons, and one of them, Nephi, left the area, taking with him "all those . . . who believed in the warnings and the revelations of God" (2 Nephi 5:6). Nephi and those who followed him "did observe to keep the judgments, and the statutes, and the commandments of the Lord in all things, according to the law of Moses" (2 Nephi 5:10). Nephi acknowledged that the Lord was with him and his people (2 Nephi 5:11), but recorded that "the word of the Lord was fulfilled which he spake . . . saying that: Inasmuch as they [Nephi's brethren, the Lamanites] will not hearken unto thy words they shall be cut

off from the presence of the Lord. And behold, they were cut off from his presence" (2 Nephi 5:20). The Book of Mormon notes that the Lamanites "delighted in wars and bloodshed, and they had an eternal hatred against us [the Nephites], their brethren. And they sought by the power of their arms to destroy us continually" (Jacob 7:24).

With the children of Lehi having split into two societies with differing policies and standards of civilization, Nephi clarified to his people that whether or not the Lamanites chose to acknowledge God and his commandments to them as covenant children, a minimum level of piety must still be observed by all. Nephi wrote that "the Lord [has not] commanded any that they should not partake of his goodness" and that "all men are privileged the one like unto the other, and none are forbidden," but because both Jew and Gentile are "alike unto God" (2 Nephi 26:33), in order to receive God's blessings of the Lord, the Lord has instructed that (1) "there shall be no priestcrafts," or in other words, people should not "preach and set themselves up for a light unto the world, that they may get gain and praise of the world" (2 Nephi 26:29). He has also directed that (2) "all men should have charity, which charity is love. And except they should have charity they were nothing" (2 Nephi 26:30).

Further, God

commanded [3] that men should not murder; [4] that they should not lie; [5] that they should not steal; [6] that they should not take the name of the Lord their God in vain; [7] that they should not envy; [8] that they should not have malice; [9] that they should not contend one with another; [10] that they should not commit whoredoms; and [11] that they should do none of these things; for whoso doeth them shall perish. (2 Nephi 26:32)

These commandments were the standard that God directed that all people follow, "black and white, bond and free, male and female" (2 Nephi 26:33) and are thus comparable to the

Noachide laws in scope and purpose. This initial stage in the development of Nephite civilization showed a deliberate attempt to proactively prevent a crisis by establishing universal laws for others not in the covenant.

### **Middle Period: From Benjamin to the Judges**

In the middle period, Book of Mormon history records that the Nephites were obedient to the "exceedingly strict" law of Moses while the Lamanites continued murdering, "drink[ing] the blood of beasts," and frequently attacking the Nephites (Jarom 1:5, 6). Despite Nephite efforts to "restore the Lamanites unto the true faith in God," their "labors were in vain; their [the Lamanites'] hatred was fixed, and they were led by their evil nature that they became wild, and ferocious, and a blood-thirsty people, full of idolatry and filthiness; feeding upon beasts of prey; . . . And many of them did eat nothing save it was raw meat; and they were continually seeking to destroy us [the Nephites]" (Enos 1:20).

But by the time of King Benjamin, Book of Mormon civilization was no longer just a simple Nephite-Lamanite split. Other groups had formed and the interactions of the people on the American continent had become more complex.

The reign of the Book of Mormon's second King Mosiah, from about 121 to 91 B.C., "was marked by an influx of several groups of people into his territories in the land of Zarahemla. Their arrivals resulted in increased cultural pluralism and also in heightened political instability in Zarahemla."<sup>35</sup> The ruling Nephites had ceased being the majority: there were "not so many . . . who were descendants of Nephi, as there were of the people of Zarahemla, who was a descendant of Mulek, and those who came with him" (Mosiah 25:2). The Nephites and Mulekites had both kept track of their lineage and group identities, which indicates that they had not merged into one undifferentiated society.<sup>36</sup>

The arrival of the people of Limhi, who had escaped from the city of Nephi, shortly after Mosiah<sub>2</sub> began his reign,

added to the complex mix of societies already in the land of Zarahemla (see Mosiah 22:13). The Limhites became Mosiah's subjects but seem to have remained separate from the other groups of people in the land of Zarahemla. The additional "arrival of the people of Alma not only added to the growing political diversity in Zarahemla, but their piety also introduced new religious dimensions to the situation."<sup>37</sup>

The next twenty to thirty years of Nephite history was marked with strong social undercurrents that began to divide the people in Zarahemla very deeply.<sup>38</sup> Among the population,

powerful political factions were forming. For a time, the four sons of Mosiah and Alma the Younger joined forces with those who sought to destroy the church (see Mosiah 27:8). This group of dissenters rejected the Nephite traditions, did not believe in the resurrection, denied the coming of Christ, refused to be baptized by Alma, and would not pray (see Mosiah 26:1–4). [With high immigration and strong discord, this] was a precarious time for the Nephite rulers and Alma the Elder. Their political, social, and religious positions [were collectively unstable].<sup>39</sup>

In a previous effort to unify his people, King Benjamin had established the church and introduced minimum requirements for life in Zarahemla that were binding on the people whether or not they had made a covenant to participate in the church and strictly adhere to its religious requirements. His list of public laws prohibiting (1) murder, (2) plundering, (3) stealing, (4) adultery, or (5) "any manner of wickedness" (Mosiah 2:13)<sup>40</sup> appears six additional times in the Book of Mormon, "and in every case this set measures the extent to which kings and rulers had discharged their legal duty of maintaining the public order."<sup>41</sup>

The first time the Book of Mormon records a repetition of King Benjamin's standard is when Benjamin's son, Mosiah<sub>2</sub>, relinquished his kingship. Mosiah related that he had also punished those who had not complied with these

same laws (see Mosiah 29:14–15, 36). He recorded that “there should be [1] no wars nor contentions, [2] no stealing, [3] nor plundering, [4] nor murdering, [5] nor any manner of iniquity; And whosoever has committed iniquity, him have I punished according to the crime which he has committed, according to the law which has been given to us by our fathers” (Mosiah 29:14–15).

He further admonished that “all [the] iniquities and abominations, and [1] all the wars, and contentions, [2] and bloodshed, [3] and the stealing, [4] and the plundering, [5] and the committing of whoredoms, [6] and all manner of iniquities which cannot be enumerated . . . that these things ought not to be, that they were expressly repugnant to the commandments of God” (Mosiah 29:36). At this point, Mosiah’s people were about to make a dramatic change in methods of government—from kingship to a system of judges. Under these circumstances Mosiah made it clear that a minimum standard must be upheld for peace and righteousness to continue.

During the same time, a newly converted Lamanite king declared that the people “[1] ought not to murder, [2] nor to plunder, [3] nor to steal, [4] nor to commit adultery, [5] nor to commit any manner of wickedness” (Alma 23:3). King Benjamin’s words “in this regard were apparently taught to the Lamanite king by the four missionary sons of Mosiah,” also newly converted, “who, we can be sure, . . . knew the details of their grandfather’s speech.”<sup>42</sup> In this situation, Lamanites in seven lands and cities were converted, were “distinguished from their brethren” who had not converted by a new name, the “Anti-Nephi-Lehies,” and “did open a correspondence with them [the Nephites]” (Alma 23:8–14, 16–18), interacting with the Nephites more freely. As these people moved toward unity, Benjamin’s minimum standard helped to establish a basic level of law and civilization.

Alma<sub>2</sub> later states that he had fulfilled his responsibilities in the land of Zarahemla by apprehending all who had [1] “murdered, . . . [2] robbed, . . . [3] stole, . . . [4] committed adultery, . . . yea, for [5] all this wickedness they were punished” (Alma 30:10).<sup>43</sup>

Alma made this statement after the people of Ammon had been “established in the land of Jershon,” “the Lamanites were driven out of the land,” and “the people did observe to keep the commandments of the Lord” (Alma 30:1, 3). In this instance, Alma was dealing with a more religiously homogeneous group who may have previously covenanted to a higher standard of righteousness. In Alma’s day, as in other times, temple worthiness involved acceptance of specific and multitiered covenants—not dissimilar to basic Noachide laws. Nevertheless, when an outsider came into the land of Zarahemla and “began to preach unto the people against the prophecies which had been spoken by the prophets,” Alma records that “there was no law against a man’s belief; for it was strictly contrary to the commands of God that there should be a law which should bring men onto unequal grounds” (Alma 30:6, 7), and then proceeded to enforce the basic laws contained in Benjamin’s minimum standard.

The three remaining reiterations of King Benjamin’s list describe how

the wickedness of the Gadianon rulers in Zarahemla and the corruption of the Jaredite king Akish were judged harshly by Nephi and Moroni because they sought to “murder, and plunder, and steal, and commit whoredoms and all manner of wickedness, contrary to the laws of their country and also the laws of their God” (Helaman 6:23; see 7:21; Ether 8:16). Benjamin’s list appears in each of these scriptures, modified only slightly as the exigencies of the individual circumstances over time dictated.<sup>44</sup>

This list of minimum laws that emerged in the middle period of the Book of Mormon history follows the principles



of the Noachide laws and served to establish ground rules and a standard of civilization for groups of Book of Mormon people who were either merging with other societies or were changing systems of law.

### **Later Period: The Coming of Christ**

When Jesus Christ visited the people on the American continent, he announced that with his death and resurrection, the law of Moses had been fulfilled (see 3 Nephi 9:17; 12:17; 15:2-10). He instructed, "Ye shall offer up unto me no more the shedding of blood; yea, your sacrifices and your burnt offerings shall be done away, for I will accept none of your sacrifices and your burnt offerings" (3 Nephi 9:19). Instead, he commanded that "ye shall offer for a sacrifice unto me a broken heart and a contrite spirit," and promised that "whoso repenteth and cometh unto me as a little child, him will I receive, for of such is the kingdom of God" (3 Nephi 9:20, 22). Christ explained that "the covenant which I have made with my people is not all fulfilled; but the law which was given unto Moses hath an end in me" (3 Nephi 15:8).

The Book of Mormon records that by the "thirty and sixth year" after the coming of Christ, "the people were all converted unto the Lord, upon all the face of the land, both Nephites and Lamanties . . . and they had all things common among them" (4 Nephi 1:2-3). Even after a hundred years, "there was no contention in the land, . . . no envyings, nor strifes, nor tumults, nor whoredoms, nor lyings, nor murders, nor any manner of lasciviousness. . . . There were no robbers, nor murderers, neither were there Lamanites, nor any manner of -ites; but they were in one, the children of Christ, and heirs to the kingdom of God" (4 Nephi 1:14-17). The record declares that "surely there could not be a happier people among all the people who had been created by the hand of God" (4 Nephi 1:16). This time of peace marked a centuries-long era of economic progress with a surprising absence of discord.

National moral homogeneity in isolation made Noachide law considerations unnecessary.

However, after the second hundred years had passed following Christ's visit, the society began to break down as groups started to identify themselves as Lamanites, to become proud, and to no longer have their goods and substance in common (see 4 Nephi 1:20, 24, 25). Persecution, rebellion, robbery, and "all manner of iniquity" became more prevalent (see generally 4 Nephi 1), and wickedness prevailed (see Mormon 1:13).

Although the minimum standard presented by King Benjamin is not specifically enumerated, the Book of Mormon prophets during this period decried these same wicked practices (see, for example, murder, Mormon 4:11, 21; 7:4; 8:8; Moroni 9:10; 4 Nephi 1:30–31; sexual sins, Moroni 9:9; theft and robbery, Mormon 8:31; war and contention, Mormon 1:16; 2:15; 4:1; 8:2, 8; Moroni 9:2; wickedness or iniquity, Moroni 6:7; 10:22). Yet instead of requiring adherence to a specific set of minimum standards, the prophets call all to repent, to receive forgiveness and the Holy Ghost, and to become righteous members of the Church of Jesus Christ. As Christ had taught during his stay with the Nephites, a "broken heart and a contrite spirit," repentance, and drawing closer to him (3 Nephi 9:20, 22) were required of all people on the Earth. The remainder of the Book of Mormon follows a similar vein, calling for all people to repent and to come unto Christ, a process that encompasses all of the benefits and purposes of the Noachide and Noachide-like laws (see 3 Nephi 16:13; 18:32; 27:16; 30:2; 4 Nephi 1:1; Moroni 6:8; 8:8; 8:24).

This shift from specific laws and prohibitions to a more general call to repentance and righteousness undoubtedly was based on the same goals of unity and civility as the Noachide and similar laws. With Christ's coming the focus merely shifted from warnings of punishment for disobedience to the specific laws to promises of blessings and rewards, and

encouragement to seek for the peace and happiness that followed participation in God's plan.

These examples show that Noachide laws or their equivalent were present or absent in the Book of Mormon when logically predicted. It remains to be examined what other effects, if any, Noachide-like laws had on development of biblical and Book of Mormon legal codes.

### **Consequences of Disobedience**

Patterns of enforcement of these laws and punishment for disobedience can be seen in both the Bible and the Book of Mormon. First and foremost, God's response to individual and general disobedience to Noachide laws is similarly chronicled in both sacred works. God sometimes expressed his divine displeasure, as in the case of Cain, when God personally cursed him for committing murder (see Genesis 4:9-12). Isaiah warned that God would "punish the world for their evil, and the wicked for their iniquity" (Isaiah 13:11). Likewise, in the Book of Mormon, God directly punished Sherem's blasphemy when "the power of the Lord came upon him [Sherem], insomuch that he fell to the earth" (Jacob 7:15).

Another way of enforcing the Noachide laws developed as Jewish populations sustained closer contact with gentile populations. This method involved legal intervention by Jewish communities when dealing with gentile offenders. Hebrew scholar Joseph Schultz described the formulation of legal thought and practice as beginning with a belief in the "theoretical principle that outside the ethicolegal system of rabbinic Judaism social and moral anarchy prevailed. This theory was undoubtedly bolstered by the Rabbis' personal experience in contacts with lawless and immoral pagans as well as by their judicial experience in dealing with the numerous cases involving Jews and amoral Gentiles."<sup>45</sup> In such cases there were two ways to deal with offenders:

On the one hand, there were sages who demanded stricter conduct from the Noahite than from the native-born Jew.

The strictness of the [laws was] intended as a deterrent to amoral Gentiles dealing with Jews in the Jewish State. On the other hand, there were sages who were more lenient with Noahites than with full-born Jews, particularly in the area of sexual relations and family life. Given the unchastity of his pagan environment, the Noahite was bound to fall short of the standards demanded of Jews by the law. Still, they hoped for minimal compliance. But both groups were disappointed.<sup>46</sup>

Alma 1 offers a Book of Mormon example of neighboring religious communities intervening to deal with gentile offenders. Under Mosiah's reign, the church had grown and was the governing force in the community. Yet some did not belong to the church, and

did indulge themselves in sorceries, and in idolatry or idleness, and in babblings, and in envyings and strife; wearing costly apparel; being lifted up in the pride of their eyes; persecuting, lying, thieving, robbing, committing whoredoms, and murdering, and all manner of wickedness; nevertheless, the law was put in force upon all those who did transgress it, inasmuch as it was possible. And it came to pass that by thus exercising the law upon them, every man suffering according to that which he had done, they became more still, and durst not commit any wickedness. (Alma 1:32–33)

This method kept the peace for a while, but its success as a viable legal option was critically connected to the stability and power of the religious leaders at hand.

A third method was enforcement at the social level: refusal to associate or interact with people who violated Noachide commandments or expressions of shame and disgust regarding the offender. The Book of Mormon is full of examples of one group or another relating just how far another community had fallen below the Noachide level. For example, a group of

wicked Nephites were reported in Helaman to have become “hardened and impenitent and grossly wicked, insomuch that they did reject the word of God and all the preaching and prophesying which did come among them” (Helaman 6:2). In this case, it seems as if these wicked Nephites did not want to associate with those who were obedient. However, in that same chapter in Helaman, a group of righteous Lamanites, because of their observance of the law, enjoyed much interaction that led to increased happiness: “Nevertheless, the people of the church did have great joy because of the conversion of the Lamanites, yea, because of the church of God, which had been established among them. And they did fellowship one with another, and did rejoice one with another, and did have great joy” (Helaman 6:3).

### **Rewards Promised for Keeping Basic Laws**

In the Old Testament, God promised that those who were obedient would be favored, protected, blessed, and ultimately, saved (see Exodus 19:5; Leviticus 26:3; Deuteronomy 4:40). Additionally, the benefits of living the Noachide laws were the peace and security the laws were intended to ensure.

The Noachide laws (at least as most Jewish scholars view them) were based on a belief in a minimally acceptable universal law, which all people were expected to live. Obedience to that law would be rewarded with blessings. This is very similar to the understanding of accountability that the authors of the Book of Mormon clearly taught. According to the Book of Mormon, men and women will be held accountable for the knowledge and agency they possess and all would be judged accordingly (see 2 Nephi 9:15; Alma 12:12–14; 3 Nephi 27:16–17 for a few such references). The Book of Mormon also recorded benefits of obedience similar to those found in the Old Testament, such as safety (see Jarom 1:9), prosperity (see Alma 37:13), greater covenants and opportunities (see Mosiah 5:8), and salvation (see 1 Nephi 22:31).

## Differences in Jewish and Nephite Thought Concerning Noachides

While the evidence that the Nephites adhered to a legal and religious notion similar to the Noachide laws is considerable, some distinctions exist between the beliefs of the Nephites and those of the Rabbis.<sup>47</sup> One such departure is in the chain of revelation of God's covenant with his people. Whereas Jewish tradition considers the Noachide laws to have been given only to the postdiluvian Noah, or to both Adam and Noah, modern Latter-day Saint scripture confirms that God also established his covenant with the antediluvian Enoch. Genesis 9:17 of Joseph Smith's translation records God's promise: "And I will establish my covenant with you, which I made unto Enoch, concerning the remnants of your posterity." Consequently, members of The Church of Jesus Christ of Latter-day Saints believe the covenant with Noah was not original, but only "new" to Noah as well as to the heads of all other dispensations.

Another essential difference is that Jewish scholars and Rabbis hold that it is enough for non-Jews to accept and live by the Noachide laws; more than this is not required to obtain a place in heaven. In fact, according to Maimonides, "A gentile who occupies himself with the Torah is liable to the death penalty. He should only occupy himself with the Seven Noahide Commandments."<sup>48</sup> Therefore, according to the Talmud, "The righteous men of all the nations of the world have their share in the world-to-come."<sup>49</sup> Writes one Jewish scholar: "On this doctrine the justified Jewish claim has been based that Judaism emphasizes morality more than belief and that it does not condemn men just because they do not adhere to its law and faith."<sup>50</sup> Because of such a view, proselytizing is no longer one of the main emphases of the Jewish faith (compare Matthew 23:15).

Book of Mormon teachings, however, are strikingly different. In his parting words, Moroni speaks "unto all the ends

of the earth" (Moroni 10:24) when he invites all men to come unto Christ (see Moroni 10:30). King Benjamin, along with so many Book of Mormon prophets, teaches that belief in Christ, adherence to the Lord's commandments, and participation in the covenant are essential steps to salvation (see Mosiah 4:5-8). Because of these beliefs, those in the Book of Mormon who accepted the gospel actively tried to persuade others to believe and live similarly.<sup>51</sup>

The teachings of the prophet Mormon in particular defuse the dispute that exists among Jewish scholars as to whether one can come upon these basic moral principles simply through rational thought or whether they must be revealed to man from God. Mormon teaches that within every man is a God-given light that will lead him to the discovery of such principles. In addition to man's innate ability to distinguish good from evil,<sup>52</sup> the Book of Mormon teaches that all men can receive further revelation from God—even those nations that have not entered into any additional covenants with him. Alma the Younger taught that "the Lord doth grant unto all nations, of their own nation and tongue, to teach his word, yea, in wisdom, all that he seeth fit that they should have" (Alma 29:8). Not only do all nations receive some portion of the Lord's word, they receive it in differing amounts as the Lord "seeth fit that they should have." Thus the Book of Mormon more clearly explains the relationship between God and man. Even those who have not accepted his whole law and would be subject to Noachide law have been given the ability to discern good from evil and the possibility of receiving direction through revelation.

Modern times have seen a resurgence in interest in truth and fundamental law. The past few generations have developed no-fault doctrines for accidents, divorce, and insurance, but more and more people are now wanting stability in their lives and a foundation for their beliefs. In their search for universal truth, many have turned to investigation and study of the

Noachide laws.<sup>53</sup> Even “modern Jewish thinkers like Moses Mendelssohn and Hermann Cohen emphasized the Noachide conception as the common rational, ethical ground of Israel and mankind.”<sup>54</sup> The Book of Mormon prophets, however, understood that the law of Moses, and indeed any other law, had been given to point people toward Christ; they explained that the “law hath become dead unto us, and we are made alive in Christ because of our faith; yet we keep the law because of the commandments” (2 Nephi 25:25; see also 2 Nephi 11:4; see also 25:24–30; Jacob 4:5–6; Alma 25:15; 34:14).

Nevertheless, the amount of evident similarity between what the Nephites believed and practiced and what the Jews know as the Noachide laws is noteworthy. It appears likely that Lehi and his descendants adhered to the belief that even those who did not subscribe to the law of Moses were bound to obey a certain set of commandments and that disobedience was punished accordingly. That the basic prohibitions found in the Book of Mormon do not perfectly correspond with the list of seven Noachide laws in the Talmud should not be surprising, since it is believed that the Noachide laws were not formulated and recorded until long after Lehi left Jerusalem in 600 B.C. In fact, the number of similarities between the concepts adhered to by the Nephites and the Rabbis speaks for the validity of the doctrine.

## Conclusion

The Noachide laws, and those laws similar to them, are the first level of obedience required by God. Important goals of this type of law include establishing a minimum standard of civilization, enforcing participation in covenants and the fulfillment of obligations, and ensuring just and equitable application of law. This level is universal law in that all people must adhere to some standard of behavior to be able to cooperate on a global scale. However, the higher laws introduced to Moses and the children of Israel and the still higher laws



given with Abraham's covenant indicate that an advanced level of commitment and a greater degree of reward awaits those who are willing to commit to an additional set of laws. If our life's goals are happiness and salvation, this higher level of law is also, in a sense, universal, in that all must adhere to this standard in order to receive the full blessings of this existence. Jewish scholars debate this point, differing in opinion "as to whether the ultimate stage of humanity will comprise both Judaism and Noachidism, or whether Noachidism is only the penultimate level before the universalization of all of the Torah."<sup>55</sup> And yet the record in the Book of Mormon describes the law given at Christ's coming as an even grander and yet simpler rule: repent and follow Christ. This, then, is the true universal law, for if all were to put such law into practice, there would be no more murder, adultery, theft, blasphemy, idolatry, or any evil action. Nor would there be any divisions among peoples or even Noachide-like levels of covenant or commitment: all would be one in purpose and goal. Such a unifying law comes closer to a true universal law than the others.

As today's world grows smaller through technology and travel, ideas of civilization based on comprehensive standards, integrity in making and keeping covenants, and implementation of fair and just laws are becoming increasingly important. The more that is understood about the Noachide or Noachide-type laws in the Bible and Book of Mormon and the principles underlying them, the better we can progress toward a truly global existence.

## Notes

1. A Reuters news search for the term *global* retrieved 2270 articles. Search performed on Yahoo! on 8 February 2001.

2. See, for example, the discussions of natural law and natural rights proponents such as Thomas Aquinas, John M. Finnis, Lon Luvois Fuller, John Locke, Immanuel Kant, John Rawls, and others,

as summarized in *Jurisprudence: Text and Readings on the Philosophy of Law*, ed. George C. Christie and Patrick H. Martin, 2nd ed. (St. Paul, Minn.: West, 1995), 118–391.

3. Ze'ev W. Falk, *Hebrew Law in Biblical Times*, (Jerusalem: Wahrman, 1964; 2nd ed., Provo, Utah, and Winona Lake, Ind.: Brigham Young University Press and Eisenbrauns, 2001), 4.

4. *Ibid.*, 11.

5. *Ibid.*

6. *Ibid.*, 6.

7. Bockmuehl proposes that the Noachide commandments were probably not concisely formulated before the second century A.D.; Markus Bockmuehl, "The Noachide Commandments and New Testament Ethics," *Revue Biblique* 102/1 (1995): 72, 96. Nevertheless, the concept is probably older; see, for example, Acts 15:20, prohibiting the eating of food offered to idols, meat from strangled animals, and blood, and fornication.

8. Among the ancient Greeks, in Dionysian rites dating back at least to the fourth century B.C., worshipers would tear a limb from a living animal and smear themselves with the blood. In a lecture entitled "The Relationship of the Law to the Gentiles," given at the University of Missouri—Kansas City in 1978, Professor Joseph P. Schultz suggested that this Noachide law is a reaction to such ritual practices. This law could not have been revealed until this time, since before the Flood the eating of the flesh of animals was prohibited altogether (see also Saul Berman, "Noachide Laws in Jewish Law," *Encyclopedia Judaica* [New York: Macmillan, 1971], 12:1190).

9. Tosef., Avodah Zarah 64b; Yad, Melakhim 8:10; Sanh. 56a. See Steven Schwarzschild, "Noachide Laws," *Encyclopedia Judaica*, 12:1189, which both lists the laws and discusses why other pre-Sinaitic laws such as procreation, circumcision, and the law of the sinew were not included in this list. The author of the article gives no satisfactory answer but states that "two somewhat strained principles . . . explain the anomalies. The absence of circumcision and the sinew is explained through the assertion that any pre-Sinaitic law which was not repeated at Sinai was thenceforth applicable solely to Israelites (Sanh. 59a), whence procreation, while indeed obligatory on non-Jews according to Johanan (Yev. 62a) would nevertheless not . . . be listed (cf. Tos. To Yev. 62a s.v. *benei*; Tos. To Hag. 2b s.v. *lo*)," (Berman, "Noachide Laws in Jewish Law," 1191).

10. Schwarzschild, "Noachide Laws," 1189. See Sanh. 50–60; Yad, Melakhim, 8:10; 10:12.

11. See Joseph P. Schultz, *Judaism and the Gentile Faiths: Comparative Studies in Religion* (East Brunswick, N.J.: Associated, 1981), 359.

12. These laws are also variously known as "Noachian laws," Noachic laws," the "Noachitic code," the "Noachitic covenant," the "Heptalogue," and "the seven laws of the sons of Noah." "The term 'sons of Noah' is, in rabbinic usage, a technical term used to describe all human beings except those whom Jewish law defines as being Jews" (Berman, "Noachide Laws in Jewish Law," 1190). For an in-depth discussion on the origin of the Noachide laws, see David Novak, *The Image of the Non-Jew in Judaism* (New York: Edwin Mellen, 1983), 3-52.

13. Similarly, see the Joseph Smith translation (Genesis 9:17, 21 JST, an expansion of Genesis 9:11, 16 KJV), which indicates that God had previously covenanted with Enoch also.

14. See Steven S. Schwarzschild, "Judaism, Scriptures, and Ecumenism," *Judaism* 13/3 (1964): 259, 272; Schwarzschild, "Noachide Laws," 1189.

15. Naomi G. Cohen, "Taryag and the Noachide Commandments," *Journal of Jewish Studies* 43/1 (1992): 47.

16. Somewhat ironically, there has been some debate about the extent to which Jews must obey, enforce, and be in harmony with the Noachide standard. See Nahum Rakover, "The 'Law' and the Noahides," in *Politics and Theopolitics in the Bible and Postbiblical Literature*, ed. Henning Graf Reventlow, Yair Hoffman, and Benjamin Uffenheimer (Sheffield, Eng.: JSOT Press: 1994), 156-58.

17. The debate is whether the laws were commanded by God or were "accepted upon themselves." This idea is not new, however: "Of course, this same conflict between revelation and consent as basis of authority appears with regard to the binding authority of Torah over the Jew, in the form of 'we will do and obey' (Ex. 24:7) as opposed to 'He (God) suspended the mountain upon them like a cask, and said to them, 'If ye accept the Torah, 'tis well; if not, there shall be your burial.''" Rakover, "The 'Law,'" 151-52. See also Berman, "Noachide Laws in Jewish Law," 1191.

18. Berman, "Noachide Laws in Jewish Law," 1190.

19. See Arnold N. Enker, "Aspects of Interaction between the Torah Law, the King's Law, and the Noahide Law in Jewish Criminal Law," *Cardozo Law Review* 12/1 (1990): 1147. Enker explains that the Noachide law, "the universal law, binding upon all mankind, requires adherence to those minimum standards of decent behavior essential to a properly functioning society."

20. Rakover, "The 'Law,'" 151.
21. See accompanying chart of the Noachide laws and variations.
22. These first three laws are found in the Tosefta (Av. Zar. 8:6), quoted in Berman, "Noachide Laws in Jewish Law," 1190.
23. See Saul Berman, "Noachide Laws," in *The Principles of Jewish Law*, ed. Menachem Elon (Jerusalem: Keter, 1975), 708, quoting Sanh. 56b.
24. See *ibid.*, 708, quoting Sanh. 56b.
25. Schwarzschild, "Noachide Laws," 1189; Hullin, 92a.
26. Sanh. 56b.
27. Hullin, 92a; Berman, "Noachide Laws in Jewish History," 1190. The nonrabbinic sources of the tannaitic period also show great diversity. *Ibid.*
28. Pseudo-Phocylides vv. 3–10, in *The Old Testament Pseudepigrapha*, ed. James H. Charlesworth (Garden City, N.Y.: Doubleday, 1985), 2:574. This text contains many references to Noachide laws, and the quoted text is just a partial list.
29. Syriac Menander 2:9–10, 15–16, in Charlesworth, *Old Testament Pseudepigrapha*, 2:592.
30. 3 Baruch/Greek 4:17, in Charlesworth, *Old Testament Pseudepigrapha*, 1:668–69.
31. Schwarzschild, "Noachide Laws," 1189; see Tosef. Av., Zar. 8:4; Sanh. 56a. See also *Jewish Encyclopedia* 7 (New York: Funk & Wagnalls, 1904), 649.
32. Berman, "Noachide Laws in Jewish Law," 1190.
33. The makeup of the Ten Commandments, or Decalogue, is also not universal; see Exodus 20 and 34.
34. Although some of the Noachide laws, such as murder and theft, had a legitimately broad application, others of the so-called universal laws, such as the prohibition against eating flesh torn from a living animal, addressed specific behaviors those in charge wished to check and were more specific to the time rather than applicable to all. It would thus be surprising to find these more specific admonitions repeated in the Book of Mormon.
35. John W. Welch, *Law in the Book of Mormon: The Nephite Court Cases* (Provo, Utah: BYU Law School, 1996), 80.
36. *Ibid.*
37. *Ibid.*, 81.
38. *Ibid.*
39. *Ibid.*, 82.
40. Interestingly, just as this last Book of Mormon law—to avoid all other wickedness—is a catchall, encompassing and reinforcing the

other four, the last Noachide law—to establish courts of justice—also “is usually interpreted as commanding the enforcement of the others.” (Schwarzschild, “Noachide Laws,” 1189; Maim. Yad, Melakhim, 9:1)

41. John W. Welch, “Benjamin, the Man: His Place in Nephite History,” in *King Benjamin’s Speech: “That Ye May Learn Wisdom,”* ed. John W. Welch and Stephen D. Ricks (Provo, Utah: FARMS, 1998), 45.

42. Ibid.

43. Ibid.

44. Ibid.

45. Schultz, *Judaism and the Gentile Faiths*, 362. Interestingly, the Noachide tradition allows for “situations in which a non-Jew would be liable for committing an act for which a Jew would not be liable.” For example, a non-Jew is liable for “the eating of flesh torn from a living animal—even of a quantity less than the size of an olive,” but a Jew would not be liable. Berman, “Noachide Laws in Jewish Law,” 1191.

46. Schultz, *Judaism and the Gentile Faiths*, 362–63.

47. Indeed, some important legal procedure distinctions also exist between Noachide and Jewish law: see Rakover, “The ‘Law,’” 154–56.

48. Maimonides, *Laws of Kings and Wars*, 10.9; cited in Rakover, “The ‘Law,’” 149.

49. Tosefta Sanh. ch. 13:2; and Sanh. 105a, in Schwarzschild, “Judaism, Scriptures, and Ecumenism,” 272.

50. Steven S. Schwarzschild, “Do Noachites Have to Believe in Revelation?” *Jewish Quarterly Review* 52 (1961–62): 297.

51. See 1 Nephi 6:4; Jacob 7:24; Enos 11; Mosiah 28:1 for a few examples.

52. Such innate-ness is not stated in the Bible; only the Book of Mormon emphasizes its God-given-ness (Moroni 7:15).

53. Over thirty websites explaining, discussing, and promoting the Noachide laws exist on the Internet as of 15 February 2001.

54. Schwarzschild, “Noachide Laws,” 1190. See also Hermann Cohen, *Religion of Reason: Out of the Source of Judaism*, trans. Simon Kaplan (New York: Frederick Ungar Publishing, 1972); reprint with introductory essays by Steven S. Schwarzschild and Kenneth Seeskin (Atlanta: Scholars Press, 1995), 117–48, 381–88; originally published as *Religion der Vernunft aus den Quellen des Judentums* (Leipzig: G. Fock, 1919).

55. Schwarzschild, “Noachide Laws,” 1190; see Talmud Yerushalmi, Av. Zar. 2:1.

## Appendix

### Noachide Laws and Variations

	Noachide Laws	Tosefta (Ar. Zar. 8:6)	Sanh. 56b	Jubilees 7:20-21	Pseudo-Phocylides 1-9	Sent. of Syriac Meander 2:9-10, 15-16
Avoid Blood		•			•	
Blasphemy	•					
Bless Creator				•		
Charity				•		
Cross-breeding Animals			•			
Devise Treachery					•	
Eating Flesh of Living Animal	•		•			
Emasculation/Castration		•	•			
Envy					•	
Establish Courts/Dispense Justice	•			•	•	
Fear/Honor God					•	•
Grafting Trees of Different Kinds			•			
Honesty					•	
Honor Parents				•	•	•
Honorable Riches	•		•		•	
Idolatry						
Modesty				•		
Murder	•		•			•
Pollution Free				•		
Sexual Sins	•		•	•	•	
Sorcery or Magic		•				
Theft, Robbery	•		•		•	
Wickedness						•

	Pre-Noah: Genesis 1-6	Genesis 9	Hullin 92a	3 Baruch 4:17	Acts 15:18-20	2 Nephi 26:29-33	Alma 30:10; Hel. 6:23	Mosiah 2:13; 29:36
Avoid Blood	•				•			
Blasphemy						•		
Blemished Sacrifices			•					
Charity			•			•		
Contention/Wars						•	•	
Corruption of Flesh	•							
Envy						•		
Honesty				•		•		
Idolatry					•			
Malice						•		
Mixing Seeds			•					
Murder	•	•		•		•	•	
Obey God	•							
Obey Torah			•					
Plundering								•
Pollution Free					•			
Priestcraft						•		
Procreation	•	•	•					
Respect Life		•						
Sexual Sins				•	•	•	•	
Subdue Earth	•							
Theft, Robbery				•		•	•	
Things Strangled					•			
Violence	•							
Wickedness	•			•		•	•	





# Slavery in the Book of Mormon

James Moss

## Introduction

The book of Mosiah, chapters 2 through 4, records the righteous King Benjamin's final address to his people. Benjamin's speech contains some of the Book of Mormon's most significant prophetic instruction on providing help and legal protection for the poor. It also provides what is perhaps the most direct application of the Lord's instruction to the ancient Israelites regarding slavery and servitude.

Because of the prevalence of slavery in the ancient world, the Lord directed the Israelites to show compassion to those unfortunate enough to be in bondage, reminding them that all were actually the Lord's servants:

And if thy brother that dwelleth by thee be waxen poor, and be sold unto thee; thou shalt not compel him to serve as a bondservant: . . . For unto me the children of Israel are servants; they are my servants whom I brought forth out of the land of Egypt: I am the Lord your God. (Leviticus 25:39, 55)

Thus, in an ideal Israelite society, people would (1) refrain from making slaves or servants of one another, and (2) consider themselves humble servants of God and would not enslave each other—an ideal that was rarely, if ever, achieved.

However, King Benjamin appears to have had considerable success in fulfilling both parts of the Lord's commandment in

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Leviticus. By doing so he helped his people to follow the Lord's instruction to develop both humility before God and compassion toward others. First, Benjamin recounted that he had prohibited his people from enslaving one another—probably through debt-slavery—and that he had worked strenuously to relieve the desperate poverty that was the root cause of debt-slavery. Second, he also incorporated into his address certain legal concepts associated with debt-slavery in the ancient Near East, giving force to his teaching that his people were eternally indebted to God and therefore were eternally God's servants.<sup>1</sup> Benjamin relied on both of these elements in his final speech to emphasize his people's duty to care for the poor and downtrodden among them. His effort resulted in a great commitment to righteousness by the Nephite people.

Like many other ancient kings, Benjamin viewed his position as a stewardship given by God,<sup>2</sup> and following ancient Near Eastern tradition, he used his final speech to give an accounting of that stewardship. He reported that he had not suffered that his people "should make slaves one of another" (Mosiah 2:13). From our modern perspective, this seems unexceptional; any modern government allowing slavery is considered barbaric. But Benjamin's prohibition of slavery was a radical departure from standard custom in the ancient Near East, including ancient Israel, where slavery was regulated but generally allowed.<sup>3</sup> This paper will examine relevant legal provisions and customs concerning slavery in the ancient Near East and then return to a discussion of King Benjamin's approach to debt-slavery and his use of slavery-related concepts to reinforce his teaching that he and his people were the servants of God and each other.

## Enslavement in the Ancient Near East

*Prisoners of War.* The earliest slaves in the ancient Near East were probably those captured during war raids by the Sumerians in the fourth millennium B.C.<sup>4</sup> Centuries later

Nebuchadnezzar, king of Babylon, employed many prisoners of war in his public works projects, and practically all other ancient military conquerors followed the same practice. These slaves provided essential labor for military fortifications, roads, irrigation, and temple construction.<sup>5</sup>

In Assyria, many captives taken in war were simply deported from their native lands and resettled in other places, but many were also kept and put to work as slaves. Special emphasis was placed on capturing skilled craftsmen for use in public projects.<sup>6</sup> The Israelites also followed this practice: David and Solomon employed enslaved war captives in the smelter refineries of Ezion-Geber.<sup>7</sup>

*Foreign Slaves.* When the supply of slaves captured in wars did not meet the demand for physical labor in agriculture, industry, and wealthy households, ancient Near Eastern civilizations turned to purchasing slaves brought from foreign countries. Apparently that period had no "slave-traders" as such, who specialized in the selling of slaves, since the demand was not quite great enough to require it. But merchants on the regular trade routes, in addition to selling whatever commodity they had, also trafficked in slaves. The Code of Hammurabi in Babylonia, established in approximately 1750 B.C., contains provisions for freeing slaves bought in foreign countries who were then discovered to have previously been the property of a Babylonian master.<sup>8</sup>

The Israelites were commanded to buy foreign slaves, as recorded in Leviticus 25:45-46:

Moreover of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land: and they shall be your possession. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen for ever.

*Enslavement of Infants and Minors.* In Mesopotamia, slaves were also provided by local inhabitants who abandoned

their children. Those who did not have the means, or the desire, to raise their children often disposed of them by leaving them on the street or in a pit.<sup>9</sup> While many infants died of exposure, many were also spared certain death by strangers who took them home and raised them as slaves. The Code of Hammurabi and the Old Testament punished the kidnapping of minors with death, an indication that kidnapping was also used by some as a means of acquiring free labor.<sup>10</sup>

*Adoption of Freeborn Children.* In ancient Babylonia, adoption of children for use as slaves seems to have provided cheap labor for those who needed financial security. The adoption contract was essentially a business contract, both parties securing economic advantage from the exchange, and the relationship was regulated in various ways. In Sumeria, if an adopted son repudiated the contract by saying to his father, "you are not my father," the son had his hair cut off and was branded and sold; if he repudiated his mother, he was driven out of the house and led through the city. On the other hand, if the father or mother disowned the son, they forfeited their house.<sup>11</sup>

These provisions reflect the concept that adoptive slavery was a long-term arrangement assumed to be mutually beneficial—the adopter was taken care of for life by the son's service, and the son received part of the father's inheritance. As slaves from other sources became more available in Babylonia and Assyria, the number of adoption contracts decreased. This probably happened because only adoptions due to childlessness were being entered into, as those for economic purposes were no longer necessary.<sup>12</sup>

*Sale of Minor Children.* The sale of children into slavery was practiced in Assyria, Babylonia, Syria, and by the Israelites in Palestine. The practice took two forms: unconditional sale, in which the parents simply gave the child over to the buyer and received full payment, and sale-adoption, in which the buyer paid a "head price" and adopted the child upon certain

conditions. In Assyria and Babylonia, young girls were often sold under unconditional contracts, for the dual purpose of serving as handmaids to their mistresses and as concubines to their masters.<sup>13</sup>

The Nuzians in Syria and the Hebrews in Palestine developed sale-adoption of young women. Under this form of sale, the buyer contractually promised the parents that he would give their daughter in marriage upon her reaching puberty. This condition protected the girl from being sold into prostitution, a common fate for girls sold into slavery in that period. Obviously this was crucial to the girl and her parents, and the parents often negotiated further provisions by which, if the husband first given to the girl should die, she should be married again—some contracts providing up to four or even eleven husbands if necessary, in order to secure the girl's marital status.<sup>14</sup> Depending on his bargaining strength, a father could contract to have the buyer marry the girl himself, give her to his son, marry her to a stranger, give her as a wife to a slave, or, as a last resort, make her into a prostitute.

The Old Testament placed restrictions on any such transaction:

And if a man sell his daughter to be a maidservant, she shall not go out as the menservants do. If she please not her master, who hath betrothed her to himself, then shall he let her be redeemed: to sell her unto a strange nation he shall have no power, seeing he hath dealt deceitfully with her. And if he have betrothed her unto his son, he shall deal with her after the manner of daughters. If he take him another wife; her food, her raiment, and her duty of marriage, shall he not diminish. And if he do not these three unto her, then shall she go out free without money. (Exodus 21:7-11)

Under these provisions, the woman was provided her freedom if she was not treated as promised under the contract. One of the most important provisions is that the girl could not be sold into the hands of non-Israelites—a "strange nation."<sup>15</sup>

This kept her from losing the protection of Israelite law, with its provisions for humane conditions on the girl's enslavement. The more humane contract used by the Israelites could have been based on earlier Nuzian practice.<sup>16</sup>

In both Nuzian and Israelite practice, the woman given in marriage to a slave remained a slave even if her husband had been freed.<sup>17</sup> However, under the law of the Old Testament she was to be freed if her master did not properly provide for her: the law required him to give her food, clothing, and her "duty of marriage."<sup>18</sup> In any event, the female sold into slavery by her parents was much better off in the Nuzian and Hebrew systems than in the Babylonian or Assyrian.

*Debt-Slavery in Mesopotamia: Self-Sale and Insolvency.* Probably the last form of slavery to develop was debt-slavery, or voluntary slavery. Upon losing his means of production, including his land, and falling hopelessly into debt, a free citizen would often sell first his children, and then himself, into slavery.<sup>19</sup> The practice of entering into debt-slavery resulted from dire economic circumstances. In the ancient Near East, drought, pestilence, and war were common, and the individual was at the mercy of these elements. This vulnerability was compounded by the urbanization of Mesopotamian society and the resulting social stratification. Through the process of urbanization and centralization of government, free citizens became more and more dependent on large landowners and merchants serving the state and gradually lost control over their means of production, including their land. High taxes imposed by the king to support the royal court and often the temple court also prevented the common people from maintaining economic independence. The larger kinship groups that had provided mutual support in tribal times began to collapse.<sup>20</sup> Due to these factors, debt-slavery became a serious problem in the ancient Near East as early as the Ur III period, roughly 2050–1955 B.C.<sup>21</sup>

In these conditions, small landowners were often forced to obtain loans at exorbitant interest rates.<sup>22</sup> In Mesopotamia, small-scale farming, house industry, and internal trade were the backbones of the economy, and credit was crucial. It was supplied by temples, priests, landlords, and capitalists through goods and silver. In Babylonia, the average interest rate was 20 to 25 percent. Assyria had no fixed or average rate. Creditors charged anywhere from 20 to 80 percent. In Nuzi the average rate was 50 percent until after the harvest.<sup>23</sup> If the debtor's crops failed or fell below expectations, he would often default and become insolvent.<sup>24</sup>

Loans were usually secured by collateral; often the debtor offered himself or another person, such as a slave, as a pledge. The pledge would often remain in the house of the creditor until the loan was paid. The law codes of Sumeria, Babylonia, and Assyria recognized the right of a creditor, upon default, to seize the debtor or the person the debtor had put up for collateral. "The creditor assumed full power over the defaulting debtor and could dispose of him in whatever manner he pleased."<sup>25</sup> Thus, when a person did not have relatives with the ability to help him out of his economic difficulties, slavery was often inevitable.<sup>26</sup> Enslavement could occur through self-sale by the debtor or through involuntary seizure of the debtor by the creditor.

A document from Old Babylonia describes the self-sale of a debtor to his creditor, a well-known financier: "The children of Apil-kubi, brother of Habanatum, from themselves Balmunamhe has bought. For their debt one-third mina of silver, as their full price, he has paid."<sup>27</sup>

The Code of Hammurabi established the right of the creditor to seize the debtor or his family members but also attempted to limit the power of the creditor:

If an obligation came due against a seignior and he sold (the services of) his wife, his son, or his daughter, or he has been bound over to service, they shall work (in) the house of

their purchaser or obligee for three years, with their freedom reestablished in the fourth year.

When a male slave or a female slave has been bound over to service, if the merchant foreclosed, he may sell (him), with no possibility of his being reclaimed.

If an obligation came due against a seignior and he has accordingly sold (the services of) his female slave who bore him children, the owner of the female slave may repay the money which the merchant paid out and thus redeem his female slave. (Code of Hammurabi 117-119)

Thus a debtor's slave might be kept for life, or sold; a debtor's concubine could be redeemed by the debtor; and if the pledge were the debtor's wife or child, the pledge could be held only for three years, regardless of the amount of the loan.<sup>28</sup>

In the Neo-Babylonian period and in Assyria there is also evidence of people being used as security for loans, sometimes with the provision that the pledge remain the permanent property of the creditor should the debtor default. If the debtor repaid the loan, the pledge was free.<sup>29</sup>

A Neo-Assyrian document records the sale into slavery of the daughter of a debtor who had defaulted on his loan: "A. has purchased and acquired B. daughter of C. from C. in lieu of 30 shekels of silver belonging to A. and to (the goddess) Ishtar of Arba'il. In lieu of his debts he has given his daughter to A. That woman is paid for and acquired."<sup>30</sup>

Similarly, in Nuzi the debtor himself, or members of his family, entered into the house of the creditor and remained there, working off the debt until it was fully repaid. Sometimes a date was set by which the loan had to be paid off. Under other contracts, no maturity date for the repayment of the loan was set, and the debtor could free himself whenever he returned the loan. In the first circumstance, the debtor was essentially in a condition of indentured servitude; he could not escape his obligation early by paying back the loan but



was forced to remain in servitude for a specified period or provide another to take his place.<sup>31</sup> In Northern Syria similar procedures were used, and the pledge was designated either as a "hostage" or a "slave." His service "in the house of his creditor was considered as the equivalent of the interest due on the loan." Documents from that area also show that the creditor could sell the pledge to pay for the debt.<sup>32</sup> A document from Emar records the sale of a debtor by his creditor to a third party who had purchased the debtor's loans:

Before the elders of the city of Ur, A. son of X. stated thus: "I was indebted for 100 shekels of silver, and B. son of Y. has paid my debts. In exchange for my debts that he paid for me, I, together with my two wives . . . have of my own free will entered into the slavery of B." This is the silver for which he entered: 70 shekels of silver given to C., 10 shekels of silver given to D., 20 shekels of silver given to E.<sup>33</sup>

Additionally, certain types of wrongful conduct resulted in a fine being imposed on the culprit on behalf of the victim. If not paid, the fine could be satisfied by the sale of the culprit into slavery. The Code of Hammurabi stated that if a farmer, through negligence of the dike of his field, had caused the surrounding area to flood, the farmer must compensate his neighbors. If he could not, the other residents could sell him into slavery, sell his goods, and divide the proceeds.<sup>34</sup>

Formerly free citizens who entered into debt-slavery in Mesopotamia clearly held a different status than that of mere chattel-slaves. But debt-slaves were subject to the various regulations imposed in different locations and were essentially the property of their masters.<sup>35</sup>

*Causes of Debt-Slavery in Ancient Israel.* In ancient Israel free citizens were forced into debt-slavery by essentially the same factors that operated elsewhere in the ancient Near East. Wealth was predominantly tied to the land, which was originally owned by large family and tribal groups.<sup>36</sup> The

Hebrews' settlement into their promised land brought about cultural changes, including the alienation of family land and property, the charging of interest on debt, and the concentration of resources in the state and private elites.<sup>37</sup> These changes resulted in social stratification largely absent during their years of wandering in the wilderness.<sup>38</sup>

Social stratification intensified with the transition from the tribal federation of the early settlement period to the Israelite monarchy and reached an apex in the eighth century B.C. As Ze'ev Falk explains, the monarchical period saw the rise of wealthy landowners and a large proletariat, and the use of financial transactions became more widespread.<sup>39</sup> During this period, Isaiah condemned those who stripped the poor of their land in order to increase their own estate: "Woe unto them that join house to house, that lay field to field, till there be no place, that they may be placed alone in the midst of the earth!" (Isaiah 5:8). Excavated Israelite houses from the tenth century B.C. are mostly similar in size and construction, but those from the eighth century show a marked contrast between the larger houses of the rich and the smaller, tightly clustered houses of the poor.<sup>40</sup> Additionally, as elsewhere in the ancient Near East, Hebrew kings carried out public works through the use of slaves and often imposed burdensome taxes on the people to finance those projects,<sup>41</sup> which probably had an especially harsh impact on the poor.

These changes brought an increase in pauperism and forced increasing numbers of Israelites to procure loans at high interest rates. Thus, the rise of debt-slavery has been attributed "on the one hand to the burden of taxation, and on the other to the growing monopoly the rich landowning elite held over resources."<sup>42</sup> Another scholar put it more bluntly: during this period "poor people [had] incurred debts because of heavy taxes and because the wealthy [had] cheated them."<sup>43</sup> As the prophet Micah proclaimed, "they covet fields, and take them by violence; and houses, and take them away: so they

oppress a man and his house, even a man and his heritage" (Micah 2:2).

*Process of Entering into Debt-Slavery in Ancient Israel.*

Israelites who lost their land and fell into debt were often forced to become enslaved to their creditors or sell themselves to third parties to escape their predicament.<sup>44</sup> This process usually followed a pattern in which the creditor, step by step, exhausted other means of satisfying the debt and finally foreclosed on the person of the debtor.

As in other cultures, loans in Israel were often secured by goods or persons who stood as pledges or sureties. The pledge's garment was often held as a symbolic substitute for the debtor, as mentioned in Proverbs: "Take his garment that is surety for a stranger" (Proverbs 20:16). A debtor's garment was to be returned by sundown since it was likely his only covering (see Exodus 22:26-27). The pledge was handed over to the creditor only if the debt matured and was not paid in full. The creditor could then use the pledge to recover the value of the interest owed, as well as the principal if necessary.

As Falk has explained, a debtor's dependents could also be surrendered. Nehemiah recorded the complaint of certain Jews who had been forced to surrender their family members to pay usurious loans that had been obtained from Jewish nobles in order to pay taxes:

Some also there were that said, We have mortgaged our lands, vineyards, and houses, that we might buy corn, because of the dearth. There were also that said, We have borrowed money for the king's tribute, and that upon our lands and vineyards. Yet now our flesh is as the flesh of our brethren, our children as their children; and, lo, we bring into bondage our sons and our daughters to be servants, and some of our daughters are brought unto bondage already: neither is it in our power to redeem them; for other men have our lands and vineyards. (Nehemiah 5:3-5)

Another possible example of a debtor's family being seized by his creditor upon the default of the debt is recorded in 2 Kings 4:1, in which one of the wives of the prophets cries out to Elisha, "Thy servant my husband is dead; . . . and the creditor is come to take unto him my two sons to be bondmen." According to Falk, under Hebrew law only the debtor's wife was immune from being offered up by her husband to satisfy his debt.<sup>45</sup>

If the debtor defaulted and had no pledge to cover the debt, he was forced to sell himself to the creditor or sell himself into slavery to a third person to repay the debt.<sup>46</sup> As Falk explains, "Where the debt was not paid on time, liability attached to the person of the debtor."<sup>47</sup> While sanctions against the surety generally involved taking property, the debtor himself is described as becoming the creditor's slave, as in Proverbs: "The rich ruleth over the poor, and the borrower is servant to the lender" (Proverbs 22:7). Falk points out that while no express rule provided for the debtor's surrender into slavery, references like the one in Proverbs show that the debtor could be seized by the creditor and held until he paid his debt.<sup>48</sup>

In theory, there were two ways the debtor could ultimately be enslaved: by selling himself voluntarily to cover the debt through his labor or by being seized by the creditor after defaulting. In practice, the two were most likely identical, since the debtor's self-sale was not truly voluntary.<sup>49</sup> This process constituted the primary method by which an Israelite could be reduced to slavery.<sup>50</sup>

*Recognition of Debt-Slavery in the Old Testament.* The Old Testament contains three major sections on slavery, and each deals at least implicitly with the practice of involuntary debt-servitude. Exodus 21:2 begins, "If thou buy an Hebrew servant . . ."; Leviticus 25:39 describes the condition in which "thy brother that dwelleth by thee be waxen poor, and be sold unto thee." Finally, Deuteronomy 15:2 proclaims that at

the end of every seventh year, "Every creditor that lendeth ought unto his neighbor shall release it."

Old Testament law attempted to deal with a primary cause of the substantial amount of debt-servitude—the exorbitant interest charged on loans. Exodus 22:25 provides: "If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer, neither shalt thou lay upon him usury." Deuteronomy distinguished between lending to an Israelite and to a foreigner and applied a motive clause for incentive: "Unto a stranger thou mayest lend upon usury; but unto thy brother thou shalt not lend upon usury: that the Lord thy God may bless thee in all that thou settest thine hand to in the land whither thou goest to possess it" (Deuteronomy 23:20).

The command was repeated in Leviticus 25:35–37:

And if thy brother be waxen poor, and fallen in decay with thee; then thou shalt relieve him: yea, though he be a stranger, or a sojourner; that he may live with thee. Take thou no usury of him, or increase: but fear thy God; that thy brother may live with thee. Thou shalt not give him thy money upon usury, nor lend him thy victuals for increase.

While the command against lending for interest was consistent in Israel, it was not uniformly followed, as illustrated in Jesus' parable in Matthew 25:27 and Luke 19:23.<sup>51</sup>

### **Treatment of Slaves in the Ancient Near East**

In most cultures in the ancient Near East, the slave was essentially chattel—property owned by his master—and "could usually be sold, bought, leased, exchanged, or inherited." In a time when ancestry was crucial to a person's identity, the slave had no genealogy but existed only as a part of his master's estate.<sup>52</sup> Most contractual provisions in a slave sale protected the owner, as against the risk that the slave was a fugitive or that he carried some disease.<sup>53</sup> The slave's family ties were ignored; spouses and children were regularly separated from each

other.<sup>54</sup> In Babylonia, the slave carried a mark to identify him as such, and in Neo-Babylonia he was branded with the name of the owner. In Nuzi, the slave wore a tag as identification.<sup>55</sup>

A female slave was often subjected to additional burdens, including her master's right to use her for breeding purposes to provide slave children. Fortunate female slaves in most cultures in Mesopotamia achieved the position of child-bearing concubine for their masters. Those less fortunate were used as prostitutes.<sup>56</sup>

In Nuzi and in Palestine, women were bought as wives for male slaves but were often protected against the abuse common in other cultures by the conditional-adoption form of sale. Although the female slave in this form of slavery was not automatically freed after six years like her male counterpart in Exodus 21, the distinction did not necessarily reflect a derogatory position the woman—the purpose of enslavement of women by sale-adoption was to provide them with husbands and security for them and their families, rather than to pay off a debt, so the woman's emancipation occurred immediately upon neglect, rather than on a given date.<sup>57</sup>

Slavery could be harsh and demeaning and often provoked attempts to escape, as attested by the treatment given in the ancient legal codes to the problem of the runaway slave. The Sumerian laws imposed fines for assisting a fugitive, while the Code of Hammurabi punished such a crime with death, devoting six paragraphs to the subject. The Old Testament stands alone in giving refuge to a runaway slave. Deuteronomy 23:15–16 provides, "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee: He shall dwell with thee, even among you, in that place which he shall choose in one of thy gates, where it liketh him best: thou shalt not oppress him."<sup>58</sup>

In the legal codes, a slave was protected from personal injury by a fine imposed on the guilty party, but the fine was paid to the owner, not the slave, emphasizing the slave's

position as chattel. The Code of Hammurabi contains a series of fines, usually somewhat lower than the fine imposed for committing the same injury against a free person.<sup>59</sup> It has been said that "in the relation between the slave and his master almost everything depended upon the character of the latter: the slave's fate was in fact, though not in theory, in his master's hand."<sup>60</sup>

The law of the Old Testament gave more direct protection from personal injury for a slave: "And if a man smite his servant, or his maid, with a rod, and he die under his hand; he shall be surely punished. Notwithstanding, if he continue a day or two, he shall not be punished: for he is his money" (Exodus 21:20-21). It is apparent that even among the Israelites, a slave was viewed as the property of his master, or "his money."

Elsewhere, certain prescribed punishments for specified acts protected the slave. For example, in Sumeria when a slave denied his slave status, his hair was cut off, and in the Code of Hammurabi, his ear was cut off. While these punishments were undoubtedly harsh, a standard punishment presumably would preclude even harsher punishment that might otherwise be chosen by the master.<sup>61</sup>

Slaves were also allowed to accumulate property, which might be used to buy one's freedom. This property might be earned, by engaging in business, or be given by relatives for the purpose of redemption. In Nuzi, slaves could even appear in court and own slaves of their own.<sup>62</sup> However, even when a slave was allowed to amass his own property and use it, he did so at his master's discretion, and all ultimately belonged to the master.

On the whole, however, slaves in the ancient Near East were treated with less brutality and inhumanity than those in many other cultures, notably the Greek and Roman. There the slave was merely an "instrument that can talk," without the protections given by the cultures of ancient Mesopotamia and Israel.<sup>63</sup>

In ancient Israel, "the status of the Hebrew slave was better than that of the foreigner."<sup>64</sup> In Leviticus, the Israelites were commanded to treat Hebrew debtor-slaves as bondservants rather than slaves:

And if thy brother<sup>65</sup> that dwelleth by thee be waxen poor, and be sold unto thee; thou shalt not compel him to serve as a bondservant: But as an hired servant, and as a sojourner, he shall be with thee, and shall serve thee unto the year of jubile: And then shall he depart from thee, both he and his children with him, and shall return unto his own family, and unto the possession of his fathers shall he return. For they are my servants, which I brought forth out of the land of Egypt: they shall not be sold as bondmen. Thou shalt not rule over him with rigour; but shall fear thy God.<sup>66</sup> (Leviticus 25:39-42)

This is probably the highest level of protection provided to a slave in the ancient Near East. The individual is to be treated as a hired servant and is not to be ruled over "with rigour" (although the restriction was not placed on treatment of Canaanite slaves). The Israelite master is commanded to remember that both he and his unfortunate brother are servants of God and therefore have no right to unfettered control over one another. Essentially, God told those who came into possession of Israelite slaves, "You ought behave towards him as a brother, and he ought conduct himself as befits a slave."<sup>67</sup> Thus the relationship was still one of utter submission on the part of the debtor, but with the hope that his master would follow the injunction to treat him more gently than masters in neighboring cultures. Maimonides expressed the implications of the law for those who would follow it:

One is permitted to make a Canaanite slave serve with rigor. Yet, though that be the legal rule, it is the way of wisdom and the practice of saintliness that a man should be considerate, and following the path of righteousness, should not make [the] yoke of slavery more heavy nor cause his slave



anguish. . . . One should not abuse a slave by word or deed. He is subjected to service but not to humiliation. One should not give free course to much anger and shouting and one should talk to him only with gentleness. One should hear his complaints as is explained regarding Job's good ways of which he boasted: "[Let me be weighed in an even balance . . . ] If I did despise the cause of my manservant, or of my maid-servant when they contended with me." [Job 31:13]<sup>68</sup>

## Release from Slavery

*Release from Slavery in Mesopotamia.* The ancient Near Eastern legal systems provided a variety of procedures for the release of slaves from bondage. In Babylonia, the Code of Hammurabi allowed for a slave to be freed in four ways. Wives and children used as pledges who had been seized upon default were to be freed after three years. A slave-concubine and her children became free upon the death of the master. Children born of a legitimate marriage between a free woman and a slave were automatically free. And a native Babylonian bought as a slave in a foreign country and brought back to Babylonia was unconditionally set free.<sup>69</sup>

While the provision for the freeing of pledges after three years seems remarkably humane, no documents of release have been found to show that the law was consistently followed. The Code of Hammurabi does not mention the most common methods of release or manumission: release by adoption and by purchase. The adoption procedure, like the adoption of free children *into* slavery, was a business deal whereby the freed slave became like a son to his former master; his obligation then terminated upon the master's death.<sup>70</sup> If the former slave failed to support his former master, he could be reclaimed as a slave and sold. Examples of these arrangements have been found in documents from Old Babylonia, Old Assyria, Neo-Babylonia, and Ugarit.<sup>71</sup>

Release from debt-slavery by purchase, or redemption, could be accomplished by a family member, a stranger, or the slave himself. If a family member with paternal authority redeemed the debt-slave, the individual was returned to the authority of that family member.<sup>72</sup> Alternatively, an outsider might decide to intervene. A Middle Assyrian document describes the purchase of a female slave by a male slave (presumably with funds obtained from his master), who then married her.<sup>73</sup>

For the debtor to redeem himself, he needed to accumulate sufficient wealth to replace the loss of labor to the master. Upon self-purchase, depending on the contractual terms, the slave could be immediately and unconditionally free.<sup>74</sup> A Neo-Sumerian contract records one example of self-redemption which took effect upon the death of the master: "A., the slave of B., has redeemed herself from B. She has paid him one-third of a mina of silver as her full price. As long as B. and C. live she shall do service with their spouses and children. After B.'s and C.'s death, A. may go where she pleases; no-one shall raise claims against her."<sup>75</sup> An Old Babylonian document records that a slave was freed after bringing ten shekels of silver to her mistress.<sup>76</sup>

*Release from Slavery in the Bible.* The Old Testament provided five ways for a slave to gain his freedom: (1) a defaulting debtor was to be freed in the seventh year, according to Exodus 21:2 and Deuteronomy 15:12; (2) one who had sold himself into slavery was to be released in the year of the Jubilee, under Leviticus 25:10;<sup>77</sup> (3) a slave could be redeemed by his family or himself, under Leviticus 25:47–55; (4) a free-born girl who had been sold by her father on condition that her master marry her or give her into marriage to one of his sons must be freed if the master should refuse to live up to the conditions of the sale, under Exodus 21:7–11;<sup>78</sup> and (5) a slave was to be released upon being injured in certain ways by his master, according to Exodus 21:26–27.<sup>79</sup>

The Code of the Covenant mandated that an Israelite slave must be released after six years of service, unless he chose to remain with his master:<sup>80</sup>

If thou buy an Hebrew servant, six years he shall serve: and in the seventh he shall go out free for nothing.<sup>81</sup> If he came in by himself, he shall go out by himself: if he were married, then his wife shall go out with him. If his master have given him a wife, and she have born him sons or daughters; the wife and her children shall be her master's, and he shall go out by himself. And if the servant shall plainly say, I love my master, my wife, and my children; I will not go out free: Then his master shall bring him unto the judges; he shall also bring him to the door, or unto the door post; and his master shall bore his ear through with an aul;<sup>82</sup> and he shall serve him for ever. (Exodus 21:2-6)

The command to release Hebrew slaves after six years was repeated in Deuteronomy 15:12-18, with the added injunction that the master "furnish him liberally" upon release, providing for the slave from the master's flock, floor, and winepress. This would have provided a new beginning for the former slave, who would likely have had no property or land with which to support himself and therefore would quickly return to slavery.<sup>83</sup> The Lord also reminds the slave owner that he should be motivated by the fact that the Israelites were bondmen in Egypt (see Deuteronomy 15:15), and that the master should not complain about giving the slave up, since "he hath been worth a double hired servant to thee, in serving thee six years" (Deuteronomy 15:18). Thus a Hebrew sold into slavery could depend on being freed after six years of service.<sup>84</sup> Obviously if he had been given a wife and she had borne him children, he would have a strong incentive to stay, since he would lose them by leaving.

According to Leviticus 25:47-49, a slave sold to a foreigner might be redeemed by his relatives, or he might be able to amass sufficient money to redeem himself:

And if a sojourner or stranger wax rich by thee, and thy brother that dwelleth by him wax poor, and sell himself unto the stranger or sojourner by thee, or to the stock of the stranger's family: After that he is sold he may be redeemed again; one of his brethren may redeem him: Either his uncle, or his uncle's son, may redeem him, or any that is nigh of kin unto him [or] of his family may redeem him; or if he be able, he may redeem himself.

Under this provision, either the slave or his family members could "redeem" the slave out of bondage.<sup>85</sup> The master was paid a price proportionate to the period remaining to served—for example, if the slave had served two-thirds of his time (presumably six years), the master would receive one-third of the price he had paid, or one-third of the debt that was being worked off.<sup>86</sup>

Another important way for the insolvent debtor to obtain redemption was the practice of entering bail or surety, by which a third person intervened on behalf of the debtor and assumed responsibility for the repayment. The person who intervened could then obtain the repayment from the debtor or pay the debt himself.<sup>87</sup> Any form of redemption from debt-slavery provided a way to regain one of the most coveted possessions in the ancient world—one's freedom.

### **King Benjamin's Prohibition of Slavery**

During King Benjamin's reign, the Nephite society began to experience the urbanization that led to the rise of debt-slavery in the ancient Near East. John L. Sorenson has estimated that approximately 25,000 people may have been living in and around Zarahemla at that time.<sup>88</sup> The Nephites had recently joined the Mulekites; the Mulekites spoke a different language, had an inferior civilization, and therefore could easily have become second-class citizens susceptible to debt-slavery.<sup>89</sup>

Yet King Benjamin recounted that he had not allowed his people to "make slaves one of another." Benjamin also related

that he had not “suffered that ye should be confined in dungeons” (Mosiah 2:13). This language appears to indicate not only that Benjamin refrained from imprisoning people under authority of the state, as for criminal offenses, but also that he used the power of the state to prevent others from imprisoning them. Because the primary way in which a fellow citizen could imprison another in the ancient Near East was upon the forfeit of a debt, Benjamin’s policy seems to have been directly aimed at protection of the poor, who were most likely to forfeit their debts and be thrown into prison as a result.

A complete absence of slavery would have represented a fairly radical departure from the practices of the ancient Near East. The practice was universally accepted, and commerce often depended on it. Thus, Benjamin’s prohibition on slavery represents a significant advance in the legal protection of the poor. But while abolishing debt-slavery would have allowed the defaulting debtor to retain his freedom, it likely would have left other problems unresolved. The debtor would still be in economic distress, and the creditor would also be left without a remedy. King Benjamin, however, went beyond outlawing debt-slavery. He attacked the dire poverty that was its primary cause.

Benjamin explained that he had “not sought gold nor silver nor any manner of riches of [his people]” (Mosiah 2:12). In contrast with the wicked King Noah, who imposed a tax of one-fifth on the people’s possessions to support himself, his concubines, and the priests, Benjamin strenuously avoided burdening his people with high taxes to support himself and his court (see Mosiah 11:3). He made it clear that “even I, myself, have labored with mine own hands that I might serve you, and that ye should not be laden with taxes, and that there should nothing come upon you which was grievous to be borne” (Mosiah 2:14). King Benjamin therefore complied with the Lord’s instruction to ancient Israelite rulers, that they were not to multiply horses, wives, silver, and gold (see

Deuteronomy 17:15–17). By doing so, he also relieved his people of the burdensome taxes that were one of the major causes of debt-slavery in the ancient world.

Perhaps Benjamin emphasized his efforts to ameliorate the causes of debt-servitude because unscrupulous creditors had violated his prohibition on slavery and abused those who had fallen into debt and defaulted. This possibility is raised later in his sermon when Benjamin instructed his people to return anything that was borrowed, lest the borrower sin *and* perhaps cause his neighbor to sin as well (see Mosiah 4:28). Under Hebrew law, failure to return something borrowed was equivalent to theft, making the borrower a sinner.<sup>90</sup> But it seems that Benjamin was concerned not only that the debtor would sin by retaining his neighbor's property but also that by doing so, the debtor might provoke the creditor to commit sin by seizing and enslaving the debtor in violation of the official prohibition on debt-slavery.

Attempts to evade the restrictions of slavery laws appear to have taken place in ancient Mesopotamia. A land sale document from Mari contains a provision that "the field (purchased) will not be subject to *andurarum*," or the royal proclamation of freedom from debts, demonstrating that the royal proclamations were understood to have real effect, but that they could potentially be circumvented by contract when the debtor was desperate enough to agree.<sup>91</sup> Benjamin's additional efforts to avoid the conditions that could lead to slavery, by avoiding high taxes and encouraging the return of borrowed property, would therefore have been essential to the protection of the poor from such abuses.

***Prohibiting Slavery: Justice for the Poor.*** Prohibiting slavery in his kingdom was most likely a central element in Benjamin's larger program of caring for the poor and protecting them from abuse. By proclaiming himself as the protector and liberator of the poor, King Benjamin followed the practice of kings in the ancient Near East. Amaleki

recorded that he delivered the Nephite record to Benjamin because he was "a just man before the Lord" (Omni 1:25). In the ancient Near East, the term *justice* seems to have had a more explicit connection to the obligation to care for the poor than it has in modern Western society. As Moshe Weinfeld has argued, the responsibility of rulers in Israel to perform "righteousness and justice" referred primarily to using their power to improve the conditions of the poor and less fortunate classes of the people.<sup>92</sup>

Another scholar, Bruce Malchow, has written that the term *mishpat*, one of the Hebrew words for "justice," connoted the "restoration of a situation or environment which promoted equity and harmony in the community." Such "restoration" could have included the restoration of lands and property that had been lost by the poor.<sup>93</sup> Another term for justice, *sedaqah*, is based on the root SDQ, the uses of which show that the meaning is related to the fulfillment of the demands of a relationship with God or a person; and while each person in a relationship owed something to the other, "righteousness made a greater claim on the stronger person."<sup>94</sup> Thus, rather than referring merely to an impartial adjudication between two parties, the royal obligation to promote justice was seen as an obligation to take affirmative steps to help the weak and the poor.

According to Weinfeld, the practice of performing "justice and righteousness" referred in particular to acts of liberation. These acts were usually introduced in proclamations made by kings upon their ascension to the throne or at other decisive moments in the history of the nation.<sup>95</sup> Weinfeld has compared the terms referring to the performance of righteousness and justice in Israel to the establishment of *misarum*, or "righteousness," in Mesopotamia and the proclamation of "freedom" in Egypt.<sup>96</sup>

In Akkadian, the term *to do justice* was associated with the proclamation of social reforms, known as *misaram sakanum*,

meaning “to establish righteousness,” and *anduraram sakanum*, “to establish freedom.” These royal proclamations included the cancellation of debts, liberation of slaves, restoration of land to its owners, and the correction of other economic injustices such as overpricing and the falsification of weights and measures.<sup>97</sup>

Following this pattern, the reform of Urukagina, in approximately 2370 B.C., states that the ruler “freed the sons of Lagash, who were imprisoned because of debts, taxes, theft and murder. Urukagina established a covenant with the god Ningirsu, not to hand the widow and orphan over to the powerful.”<sup>98</sup> Similarly, the prologue to the Laws of Ur-nammu, a ruler from Ur in southern Mesopotamia in approximately 2100 B.C., recounts that “in accordance with the command of Utu the sun god,” he established *misarum* (righteousness) in the land and did not hand the orphan over to the rich or the widow to the powerful.<sup>99</sup>

Lipit-Ishtar, king of Isin in southern Mesopotamia in approximately 1900 B.C., recorded that he was called by the gods Anu and Enlil and that he had established righteousness and “restored the freedom of the sons and daughters of [several cities] (upon whom) . . . slavery . . . (had been imposed).”<sup>100</sup> According to the proclamation of the Old Babylonian king Ammisaduqa in approximately 1600 B.C., the king released the overdue taxes of the farmers and prohibited the collector from suing for payment, canceled debts, and freed those who had been seized and forced into slavery for their debts.<sup>101</sup> The best-known lawgiver of the ancient Mesopotamian kings, Hammurabi, also proclaimed several *misarum* edicts during his reign.<sup>102</sup> Finally, the Kassite king Kurigalzu, in the fourteenth century B.C., called himself the king “who established freedom for the people of Babylon, freed her from forced labor for the sake of the god Marduk.”<sup>103</sup>

Proclamations of liberty were also important in ancient Israel. According to Leviticus 25:10, every fiftieth year was to be proclaimed a Jubilee year, when the ruler was to “proclaim



liberty throughout all the land unto all the inhabitants thereof." During the Jubilee year, the Israelites were to "return every man unto his possession, and ye shall return every man unto his family." Following this practice, Nehemiah directed the remission of debts of grain and silver, the release of sons and daughters sold into slavery, and the return of fields and vineyards that had been mortgaged to pay debts to the king (see Nehemiah 5:4–12).<sup>104</sup>

In Mesopotamia, proclamations of liberty were accompanied by the raising of a golden torch, similar to the blowing of the horn at the beginning of the Israelite Jubilee.<sup>105</sup> Weinfeld argues that kings in Mesopotamia often made these proclamations of liberty at the beginning of their reign, and that they did so primarily to win the favor of the people, rather than out of genuine concern for the poor.<sup>106</sup>

By contrast, in his final address Benjamin was able to recount that he had actually accomplished a considerable amount in his efforts to assist the poor and keep them from bondage. Benjamin's accounting for his efforts to serve his people was required, in part, to fulfill his obligations and "rid [his] garments of [their] blood" (Mosiah 2:28). But Benjamin also used his example to lend force to his instruction that his people spend their own lives in service to each other, and especially to the poor among them. In the powerful verse that makes the transition from the accounting for his stewardship to his commands for his people, Benjamin teaches that his example should illustrate the principle that "when ye are in the service of your fellow beings, ye are only in the service of your God" (Mosiah 2:17). A large portion of the remainder of Benjamin's speech is devoted to encouraging his people to follow his example of working earnestly to provide assistance and protection to the poor—those who likely would have fallen into debt-slavery in the ancient Near East.

*Debt-Servitude to God in Benjamin's Speech.* In this effort, King Benjamin used the imagery of debt-slavery to give powerful force to his instruction that his people should be

humble and see themselves as servants of God and therefore as servants of one another. One of King Benjamin's most important instructions on righteous living is found in Mosiah 3:19:

For the natural man is an enemy to God, and has been from the fall of Adam, and will be, forever and ever, unless he yields to the enticings of the Holy Spirit, and putteth off the natural man and becometh a saint through the atonement of Christ the Lord, and becometh as a child, submissive, meek, humble, patient, full of love, willing to submit to all things which the Lord seeth fit to inflict upon him, even as a child doth submit to his father.

Benjamin's command that the Nephites should be meek, humble, and "willing to submit" struck at the heart of a recurrent problem among the people of the Book of Mormon, one that continually brought about the downfall of individuals and contributed to the destruction of the Nephite civilization: the sin of pride. Years after King Benjamin's reign, Moroni recorded that "the pride of this nation, or the people of the Nephites, hath proven their destruction" (Moroni 8:27). One of the most damaging effects of pride was that it contributed to the Nephites' recurring focus on material possessions and their neglect of the poor. The book of 4 Nephi records that after two hundred years during which the people had all material possessions in common and there were no rich or poor, the people began to be proud. From that time forward, they no longer had their goods in common, and they divided into classes (see 4 Nephi 1:24–25).

Aware of the magnitude of the problem of pride, Benjamin used some of the most vivid concepts and imagery available to him to keep his people from it. He used the image of the beggar, asking his people, "Are we not all beggars?" (Mosiah 4:19). Although King Benjamin had outlawed slavery among his people, he also used the image of the debtor-slave.

Benjamin saw humility as the antidote to pride, and its outward manifestation was service performed by willing servants. Thus, the second chapter of Mosiah contains fifteen instances of the words *serve*, *service*, and *servant*. King Benjamin hoped that his people would serve each other because they were “filled with the love of God” (Mosiah 4:12–13). Benjamin explained that he had set the example, proclaiming that he had spent his life serving his people—but that in doing so, he had actually been in the service of God (see Mosiah 2:10–16).

The equating of service to one’s fellowman with service to God allowed Benjamin to appeal to economic and legal concepts related to slavery and servitude in the ancient Near East, and to debt-servitude in particular. But rather than discussing these concepts in the context of human bondage, Benjamin was able to apply them in a spiritual sense, to help his people to see themselves in their proper role as humble debt-servants of God, which reinforced their willingness to serve one another. In Mosiah 2, Benjamin explains,

I say unto you, my brethren, that if you should render all the thanks and praise which your whole soul has power to possess, to that God who has created you, and has kept and preserved you, and has caused that ye should rejoice, and has granted that ye should live in peace one with another—I say unto you that if ye should serve him who has created you from the beginning, and is preserving you from day to day, by lending you breath, that ye may live and move and do according to your own will, and even supporting you from one moment to another—I say, if ye should serve him with all your whole souls yet ye would be unprofitable servants. (Mosiah 2:20–21)

In these verses, Benjamin’s use of the economic and legal terms *lending* and *unprofitable servants* seems designed to impress upon the people their state of utter submission as debtor-slaves to their Heavenly Father.<sup>107</sup> First, describing

God as “lending” his people their breath implies that he has the power to foreclose on that debt—that he owns their very lives, in other words. Second, the fact that the people are “unprofitable” servants means they are unable to repay God and escape the consequences of default on their own. In the ancient Near East, perhaps the only thing a slave could say for himself was that he was a profitable servant—that he did what his master required. Slaves who had ability beyond the minimum necessary for menial labor were allowed to engage in skilled trade and even transact business, often improving their lot along with their master’s wealth and probably bringing a certain element of pride into an otherwise debased existence. More important, one enslaved in debt-servitude could gather the wealth necessary to pay off his debt and redeem himself. As one scholar has written, “Throughout the ancient world, one of the great motivations held out to slaves to encourage hard work was the prospect of emancipation, and . . . the vast majority of slaves were willing to make great sacrifices in order to obtain this, and regarded it as one of their highest goals in life.”<sup>108</sup>

According to King Benjamin, an individual cannot look to his own efforts as a source of pride in his relationship to God or as a means of fulfilling his obligations. No matter how much he offers, he is an unprofitable servant and cannot hope to become otherwise, even if he gives his “whole soul” to his master. King Benjamin then described the relationship in even stronger legal terms by explaining the source of the individual’s indebtedness to God: “And now, in the first place, he hath created you, and granted unto you your lives, from which ye are indebted to him” (Mosiah 2:23). By invoking the legal and commercial concept of indebtedness to describe the act of creation, Benjamin emphasized that his people were not placed in the role of servants merely because they had chosen to follow God. Rather, they were born in debt to God by the very act of their creation. Thus it is their very lives

which constitute the value loaned to them. Moreover, the debtor cannot in any way accumulate wealth and repay the debt with anything that will profit or enrich God, as he could under the debt-servitude systems of the ancient Near East. Nor is there any length of time he may serve that will sufficiently satisfy the creditor—any service is “unprofitable.”

Lest anyone should think that a consistently high level of righteous living could satisfy one's debt, King Benjamin reminds the people that even as they keep God's commandments they are immediately blessed, and thus kept continually in God's debt: “And secondly, he doth require that ye should do as he hath commanded you; for which if ye do, he doth immediately bless you; and therefore he hath paid you. And ye are still indebted unto him, and are, and will be, forever and ever; therefore, of what have ye to boast?” (Mosiah 2:24). Thus, any attempt at repayment, rather than whittling away at the debt toward an eventual release from the obligation, only increases the value of the debt. The debtor is in fact enriched in the attempt to repay, while the creditor receives no profit at all. The debtor may thus be said to be automatically, and permanently, in default.

Benjamin further emphasized the permanent nature of the individual's indebtedness in verse 34: “Ye are *eternally* indebted to your heavenly Father, to render to him all that you have and are” (Mosiah 2:34, emphasis added). As under the legal systems of the ancient Near East, the debtor is therefore at the complete mercy of the creditor, who may dispose of him as he sees fit. According to King Benjamin, the debtor “cannot say that [he is] even as much as the dust of the earth” (Mosiah 2:25). The image of the debtor trapped in slavery would likely have carried significant force in the mind of one familiar with the customs and law of the ancient Near East, and of ancient Israel in particular. As the debtor examined his relationship to God, he could have no basis for pride or haughtiness. He must consider himself as a slave—completely dependent on his creditor's benevolence.

However, as in ancient cultures, the debtor-slave might be redeemed by a third party, and the redeemer could then set new terms for repayment. Although King Benjamin did not explicitly connect his allusions to debtor-slavery with the Savior's role as Redeemer, his discussion of his people's indebtedness to God in chapter 2 is directly followed by his explanation of the Atonement in chapter 3. The powerful sermon in chapter 3 teaches that the Savior provides the means of redemption for all men who are willing to follow him: "There shall be no other name given nor any other way nor means whereby salvation can come unto the children of men, only in and through the name of Christ, the Lord Omnipotent" (Mosiah 3:17). Benjamin again uses slavery-related terminology, explaining that by being spiritually begotten of Christ, the people "are made free, and there is no other head whereby ye can be made free" (Mosiah 5:8). Thus, the people can be redeemed from their state of servitude, but not through any act of their own.<sup>109</sup>

Once Benjamin had explained that his people could do nothing that would actually bring "profit" to God, or benefit him, Benjamin presented the terms of their redemption: "All that he requires of you is to keep his commandments" (Mosiah 2:22). As he declared through Isaiah, the Lord will not sell his servants to another creditor nor mistreat them (see Isaiah 50:1). The servant of God can therefore honestly recognize his position and submit completely as a servant to his master. Of course, the Redeemer himself typified complete subjection to the will of God, acting essentially as a slave in abandoning his own interests to do only what his Master desired. This was illustrated both by his life and in his teachings.<sup>110</sup> Following Christ's example, those who realize their indebtedness to God and their state of utter dependence on him can, like the ancient Hebrew slave who was fortunate enough to have a righteous master, look forward to benevolent treatment by their creditor.

King Benjamin's effort to strip his people of pride by describing them as debtor-slaves seems to have had the desired effect. In Mosiah 4:2, we learn that the people "viewed themselves in their own carnal state, even less than the dust of the earth." After he had prepared the minds of his people by recounting his prohibition of slavery, describing his people's indebtedness to God, and explaining Christ's redemption, Benjamin was able to give them explicit instructions regarding their obligation to the poor. The Nephites were told to "impart of [their] substance to the poor, every man according to that which he hath, such as feeding the hungry, clothing the naked, visiting the sick and administering to their relief, both spiritually and temporally, according to their wants" (Mosiah 4:26).

### Conclusion

King Benjamin fulfilled the dual command of the Lord recorded in Leviticus 25—he released his people from physical slavery while firmly reminding them that they were eternally God's servants. Viewing themselves in their proper role as humble debt-servants of God must have given significant motivation to Benjamin's people to serve those less fortunate people who, under the laws and culture of the ancient Near East, would have been forced into human bondage. The poor in Nephite society might have suffered the same fate as their Middle Eastern counterparts if not for King Benjamin's efforts to preserve their freedom. Benjamin's example and his address can give us the same motivation to serve the poor in our own communities today.

### Notes

1. See Gregory R. Knight, "Slavery in the Book of Mormon," in this volume.

2. Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East* (Sheffield: JSOT, 1993), 57–58.

3. Ze'ev W. Falk, *Hebrew Law in Biblical Times*, 2nd ed. (Provo, Utah, and Winona Lake, Ind.: Brigham Young University Press and Eisenbrauns, 2001), 114–18.

4. Raymond Westbrook, "Slave and Master in Ancient Near Eastern Law," *Chicago-Kent Law Review* 70/4 (1995): 1631, 1640–41.

5. Isaac Mendelsohn, *Slavery in the Ancient Near East* (New York: Oxford University, 1949), 2.

6. *Ibid.*

7. *Ibid.*, 3.

8. Code of Hammurabi 280–81; Mendelsohn, *Slavery*, 4.

9. Mendelsohn, *Slavery*, 5.

10. Code of Hammurabi 14; Exodus 21:16; Deuteronomy 24:7; Mendelsohn, *Slavery*, 5.

11. Mendelsohn, *Slavery*, 19–21.

12. *Ibid.*, 19–21, 23.

13. *Ibid.*, 5–6, 9.

14. *Ibid.*, 12.

15. Jacob Hoftijzer, "Ex. xxi:8," *Vetus Testamentum* 7 (1957): 388–91.

16. Isaac Mendelsohn, "The Conditional Sale into Slavery of Free-born Daughters in Nuzi and the Law of Ex. 21:7–11," *Journal of the American Oriental Society* 55 (1935): 190, 194.

17. Mendelsohn, "Conditional Sale," 193–95.

18. Exodus 21:10. The "duty of marriage" has usually been interpreted to mean the woman's conjugal rights with her husband. However, it has also been argued that because typical maintenance clauses in Mesopotamia include the provision of food, clothing, and oil (for the wife of a freeman by a slave, a wet-nurse, a priestess, a sister, parents of adopted children, a deserted wife, or a slave in Babylonia), the meaning of the word *onatah* in verse 10 is in fact "oil," an essential element of hygiene in the ancient Near East, rather than "conjugal rights." See Shalom M. Paul, "Exod. 21:10: A Threefold Maintenance Clause," *Journal of Near Eastern Studies* 28 (1969): 48, 50–52.

19. Mendelsohn, *Slavery*, 14; Chirichigno, *Debt-Slavery*, 51.

20. Chirichigno, *Debt-Slavery*, 51–54.

21. *Ibid.*, 54.

22. Mendelsohn, *Slavery*, 23.

23. *Ibid.*, 25–26.

24. Chirichigno, *Debt-Slavery*, 51.



25. Mendelsohn, *Slavery*, 26.
26. Ibid., 14.
27. Ibid., 15–16. (Yale Oriental Series, Babylonian Texts VIII 17.)
28. Mendelsohn, *Slavery*, 27.
29. Ibid., 27–28.
30. Westbrook, "Slave and Master," 1644, citing T. Kwasman, *Neo-Assyrian Legal Documents in the Kouyunjik Collection of the British Museum*, Studia Pohl: Series Major 14, Rome 1988, 401.
31. Mendelsohn, *Slavery*, 31.
32. Isaac Mendelsohn, "On Slavery in Alalakh," *Israel Exploration Journal* 5 (1955): 65–67.
33. Westbrook, "Slave and Master," 1644, citing D. Arnaud, *Recherches au Pays d' Astarte—Emar VI.3*, Paris 1986, no. 205.
34. Westbrook, "Slave and Master," 1644, referring to Code of Hammurabi 53–54.
35. Chirichigno, *Debt-Slavery*, 53–54.
36. Roland de Vaux, *Ancient Israel: Its Life and Institutions* (New York: McGraw-Hill, 1965), 173.
37. Chirichigno, *Debt-Slavery*, 101–44.
38. Falk, *Hebrew Law*, 96; Chirichigno, *Debt-Slavery*, 142–44.
39. Falk, *Hebrew Law*, 96; de Vaux, *Ancient Israel*, 173.
40. De Vaux, *Ancient Israel*, 73.
41. Falk, *Hebrew Law*, 34.
42. Chirichigno, *Debt-Slavery*, 140.
43. Bruce V. Malchow, *Social Justice in the Hebrew Bible* (Collegeville, Minn.: Liturgical, 1996), 41.
44. Chirichigno, *Debt-Slavery*, 138–42; Mendelsohn, *Slavery*, 14–19.
45. Falk, *Hebrew Law*, 95.
46. De Vaux, *Ancient Israel*, 172.
47. Falk, *Hebrew Law*, 93.
48. Ibid., 94.
49. Ibid.
50. De Vaux, *Ancient Israel*, 172.
51. Ibid., 170–71. See also Menachem Elon, *Jewish Law: History, Sources, Principles* (Philadelphia: Jewish Publication Society, 1994), 1:310.
52. Mendelsohn, *Slavery*, 34.
53. Ibid., 38.
54. Ibid., 40.

55. Ibid., 42–50.

56. Ibid., 50.

57. Hans Jochen Boecker, *Law and the Administration of Justice in the Old Testament and Ancient East*, trans. Jeremy Moiser (Minneapolis: Augsburg, 1980), 160–61.

58. It has been suggested, however, that this provision applied only to Hebrews who had been enslaved in foreign countries and then escaped back to Palestine. See Mendelsohn, *Slavery*, 63.

59. See, for example, *Code of Hammurabi* 116, 199, 213–14, 219–20, 231, and 252.

60. Mendelsohn, *Slavery*, 65.

61. Ibid., 66.

62. Ibid., 72.

63. Boecker, *Law and the Administration of Justice*, 156–57.

64. Falk, *Hebrew Law*, 116.

65. See Sara Japhet, “The Relationship between the Legal Corpora in the Pentateuch in Light of Manumission Laws,” *Scripta Hierosolymitana* 31 (1986): 63–89, on the use of brother as a synonym for Israelite and its implications for the difference in treatment between the Israelite and the foreign slave.

66. Elements of the laws of slavery were later transferred into Jewish employment law, since “the status of a Hebrew slave is comparable to the status of an employee.” Elon, *Jewish Law*, 2:924–25.

67. E. E. Urbach, *The Laws Regarding Slavery* (New York: Arno, 1979), 26.

68. George Horowitz, *The Spirit of Jewish Law* (New York: Bloch, 1973), 137–38.

69. *Code of Hammurabi* 117, 171, 175, 280.

70. Mendelsohn, *Slavery*, 80.

71. Westbrook, “Slave and Master,” 1649–50.

72. Ibid., 1652.

73. Ibid., 1652–53.

74. Mendelsohn, *Slavery*, 82.

75. UET 3 51, cited in Westbrook, “Slave and Master,” 1653.

76. Westbrook, “Slave and Master,” 1653.

77. For an argument that the law of Hebrew slaves was applicable only when the law of the Jubilee was observed, see Elon, *Jewish Law*, 4:1632 n. 40.

78. For a discussion of the contrast between the male debtor’s situation, which gave him some control over his destiny, and the

female's, in which she was passive but protected, see Timothy John Turnham, "Male and Female Slaves in the Sabbath Year Laws of Exodus 21:1-11," *Society of Biblical Literature Seminar Papers* 26 (1987): 545-49.

79. Exodus 21:26-27 provides: "And if a man smite the eye of his servant, or the eye of his maid, that it perish; he shall let him go free for his eye's sake. And if he smite out his manservant's tooth, or his maidservant's tooth; he shall let him go free for his tooth's sake." This was later interpreted to apply to the injury of any body part of the slave that did not grow back again. See Elon, *Jewish Law*, 1:357.

80. There is some argument over whether slaves were released individually after six years of service, or whether all slaves in Israel were released every seventh year. See, e.g., Anthony Phillips, "The Laws of Slavery: Exodus 21:2-11," *Journal for the Study of the Old Testament* 30 (1984): 51-66; N. P. Lemche, "The 'Hebrew Slave': Comments of the Slave Law Ex. xxi:2-11," *Vetus Testamentum* 25 (1975): 129-44; Lemche, "The Manumission of Slaves—The Fallow Year—The Sabbatical Year—The Jubel Year," *Vetus Testamentum* 26 (1976): 38-59.

81. For a debate over whether "worth a double hire" is to be taken literally or not, see James M. Lindenberger, "How Much for a Hebrew Slave? The Meaning of Misneh in Deut. 15:18," *Journal of Biblical Literature* 110 (1991): 479-82; Matitiah Tsevat, "The Hebrew Slave according to Deuteronomy 15:12-18: His Lot and the Value of His Work, with Special Attention to the Meaning of *mishneh*," *Journal of Biblical Literature* 113 (1994): 587-95.

82. Some argue that the mark on the ear was a punishment for transgressing the law that Israelites should not let themselves be slaves. See Elon, *Jewish Law*, 1:415 n. 41 for an explanation of the transgression. But see Ze'ev W. Falk, "Exodus xxi:6," *Vetus Testamentum* 9 (1959): 86-88, who argues that the punching of the ear was done in God's presence to show the master's dominion.

83. See Matthew Nielson, "Ancient Slavery Practice from Israelite Law and the New Testament," (student paper submitted to John W. Welch, Winter 1999; on reserve in the J. Reuben Clark Law School.), 8-10.

84. Some scholars have debated whether *habiru*, translated as "Hebrew," means a Hebrew as the term is currently understood or whether it carries a sociological meaning, signifying anyone sold into slavery to pay their debts. See, for example, N. P. Lemche, "The 'Hebrew Slave': Comments on the Slave Law, Exodus

xxi:2–11,” *Vetus Testamentum* 25 (1975): 129–44; Boecker, *Law and the Administration of Justice*, 158. In any event, the two interpretations would be somewhat synonymous in this case, since it was primarily Hebrews who sold themselves into debt to other Hebrews, and this was the predominant way for Hebrews to become enslaved. The two categories of slaves were therefore somewhat mutually inclusive.

85. Ze’ev Falk points out that, while the master could also release the slave gratuitously, he would likely follow the biblical tradition of ransom by transferring the slave to a third party on condition that he be immediately released. Falk, “Manumission by Sale,” *Journal of Semitic Studies* 3 (1958): 127–28.

86. Menachem Elon, ed., *The Principles of Jewish Law* (Jerusalem: Keter, 1975), 234.

87. De Vaux, *Ancient Israel*, 172.

88. John L. Sorenson, *An Ancient American Setting for the Book of Mormon* (Salt Lake City: Deseret Book, 1985), 157.

89. See John W. Welch, “Democratizing Forces in King Benjamin’s Speech,” in *Pressing Forward with the Book of Mormon* (Provo, Utah: FARMS, 1999), 112.

90. Bernard S. Jackson, *Theft in Early Jewish Law* (Oxford: Clarendon, 1972), 17–18, 91.

91. Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Minneapolis: Fortress, 1995), 86.

92. Weinfeld, *Social Justice*, 7–9, 33–44.

93. Malchow, *Social Justice in the Hebrew Bible*, 16–17.

94. *Ibid.*

95. Weinfeld, *Social Justice*, 46–47.

96. *Ibid.*, 45–46.

97. *Ibid.*, 47, 82.

98. Weinfeld, *Social Justice*, 81.

99. *Ibid.*

100. Westbrook at 1657–58.

101. Weinfeld, *Social Justice*, 89–90.

102. Chirichigno, *Debt-Slavery*, 57–59.

103. Weinfeld, *Social Justice*, 80.

104. *Ibid.*, 69.

105. *Ibid.*, 91 n. 70.

106. *Ibid.*, 10.

107. Of course, the weight these concepts carried would have depended on the Nephites’ familiarity with slavery. The Book of

Mormon does not tell us whether the Nephites had any direct knowledge of the systems of law and practices of slavery developed in ancient Mesopotamia and Israel. We do know that they had the brass plates, which contained the five books of Moses, and a "record of the Jews from the beginning, even down to the commencement of the reign of Zedekiah" (1 Nephi 5:12). Thus, the provisions on slavery contained in Exodus, Deuteronomy, and Leviticus must have been somewhat familiar to them. In addition, the "record of the Jews" could have contained reference to the Israelites' interactions with their surrounding neighbors' customs and practices. After all, the command to avoid adopting their neighbors' customs was one of the most consistent given in the Old Testament, presupposing some level of knowledge of those customs.

Oral tradition must also have preserved some knowledge of the ways and customs of the Old World, including the practice of slavery. It seems reasonable to assume that when Benjamin took the radical step of abolishing slavery, he would have recounted to the extent of his knowledge the abuses that had always accompanied the practice in an attempt to keep his people from it (see Knight, "Slavery in the Book of Mormon," in this volume). For us, with an understanding of the ancient practice of slavery in mind, King Benjamin's teachings take on added meaning and force.

108. I. A. H. Combes, *The Metaphor of Slavery in the Writings of the Early Church* (Sheffield, Eng.: Sheffield Academic, 1998), 39.

109. Curiously, in Mosiah 3, Benjamin did not use the terms *redeemer* or *redemption* to describe the Savior's role, although these words are used extensively elsewhere in the Book of Mormon.

110. For a discussion of allusions to slavery and the "faithful slave" in Jesus' parables, see Joseph Vogt, *Ancient Slavery and the Ideal of Man*, trans. Thomas Wiedermann (Cambridge, Mass.: Harvard University Press, 1975), 143–45.

## Appendix

**Book of Mormon Scriptures Relevant to Rich and Poor, Debtors and Creditors, Slavery, Servitude, Captivity and Liberty, Laws for the Poor, and Social Justice**

### *Condition of the Poor and Poverty*

Alma 30:56–58; 32:2–3, 12; 34:21, 40; 44:23; 46:40

*Labor*

2 Nephi 5:17; Mosiah 27:3–5; 29:14–15; Alma 1:3–6, 26–32; 24:18; 62:27–28

*Law of Moses*

2 Nephi 5:10; 25:24; Jarom 1:5; Alma 25:15; 30:3; Helaman 13:1

*Slavery, Debt-Slavery, and Physical Servitude*

1 Nephi 3:25; 4:30–35; 17:4; 2 Nephi 7:1 (Isaiah 50:1); 10:16; 26:33; Mosiah 2:13, 20–25, 34; 7:15; 13:18, 24; 21:32; 22:3; 23:28; Alma 5:49; 11:44; 17:20–25, 26–39; 18:2–3, 9–10, 13, 14, 37; 19:4, 9, 28–29; 21:18–19; 22:3; 27:8; 51:33; Helaman 2:6; 3 Nephi 3:7; 12:25–26; 4 Nephi 1:42; for *dwelling* used as term of servitude see S. Kent Brown, *From Jerusalem to Zarahemla* (Provo, Utah: Brigham Young University Religious Studies Center: 1998), 55–59; for *stay* used as term of servitude see Brown, *Jerusalem to Zarahemla*, 55–59

*Women, Children, Widows, Orphans, and Strangers*

2 Nephi 20:1–2 (Isaiah 10); Mosiah 19:11–15; 21:10, 17; Alma 27:21–24; 53:7; 54:3; Helaman 11:33; 3 Nephi 24:5 (Malachi 3); Mormon 4:14

*Judging and Justice*

2 Nephi 8:4; 9:46; 13:14–15 (Isaiah 3); 19:7 (Isaiah 9); 20:4 (Isaiah 10); 30:9; Jacob 4:10; Mosiah 29:43; Alma 12:15; 41:2, 14; 42:24–25; 50:39; Helaman 3:20; 3 Nephi 6:4–8; Mormon 8:19; for a discussion of justice and righteousness as pertaining to restoration of equity for the poor see Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Jerusalem: Magnes, 1995), 25–44; for *mishpat* (justice) = restoration of situation/environment of equity, harmony for the poor see Bruce V. Malchow, *Social Justice in the Hebrew Bible* (Collegeville, Minn.: Liturgical, 1996), 16

*Equality/Inequality*

Omni 1:17–18; Mosiah 27:3–5; 29:26, 32; Alma 4:12–15; 16:16; 28:13; 30:17

*Treatment of and Attitude toward the Poor*

2 Nephi 9:30; 20:1–2 (Isaiah 10); 24:30 (Isaiah 14); 26:25; 27:32 (Isaiah 29; see Proverbs 22:22; 28:13); Jacob 2:17–19; Mosiah 4:16,

19–26; 18:24–29; Alma 1:26–32; 4:12–15; 34:28, 40; 35:6, 9; Helaman 3:34–36; 4:12; 6:39; 3 Nephi 13:3; 18:25; 4 Nephi 1:3, 23–26; Mormon 8:36–40; for blocking a lawsuit of the poor with subornation see Malchow, *Social Justice in the Hebrew Bible*, 69

*Borrowing and Lending*

2 Nephi 7:1 (Isaiah 50:1); Mosiah 4:28; Alma 11:2; 3 Nephi 12:42; 13:11; Ether 14:2

*Attitudes toward Wealth, Materialism, and Money*

1 Nephi 2:4; 8:26–27; 13:8; 2 Nephi 9:42, 50; 23:11 (Isaiah 13); 28:15; Jacob 2:12–13; Enos 1:21; Jarom 1:8; Mosiah 9:9; 12:29; 22:12; 24:7; 27:7; Alma 1:3–6, 16–20; 4:6–8; 5:53; 7:6; 10:4; 15:16–17; 17:14; 31:23, 28; 34:21; 39:14; 44:23; 45:24; 50:18, 23; 51:8, 17–18, 19, 21; 62:49; Helaman 6:8, 17; 7:21; 11:6, 7; 13:20–22, 28, 31–33; 3 Nephi 3:22; 6:10–12, 15; 13:33; 4 Nephi 1:23–26, 42; Mormon 1:18; 2:10; 8:31–32; Ether 10:3, 22, 23

*Physical Captivity, Prisoners, and Liberty*

1 Nephi 1:13; 4:2–3; 5:11–15; 7:16–18; 10:3; 13:13; 14:2; 17:23–25, 40; 19:10; 21:25 (Isaiah 49); 2 Nephi 1:7; 3:4–5, 10; 6:17; 8:14, 25; 10:16, 14; 21:16 (Isaiah 11); 24:2–3; 25:20; Mosiah 2:13; 7:15, 22, 33; 12:2, 34; 23:5–13; 24:9; 25:8–10; 27:16, 29; 28:7; 29:18–20, 40; Alma 5:5–6; 8:17; 9:10, 22; 16:3, 8; 20:26; 21:13–14, 19–22; 23:1–2; 29:11–12; 30:24–35; 36:2, 27–28; 38:4–5; 43:8, 29; 44:2; 46:4, 10, 12–17; 46:23; 48:4, 11; 49:7; 50:35; 52:40; 53:3, 7; 54:3; 55:24; 56:12; 57:15–16, 35; 62:5, 27–28 (see 3 Nephi 5:4), 49; Helaman 3:14; 8:11; 11:33; 12:2; 3 Nephi 4:8, 27; 5:4; 6:3; Mormon 3:13; Ether 2:12; 6:23; 7:7; 8:4; 10:14; heavy taxation leading to debt and slavery see Malchow, *Social Justice in the Hebrew Bible*, 41; regarding grants of immunity from taxes, forced labor, etc., given to individuals by kings in the ancient Near East see Weinfeld, *Social Justice in Ancient Israel*, 133–39; title of liberty, raising of torch, blowing of horn to proclaim liberty see Weinfeld, *Social Justice in Ancient Israel*, 88; Mesopotamian, Hittite use of banner, pole, or tree erected by gate of city to signify freedom granted to that city see Weinfeld, *Social Justice in Ancient Israel*, 102–3; regarding sanctuaries for fugitives see Weinfeld, *Social Justice in Ancient Israel*, 120–32

*Spiritual Captivity and Liberty and Redemption through Christ*

See Leviticus 25 on redemption from slavery. 1 Nephi 10:6; 13:5; 2 Nephi 1:23; 2:26–27; 15:14–15 (Isaiah 5); Mosiah 2:33; 5:8; 6:3; 13:16; Alma 5:9, 10, 20, 41–42; 7:15; 11:44; 12:6, 16; 13:30; 36:18; 41:11; 3 Nephi 20:38; 27:32; Mormon 8:31–32; Moroni 8:19; for ancient Near Eastern terms for “freedom” include return to families see Weinfeld, *Social Justice in Ancient Israel*, 15

*Spiritual Servitude to God*

1 Nephi 20:20 (Isaiah 48); 21:3 (Isaiah 49); Jacob 5:7, 48, 61, 6:2; Mosiah 2:20–25, 34; 5:13; 13:16 (see Leviticus 25); 26:20; 27:14; Alma 3:27; Helaman 5:29; 12:7; 3 Nephi 13:11, 24; 20:43; 21:10; 22:17; Ether 2:8, 12; 3:2; Moroni 7:11, 13

*Church Treatment of the Poor*

1 Nephi 22:23; 2 Nephi 26:31; Mosiah 18:24–29; Alma 1:3–6, 16–20, 26–32; 5:49; 6:5; 15:13; 16:16; Helaman 13:28

*Government/Law/Taxes*

2 Nephi 5:18; Omni 1:17–18; Mosiah 2:12; 11:3; 27:3–5, 29; 29:14–15, 18–20, 22, 26, 40, 43; Alma 1:1; 10:14, 27, 32; 11:1, 3, 4–19, 20, 23; 30:11; 51:19, 21; Helaman 4:22; 5:1–2; 6:39; 7:5; 9:5; 3 Nephi 6:21–22, 27–30; Ether 10:6; see John W. Welch, “Democratizing Forces in King Benjamin’s Speech,” in *Pressing Forward with the Book of Mormon: The FARMS Updates of the 1990s* (Provo, Utah: FARMS, 1999), 110–25; injustice toward the poor in law court see Malchow, *Social Justice in the Hebrew Bible*, 23–24, 69

*Poverty/Humility/Pride*

2 Nephi 9:28; 12:10–11; 26:4 (Isaiah 16); Alma 32:2–3, 12; Helaman 12:7; 3 Nephi 12:3

*Land*

See Leviticus 25:23–24; 1 Nephi 2:20; 5:5; 14:2; 17:38; 2 Nephi 1:5, 9, 20; 3:2; 10:19, 14; 15:8 (Isaiah 5); Mosiah 6:7; Alma 27:21–24; Helaman 7:28; 11:6, 7; 3 Nephi 6:3; 15:13; 16:17; 20:14, 29; 29:1



# Slavery in the Book of Mormon

Gregory R. Knight

## Introduction

Slavery is one of the most basic institutions of the ancient world.<sup>1</sup> Nearly every ancient society practiced slavery, including the Hebrews. In giving Israel laws to govern slavery, Jehovah reminded Israel that “thou wast a bondman in the land of Egypt, and the Lord thy God redeemed thee” (Deuteronomy 15:15). Because God had redeemed the Israelites from slavery, they had become slaves to God (see Leviticus 25:55). They were, therefore, to serve God, not man. Nonetheless, Jehovah provided the Israelites with a special set of slave laws that were more humane than those of other Near Eastern peoples<sup>2</sup> and that included provisions for release, redemption, and the proper treatment of slaves.<sup>3</sup>

Because the Book of Mormon records the history of a people with roots in the Old Testament, their slavery laws and practices should exhibit some similarity to biblical slavery. This paper presents a preliminary examination of slavery in the Book of Mormon, gathering evidence that the Nephites may have had extensive knowledge of biblical slavery laws.<sup>4</sup> After discussing the possible sources of this knowledge, this paper examines specific passages that suggest that Book of Mormon societies were familiar with biblical slavery laws.

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## Possible Sources of Nephite Knowledge of Slavery

The Nephites could have learned about biblical slave laws and practices through two important sources: oral or written traditions tracing back to Lehi, and the plates of brass.

*Oral or Written Traditions.* The original party that left Jerusalem for the promised land carried a wealth of firsthand knowledge about the Jews. Lehi, “having dwelt at Jerusalem in all his days” (1 Nephi 1:4), would have been familiar with Jewish culture and society. He was also an experienced and successful merchant<sup>5</sup> and undoubtedly had extensive knowledge of contemporary economic practices, including slavery.<sup>6</sup>

Slavery had become so prevalent during the time that Lehi was in Jerusalem that King Zedekiah covenanted with the Jews to “proclaim liberty” to the people of Jerusalem (Jeremiah 34:8) and ordered them to release their Hebrew slaves, pursuant to the law of release. The people obeyed, entering into a covenant in the temple (see Exodus 21:2; Deuteronomy 15:12).<sup>7</sup> However, shortly thereafter, the people of Jerusalem again subjected their own people to slavery. Jeremiah, a contemporary of Lehi (see 1 Nephi 7:14), rebuked Zedekiah and the Jews for breaking their covenant (see Jeremiah 34:8–17).

Slave issues and laws were at the forefront of contemporary political discussion around the time that Lehi and his family dwelt in Jerusalem. Their firsthand knowledge of biblical slavery could have been transmitted to later Nephite generations through oral traditions and written accounts.<sup>8</sup>

*The Plates of Brass.* A second important source of Nephite knowledge about biblical slavery was the brass plates. When Lehi’s group left Jerusalem around 600 B.C., they took with them a set of brass plates that contained, among other things, a “record of the Jews” (1 Nephi 5:12). As the Nephites studied the Jewish history, stories that illustrated the biblical slave laws in practice,<sup>9</sup> such as that of Elisha and the widow’s oil,<sup>10</sup> might have been available to them.

The brass plates also contained "the prophecies of the holy prophets" (1 Nephi 5:13). Several of the Old Testament prophets discussed slavery. For example, the writings of Amos might have been on the record Lehi's group took with them. About 150 years before Lehi's departure, Amos expressly chastised those who sold their impoverished debtors into slavery: "For three transgressions of Israel, and for four, I will not turn away the punishment thereof; *because they sold the righteous for silver, and the poor for a pair of shoes*" (Amos 2:6, emphasis added; compare Amos 8:6).<sup>11</sup> Isaiah was also aware of the practice of debt-slavery and used it allegorically to demonstrate that Jehovah would never sell the Israelites into bondage. Speaking as a debtor to his children, the Lord inquires, "Which of my creditors is it to whom I have sold you? Behold, for your iniquities have ye sold yourselves" (Isaiah 50:1).<sup>12</sup> Through their reading of these teachings, the Nephites would have been able to learn about slavery laws and practices.<sup>13</sup>

The Nephites' most significant source on biblical slavery—the "five books of Moses"—was also included on the plates of brass (1 Nephi 5:11). These "five books" may not have contained the slavery laws in the exact form that we have them today;<sup>14</sup> however, that the plates contained them in some form is demonstrated by the following passages.

### **Examples of Slavery in the Book of Mormon**

In the early years of Nephite history, slavery was probably not practiced. In a society consisting of fewer than thirty individuals who were all members of a family unit, slavery would have been impractical and unnecessary.<sup>15</sup> However, as the population grew—most likely through contact with indigenous peoples—and the economy expanded (see 2 Nephi 5:15–17; Jacob 1:16; 2:12–13), slavery would gradually have become an accepted institution in Nephite society.<sup>16</sup> This section discusses several passages that illustrate Nephite knowledge of the biblical slavery laws.

*Jacob's Address to the Nephites at the Temple.* Jacob was consecrated by Nephi to be the high priest in the land (see Jacob 1:18). As such, he was responsible to teach the people the word of God (see Jacob 1:19; 2:2), which would have included the law of Moses. Some time after Nephi's death, Jacob delivers a forceful message at the temple. On this occasion, clearly a holy day involving a covenant renewal ceremony, the people have "come up hither to hear the pleasing word of God" (Jacob 2:8). Jacob uses the opportunity to review certain laws of God that the Nephites were violating. Unfortunately, we only have part of Jacob's sermon (see Jacob 3:12), and that part contains no express reference to slavery. Jacob may have omitted from his record what he thought to be less significant aspects of his discourse. Nonetheless, even the edited version of Jacob's sermon contains possible allusions to the practice of slavery, suggesting that the Nephites possessed the biblical slavery laws.

*The Rich "Persecuting" the Poor.* In the first half of his sermon, Jacob chastises those wealthy Nephites who were using their financial strength to "persecute" their poorer brethren (see Jacob 2:13). Exactly what Jacob means by *persecute* is unclear. His use of the word seems consistent with other instances in which *persecute* is used to describe the way the rich treated the poor (see 2 Nephi 9:30; 28:13). However, the term also has other possible meanings, for example, religious persecution (see Mosiah 26:38; 27:2–3; Alma 1:19–23). The word also appears later in a slavery context. When Alma and his people become subjugated to the Lamanites and are placed under Amulon's control, Mosiah 24:8 states that Amulon "began to persecute" Alma's people. The next verse defines "persecutes" by explaining that Amulon "exercised authority over them, and put tasks upon them, and put taskmasters over them" (Mosiah 24:9). Based on this use of *persecute* to describe enslavement, we cannot rule out that Jacob's broad indictment of the rich for "persecuting" the poor was meant possibly to chastise the rich

for enslaving the poor or to chastise masters who were abusing their slaves.

Further support for these possibilities comes from an understanding of the biblical slavery laws. Poverty was one of the main ways an Israelite could become enslaved.<sup>17</sup> When a destitute individual was no longer able to maintain himself, he could give himself into slavery, either to another Hebrew or to a foreigner (see Leviticus 25:39, 47).<sup>18</sup> Similarly, an Israelite could become a slave through debt. If "a debtor [was] unable to pay his debts [he could give] himself in bondage to his creditor."<sup>19</sup> Debt-slavery was practiced "especially in difficult times and during famine, or at times when the wealthy classes and nobility proved stronger than the central authority, which was consequently unable to defend the liberty of impoverished persons."<sup>20</sup>

The economic conditions at this time in Nephite history were perfect for the development of slavery. A great disparity had developed between the wealthy and the lower classes (see Jacob 2:12–13). Debt- and poverty-slavery would have been natural consequences of this gap. Furthermore, tension may have existed between Jacob and the political leaders at this relatively early period of Nephite history.<sup>21</sup> Whether the king or the priests wielded the final power in interpreting the law of Moses was apparently still the subject of debate. The wealthy could have enslaved their debtors without much interference from the central authority.<sup>22</sup> Perhaps because the king was not championing the cause of the poor, Jacob felt compelled to do so.

*Proper Treatment of Poor "Brethren."* Having identified the problem of the rich persecuting the poor, Jacob asks an important question. "And now, my brethren, do ye suppose that God justifieth you in this thing?" (Jacob 2:14). He provides an emphatic answer: "Behold, I say unto you, Nay. But he condemneth you, and if ye persist in these things his judgments must speedily come unto you" (Jacob 2:14). Based on Jacob's

subsequent instructions, it appears that many had misconstrued the biblical slavery laws and were using these laws to justify their poor treatment of slaves.

Jacob's counsel on how a master should treat his slaves reflects the biblical slavery laws. He begins with the general rule, "Think of your brethren like unto yourselves" (Jacob 2:17). Under the biblical slave codes, Israelite masters were told, "Thou shalt not rule over [Hebrew slaves] with rigour" (Leviticus 25:43, 46, 53). An Israelite slave was to be treated as a laborer (see Leviticus 25:39–40) and a member of the family,<sup>23</sup> rather than as a slave. The Hebrew term for slave, *'ebed*, derives from the verb meaning "to work," *'abad*. A Hebrew slave was, in theory, only a worker or a servant.<sup>24</sup>

Rabbinic literature sheds additional light on the relationship between Jewish master and slave. Jewish commentators interpreted the phrase "and if thy brother . . . be sold unto thee" (Deuteronomy 15:12, emphasis added) to support the rule that a Hebrew slave was to be treated with brotherly love.<sup>25</sup> Similarly, the passage "he shall be with thee" in Leviticus 25:40 was interpreted to mean that the slave was to be

like thee [the master] in food, like thee in drink, like thee in decent clothing; you are not to be eating white bread while he eats black bread . . . , you are not to drink vintage wine while he drinks unmaturred, you are not to sleep on flock while he sleeps on straw.<sup>26</sup>

Jacob's succinct instruction to his people captures these exegeses. The Nephite masters were to treat their slaves as they treated themselves.

Jacob also counsels the people to "be familiar with all and free with your substance, that [your brethren] may be rich like unto you" (Jacob 2:17). These instructions are reminiscent of other biblical rules that applied to master/slave relationships. At the release of the Hebrew slave in the seventh year, the master was to generously provide the ex-slave with food and capital:

And when thou sendest him out free from thee, thou shalt not let him go away empty: Thou shalt furnish him liberally out of thy flock, and out of thy floor, and out of thy winepress: of that wherewith the Lord thy God hath blessed thee thou shalt give unto him. (Deuteronomy 15:13–14)

By following this law, the masters would be helping their freed slaves to establish themselves financially. Ex-slaves would not be forced back into slavery by poverty but could have the opportunity to become rich like their former masters.

Jacob promises the Nephites that if they “listen unto the word of [God’s] commands,” (Jacob 2:16) and “[obtain] a hope in Christ” (Jacob 2:19), they will obtain riches (see Jacob 2:19). He seems to be echoing the words of Moses that if Israel would follow the biblical slave laws, “the Lord thy God shall bless thee in all that thou doest” (Deuteronomy 15:18).

*The Law of Redemption.* Jacob concludes the first portion of his sermon by giving counsel on the use of riches and exhorting the people to “liberate the captive” (Jacob 2:19); this seems to be a reference to the biblical law of redemption. Leviticus 25 provides that “if a sojourner or stranger wax rich by thee, and thy brother that dwelleth by him wax poor, and sell himself unto the stranger or sojourner . . . he may be redeemed again; one of his brethren may redeem him” (Leviticus 25:47–48). If a Hebrew was not redeemed immediately by one of his relatives, his slavery did not terminate until the Jubilee Year, potentially a forty-nine-year wait.<sup>27</sup> Obviously, failure to follow the law of redemption could bring substantial hardships upon a family.

Jacob was probably familiar with the law of redemption. He instructs those Nephites who wanted wealth to use their riches “to clothe the naked, and to feed the hungry, and to *liberate the captive*, and administer relief to the sick and the afflicted” (Jacob 2:19, emphasis added). It is unlikely that Jacob is instructing his people to liberate criminals from

prison or that the “captives” talked about in this passage are in bondage in a spiritual sense. More likely, the temporal context of the verse suggests that Jacob is instructing his people to follow the redemption laws and secure the release of fellow Nephites who have become enslaved.

If Jacob’s counsel to “liberate the captive” is referring to slavery, then that counsel raises interesting issues concerning the scope of the Nephite law of redemption. The law stated in Leviticus only discusses redemption when the master is a foreigner. Although during Israel’s tribal years redemption was probably allowed between the tribes, “redemption in later periods was limited to slaves sold to non-Hebrew masters.”<sup>28</sup> Did the Nephites similarly limit redemption to those situations involving a foreign master and a Nephite slave?<sup>29</sup> Would the Lamanites have qualified as “foreigners” or were they more like an Israelite tribe? The Book of Mormon does not provide enough information to answer these questions.

When taken as a whole, Jacob’s instructions to the Nephites seem to demonstrate a thorough knowledge of the biblical slave provisions. The parallels between Jacob’s discourse and the slavery laws are difficult to explain away as mere coincidence. Jacob skillfully weaves into his sermon allusions to debt-slavery, the biblical rules outlining the proper way to treat Hebrew slaves, and the laws of release and redemption. Even though Jacob’s sermon did not have slavery as its primary focus, at least part of Jacob’s intent seems to be to rebuke those who were not properly following these laws.<sup>30</sup>

*Benjamin and the Rejection of Slavery.* The Book of Mormon indicates that several centuries later, mainstream Nephite society had rejected the practice of slavery. During what appears to be a gathering of the Nephites at the Feast of Tabernacles, King Benjamin delivered a formal covenant renewal discourse and crowned his son Mosiah as the next king.<sup>31</sup> He began with an impressive summary of his reign and a review of some important aspects of his laws:



I say unto you that as I have been suffered to spend my days in your service, even up to this time, and have not sought gold nor silver nor any manner of riches of you; Neither have I suffered that ye should be confined in dungeons, *nor that ye should make slaves one of another*, nor that ye should murder, or plunder, or steal, or commit adultery; nor even have I suffered that ye should commit any manner of wickedness, and have taught you that ye should keep the commandments of the Lord, in all things which he hath commanded you. (Mosiah 2:12–13, emphasis added)

Benjamin's point is clear. He lists slavery as a sinful and abominable practice equivalent to the other forms of wickedness mentioned in the same passage. Further, by equating slavery with several of the prohibitions found in the Ten Commandments, Benjamin clearly sees this prohibition as more than just a secular law enacted by him or his father Mosiah (Mosiah 2:31); rather, it is a commandment of God. Likely, Benjamin's negative view of slavery was influenced by the words of the prophets Amos,<sup>32</sup> Isaiah,<sup>33</sup> and perhaps Jeremiah.<sup>34</sup>

Although Benjamin's law code prohibited slavery, he uses slave imagery in his sermon at the temple. He was probably familiar with Leviticus 25:55, which stated, "For unto me the children of Israel are servants; they are my servants whom I brought forth out of the land of Egypt: I am the Lord your God." Benjamin used the idea that his people were servants, or slaves, to God to deliver a powerful message:

I say unto you, my brethren, that if you should render all the thanks and praise which your whole soul has power to possess, to that God who has created you, and has kept and preserved you, and has caused that ye should rejoice, and has granted that ye should live in peace one with another—I say unto you that if ye should serve him who has created you from the beginning, and is preserving you from day to day, by lending you breath, that ye may live and move and

do according to your own will, and even supporting you from one moment to another—I say, if ye should serve him with all your whole souls yet ye would be unprofitable servants. (Mosiah 2:20–21)

Benjamin's people may not have practiced slavery, but they certainly would have understood his metaphor. God is the merciful and gracious master, and humans are debtor slaves unable to pay back what they owe. By using the term *unprofitable*, Benjamin's reference to debt-slavery is unequivocal. When a creditor enslaved his debtor, it became the debtor's duty to work off his indebtedness. He was to render to his creditor his every energy (see Mosiah 2:34) in becoming profitable. A profitable slave was not only one who could work enough to cover the master's expenses in providing the slave with food, clothing, and other necessities, but also one who could turn a profit and ideally pay off his indebtedness before the year of release or the Jubilee. Benjamin used this image to teach that no matter how hard we, as slaves, work to pay back our debt to God, we will always owe him (see Mosiah 2:23–24). While Benjamin forbade slavery as an institution, he found the principle useful in delivering one of the most powerful theological messages in all scripture.

*Alma and the War Slave Provisions.* As a priest of King Noah (see Mosiah 17:1–2), Alma was intimately familiar with the law of Moses (see Mosiah 12:28). Even though his training in the law had given him a distorted understanding of the law's overall purpose (see Mosiah 12:29–32), there is no reason to doubt his thorough knowledge of the law's minute details.

In particular, his actions in surrendering to the Lamanites display a great understanding of the laws in Deuteronomy dealing with slaves captured in war. God had instructed the ancient Israelites,

When thou comest nigh unto a city to fight against it, then proclaim peace unto it. And it shall be, if it make thee answer of peace, and open unto thee, then it shall be, that all the

people that is found therein shall be tributaries unto thee, and they shall serve thee. And if it will make no peace with thee, but will make war against thee, then thou shalt besiege it. (Deuteronomy 20:10-12)

When Alma discovers that a Lamanite army is roaming about the borders of the land, his initial response is to gather the people into the city (Mosiah 23:26). He apparently realized that his small group<sup>35</sup> would never survive a siege by the Lamanite army, nor would they be successful in open combat. Alma decides to make peace with the army instead, a fairly risky proposition because he could not have assumed that the Lamanites would know about the Mosaic law concerning prisoners of war. The text is carefully worded: "Alma and his brethren *went forth and delivered themselves up into their hands*" (Mosiah 23:29, emphasis added). Alma wanted to make sure that the Lamanites understood their peaceful intentions. His people did more than "open unto" the Lamanites; they actually left the city of Helam and surrendered to the Lamanite army.

Two important factors secured their safety. First, the Lamanite army was not overly interested in Alma's small group. They were more interested in locating the land of Nephi (see Mosiah 23:36). Second, Amulon and the other fugitive high priests of King Noah had joined this band of Lamanites, a point that the writer of the account made sure readers would understand (see Mosiah 23:30-35). These priests, also thoroughly trained in the law of Moses, were probably fully aware of the significance of Alma's actions.

When Amulon is given authority over the people of Alma by the Lamanite king, he seems to follow exactly the procedure laid out in Deuteronomy 20, treating Alma's people as the Mosaic law provided, as "tributaries" and forced laborers (Deuteronomy 20:10-12). The Hebrew word in Deuteronomy 20:11 of the King James version for "tributaries," *ms*, literally means forced labor, task, or tribute. Note how

the Book of Mormon consciously preserves this meaning: “[Amulon] exercised authority over them, and *put tasks upon them*, and *put taskmasters over them*” (Mosiah 24:9, emphasis added).

The small details of this incident faithfully reflect the slavery law found in Deuteronomy 20. Both Alma and Amulon were well versed in the Mosaic law and followed the correct procedure. Alma and his people, knowing that resistance meant sure destruction, chose to surrender to the Lamanites and become their “tributaries.” Amulon, though acting partly out of anger and hatred toward Alma, treated these “tributaries” as the biblical slave laws allowed. This incident represents convincing proof that the Nephites had knowledge of the biblical slavery laws as set forth in Deuteronomy.

## Conclusion

While only a preliminary study, and therefore necessarily tentative, this paper has discussed several examples that suggest the Nephites possessed the biblical slave laws. Jacob’s temple sermon contains multiple allusions to these laws. He skillfully incorporated slavery concepts into his message to ensure Nephite compliance with these laws. Benjamin’s temple sermon also contains slavery images. Although slavery was outlawed under Benjamin’s code, he found the concept helpful in teaching his people about their relationship with God. Finally, Alma’s conduct in surrendering to the Lamanites and Amulon’s treatment of Alma’s people after their surrender demonstrate that these two trained priests had extensive knowledge of the slavery laws in Deuteronomy. Our appreciation of the Book of Mormon as an ancient record is enhanced through an understanding that references to slavery in the Book of Mormon are consistent with the biblical slave laws.

## Notes

1. For a general study, see Isaac Mendelsohn, *Slavery in the Ancient Near East* (1949; reprint, Westport, Conn.: Greenwood, 1978).

2. Ze'ev W. Falk, *Hebrew Law in Biblical Times*, 2nd ed. (Provo, Utah, and Winona Lake Mich.: Brigham Young University Press and Eisenbrauns, 2001), 114.

3. Some of the laws given to the Israelites had Near Eastern parallels. For example, the Code of Hammurabi (ca. 1850 B.C.) also contained a release provision: "If an obligation came due against a seignior and he sold (the services of) his wife, his son, or his daughter, or he has been bound over to service, they shall work (in) the house of their purchaser or obligee for three years, *with their freedom reestablished in the fourth year.*" Codex Hammurabi 117, emphasis added. Compare Exodus 21:2; Deuteronomy 15:12.

4. The Book of Mormon contains many passages dealing with slavery. Although an extensive and scholarly treatment of slavery in the Book of Mormon is needed, I have not attempted an exhaustive study. This paper will not examine Lamanite or Jaredite slave practices. I am also forced to omit many other passages that I would like to discuss.

5. Hugh W. Nibley, *Lehi in the Desert, The World of the Jaredites, There Were Jaredites* (Salt Lake City and Provo, Utah: Deseret Book and FARMS, 1988), 34-42.

6. Given that slavery was a well-established practice, Lehi may even have owned slaves himself to labor on his large countryside estate. See Nibley, *Lehi in the Desert*, 35.

7. We do not know the exact year of Zedekiah's instruction. Lehi's ministry began in the first year of Zedekiah's reign (1 Nephi 1:4), and shortly after, Lehi's group departed for the promised land. Eleven years later, Zedekiah's reign ended with the destruction of Jerusalem (Jeremiah 52:1; compare 2 Nephi 1:4). Even if Lehi was gone by the time of the release of the slaves, Zedekiah's actions demonstrate that slavery was, nevertheless, well established during this time.

8. We know that Lehi kept a detailed record of his history and life (see 1 Nephi 6:1-3). Nephi, however, was not overly impressed with the way the Jews had organized their society. He may have

considered slavery a work of darkness and an abomination and refused to pass on his knowledge of this practice (2 Nephi 25:2).

9. Lehi may have been familiar with other references to debt-slavery in the Old Testament. For example, the author of Proverbs wrote, "The rich ruleth over the poor, and *the borrower is servant to the lender*" (Proverbs 22:7, emphasis added).

10. The story illustrates the practice of debt-slavery: "Now there cried a certain woman of the wives of the sons of the prophets unto Elisha, saying, Thy servant my husband is dead; and thou knowest that thy servant did fear the Lord: *and the creditor is come to take unto him my two sons to be bondmen*" (2 Kings 4:1, emphasis added). Elisha miraculously transforms the widow's only asset, a pot of oil, into many gallons, which the widow then used to satisfy the obligation.

11. Note how Amos juxtaposes the foreclosing creditor against the "righteous" and the "poor." The obvious suggestion is that the creditors are greedy and iniquitous. Amos wanted these wicked Israelites to know that they were engaged in serious transgression that would bring upon them the retribution of God.

12. The tone of the question implies that Isaiah, too, thought the practice was less than honorable. Because God would never think of selling his "debtors" into slavery, the passage intimates that the Israelites should similarly refrain from such practices. Compare the parable of the unmerciful servant in Matthew 18:23–35.

13. Unlike the passage from Amos, we have clear evidence that the Nephites were intimately familiar with the writings of Isaiah; over a quarter of the book is directly quoted in the Book of Mormon. In fact, Jacob quotes the above passage at the temple (2 Nephi 7:1), possibly at Nephi's coronation ceremony.

14. The biblical slavery laws are mainly found in three places: Deuteronomy 15, Leviticus 25, and Exodus 21.

15. For two important studies on the number of individuals in Lehi's group, see John L. Sorenson, "The Composition of Lehi's Family," in *By Study and Also by Faith*, ed. John M. Lundquist and Stephen D. Ricks (Salt Lake City and Provo, Utah: Deseret Book and FARMS, 1990), 2:174–96; and John L. Sorenson, "When Lehi's Party Arrived in the Land, Did They Find Others There?" *Journal of Book of Mormon Studies* (fall 1992): 1–8.

16. Sorenson argues persuasively that Lehi's party probably encountered native populations in the promised land who assimilated

with the early Nephites and Lamanites. Sorenson, "When Lehi's Party Arrived in the Land," 3-4.

17. Menachem Elon, ed., *The Principles of Jewish Law* (Jerusalem: Keter, 1975), 231.

18. "Peasant smallholders, impoverished after years of drought and other misfortunes, who had already disposed of their lands and vineyards, were no longer able to think of anything other than offering their sons and daughters, and their own persons, for sale." E. E. Urbach, *The Laws Regarding Slavery* (New York: Arno, 1979), 12. Such conditions were present in the years following the Babylonian captivity.

Some also there were that said, We have mortgaged our lands, vineyards, and houses, that we might buy corn, because of the dearth. . . . Yet now our flesh is as the flesh of our brethren, our children as their children: and, lo, we bring into bondage our sons and our daughters to be servants, and some of our daughters are brought unto bondage already: neither is it in our power to redeem them; for other men have our lands and vineyards. (Nehemiah 5:3-5)

During such adverse economic conditions, many "were only too glad to sell themselves as slaves." Urbach, *Laws Regarding Slavery*, 12.

19. Elon, *Principles of Jewish Law*, 231. See also 2 Kings 4:1; Isaiah 50:1; Amos 2:6; 8:6; Nehemiah 5:5.

20. Urbach, *Laws Regarding Slavery*, 4.

21. Jacob was outspoken in his sharp criticism of the men who had succeeded Nephi as leaders in the city of Nephi (see Jacob 1:15-2:35).

22. In fact, the "central authority," or reigning Nephite king, might also have been engaged in the practice of slavery. The text states that under the second Nephite king, many people began to indulge in polygamy (see Jacob 1:15). One of the main ways for obtaining concubines was through slavery. Under biblical law, a man had the right to sell his daughter into slavery (see Exodus 21:7): "A Hebrew daughter sold by her father as a servant was acquired on the implied condition that she could be retained as a concubine by her master or by a member of his family." Falk, *Hebrew Law in Biblical Times*, 116. If the king was taking his wives and concubines in this manner, he likely would have sanctioned the practice of slavery among his people.

23. Elon, *Principles of Jewish Law*, 231; see Genesis 24:2; Leviticus 22:11.

24. Elon, *Principles of Jewish Law*, 231.

25. Urbach, *Laws Regarding Slavery*, 26.

26. Ibid.

27. "If a Hebrew slave has been sold to an alien, he must be redeemed at once by a relative, failing which his servitude terminates with the Jubilee Year." Elon, *Principles of Jewish Law*, 232. Every fifty years, all slaves were to be freed under the Jubilee laws (see Leviticus 25:40–41, 54). See, generally, Raymond Westbrook, "Jubilee Laws," in *Property and the Family in Biblical Law* (Sheffield, Eng.: Sheffield Academic Press, 1991), 37–57.

28. Falk, *Hebrew Law in Biblical Times*, 117.

29. It is now well widely accepted that when Lehi's group arrived in the promised land, they found other peoples living there. Sorenson, "When Lehi's Party Arrived in the Land." See also notes 15 and 16.

30. Other passages in Jacob's discourse are worthy of close examination. His discussion of polygamy contains an implied rebuke of the people for engaging in the practice of selling daughters into slavery to act as concubines. See note 22, above. Unfortunately, I will have to leave an exhaustive investigation of these possible references to slavery for another time.

31. See, generally, Stephen D. Ricks, "King, Coronation, and Covenant in Mosiah 1–6," in *Rediscovering the Book of Mormon*, ed. John L. Sorenson and Melvin J. Thorne (Salt Lake City and Provo, Utah: Deseret Books and FARMS, 1991), 209–19.

32. See note 11, above.

33. See note 12, above.

34. See the discussion on possible sources of Nephite knowledge of slavery laws, above.

35. Mosiah 18:35 states that Alma's group was comprised of about 450 people when they fled into the wilderness. Even under the most favorable circumstances, they could not have numbered more than 1,000 people at this time.



# The Book of Mormon Sheds Valuable Light on the Ancient Israelite Law of False Prophecy<sup>1</sup>

David W. Warby

The Book of Mormon sheds valuable light on the textual interpretation of the ancient Israelite law of false prophecy. For many centuries Rabbis have defined false prophecy as the inaccurate prediction of the future and have punished it as a capital offense.<sup>2</sup> However, during the twentieth century, two scholars, Moses Bottenwieser and Peter C. Craigie, proposed that the biblical text supports an alternative definition of a false prophet: one who advocates false doctrine or divinely forbidden action.<sup>3</sup> A close examination of Book of Mormon trials reveals that the Nephites—themselves an ancient Israelite group—likely applied this alternative doctrinal interpretation in their courts, and in some cases, may have used both definitions.

The crime of false prophecy derives from Deuteronomy 18:20, which states that “the prophet, which shall presume to speak a word in my name, which I have not commanded him to speak, or that shall speak in the name of other gods, even that prophet shall die.” Deuteronomy 18:21–22 sets forth the method for determining if a prophet is false: “And if thou say in thine heart, How shall we know the word which the Lord hath not spoken? When a prophet speaketh in the name of the Lord, if the thing follow not, nor come to pass, that is the thing which the Lord hath not spoken, but the prophet hath spoken it presumptuously: Thou shalt not be afraid of him.”

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The rabbinic interpretation of this scripture makes the crime virtually unenforceable for lack of a standard stating how long a court would have to wait to determine that the prophecy could never be fulfilled. The Rabbis further diluted the law by saying that only prophecies of blessings could prove a prophet false because failure of cataclysmic prophecies could be the result of repentance. Therefore, the rabbinic reading would only permit conviction of false prophets who prophesied blessings the court somehow concluded could never come to pass. Reason suggests either that the Lord intended the capital offense to be more enforceable than the rabbinic interpretation allows or that the definition of the crime itself has changed.

In 1914, Moses Bottenwieser said he would translate Deuteronomy 18:22 as identifying the false prophet by his speaking "in the name of YHWH that which shall not be or occur,"<sup>4</sup> meaning a false prophet is one who tells people to do that which the Lord has forbidden. In 1976, Peter C. Craigie, with a much less detailed analysis, similarly concluded: "The Hebrew rendered literally is 'the word is not.' . . . That is, the word has no substance, or that what the prophet says simply 'is not so.' That is, the word supposedly spoken by God through the prophet was not in accord with the word of God already revealed and it was therefore automatically suspect."<sup>5</sup>

Despite Bottenwieser's extensive analysis, he can cite only one historical trial as precedent to refute the centuries-old tradition of the Rabbis. Bottenwieser centers his argument around the trial of Jeremiah, which took place about 608 B.C., or about thirteen years after the rediscovery of the Deuteronomic law (see 2 Chronicles 34:14; 2 Kings 22:8). This precedent is very weak, for Bottenwieser requires us to assume as fact the widely debated theory that Jeremiah stood trial for the crime of false prophecy and that a transcription error converted a conviction into an acquittal. Therefore, it is no wonder the rabbinic interpretation still receives common acceptance.<sup>6</sup>

This paper examines Book of Mormon precedent almost certainly unknown to Battenwieser or Craigg. Approximately seven years after the trial of Jeremiah (or some twenty-one years after the rediscovery of the Deuteronomic law), the prophet Lehi risked the lives of his sons to bring the law of Moses with him from Jerusalem to what would eventually be called America (see 1 Nephi 1-5).

About 100 B.C., the wicked King Noah, a descendant of Lehi who ruled over an isolated group of these new world Israelites, maintained a court of hand-picked, corrupt priests. One of his subjects, Abinadi, prophesied that doom would befall the king and his priests for their wickedness. He was brought before the king and his priests for questioning, "that they might cross him, that thereby they might have wherewith to accuse him" (Mosiah 12:29). The priests responded civilly to Abinadi despite his stinging accusations until Abinadi said what the king took as a capital offense. At this point King Noah abruptly cut off Abinadi's discourse to command his priests, "Away with this fellow, and slay him; for what have we to do with him, for he is mad" (Mosiah 13:1).

Insanity was never a Hebrew crime. In fact, the insane could probably expect support from the community.<sup>7</sup> However, the King James Version of the Bible translates the Hebrew term *mesugga* as referring to someone who is "mad." One scholar states that although the Hebrew word *mesugga* literally means "one that is insane," it was applied anciently to false prophets "because they boasted that they were under a divine impulse, when they spoke their own thoughts."<sup>8</sup> Thus Hosea said his critics considered him *mesugga*, or "mad" (Hosea 9:7). The same Hebrew word was similarly used to scorn the young prophet that Elisha sent to anoint Jehu king of Israel (2 Kings 9:11). The false prophet Shemiah similarly, but inaccurately, reproved the high priest in Jerusalem for not punishing Jeremiah as a "man who is mad [*mesugga*], and maketh himself a prophet" (Jeremiah 29:26). Another commentator said of this designation:

Language of this type is frequently used by the establishment to characterize peripheral prophets whose claims are not accepted. The symptoms of spirit possession are capable of being understood either as an indication of genuine intermediation or as a sign of mental illness. The latter evaluation indicates that the society refuses to recognize the possessed individual as a divine intermediary.<sup>9</sup>

Thus, when King Noah angrily declared Abinadi worthy of death because he was “mad,” the king likely declared Abinadi guilty of false prophecy. What did Abinadi say that gave King Noah cause to think he had finally proven Abinadi guilty of false prophecy?

Abinadi later said to the king and his priests, “Because I have told you the truth ye are angry with me [but] because I have spoken the word of God ye have judged me that I am mad” (Mosiah 13:4). Abinadi had earlier made it clear that God sent him, but that claim merely inflamed the court to seek a crime with which to charge him. The reason for the sudden verdict must therefore be found in the particular content of Abinadi’s message at the moment Noah cut him off to order him executed.

We are blessed with a very accurate account of Abinadi’s conversation with Noah’s court. Alma, one of the younger judges who was expelled from the court for siding with Abinadi, hid from Noah and recorded “all the words Abinadi had spoken” (Mosiah 17:4). The accuracy of Alma’s record is shown by the fact that he quotes Abinadi’s breaking off in the middle of the second commandment when interrupted by the guilty verdict (Mosiah 12:37), then his picking up mid-commandment, where he had left off, when he continued (Mosiah 13:12).

When Noah interrupted Abinadi’s message to declare him “mad,” the prophet had just recited the first commandment, and half of the second, and had accused the court of neither keeping the commandments nor teaching the people to keep

them (see Mosiah 12:37). Much earlier in the discourse Abinadi accused the court of violating another of the Ten Commandments (see Mosiah 21:29). Abinadi also earlier had mocked the priests for "claiming" to teach the law of Moses (Mosiah 12:29–31). So what was new about Abinadi's message that justified Noah's abrupt verdict?

Notice that Abinadi had switched roles when King Noah interrupted him. In his earlier response to the priests' question, Abinadi had played the part of a gadfly, probing them concerning the law and rebuking them for not knowing or teaching it. But, five verses before the verdict (see Mosiah 12:33), Abinadi became an instructor in the law, by stating the eternal significance of the law, reciting the commandments, and challenging the establishment's interpretation of them. In this new role, Abinadi intended his words to be taken as commentary on the law, and they were taken as such. And since Abinadi's interpretation of the Mosaic law differed from that which the court accepted, Noah perhaps felt he had spoken "in the name of YHWH that which shall not be or occur," which Buttonweiser and Craigee said constitutes the crime of false prophecy.

So although Abinadi's denunciation of their sins and his prophecies of doom angered King Noah and his priests, they still had to find "wherewith to accuse him." It was not until Abinadi stepped into the role of an instructor in the law that the king felt he could execute Abinadi for being a false prophet, or for being "mad." This clearly indicates that at least this ancient court based on Hebrew law, corrupt as it was, applied the doctrinal test of a false prophet as Buttonweiser and Craigee propose was intended, rather than the failed prophecy test to which the Rabbis have adhered for centuries.

We must now point out that Abinadi was ultimately executed for a different crime than just discussed, one that may well have fit the rabbinic prophetic definition of false

prophecy. After divine intervention prevented the priests from carrying out Noah's execution order and Abinadi finished his message, he was returned to prison for three days before Noah informs him, "We have found an accusation against thee, and thou art worthy of death" (Mosiah 17:7). This second verdict was based on Abinadi's response to the priests' original question regarding the meaning of Isaiah's prophecy, which Abinadi said meant "that God himself should come down among the children of men" (Mosiah 17:8). It is important to note that this part of Abinadi's discourse was not given until long after Noah declared Abinadi "mad." Why Noah may have been prevented from executing Abinadi when he first ordered it for his being "mad" are beyond the scope of this paper.<sup>10</sup> For our present purposes we need merely point out that the two charges were clearly separate from each other.

The record fails to inform us of the precise nature of this second crime for which Abinadi was ultimately executed. At first blush, this second charge appears to be a good example of false prophecy by the rabbinic failed prophecy definition. Noah indicated that the death sentence was imposed because Abinadi said that "God himself should come down among the children of men," clearly a prophetic utterance. However, the court obviously had no intention of waiting to see if the prophecy would be fulfilled. If the priests felt that God's coming to Earth was too preposterous to ever happen, this final charge may have been one of false prophecy, based on prophetic utterance rather than doctrine. However, using the same reasoning, the second charge may just as well have been one of blasphemy.

A second Book of Mormon trial strongly supports the Buttonweisser/Craigg doctrinal interpretation of the ancient Israelite law of false prophecy. About seventy-five years after Abinadi's trial, Nephi<sub>2</sub>, who had resigned as chief judge to preach repentance, arose from his tower prayer to confront a crowd that had gathered to listen to him. Only a small fraction

of Nephi's discourse is preserved in our record, but we are told that because "Nephi had spoken unto them concerning the corruptness of their law" (Helaman 8:3), wicked judges demanded the people "bring him forth, that he may be condemned . . . for his crime . . . [of] revil[ing] against this people and . . . our law" (Helaman 8:1-2). Although the record describes Nephi's supposed crime as one of "reviling the law," it seems logical that Nephi may have been charged with false prophecy, since Israelite law incorporated doctrine into the criminal code (as shown by the law of false prophecy). Nephi's accusations that the doctrinally centered law had been corrupted could hardly be taken as anything less than preaching false doctrine by those who advocated (and enforced) a contrary view of the law.

Perhaps the most interesting aspect of Nephi's trial is that although the judges were quick to condemn Nephi as a false prophet for his doctrinal disputes with them, they apparently did not even view prophesying the future as possible, let alone as a test of a prophet. Nephi defended himself first by reminding the people that God had helped other prophets foretell the future and then by providing them with a dramatic, immediately verifiable, example: he foretold the murder of their chief judge and the method by which the chief judge's brother would confess the crime (see Helaman 8:27; 9:25-37). That Nephi perceived a need to remind his accusers that God had helped other prophets foretell the future appears to this author as strong evidence that the prediction of future events was not the criteria the accusers were then applying to judge him. Thus, Nephi's trial appears not only to support the Buttonweisser/Craigie doctrinal interpretation of the law of false prophecy, but to refute the alternative rabbinic interpretation based on foretelling the future.

The Book of Mormon trial of Alma and Amulek similarly, but less forcefully, supports the Buttonweisser/Craigie reading of the law of false prophecy. The charge of "reviling against the

law” was raised against Amulek in particular, not only by the angry crowd (Alma 14:1–2), but at his arraignment before the chief judge (see Alma 14:4–5), and even after his and Alma’s imprisonment and the burning of their followers (see Alma 14:20). All the arguments stated above in relation to Nephi’s trial apply with equal force to Amulek’s, leading to the conclusion that Amulek was also likely tried for false prophecy. As with Abinadi and Nephi, the court was far more concerned with doctrinal rather than prophetic issues.

We have thus far only considered trials of righteous prophets by corrupt courts. Let us now consider what little the record provides regarding trials of actual false prophets by righteous courts, to see if the rules appear the same. Unfortunately, our record of the only two such trials does not provide much detail.

The first false prophet tried by a righteous judge was Sherem, who is never directly quoted as speaking for God, but who played the role of a prophet by professing a belief in the scriptures (see Jacob 7:10), seeking out the spiritual leader (Jacob) to debate doctrine (see Jacob 7:3), and accusing him of perverting the law of Moses (see Jacob 7:7). Although Jacob disputed doctrine with Sherem, no legal action was initiated, and judgment was left in the hands of God.

The second false prophet tried by a righteous court was Nehor, who preached what “he termed the word of God” (Alma 1:3). Several of Nehor’s doctrines clearly contradicted those commonly accepted (see Alma 1:4), and the record clearly states that his followers taught “false doctrines” after his death (Alma 1:16). However, Nehor apparently never would have been prosecuted but for his murder of a man during a doctrinal dispute (Alma 1:9). After Nehor’s execution for murder, his followers were free to preach false doctrines so long as they did not lie but instead “pretended to preach according to their belief . . . [for] the law could have no power on any man for his belief” (Alma 1:17).



Neither of these anti-Christ's seems to have claimed divine authority in the same way as real prophets, by claiming to bring a specific message commissioned of God. It appears they may have done nothing worse than dispute known scriptures. This may be the reason they were never prosecuted for false prophecy. Another explanation might be that they were merely disputing doctrine as opposed to "reviling the law," which may indicate a false prophecy charge could arise from attacking the law of performances but not from attacking doctrine.

In summary, we find little if any evidence in the Book of Mormon that unfulfilled prophetic utterances about future events were used to judge a prophet false. Instead, we find Nephi having to convince his accusers that God can foretell the future and then using a short-term, verifiable prophecy as a defense. In the one clear example of a prophet (Abinadi) being judged false (mad), the court found the crime to be his challenging, in the name of God, his accusers' understanding of divine law. The Book of Mormon contains other examples in which it appears that courts applied doctrinal tests to judge prophets false. Therefore, we conclude that ancient Nephite courts likely applied the Buttonweisser/Craigie doctrinal test of false prophecy instead of the rabbinic failed prophecy test.

## Notes

1. This paper was originally written under the title of "The Book of Mormon Reveals the Forgotten Law of False Prophecy" by David W. Warby for Law 695R, "Ancient Legal Systems and the Scriptures," under the supervision of Professor John Welch, fall 1981, BYU J. Reuben Clark Law School. Much of that original work was incorporated into a paper entitled "The Crime of False Prophecy under Ancient Israelite Law" by Lisa Bolin Hawkins and David W. Warby, published by FARMS in 1983. This version was prepared for presentation at the FARMS Symposium on Hebrew Law in the Book of Mormon, 24 February 2001.

2. Hawkins and Warby, "The Crime of False Prophecy," 2-3.
3. Moses Bittenwieser, *The Prophets of Israel: From the Eighth to the Fifth Century* (New York: Macmillan, 1914), 31-32; Peter C. Craigie, *The Book of Deuteronomy* (Grand Rapids, Mich.: Eerdmans, 1976), 263.
4. Bittenwieser, *The Prophets of Israel*, 31-32.
5. Craigie, *The Book of Deuteronomy*, 263.
6. Hawkins and Warby, "The Crime of False Prophecy," 8 n. 10.
7. Hawkins and Warby, "The Crime of False Prophecy," 17 n. 23.
8. John Calvin, *Commentaries on the Book of the Prophet Jeremiah and the Lamentations*, trans. John Owen (Grand Rapids, Mich.: Eerdmans, 1950), 3:453.
9. Robert R. Wilson, *Prophecy and Society in Ancient Israel* (Philadelphia: Fortress Press, 1980), 230.
10. For a brief discussion see Hawkins and Warby, "The Crime of False Prophecy," 18 n. 26.

# Illegal Speech: Blasphemy and Reviling

Eric E. Vernon

Two primary passages from the law of Moses record for us the laws regulating speech. The first is contained in the Ten Commandments: "Thou shalt not take the name of the Lord thy God in vain; for the Lord will not hold him guiltless that taketh his name in vain" (Exodus 20:7). This commandment, when interpreted in its purest form, prohibited verbalization of the tetragrammaton in public, an act known as blasphemy. The commandment was expanded over time to include any form of evil, insolent, or disrespectful speech directed toward God or God's anointed representative. The commandment is given in apodictic format ("thou shalt not") with no specific punishment attached. However, Moses adjudicated a case of blasphemy, as recorded in Leviticus 24, in which the Lord revealed that death by stoning was to be the punishment.

The second passage that regulates speech is found in the Code of the Covenant, Exodus 22:28: "Thou shalt not revile the gods, nor curse the ruler of thy people." Known as the law against reviling, this commandment acted, for the most part, like a subset of blasphemy. The Hebrew root word in this verse that is translated as "revile" means literally to "make light" or to "be light." Over time, this word came to mean "despising" or "speaking evil" of someone or something. Initially the commandment against reviling meant that one could not utter a formal curse against God or God's anointed leader.<sup>1</sup> Over time, it came to mean that one should not speak

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evil of God or God's anointed leader. As with blasphemy, this commandment is given in apodictic form with no attached punishment.<sup>2</sup>

With an understanding of these two foundational commandments from the law of Moses, we can now approach the subject of legal speech in the Book of Mormon. As has been made clear in other papers in this volume, the Nephites had access to the Code of the Covenant and were therefore familiar with these two commandments. Three trials in the Book of Mormon deal with charges of blasphemy and reviling; those of Sherem, Abinadi, and Amulek. Each trial builds upon the next.

Jacob's dispute with Sherem is recorded in Jacob 7, which is added as an appendix to the rest of Jacob's book. The time is roughly 500 B.C. Sherem approaches the ecclesiastical authority of the time, the high priest Jacob, and questions him about "the doctrine of Christ" (Jacob 7:6). In 1 and 2 Nephi, both Nephi and Jacob have openly talked about Christ. Consider Nephi's statement that the Nephites "talk of Christ, . . . rejoice in Christ, . . . preach of Christ, . . . prophecy of Christ" (2 Nephi 25:26).

It is against this backdrop that Sherem enters the scene, seemingly concerned that Jacob is leading away the people from the "right way of God," which Sherem believes to be the law of Moses. Sherem says that Jacob "convert[s] the law of Moses into the worship of a being which ye say shall come many hundred years hence. And now behold, I, Sherem, declare unto you that this is blasphemy" (Jacob 7:7). Here we have the formal accusation: blasphemy. Such a pointed declaration, uttered in public, was as good as "service of process" in our day. The two parties were in formal dispute.

Jacob defends himself on two counts: first, the prophets (including Moses) have all prophesied concerning Christ; second, the Holy Ghost has confirmed to Jacob that Christ shall come (see Jacob 7:11–12).

Sherem, still convinced that he is right, challenges Jacob to an ordeal by asking that a sign be given by "this power of the Holy Ghost, in the which ye know so much" (Jacob 7:13). Jacob reluctantly agrees and then restates the conditions of the ordeal to clarify the meaning of the sign: it means that Christ shall come. Immediately Sherem is struck down by the power of God; days later he recants his accusation of blasphemy. The ruling, as delivered by divine power is this: to preach of Jesus is not blasphemy (see Jacob 7:14-19).

What do we see here? Under a strictly traditional interpretation of the law of Moses, to preach of Christ is to blaspheme. Why? Because it is, in Sherem's mind, to go after other gods, or to place a new god in the place of the "One God." Is not the God of Abraham, Isaac, and Jacob sufficient? And if this God is sufficient, why should there be another? As Moses declared: "Hear, O Israel: The Lord our God is one Lord" (Deuteronomy 6:4).

To preach of Jesus is to preach a radical concept—one not accepted by those who claim to strictly interpret the law of Moses. Jacob comments on Sherem and those like him among the Jews when he says that they look "beyond the mark" and thus "reject the stone upon which they might build and have safe foundation" (Jacob 4:14-15). Obviously this is the same resistance faced by Jesus when he preached his new gospel and was rejected.

The trial of Abinadi is next in approximately 150 B.C. Abinadi has been called of God to warn the wicked king Noah and his people (the people of Zeniff) to turn from their unrighteous ways. These are "over-zealous" people that have risked everything to reinherit the land of their forefathers (see Mosiah 9:3). They take offense at being told by Abinadi that the Lord had "seen their abominations, and their wickedness, and their whoredoms" (Mosiah 11:20), and they bring him before Noah and his priests who begin to cross-examine him.

Abinadi is charged with no fewer than four counts of violating the law of Moses. One of the priests quotes the passage from Isaiah 52 that begins, "How beautiful upon the mountains are the feet of him that bringeth good tidings." The priest asks that Abinadi explain these verses (Mosiah 12:20–24). Perhaps Zeniff's group was convinced that these celebratory verses referred to them.

Rather than answer the question, Abinadi first offers a counterclaim: the priests do not teach the law of Moses correctly. And he pleads his claim with particularity, providing concrete examples. King Noah listens for a short time but then pronounces Abinadi to be "mad" and orders him to be taken away. It is at this point that Abinadi, in what can be considered a type of interlocutory ordeal, is immediately given spiritual protection, and his face shines "even as Moses' did while . . . speaking with the Lord" (Mosiah 13:5).<sup>3</sup> What could be more convincing during a trial where the central issue is the correct interpretation of the law of Moses than for Abinadi to appear as if he were Moses returned from the dead? Noah and the priests should have conceded immediately—but they did not.

Abinadi delivers the message that he has been given by God: "there could not any man be saved except it were through the redemption of God" (Mosiah 13:32). He then quotes from Isaiah as added authority for his position. Indeed, the priests have played into his hands by quoting Isaiah 52 with its somewhat cryptic reference to a coming Messiah. Abinadi quotes Isaiah 53, which more expressly declares that a Messiah shall come to suffer for and redeem his people (Mosiah 14). After quoting Isaiah as authority, Abinadi gives his own interpretation: "God himself shall come down among the children of men, and shall redeem his people" (Mosiah 15:1).

Then Abinadi teaches how it is that Jesus is both Father and Son, one God, and how all the prophets have testified of

his coming (Mosiah 15:2-13).<sup>4</sup> He finally addresses the original question concerning "beautiful . . . feet" and "good tidings" by teaching that Isaiah's words are a reference to the coming of Jesus. He then summarizes: "Therefore, if ye teach the law of Moses, also teach that it is a shadow of those things which are to come—Teach them that redemption cometh through Christ the Lord, who is the very Eternal Father. Amen" (Mosiah 16:14-15).

Noah consults with his priests and they pass judgment on Abinadi for blasphemy. However, Abinadi is unmoved by the decree and this makes Noah nervous. Noah has already witnessed Abinadi's power. He rethinks his position and is ready to let Abinadi go when the priests, in a remarkable move, turn prosecutors and level a charge against Abinadi of reviling the king.<sup>5</sup> This charge is a personal affront to Noah; he cannot nor will not let Abinadi go. The charge of blasphemy, coupled with the charge of reviling against Noah and the people, form the final judgment against Abinadi. This is a direct application of the prohibitions contained in the law of Moses.<sup>6</sup>

The charge of blasphemy against Abinadi is not based on preaching Christ as a new God (as with Sherem's accusation against Jacob) but on preaching that God will come down to earth to save the fallen people, or the condescension of God. The text clearly identifies Abinadi's blasphemy as being the statement that "God himself should come down among the children of men" (Mosiah 17:8). The priests of Noah claim that such language is disrespectful and untoward, denigrating to God.

Let's now turn our attention to the trial of Alma and Amulek. The year is 82 B.C. and the law of Moses is now interpreted within the system of judges established by Mosiah. The setting is Ammonihah, a city and region that subscribes to Nehorism and openly and violently opposes Alma and what he represents. After calling the city's inhabitants to repentance, Alma and Amulek are openly accused of reviling against

Ammonihah's laws and the "wise lawyers" of their legal system (see Alma 10:24). The "most expert" lawyer, Zeezrom, is called upon and he first questions Amulek.

We have an apparent word-for-word transcript of the proceeding (see Alma 11:26–39). Zeezrom first lays a foundation for his questions: "Thou sayest there is a true and living God?" (v. 26). Amulek answers yes. Choosing his questions very carefully, next Zeezrom asks, "Is there more than one God?" (v. 28). This is a difficult question, but it is fair. Most Latter-day Saints would answer yes. We are taught that the godhead consists of three Gods—one godhead, three Gods.

Amulek may have wanted to ask for clarification or to answer yes and no—really both answers are right. But Amulek answers no. To answer otherwise is to risk an offense against the first commandment: "Thou shalt have no other gods before me." If Amulek had answered yes, then Zeezrom would have moved for summary judgment immediately on the grounds of blasphemy. Zeezrom fully understood the difficulty of this question and undoubtedly knew what Amulek's answer would be.

Next, Zeezrom asks: "Who is he that shall come? Is it the Son of God?" (v. 32). Amulek answers yes. The next question, "Shall he save his people in their sins?" (v. 34) is another carefully worded question that requires a yes and no answer. We are all sinners and must be made clean before salvation is complete. So Amulek must choose carefully, and he answers no—prepared to support his response with an appeal to scripture: "no unclean thing can inherit the kingdom of heaven" (v. 37; see also 1 Nephi 15:34).

Zeezrom now summarizes for those in attendance: "See that ye remember these things; for he said there is but one God; yet he saith that the Son of God shall come, but he shall not save his people—as though he had authority to command God" (v. 35). Finally Zeezrom asks: "Is the son of God the very Eternal Father?" (v. 38). Amulek answers with a resounding



yes. And this is in harmony with Abinadi's teaching that Christ is both "the Father and the Son" (Mosiah 15:2).

Alma and Amulek ultimately silence Zeezrom by catching him in his "lying and deceiving" (Alma 12:1) and Zeezrom never does get a chance to deliver his closing argument—to summarize what he believes to be the theological inconsistency in Amulek's blasphemous responses. Again, as with Jacob and as with Abinadi, the issues are whether it is blasphemous to preach of other gods, and whether Jesus is indeed another God. The ruling, again given by divine intervention, is that Amulek spoke the truth.

Three trials. All decided through an ordeal and culminating with divine intervention. All three involving blasphemy, and the last two also involving reviling. A rather solid conclusion to be drawn? Yes. The speech prohibitions outlined in the law of Moses were honored in Nephite society. The three trials also show that the Nephite legal system sometimes misunderstood the intent of the law of Moses. As a result, it could be a dangerous activity to preach of Christ. This dynamic may partially explain the Book of Mormon's theological emphasis on "one God."

## Notes

1. The parallel structure of the commandment emphasizes the similarity of God and God's anointed leader.

2. This commandment is specifically referred to by the Apostle Paul when he returns to Jerusalem and appears before the high priest, Ananias. Paul calls Ananias a "whited wall" and is charged with reviling against "God's high priest." Paul claims he did not know Ananias was the high priest and cites the law against reviling (Acts 23:3–5).

3. Cf. the account of Brigham Young and Sidney Rigdon shortly after Joseph Smith's martyrdom.

4. "And because he dwelleth in the flesh he shall be called the Son of God, and having subjected the flesh to the will of the Father,

being the Father and the Son—The Father, because he was conceived by the power of God; and the Son, because of the flesh; thus becoming the Father and Son” (Mosiah 15:2–3).

5. Bringing charges was normally the task of the people.

6. Sometime later, Abinadi is vindicated when his curse upon King Noah is fulfilled.

# Women, the Book of Mormon, and the Law of Moses

Carol Pratt Bradley

The intent of this study is to provide a more complete understanding of the position and status of women in ancient Jewish law. This is intended to be a study of eternal principles, not of worldly practice, in an effort to show that the same eternal principles are at work now as in ancient times—to show that there is no inconsistency from one dispensation to another, but that God is the same yesterday, today, and forever (see Hebrews 13:8; 1 Nephi 10:18,19; 2 Nephi 2:4; 27:23; 29:9; Alma 7:20; Mormon 9:9–11; Moroni 8:18; 10:7, 19; D&C 20:12; 35:1; 38:1–2; 39:1–2; 76:1–4).

The Old Testament and the Book of Mormon uphold the original integrity of the law of Moses. In Deuteronomy Moses testifies to Israel of the completeness of the divinely revealed law: “And what nation is there so great, that hath statutes and judgments so righteous as all this law, which I set before you this day?” (Deuteronomy 4:8). His instructions to the people were that they should “not add unto the word which I command you, neither shall ye diminish ought from it, that ye may keep the commandments of the Lord your God” (Deuteronomy 4:2; see also Mosiah 29:25, Alma 31:9).

Despite its divine origin, the law of Moses as found in the Old Testament is incomplete, and scholars have found evidence of scribal error and alteration.<sup>1</sup> In the Book of Mormon Nephi explained that when the Bible was first written, it contained “the covenants of the Lord” and “the fulness of the

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gospel" (1 Nephi 13:23–24). But through time, many "parts which are plain and most precious; and . . . many covenants of the Lord [did] they [take] away," with the intent to "blind the eyes and harden the hearts of the children of men" (1 Nephi 13:26–27). After this loss occurred, the Bible went to the gentile nations (see 1 Nephi 13:29; see also Moses 1:40–41). It is this version that is the record we now have.

The accuracy of the biblical record can be evaluated by comparing it to other ancient records. Some of the laws in Deuteronomy and Exodus are very similar to other ancient Near Eastern laws. For example, Deuteronomy 22:28–29 resembles a twelfth-century B.C. Middle Assyrian law, and Deuteronomy 22:23–27 is similar to instruction found in the eighteenth-century B.C. Code of Hammurabi. These "parallels between Israelite marriage laws and those found in other ancient Near Eastern law codes" suggest "cultural borrowing during the monarchy period."<sup>2</sup> Ze'ev Falk addresses this factor: "It is possible to show that many changes in particular rules were derived from the evolution of society. We know also that the weakening of the clan system and the urbanization under the monarchy resulted in a far-reaching assimilation of surrounding culture. This may have been the occasion for the reception of foreign ideas by Hebrew law."<sup>3</sup>

Falk brings up another point crucial to a factual study of the place of women in ancient Hebrew society:

Hebrew society, like others, cannot be defined by legal concepts only, since religious, moral, and other social norms played an important role. The law, for instance, treated women harshly, whereas custom operated in her favor. The legal rule, in such cases, preserves the more ancient attitude, which was no longer applied in practice. Juridical sources, unless corroborated by other evidence, must therefore be used with caution for an historical investigation.<sup>4</sup>

We as Latter-day Saints have modern revelation to aid our understanding of the Old Testament. To gain a more

accurate perspective, biblical laws must be studied side by side with the teachings of the New Testament, the Book of Mormon, the Doctrine and Covenants, and the Pearl of Great Price. The writings of the apostle Paul are invaluable because he understood both Jewish law (Acts 22:3) and Christian beliefs. The perspective of the restored gospel saves a study of the laws contained in the five books of Moses from becoming mired in semantics and conjecture. Within the pages of the Book of Mormon, we find clarification of the law of Moses, not in its particulars, but in its purpose and vision—there we can find the original meaning of Old Testament law. For example, the prophet Alma states clearly that sexual immorality is an offense for both man and woman (Alma 39:3–5), while in the Old Testament that fact is not clear.

It is impossible for us to understand the purpose or principles of the law of Moses without placing Christ at the center, as the Book of Mormon makes clear through the words of its prophets Abinadi (Mosiah 13:28–31), King Benjamin (Mosiah 3:14–15), Jacob (Jacob 4:5), and Nephi (2 Nephi 25:24–25). As Andrew Jukes, in his study of the Mosaic offerings, states, “All Scripture [has] one great thought stamped on it, . . . every act, every history shews it,—that thought is the grace of the Redeemer. . . . Christ is throughout the key to Scripture.”<sup>5</sup>

A basic premise of this study is that the laws given by Moses are not based on the relationship between man and woman. Instead, these laws concern human beings, both male and female, in relation to Jesus Christ, and teach the effects of the Fall and the necessity of the Atonement for each individual. With this perspective, we can proceed to study the role of women in the law of Moses.

## Parents

Exodus 20:12 reads: “Honour thy father and thy mother” (see also Deuteronomy 5:16). In the Book of Mormon, this requirement was recited by Abinadi when he listed the Ten

Commandments in his discourse to King Noah (see Mosiah 13:20). Nephi recorded that he was born of goodly parents (see 1 Nephi 1:1). Referring to Lehi and Sariah, Jacob spoke of laboring diligently so that Nephite children “[might] learn with joy and not with sorrow, neither with contempt, concerning their first parents” (see Jacob 4:3). Helaman told his sons Nephi and Lehi that he gave them the names “of our first parents who came out of the land of Jerusalem” so that his sons would remember their works (see Helaman 5:6).

In the law of Moses, mothers and fathers were to be respected equally. The punishment was death for smiting or cursing either parent (see Exodus 21:15, 17; Leviticus 20:9). Deuteronomy 21:18–21 goes into further detail:

If a man have a stubborn and rebellious son, which will not obey the voice of his father, or the voice of his mother, and that, when they have chastened him, will not hearken unto them: Then shall his father and his mother lay hold on him, and bring him out unto the elders of his city, and unto the gate of his place; And they shall say unto the elders of his city, This our son is stubborn and rebellious, he will not obey our voice; he is a glutton, and a drunkard. And all the men of his city shall stone him with stones, that he die; so shalt thou put evil away from among you.

However, Anthony Phillips clarifies: “Even though repudiation of parental authority carried the death penalty . . . , the parents themselves could not take the law into their own hands, but had to secure a criminal conviction in the courts. . . . Parents had no power of life or death over their children.”<sup>6</sup>

Commentary by Adam Clarke on the commandment to honor father and mother gives this insight: “For a considerable time parents stand as it were in the place of God to their children, and therefore rebellion against their lawful commands has been considered as rebellion against God.”<sup>7</sup>

Laman and Lemuel "murmured against their father," saying he had "led them out of the land . . . of their inheritance . . . because of the foolish imaginations of his heart" (1 Nephi 2:11-12). They sought to murder their father and brother Nephi (see 1 Nephi 16:37). No harsh action was ever taken against them by their father Lehi, but he spoke to them "with power," confounding them until they "shook before him, and durst not utter against him; wherefore they did as he commanded them," until the next time they disagreed (1 Nephi 2:14). When Nephi began to build a ship, Laman and Lemuel opposed him. Nephi rebuked them and accused them of inwardly being murderers for seeking their father's life. After administering a physical demonstration of God's power, Nephi told his brothers to worship God and to honor their parents (see 1 Nephi 17:44, 55).

The law was also specific in the obligations of parents to their children. King Benjamin instructed his people to "not suffer your children that they go hungry, or naked; neither will ye suffer that they transgress the laws of God, and fight and quarrel one with another, and serve the devil. . . . But ye will teach them to walk in the ways of truth and soberness; ye will teach them to love one another, and to serve one another" (Mosiah 4:14-15).

Deuteronomy contains the instructions of Moses to parents to teach the statutes, judgments, and commandments of God diligently to their children: "Talk of them . . . in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up" (Deuteronomy 6:7; see also 4:10; 11:19-21). Parents were to command their children to obey "the words of this law" (Deuteronomy 32:46). Nephi recorded that he taught his children of Christ, "that they might know to what source they may look" (2 Nephi 25:26). Jacob admonished his erring people to remember their children and the effect of the parents' bad examples (Jacob 3:10; see also Alma 39:16).

Mothers played a significant role in the teaching of their children. From birth to age three the mother was the primary teacher of a child; after that age the father was responsible for teaching his sons. Thus we read Nephi's words: "I was taught somewhat in all the learning of my father" (1 Nephi 1:1); also Enos spoke of his father Jacob as "a just man" who taught him "in his language, and also in the nurture and admonition of the Lord" (Enos 1:1). King Benjamin also taught his three sons (see Mosiah 1:2). In his address to his people he commanded them to teach their children to "walk in the ways of truth and soberness," and to love and serve each other (Mosiah 4:15).

The Book of Mormon is clear that mothers also taught their children, as we see in the account of the sons of the converted Lamanites, the Anti-Lehi-Nephies, who served under Helaman. Helaman recorded that these valiant young men remembered and rehearsed the teachings of their mothers to him. They "had been taught by their mothers that if they did not doubt, God would deliver them" (Alma 56:47-48). The power of their teachings upon these sons is evident in the words "we do not doubt our mothers knew it" (Alma 56:47-48). Moses 5:12 states that Adam and Eve "made all things known unto their sons and their daughters." According to a legend of the Jews, like Rebekah, all "mothers are endowed with the gift of prophecy," and fathers and mothers are "endowed with the prophetic spirit."<sup>8</sup>

### **Women in a Patriarchal Society**

In ancient Israelite society, the father stood at the head of the family, holding broad powers over his wife and children.<sup>9</sup> Under ancient family law, they were considered his property, as the wording in Exodus 20:17 clearly shows: "Thou shalt not covet thy neighbour's house . . . thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's" (see also Deuteronomy 5:21).



This raises many questions in our modern minds. What does it mean to possess something or someone? In the context of God's law, is this possession demeaning? Does it indicate automatic unrighteous dominion? It is important that we study this concept within the proper context, and even more important, within the proper spiritual context.

Legally, a man's possessing his family meant he was required by the law of Moses to provide his wife with the things she needed—food and clothing (see Exodus 21:10)—and to provide similarly for his children. Failure to do so was grounds for divorce.<sup>10</sup> The husband was duty bound to work for, honor, support, and maintain his wife.<sup>11</sup> After his death, the widow was entitled to residence and maintenance in her deceased husband's house. The firstborn son was then responsible for the care of his mother and unmarried sisters.<sup>12</sup>

In New Testament times as well, men were commanded to provide for their wives. Paul wrote: "But if any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel" (1 Timothy 5:8). The later revelations in the Doctrine and Covenants contain the same law: "Women have claim on their husbands for their maintenance. . . . All children have claim upon their parents for their maintenance until they are of age" (D&C 83:2, 4).

The ideas of possession and duty are illuminated by doctrine found in the Book of Mormon. Abinadi, quoting the Ten Commandments to King Noah, uses wording identical to that found in Exodus 20:17 (see Mosiah 13:24). Nephi includes Lehi's family in the list of his father's possessions: "he left his house, and the land of his inheritance, and his gold, and his silver, and his precious things, and took nothing with him, save it were his family, and provisions, and tents" (1 Nephi 2:4). When Alma the Elder and his people fled Lamanite oppression, the record states: "Therefore they took their tents and their families and departed into the wilderness"

(Mosiah 18:34). Alma the Younger also categorized women and children with possessions when he pronounced a blessing upon the people: "May the peace of God rest upon you, and upon your houses and lands, and upon your flocks and herds, and all that you possess, your women and your children." (Alma 7:27). In A.D. 26, when the Nephites returned to their lands after a war with the Gadianton robbers, they went "every man, with his family, his flocks and his herds, his horses and his cattle" (3 Nephi 6:1).

Throughout the scriptures the word *possess* also has implications of inheritance, treasure, stewardship, accountability, and responsibility. In fact, the scriptures suggest that a man's possession of his wife and children does not grant a right to control, but rather bestows a collection of duties and responsibilities. In the Book of Mormon, we find references similar to this concept as expressed by Captain Moroni concerning "the sacred support which we owe to our wives and our children" (Alma 44:5; see also Alma 58:12). He taught his people that it was a commandment of God to defend their families "even unto bloodshed" (Alma 43:47). On his title of liberty were the words "In memory of our God, our religion, and freedom, and our peace, our wives, and our children" (Alma 46:12). Mormon also exhorted his people to "fight for their wives, and their children, and their houses, and their homes" (Mormon 2:23).

Although an Israelite father stood as head of the family, each family member could approach God independently. Gender was not a factor in access to God. This is seen in the Old Testament account of the ancient marriage of Isaac and Rebekah. God did not make himself known exclusively through the father. He communicated with "young and old, men and women, and all to whom he appeared were comfortable in his presence."<sup>13</sup> Nephi also teaches that God "inviteth them all to come unto him and partake of his goodness; and he denieth none that come unto him, black and white, bond

and free, male and female . . . and all are alike unto God" (2 Nephi 26:33).

Jan Joosten explains that

the laws are impressed upon every man, in order that they be obeyed by all the Israelites. . . . every man represents his own household. The laws of YHWH are entrusted to the family. . . . The Israelite men, as heads of their families, represent the whole people. . . . The Israelite men are addressed, not so much as individuals, but in their quality as head of the family. . . . Holiness is the charge of every single Israelite, but the responsibility for this assignment is entrusted to the families, of which the men are the head.<sup>14</sup>

The Book of Mormon gives us an example of a righteous father in Lehi. No evidence within the record suggests that he used his place at the head of his family in any but a righteous manner; we learn only that he deeply loved his wife and children and was concerned for their welfare. At the end of his life he told his children and grandchildren, "I have none other object save it be the everlasting welfare of your souls" (2 Nephi 2:30).

Essential to an accurate view of women in ancient Jewish society is an understanding of patriarchy. In the minds of many modern scholars, patriarchy is synonymous with male dominance over females. One scholar questions this popular view of patriarchy and warns against judging ancient societies by modern standards: "Patriarchy is related to ideas of male dominance, but what does male dominance mean? . . . Male dominance cannot be equated with female passivity or lack of autonomy. Nor does the existence of some dominant males mean that all males dominate all females." Indeed, "at best it is a risky business to apply these distinct spheres and attendant values known from modern experience to societies that are smaller and less complex than our own. At worst, doing so means failing to grasp the important position of women in such societies." Furthermore, there is no evidence that ancient

Israelite women felt oppressed, degraded, or unfairly treated. "Gender differences that appear hierarchical may not have functioned or been perceived as hierarchical within Israelite society."<sup>15</sup>

Similarly, "often modern scholars claim that women in the Old Testament were of low status and were treated as property by their husbands. But [the] example [of Jacob counseling with his wives in Genesis 31:4], and others like it, show that such was not the case."<sup>16</sup>

In our day, Elder Russell M. Nelson explains:

Ideally, the Latter-day Saint family is presided over by a worthy man who holds the priesthood. This patriarchal authority has been honored among the people of God in all dispensations. It is of divine origin, and that union, if sealed by proper authority, will continue throughout eternity. He who is the Father of us all and the source of this authority demands that governance in the home be in love and righteousness.<sup>17</sup>

Doctrine and Covenants 121 explains the role and limits of patriarchy, making it clear that control or compulsion in any degree is unacceptable and that influence is to be maintained only "by persuasion, by long-suffering, by gentleness and meekness, and by love unfeigned" (D&C 121:41).

## Marriage

We can gain insight into marriage and family relationships in Book of Mormon times by examining Nephi's recollections of his parents Lehi and Sariah and his description of his own marriage and those of his brothers. Nephi records that his family lived in the land of his father's inheritance in Jerusalem (see 1 Nephi 1:4; 2:4; 3:16), and that under Lehi's direction, his family fled Jerusalem. Throughout Nephi's account of their journeyings, he is always careful to state that he worked under his father's authority. Falk points out that a man had complete control over his children and dependents

but the man had no corresponding right over a wife. As mentioned earlier, Lehi rebukes his rebellious sons Laman and Lemuel with such power that they shook before him "and he did confound them, until they durst not utter against him; wherefore, they did as he commanded them" (1 Nephi 2:14).

We do not read of Lehi commanding Sariah or confounding her for rebelling against his decision to leave all that she had known, most probably beloved parents, siblings, and other kin. Lehi comforted his wife when her faith faltered at what seemed the certainty of her sons' deaths and the seeming hopelessness of their situation even when she called her husband a visionary man, saying, "thou hast led us forth from the land of our inheritance, and my sons are no more, and we perish in the wilderness" (1 Nephi 5:2). In his record, Nephi showed no condemnation of his mother for her words, stating only that "after this manner of language had my mother complained against my father" (1 Nephi 5:3). Nephi quotes his father's response to Sariah's complaint, so we can assume it was part of Lehi's record. In her husband's answer there is no anger at her for defying his authority, only gentle persuasion: "I know that I am a visionary man; for if I had not seen the things of God in a vision I should not have known the goodness of God, but had tarried at Jerusalem, and had perished with my brethren. But behold, I have obtained a land of promise" (1 Nephi 5:4-5). In faith he assured his wife that her sons were indeed safe and would return. Nephi records that "after this manner of language did my father, Lehi, comfort my mother, Sariah, concerning us" (1 Nephi 5:6). Only after the safe return of her sons was Sariah comforted and her faith in her husband renewed. She gave her testimony: "Now I know of a surety that the Lord hath commanded my husband to flee into the wilderness; yea, and I also know of a surety that the Lord hath protected my sons" (1 Nephi 5:8). Then Lehi and Sariah together offered sacrifice and burnt offerings, giving thanks to God (see 1 Nephi 5:9). This Book of Mormon account shows

an ancient marriage between equals; no indication is given that Sariah's rank was below that of her husband.

Lehi arranged for the marriages of his sons. Nephi lists this event as a commandment from the Lord to Lehi that "his sons should take daughters to wife, that they might raise up seed" (1 Nephi 7:1). Nephi records that he "took one of the daughters of Ishmael to wife," as did his brothers and Zoram (1 Nephi 16:7). Note the same Old Testament wording, "I took to wife," that is found in Alma, where the Lamanite king Lamoni offers Ammon one of his daughters (see Alma 17:24).

Perhaps Lehi's record would reveal more details of how these marriages were arranged. Instead, we must piece together Nephi's brief statement of the events that brought about these marriages. Under Lehi's direction, the brothers returned to Jerusalem to the house of Ishmael, a family apparently well known to them and probably closely related. Hebrew custom forbade marriages to women too closely related, such as a half sister or an aunt (see Leviticus 18:11-16), but preferred marriages to one's relation, such as a first cousin.<sup>18</sup> Ishmael accepted the marriages of his five daughters to Lehi's sons and the servant Zoram, though assuredly without the customary bride price, as Lehi's possessions had been plundered by Laban (1 Nephi 3:25-26). We assume, however, that Ishmael could have provided a dowry for each of his daughters to bring to their marriage, though they might not have carried this with them into a wilderness. The home these women would have been brought to would have been a tent. Nephi records that not only Ishmael's heart was softened but the hearts of all his household, including his wife and daughters (1 Nephi 7:5).

As the group journeyed from Jerusalem back to Lehi and Sariah, the two sons of Ishmael<sup>19</sup> and their families rebelled against Nephi and were determined to return to Jerusalem. Two of Ishmael's daughters, Laman, and Lemuel also joined the rebellion against Nephi, Sam, Ishmael, his wife, and the other three daughters. When Nephi was seized and bound, to

be murdered by his brothers, one of the daughters of Ishmael, along with her mother and one brother, pleaded for Nephi's life with such persuasion that Laman and Lemuel repented and asked Nephi for forgiveness. When recording who intervened in his behalf, Nephi first mentions this daughter of Ishmael (1 Nephi 7:19). Perhaps she was the woman who became his wife (1 Nephi 16:7), and perhaps the two daughters who rebelled married Laman and Lemuel. It is possible that Lehi had specified which daughter of Ishmael was to be betrothed to which of his sons before they left for Jerusalem, or they could have been betrothed before Lehi and his family ever left.

Nephi's record, written later in his life, mentions his wife only in brief sentences. During the rebellion on the ship, she pleads for his life at the peril of her own, for Laman and Lemuel and the two sons of Ishmael "did breathe out much threatenings" against anyone who would speak for Nephi (1 Nephi 18:17). He writes that "my wife with her tears and prayers" could not soften the hearts of his brothers (1 Nephi 18:19). Nephi, like Lehi, was patient with his wife when her faith faltered. When their bows broke and the small company was starving, all, with the exception of Nephi, murmured against God because of their sufferings—his brothers and brothers-in-law and their wives, his father and mother, and his own wife (see 1 Nephi 16:20, 27). Nephi's wife perhaps lost faith again at the death of her father, when "the daughters of Ishmael did mourn exceedingly" and wanted to return to the life they had known in Jerusalem (1 Nephi 16:35–36). Rather than offer rebuke, Nephi writes encouragingly of their eventual softening, repentance, and submission. In the next chapter, he records the great blessings of the Lord on these women: in spite of the difficulties of living in the desert and of bearing children under harsh conditions, they were able to nurse their children while subsisting on raw meat, they became as strong as men, and they could bear the journey without complaining. Nephi attributes all this to the blessings of the Lord (see 1 Nephi 17:1–2).

## A Matrimonial Festival

Abraham P. Bloch tells of a matrimonial holiday among the ancient Israelites, held yearly on the fifteenth of Av, at the conclusion of their harvest. The maidens of Israel, dressed in white, gathered to dance, and the men gathered to watch, all with matrimony in mind. The book of Jasher includes a gathering of the women of the land to dance and rejoice, claiming this is where Shechem first beheld Dinah, the daughter of Jacob.<sup>20</sup>

We read of a similar celebration in the Book of Mormon. Mosiah 20 tells of a “place in Shemlon where the daughters of the Lamanites did gather themselves together to sing, and to dance, and to make themselves merry” (Mosiah 20:21). The wicked priests of King Noah, hiding out in the wilderness and unable to return to their wives for fear of their lives, discovered these women. At an opportune moment, they “came forth out of their secret places and took them and carried them into the wilderness” (Mosiah 20:5). This led to a war between the Lamanites and the people of Limhi. These women became the wives of the priests, and the women eventually pled successfully with their own people for the lives of their husbands (see Mosiah 23:33–34). This is similar to the account in Judges in which the men of Benjamin were told of the feast of the Lord held yearly at Shiloh in which the daughters of Shiloh came out to dance. The men of Benjamin were permitted to take wives of the maidens gathered there “whom they caught” (Judges 21:23).<sup>21</sup>

## The Right of the Wife to Support and Protection

We read in the Old Testament that a man owed his wife support and protection (see Exodus 21:10–11), and we find this concept even more clearly in the Book of Mormon. Captain Moroni taught the people of “the sacred support which we owe to our wives and our children” (Alma 44:5; see also 48:10; 58:12). He taught the people to fight for their



homes, their wives and children, quoting God that "ye shall defend your families even unto bloodshed" (Alma 43:47; see also 48:24). Written on the coat that he tore and fastened to a pole were these words: "In memory of our God, our religion, and freedom, and our peace, our wives, and our children" (Alma 46:12). We find this concept also in Mosiah 20, where the people of Limhi fought the Lamanites "for their lives, and for their wives, and for their children" (Mosiah 20:11). In the Old Testament Nehemiah also exhorted the men to "fight for your brethren, your sons, and your daughters, your wives, and your houses" (Nehemiah 4:14).

King Noah's command to his people to abandon their wives and children when they were fleeing from the Lamanites was a violation of this support. Many of the men would not leave their families, but chose to stay and perhaps die with them. This issue brought about the execution of King Noah when he attempted later to prevent those men who had fled from returning to their families (see Mosiah 19:19-20).

During a time of war the Lamanites had taken many women and children prisoners. In contrast, the Nephite Captain Moroni did not take a single woman or child captive. In answer to the Lamanite leader's request to exchange prisoners, Moroni stipulated that one Lamanite prisoner would be delivered in exchange for a Nephite man and his wife and children (Alma 54:3, 11).

Laman and Lemuel used the condition of their wives and children to justify their desire to return to Jerusalem: "We have wandered in the wilderness for these many years; and our women have toiled, being big with child; and they have borne children in the wilderness and suffered all things, save it were death; and it would have been better that they had died before they came out of Jerusalem than to have suffered these afflictions" (1 Nephi 17:20). This complaining stands in contrast to Nephi's gratitude as he recorded that their women had borne children in the wilderness: "And so great were the

blessings of the Lord upon us, that while we did live upon raw meat in the wilderness, our women did give plenty of suck for their children, and were strong, yea, even like unto the men; and they began to bear their journeyings without murmurings" (1 Nephi 17:2).

### Plural Marriage

The law of Moses recognized the practice of having more than one wife but placed restrictions that protected the rights of plural wives. A king was instructed to not "multiply wives to himself" (Deuteronomy 17:17). A man was not permitted to take another wife if it would reduce the "food, . . . raiment and . . . duty of marriage" of his first wife (Exodus 21:10).

The husband could not prefer the sons of a second wife to the detriment of the firstborn son of his first wife. Deuteronomy reads:

If a man have two wives, one beloved, and another hated, and they have born him children . . . and if the firstborn son be hers that was hated: Then it shall be, when he maketh his sons to inherit that which he hath, that he may not make the son of the beloved firstborn before the son of the hated, which is indeed the firstborn: But he shall acknowledge the son of the hated for the firstborn, by giving him a double portion of all that he hath. (Deuteronomy 21:15–17)

Plural marriage is found throughout the Old Testament, particularly with the Patriarchs and during the reigns of David and Solomon. However, according to the law established by Lehi in the new world, polygamy was not to be practiced except by express command of the Lord, in order "to raise up seed" (Jacob 2:30). But it was practiced in the Book of Mormon among those who were apostate. Under the king reigning after Nephi, the people wanted to have many wives and concubines (see Jacob 1:15). Jacob taught: "Hearken to the word of the Lord: For there shall not any man among you have save it be one wife; and concubines he shall have none" (Jacob 2:27).

The people were instructed not to follow the practice of having many wives and concubines and "committing whoredoms" as their ancestors in Jerusalem had done (Jacob 2:23-26). The people were apparently very familiar with the laws set down by Lehi, because Jacob told them: "Ye know that these commandments were given to our father, Lehi; wherefore, ye have known them before" (Jacob 2:34). They also were familiar with the practices of the Jews from their brass plates, "for they seek to excuse themselves in committing whoredoms, because of the things which were written concerning David, and Solomon" (Jacob 2:23). In stating the law of marriage given by Lehi to his people, Jacob quoted the Lord:

For I, the Lord God, delight in the chastity of women. And whoredoms are an abomination before me. . . . For behold, I, the Lord, have seen the sorrow, and heard the mourning of the daughters of my people in the land of Jerusalem, yea, and in all the lands of my people, because of the wickedness and abominations of their husbands. And I will not suffer that the cries of the fair daughters of this people, which I have led out of the land of Jerusalem, shall come up unto me against the men of my people. For they shall not lead away captive the daughters of my people because of their tenderness, save I shall visit them with a sore curse, even unto destruction; for they shall not commit whoredoms, like unto them of old. (Jacob 2:28, 31-33)

The Lamanites apparently were monogamous at this time. Jacob told the Nephites that they had committed greater iniquities than the Lamanites: "They have not forgotten the commandment . . . that they should have save it were one wife, and concubines they should have none . . . wherefore, because of this observance . . . the Lord God will not destroy them. . . . Behold, their husbands love their wives, and their wives love their husbands" (Jacob 3:5-7).

Later, King Noah and his priests had many wives and concubines (see Mosiah 11:2, 4, 14; 12:29-30). In Ether we

read of the king Riplakish, who also had many wives and concubines, against the commandments of the Lord, and taxed the people heavily to support himself (see Ether 10:5).

There are other possible instances of polygamy in the Book of Mormon. In Alma 50:30 an apostate named Morianton beat one of his maidservants. The term *maidservant* is used in the Old Testament to mean wife or concubine. When Sarai ordered her husband to cast out Hagar and her son, she referred to Hagar as “this bondwoman” (Genesis 21:10). Bilhah and Zilpah were handmaids of Leah and Rachel and given to Jacob as wives (see Genesis 30:4, 9). Exodus 21:7–9 speaks of a father selling his daughter to be a maidservant for the purpose of becoming a wife to the man who bought her or to one of his sons. According to Falk “the marital relationship was created by ‘appointment’ . . . rather than by betrothal.”<sup>22</sup> She had all the rights of a legal wife, but did not need a formal divorce. She could leave her husband without his consent, probably because he had not paid a bride-price for her.<sup>23</sup> By law in the Book of Mormon there were to be no slaves (see Mosiah 2:13; Alma 27:9), yet we find that Morianton apparently had more than one maidservant. It is possible that this term meant the same as those used in the Old Testament, and this beaten maidservant had been sold by her father to be Morianton’s concubine.

It is possible that Amulek practiced polygamy. A descendant of Nephi, he described himself as “a man of no small reputation” (Alma 10:3), with many relations, friends, and riches. He lived in the apostate city of Ammonihah, and after his conversion acknowledged his hardness of heart and rebellion against God (see Alma 10:6). Amulek stated that he was “journeying to see a very near kindred” when an angel came to tell him to return and care for Alma (Alma 10:7). In bearing testimony of his conversion, he said: “[God] has blessed mine house, he hath blessed me, and my *women*, and my children,

and my father and my kinsfolk" (Alma 10:11, emphasis added), so it is possible that he had more than one wife.

### **The Widows and the Fatherless**

The book of Mosiah tells of a group of Nephites who lost a great many of their men in battle with the Lamanites. To care for the resulting widows and orphans, their leader, King Limhi, commanded every man to give a part of his material goods to the support of the widows and their children (see Mosiah 21:17). A few years earlier, King Benjamin had instructed his people to "administer of [their] substance" to those in need, "both spiritually and temporally" (see Mosiah 4:26).

This practice is also evident in ancient Israel. Every third year all the tithes of the people's increase were to go to the Levite (who had no inheritance share in the land), the stranger, the fatherless, and the widow (see Deuteronomy 14:28-29). When harvesting a field or an orchard, a man was to leave the excess sheaves in the field "for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:19).

In Exodus, penalties that the law exacted were severe against those who afflicted widows or fatherless children; by God's wrath they would be killed by the sword, leaving their own wives widows and children fatherless (see Exodus 22:22-24). Isaiah wrote against those who "decree unrighteous decrees . . . to turn away the needy from judgment, and to take away the right from the poor of my people, that widows may be their prey, and that they may rob the fatherless" (Isaiah 10:1-2; 2 Nephi 20:1-2).

Mormon spoke of those in our modern day who "build up . . . secret abominations to get gain, and cause that widows . . . and also orphans to mourn before the Lord, and also the blood of their fathers and their husbands to cry unto the Lord from the ground, for vengeance" (see Mormon 8:40). Malachi's words, recorded in the Book of Mormon, speak of

the “swift witness” against those who oppress widows and the fatherless (see 3 Nephi 24:5).

The plight of widows and orphans is a recurring theme in the Book of Mormon. Mormon records that the widows of Limhi’s people, in fear of the Lamanites, cried “mightily from day to day” (Mosiah 21:10). Of his own day, Mormon wrote to his son Moroni of many widows and their daughters in the tower of Sherrizah who were left without food, causing the deaths of many of the older women (see Moroni 9:16). He wrote of the horrific suffering of the women and children because of the wars (see Moroni 9:19).

## Divorce

There are few references to divorce in the Book of Mormon. Jacob referred to the concept when he quoted Isaiah: “Thus saith the Lord: Have I put thee away, or have I cast thee off forever? . . . Where is the bill of your mother’s divorcement? To whom have I put thee away . . . ?” (2 Nephi 7:1). The law concerning divorce is found in the Savior’s teachings to the Nephites: “It hath been written, that whosoever shall put away his wife, let him give her a writing of divorcement. Verily, verily, I say unto you, that whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery; and whoso shall marry her who is divorced committeth adultery” (3 Nephi 12:31–32).

The Book of Mormon peoples had the brass plates, which contained the five books of Moses, so we assume they would have known of Deuteronomy 24:1, which reads: “When a man hath taken a wife, and married her, and it come to pass that she find no favour in his eyes, because that he hath found some uncleanness in her: then let him write her a bill of divorcement, and give it in her hand, and send her out of his house.” They also had the writings of Jeremiah who invokes this when he referred to Israel as having committed adultery (a reference to idolatry), and having been given a bill of divorce by the Lord (see Jeremiah 3:8).

Marriage is referred to in Malachi as a covenant: "The Lord hath been witness between thee and the wife of thy youth, against whom thou hast dealt treacherously; yet is she thy companion, and the wife of thy covenant. And did he not make one? . . . let none deal treacherously against the wife of his youth. For the Lord, the God of Israel, saith that he hateth putting away" (Malachi 2:14-16). Falk states that marriage as a covenant "must have limited the right of divorce."<sup>24</sup>

According to many scholars, it was the husband's prerogative to divorce in ancient Israel, not the woman's, but that fact is not made clear in the Bible.<sup>25</sup> Rabbis disagreed on the interpretation of Deuteronomy 24:1, some interpreting the passage to mean that a man could divorce his wife for any reason; others were more restrictive. In first century B.C., the school of Shammai held that a man could divorce his wife only for "gross immorality"; the school of Hillel maintained that a husband needed no specific reason and could divorce his wife even for "spoiling his food." The term *uncleanness* was interpreted to mean anything offensive to the husband. Rabbi Aqiba, in A.D. 135, extended the interpretation even further—a man could divorce his wife if he found another he considered more beautiful.<sup>26</sup>

But other evidence exists that divorce was not condoned or treated lightly. According to Jewish legend, although divorce was allowed in the Torah, "it is said that, when a husband gives his wife a get (divorce document), the altar sheds tears and a great noise, inaudible to man, reverberates throughout the universe."<sup>27</sup>

Ze'ev Falk states: "Being almost her husband's property, the wife was not originally able to demand a divorce. Where, however, a husband had refused his wife her conjugal rights, she was permitted to leave him." He refers to the fifth-century B.C. Elephantine papyri, which indicates that both spouses were capable of dissolving the marriage at will, the wife making the same declaration as the husband in order to

effect dissolution of the marriage. There was also a provision in the papyri for the payment of divorce money.<sup>28</sup> In a divorce initiated by either party, the wife was entitled to her dowry, the husband being required to make up any deficiency in belongings or cash. This was to ensure that the wife left with belongings equal in value to what she brought into the marriage.<sup>29</sup>

We can gain further understanding of divorce in Christ's teachings to the Jews as recorded by Matthew and Mark (see Matthew 19:3–11; Mark 10:2–12). When the Pharisees came to Jesus to trap him with the question, "Is it lawful for a man to put away his wife?" Jesus replied that divorce was allowed in the law of Moses only because of "the hardness of [the people's] heart" (see Mark 10:3–5).

He then taught, "I say unto you, Whosoever shall put away his wife, except it be for fornication, and shall marry another, committeth adultery; and whoso marrieth her which is put away doth commit adultery" (Matthew 19:9). Mark records that Jesus said, "And if a woman shall put away her husband, and be married to another, she committeth adultery" (Mark 10:12). This seems to indicate that during that period a woman could initiate divorce.

We find more of Jesus' words concerning divorce in the Joseph Smith Translation of Luke. On one occasion he calls the Pharisees adulterers, "and they reviled him again, being angry for the saying, that they were adulterers. But he continued, saying, Whosoever putteth away his wife, and marrieth another, committeth adultery; and whosoever marrieth her who is put away from her husband, committeth adultery" (Luke 16:22–23 JST; Luke 16:18).

In his teachings to the Nephites at the temple in Bountiful, Christ gave them the new law, which transcended the old: "whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery; and whoso shall marry her who is divorced committeth adultery"



(3 Nephi 12:32). In his book *Illuminating the Sermon at the Temple and Sermon on the Mount*, John W. Welch notes the context in which Jesus gave this strict commandment:

In light of the exceptionally righteous audience that had assembled at the temple in Bountiful, the context of the Sermon at the Temple suggests that this very demanding restriction may have something to do with the spirit and law through which husbands and wives are to be bound together in the eternal covenant relationships involved here. This explains the strictness of the rule, for eternal marriages can be dissolved only by proper authority on justifiable grounds and are sealed up for all eternity. . . . Until they are loosed by proper authority, a person who tries to put aside such a spouse on his or her own authority commits an adulteration of the eternal covenant-marriage relationship.<sup>30</sup>

We must note the difference between the statement by Jesus given to the Pharisees in Luke 16 and the law given in the Sermon on the Mount to the righteous Jews and at the temple in Bountiful to the Nephites. In these two instances of presenting the law to a righteous people, Jesus uses the phrase "saving for the cause of fornication"; to the Pharisees that phrase is omitted (Luke 16:23 JST).

We must note also the law written in Doctrine and Covenants 42:

Whatever persons among you, having put away their companions for the cause of fornication, or in other words, if they shall testify before you in all lowliness of heart that this is the case, ye shall not cast them out from among you; But if ye find that any persons have left their companions for the sake of adultery, and they themselves are the offenders, and their companions are living, they shall be cast out from among you. . . . be watchful and careful, with all inquiry, that ye receive none such among you if they are married; And if they are not married, they shall repent of all their sins or ye shall not receive them. (D&C 42:74-77)

## Chastity

Leviticus chapters 18 and 20 specify the laws concerning sexual immorality. A man was not to have sexual relations with anyone considered a close relative—his mother, his father's wife, his sister, a niece, half sister, aunt, an uncle's wife, a daughter-in-law, or sister-in-law (see Leviticus 18:6–18). The law prohibited sexual relations with a neighbor's wife (see Leviticus 18:20).<sup>31</sup> Homosexuality was prohibited, as was bestiality (see Leviticus 18:22; 20:13, 15, 16). Prostitution was forbidden; a man was prohibited from prostituting his daughter (see Leviticus 19:29). "There shall be no whore of the daughters of Israel" (Deuteronomy 23:17). A man was not permitted to take a "wife and her mother"—the punishment was death by fire (Leviticus 20:14). These practices were apparently common among the cultures surrounding Israel, "For all these abominations have the men of the land done, which were before you, and the land is defiled" (Leviticus 18:27; see 20:23).

Specific laws are listed in Deuteronomy 22 concerning illicit sexual relations. The first concerns relations between a man and a married woman (see Deuteronomy 22:22). The punishment was death for both involved. The second concerned a betrothed virgin who had sexual relations with another man. The punishment was death for the man, whether the woman consented or not. For the woman, the law determined that if she was in the city, she was to be stoned (the determining factor being that she could have cried out for help but chose not to). The man was to be stoned "because he hath humbled his neighbour's wife" (Deuteronomy 22:24).

Whereas the Old Testament leaves some questions unanswered concerning the responsibility for chastity of a man or woman, the Book of Mormon brings clarity. As priest, Jacob taught his people that "I, the Lord God, delight in the chastity of women. And whoredoms are an abomination before me" (Jacob 2:28). The people were to keep the commandments of the Lord "or cursed be the land for their sakes" (Jacob 2:29).

Those who practiced whoredoms were cursed, "even unto destruction" (Jacob 2:33). Jacob warned his people "against fornication and lasciviousness, and every kind of sin, telling them the awful consequences of them" (Jacob 3:12). Note the similarity to Leviticus in these phrases.

Jacob records:

I, the Lord, have seen the sorrow, and heard the mourning of the daughters of my people in the land of Jerusalem, yea, and in all the lands of my people, because of the wickedness and abominations of their husbands. And I will not suffer . . . that the cries of the fair daughters of this people, which I have led out of the land of Jerusalem, shall come up unto me against the men of my people . . . For they shall not lead away captive the daughters of my people because of their tenderness, save I shall visit them with a sore curse, even unto destruction; for they shall not commit whoredoms, like unto them of old. (Jacob 2:31-33)

We find similar wording in Lamentations:

The virgins of Jerusalem hang down their heads to the ground. Mine eyes do fail with tears, my bowels are troubled, my liver is poured upon the earth, for the destruction of the daughter of my people. . . . What thing shall I take to witness for thee? what thing shall I liken to thee, O daughter of Jerusalem? what shall I equal to thee, that I may comfort thee, O virgin daughter of Zion? for thy breach is great like the sea: who can heal thee? (Lamentations 2:10-11, 13)

This message is also in the words of Jeremiah, a prophet contemporary with Lehi, whose prophecies were on the brass plates: "Let mine eyes run down with tears night and day, and let them not cease: for the virgin daughter of my people is broken with a great breach, with a very grievous blow" (Jeremiah 14:17).

For they have healed the hurt of the daughter of my people slightly, saying, Peace, peace: when there is no peace. Were they ashamed when they had committed abomination?

nay, they were not at all ashamed, neither could they blush . . . they shall be cast down, saith the Lord. . . . For the hurt of the daughter of my people am I hurt. . . . Is there no balm in Gilead; is there no physician there? why then is not the health of the daughter of my people recovered? (Jeremiah 8:11, 12, 21, 22)

In the Book of Mormon we read Mormon's anguished words to his son concerning the wickedness and destruction of his people: "and the sufferings of our women and our children upon all the face of this land doth exceed everything; yea, tongue cannot tell, neither can it be written" (Moroni 9:19). And again, in Jacob: "Ye have broken the hearts of your tender wives, and lost the confidence of your children, because of your bad examples before them; and the sobbings of their hearts ascend up to God against you. And because of the strictness of the word of God, which cometh down against you, many hearts died, pierced with deep wounds" (Jacob 2:35).

Nephi wrote that the people were not to commit whoredoms: "for whoso doeth them shall perish" (2 Nephi 26:32). Two chapters later we read of "all those who commit whoredoms, and pervert the right way of the Lord, wo, wo, wo be unto them . . . for they shall be thrust down to hell" (2 Nephi 28:15).

The Gadianton robbers used secret signs and words to protect each other that "they might murder, and plunder, and steal, and commit whoredoms, and all manner of wickedness, contrary to the laws of their country and also the laws of their God" (Helaman 6:23). We learn from this description that "whoredoms" were against the civil laws of the land, as well as the laws of the church. The anti-Christ Korihor taught people that whatever a man did was no crime. He led away "many women, and also men, to commit whoredoms" (Alma 30:18).

The importance of sexual purity can be found in Mormon's letter to his son Moroni in which he laments that

many of the daughters of the Lamanites were taken prisoner and deprived of that "which was most dear and precious above all things, which is chastity and virtue" (Moroni 9:9).

Alma the Younger clarifies further how the Lord views unchastity for both sexes when Alma corrects his errant son Corianton. While on a mission with his father, Corianton went to the Lamanite borders after the harlot Isabel. Alma rebukes him: "These things are an abomination in the sight of the Lord [note the same wording as found in Leviticus]; yea, most abominable above all sins save it be the shedding of innocent blood or denying the Holy Ghost. . . . I would to God ye had not been guilty of so great a crime." Corianton was told to repent and "go no more after the lusts of your eyes, but cross yourself in all these things . . . [or] ye can in nowise inherit the kingdom of God" (Alma 39:5, 7, 9).

It is clear from these writings that sexual immorality was as much an offense for the man as for the woman, not just in marriage, but before. Note that Corianton was not punished by the law for this crime. Note also the similarity between Alma's words and the warning in Leviticus 18:29: "the souls that commit [these abominations] shall be cut off from among their people." Alma lists the punishment for immorality as being cut off from the presence of God (see Alma 39:9).

We find the word "lasciviousness" used in the writings of the Book of Mormon. Alma prophesied near the end of his life that the Nephites would become extinct because of lasciviousness (see Alma 45:12). Around 20 B.C. the people were ripening for destruction due to "fornication and wickedness" (Helaman 8:26).

## Adultery

In Leviticus 20:10 contains the law concerning adultery: "And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, the adulterer and the adulteress shall surely be put to

death" (see also Deuteronomy 22:22–24). In Leviticus 18 is the instruction that "thou shalt not lie carnally with thy neighbour's wife, to defile thyself with her" (Leviticus 18:20).

The terms of adultery in the Old Testament are described in *People of the Covenant*: "an engaged or married woman committed adultery if she had sexual relations with anyone except her husband-to-be or her husband. A man committed adultery only if he had relations with the betrothed or wife of another man."<sup>32</sup> A man who lay with an unbetrothed woman was not guilty of the sin of adultery. Indeed, in our Old Testament it is not clear that sexual relations with an unmarried woman was considered a sexual offense, or at least it was not as major an offense as adultery (see Exodus 22:16–17; Deuteronomy 22:28–29). But Proverbs includes the concept of fidelity in marriage: "Rejoice with the wife of thy youth . . . and why wilt thou, my son, be ravished with a strange woman, and embrace the bosom of a stranger?" (Proverbs 5:18, 20). We find it also in Hosea, in his words to his adulterous wife: "thou shalt not play the harlot, and thou shalt not be for another man; *so will I also be for thee*" (Hosea 3:3, emphasis added).

Anthony Phillips, in "Another Look at Adultery," states: "In Israel adultery was regarded as a sin against God which in all cases demanded exaction of the death penalty. This was a principle of Biblical law. Punishment was not designed to redress the injury done to the husband but was exacted at the express command of God."<sup>33</sup> He asserts that the law covering adultery in Israel was "treated as a crime and not as a civil offence."<sup>34</sup> Adultery was a matter of public concern, "prosecution being undertaken by the state and not the husband. . . . At no time did the Israelite head of the house have the power of life or death over those under his protection."<sup>35</sup>

This stands in contrast to other ancient law codes, which appear to consider adultery to be merely a violation of the

husband's rights over his wife. Daniel Murray's study indicated several reasons for the prohibition of adultery—as a violation of a community's moral sense, as a threat to the integrity of the family, and as an offense against a man's right of property over his wife. His main conclusion was that adultery was a blow to the man's pride.<sup>36</sup>

One scholar states that these laws assert the submission of a wife to her husband's authority. Carolyn Pressler maintains that in the law of Moses a husband had "unilateral control over his wife's sexuality"; the laws concerning adultery having to do with "the husband's control over his household, and thus with family order." She maintains that they only "assert the interests of the husband."<sup>37</sup>

The Book of Mormon reflects similar prohibitions against adultery. In preaching to King Noah, Abinadi quoted the Ten Commandments, among them "thou shalt not commit adultery" (Mosiah 13:22). Alma 16:18 tells of Nephite priests and teachers who preached against "committing adultery, and all manner of lasciviousness." The newly converted Lamanites were instructed in a proclamation by their king "that they ought not to . . . commit adultery" (Alma 23:3).

There is evidence throughout the record to indicate that adultery was a criminal offense, subject to the laws of the land. King Benjamin reminded his people that he had not suffered them to make slaves of one another, to murder, plunder, or steal, "*or commit adultery*" (Mosiah 2:13, emphasis added). According to Jarom, in 420 B.C. the people kept the law of Moses. He records also that the laws of the land were exceedingly strict (see Jarom 1:5). The most compelling evidence is found in Alma 30:10–11 in a list of the laws of the land: "if [a man] murdered he was punished unto death; and if he robbed he was also punished; and if he stole he was also punished; and if he committed *adultery* he was also punished; yea, for all this wickedness they were punished. For there was a law that men

should be judged according to their crimes" (emphasis added). Murder alone is listed as punishable by death, as also in Alma 1:18: "he that murdered was punished unto death."

In Alma 30, Korihor tries to convince the people that "whatsoever a man did was no crime" (Alma 30:17). Mormon records that he led away "many women, and also men, to commit whoredoms," convincing them there were no spiritual consequences for such sinful acts (Alma 30:18). Jacob taught the people, "Wo unto the murderer who deliberately killeth, for he shall die. Wo unto them who commit whoredoms, for they shall be thrust down to hell" (2 Nephi 9:35-36). We can compare this to Leviticus 18, in which it says that those who commit sexual sin are to "be cut off from among their people" (Leviticus 18:29).

These laws were based on the laws given by Lehi, as Mosiah reminded the people when he established judges in place of kings. "And whosoever has committed iniquity, him have I punished according to the crime which he has committed, according to the law which has been given to us by our fathers" (Mosiah 29:15); and again, "that ye may be judged according to the laws which have been given you by our fathers, which are correct, and which were given them by the hand of the Lord" (Mosiah 29:25). These laws were based on equity, that an individual's sins and iniquities were to be answered upon his or her own head (see Mosiah 29:30). There is no apparent distinction made between gender. This is found throughout the Book of Mormon. King Benjamin, when speaking to a group consisting of men and women, taught them to watch themselves, their deeds and thoughts, in order to avoid committing sin (see Mosiah 4:29, 30).

King Mosiah established that after his reign the law was to be enforced by judges. Judges were chosen by the voice of the people, to do business by the voice of the people (see Mosiah 29:25). No man was to be put to death except by the



governor of the land, who had been appointed by the people (see 3 Nephi 6:24).

In Alma 1 we learn that the law was

put in force upon all those who did transgress it, inasmuch as it was possible. . . . [for] persecuting, lying, thieving, robbing, *committing whoredoms*, and murdering, and all manner of wickedness . . . that by thus exercising the law upon them, every man suffering according to that which he had done, [the people] . . . durst not commit any wickedness if it were known. (Alma 1:32–33, emphasis added)

Here again there appears to be no distinction made between the sexes; both were to be held responsible for their actions.

In 30 B.C., the apostate Nephites had “altered and trampled under their feet the laws of Mosiah, or that which the Lord commanded him to give unto the people; and they saw that their laws had become corrupted” (Helaman 4:22). They had grown weak because of “murdering, plundering, lying, stealing, [and] *committing adultery*” (Helaman 4:12, emphasis added). The Gadianton robbers used secret signs to enable them to “murder, and plunder, and steal, and commit whoredoms . . . contrary to the laws of their country and also the laws of their God” (Helaman 6:23). They filled the judgment seats, “having usurped the power and authority of the land; laying aside the commandments of God . . . doing no justice unto the children of men,” so that “*they might the more easily commit adultery*, and steal, and kill . . . according to their own wills” (Helaman 7:4–5, emphasis added).

From these passages in the Book of Mormon we can determine that Nephite law included punishment for the crime of adultery, though these laws appear to have been changed at various times from the original law set down by Lehi, which was based on the law of Moses contained on their brass plates (see 1 Nephi 4:15, 16; Jacob 2:34; Mosiah 29:25; Helaman 4:22–23).

Christ gave the same direction to the Nephites that he gave to the Jews, again directed to the men: “whosoever looketh on a woman, to lust after her, hath committed adultery already in his heart” (3 Nephi 12:28; see also Matthew 5:28). He added these words that are not found in his words to the Jews: “Behold, I give unto you a commandment, that ye suffer none of these things to enter into your heart; For it is better that ye should deny yourselves of these things, wherein ye will take up your cross, than that ye should be cast into hell” (3 Nephi 12:29–30; see also D&C 42:23; 63:16; 88:121).

This demonstrates the same tender feeling toward women as expressed by Jacob, that women’s “feelings are exceedingly tender and chaste and delicate before God, which thing is pleasing unto God” (Jacob 2:7). Nephite men, in committing whoredoms, came under severe censure.

For I, the Lord God, delight in the chastity of women. . . . I, the Lord, have seen the sorrow, and heard the mourning of the daughters of my people in the land of Jerusalem, yea, and in all the lands of my people, because of the wickedness and abominations of their husbands. . . . For they shall not lead away captive the daughters of my people because of their tenderness, save I shall visit them with a sore curse, even unto destruction. (Jacob 2:28, 31, 33)

It is clear from these verses that the practices of the Nephites were not acceptable to God, that because of them Jacob told the men of his people, “Ye have broken the hearts of your tender wives . . . and the sobbings of their hearts ascend up to God against you” (Jacob 2:35).

### **Clean and Unclean**

In the law of Moses, there were strict commandments given concerning cleanness and uncleanness. These are found in Leviticus 11–15, called by scholars the manual of purity.<sup>38</sup> While we are probably more familiar with the requirement of strict adherence to a diet that included only those foods

considered to be clean, there were also laws that dictated when in daily life men and women were considered to be unclean. A man or woman was rendered unclean by contact with the dead (see Leviticus 11:24), by infections associated with leprosy or boils, or by body fluids such as semen (referred to in Leviticus as the "seed of copulation"). There were also laws dealing with the process of purification after childbirth.

In the Latter-day Saint scriptures, the heading for Leviticus 15 describes the chapter as the "laws, rites, and sacrifices revealed for cleansing those who have an issue and other types of uncleanness." The first eighteen verses deal with a man's uncleanness due to "a running issue out of his flesh" (Leviticus 15:2). Verses 19–30 concern a woman with an issue of blood—either regular menstruation, or a blood flow that continues for a period longer than seven days. Verses 32–33 indicate that the first verses apply specifically to men and the remaining verses to women: "This is the law of him that hath an issue, and of him whose seed goeth from him, and is defiled therewith; And of her that is sick of her flowers, and of him that hath an issue, of the man, and of the woman, and of him that lieth with her that is unclean."

Matthew, Mark, and Luke all give an account of a woman cleansed of an issue of blood lasting twelve years. Within this story can be found the essence of the law of Moses concerning the clean and unclean. The woman determines through her faith that if she could but touch the garment of Jesus, she would be healed—"For she said, If I may touch but his clothes" (Mark 5:28). Luke wrote that she touched the hem, or border, of his garment, which was considered by the Jews to be the holiest part of the clothing (see Numbers 15:38–39).

Though surrounded by a throng of people, "immediately knowing that virtue [power] had gone out of him," Jesus said, "Who touched my clothes?" (Mark 5:30). The woman, "fearing and trembling" (Mark 5:33), knowing "that she was not hid, . . . she declared unto him before all the people for what

cause she had touched him" (Luke 8:47). Mark records that when she touched Jesus, "straightway the fountain of her blood was dried up" (Mark 5:29; see also Leviticus 20:18).<sup>39</sup> In discussing her miraculous healing, Matthew uses the word *whole*—"thy faith hath made thee whole. And the woman was made whole from that hour" (Matthew 9:22). The story seems to symbolize the true essence of the law of Moses of clean and unclean—that an individual, male or female, looks for cleansing and purity through Jesus Christ, the only person with power to make one whole.

In our search to find the true meaning and the original intent of God concerning these laws, we can look to the Book of Mormon. We find no direct indication of whether the Nephite people, in their observance of the law of Moses, kept the purity laws given in Leviticus. But a careful study of the words used by the prophets shows that they were concerned with purity and that they observed at least some of the outward performances of the law of Moses.

Nephi explained:

notwithstanding we believe in Christ, we keep the law of Moses, and look forward with steadfastness unto Christ, until the law shall be fulfilled. For, for this end was the law given; wherefore the law hath become dead unto us . . . yet we keep the law because of the commandments. . . . Wherefore, we speak concerning the law that our children may know the deadness of the law. . . . And, inasmuch as it shall be expedient, ye must keep the performances and ordinances of God until the law shall be fulfilled which was given unto Moses. (2 Nephi 25:24–27, 30)

Jacob told his people, "Do not say that I have spoken hard things against you. . . . I know that the words of truth are hard against all uncleanness; but the righteous fear them not, for they love the truth and are not shaken" (2 Nephi 9:40). As a consecrated priest, Jacob was to teach his people the consequences of sin (see 2 Nephi 9:48); he was to

"teach . . . the difference between the holy and profane, and cause them to discern between the unclean and the clean" (Ezekiel 44:23; see also Leviticus 10:10).

Abinadi spoke of the law of Moses as a "very strict law . . . of performances and ordinances, a law which they were to observe strictly from day to day, to keep them in remembrance of God and their duty towards him" (Mosiah 13:29, 30). He refers to the laws as types. He sternly warned the priests of Noah that "if ye teach the law of Moses, also teach that it is a shadow of those things which are to come . . . that redemption cometh through Christ" (Mosiah 16:14, 15). Without that, the laws were meaningless.

King Benjamin called his people to gather at the temple, to offer sacrifice and give thanks, and to hear his words. The people came as families, bringing the "firstlings of their flocks, that they might offer sacrifice and burnt offerings according to the law of Moses" (Mosiah 2:3).

He explained to his people that one purpose of his calling the people together was to "rid [his] garments of [their] blood" (Mosiah 2:28). Benjamin taught that the Lord "dwelleth not in unholy temples" (Mosiah 2:37). He spoke of types and shadows, all pointing to the atonement of Christ's blood (see Mosiah 3:14, 15). All men are to "[put] off the natural man" through the Atonement, the only way or means for salvation (see Mosiah 3:17). The people were to view "themselves in their own carnal state," "unworthy creatures" (Mosiah 4:2, 11). They were to call "on the name of the Lord daily" and retain a remission of their sins from day to day (Mosiah 4:11). These phrases—carnal, the natural man, daily remission of sins—illuminate our understanding when we remember that Benjamin spoke to a people who kept a law that covered every aspect of life, from what they ate, to their bodily functions, to relations with family and neighbors. All of this was to remind them, in every daily action, of their carnal, fallen state through the fall of Adam and their need for

redemption through the atoning blood of their Redeemer, Jesus Christ.

The words of Alma the Younger, a high priest (see Alma 5:3), also yield insights into the purity laws. He uses language such as “this mortal body . . . this corruption” (Alma 5:15), having a “pure heart and clean hands” (Alma 5:19), garments washed white, “purified until they are cleansed from all stain” (Alma 5:21), also, “garments stained with blood and all manner of filthiness” (Alma 5:22). He speaks of the prophets “whose garments are cleansed and are spotless, pure and white” (Alma 5:24). This wording gives us insight into the continual cleansing of the body and clothing enumerated in Leviticus 15. In Alma 5:57 we find this significant wording: “come ye out from the wicked, and be ye separate, and touch not their unclean things.”

Indeed, the words *clean* and *unclean* occur in many places throughout the Book of Mormon, beginning with Nephi: “if ye have sought to do wickedly . . . then ye are found unclean before the judgment-seat of God; and no unclean thing can dwell with God” (1 Nephi 10:21; see also 15:34). Nephi taught that we will have “a perfect knowledge of all our guilt, and our uncleanness, and our nakedness” (2 Nephi 9:14); also that “the words of truth are hard against all uncleanness” (2 Nephi 9:40).

Alma taught that God does not “dwell in unholy temples; neither can filthiness or anything which is unclean be received into the kingdom of God” (Alma 7:21) and that “no unclean thing can inherit the kingdom of heaven” (Alma 11:37). The wicked are unclean and become dead as “to things pertaining to things of righteousness; for they are unclean, and no unclean thing can inherit the kingdom of God; but they are cast out” (Alma 40:26).

Again, in 3 Nephi, in the words of the Savior: “Put on thy beautiful garments, O Jerusalem, the holy city, for henceforth there shall no more come into thee the uncircumcised and the unclean” (3 Nephi 20:36), and “touch not that which is unclean; go ye out of the midst of her; be ye clean that bear the vessels of the Lord” (3 Nephi 20:41). “No unclean thing can enter into

his kingdom; therefore nothing entereth into his rest save it be those who have washed their garments in my blood" (3 Nephi 27:19). In Mormon we read: "strip yourselves of all uncleanness" (Mormon 9:28). And in Moroni: "touch not the evil gift, nor the unclean thing" (Moroni 10:30; compare Isaiah 52:11).

In the Old Testament the reasons for the purity laws are not clearly stated. But in these passages from the Book of Mormon one can find a rich interpretation. In summary, several points become clear.

1. The emphasis on physical cleanliness in the purity laws is of spiritual significance. The continual cleansing of self and clothing and household furniture by water was not just for physical cleanliness, but was to remind the people of the need to be clean spiritually. Thus physical cleanliness symbolized spiritual cleanliness.

2. Through these laws the people were reminded that because of the fall of Adam all mortal men and women are in a carnal state and thus not worthy to enter God's presence. King Benjamin taught his people that they were to "[put] off the natural man" (Mosiah 3:19). This indicates why the people were not to go to the tabernacle while ceremonially unclean. It does not indicate inferiority or superiority, only the state of all mankind before God because of the Fall. There was equity and justice in the law for each gender. "The physical body and its natural functions remind one that he is of the earth, of the physical. Therefore, to say that a man or woman was unclean (that is, not to perform sacred ordinances) at certain times was to suggest to the mind that the natural man must be put aside in order to approach God."<sup>40</sup>

3. The people were reminded constantly of their need for redemption through the atonement of Christ. The sacrifices they offered at the door of the tabernacle to be cleansed clearly symbolized this.

In the Lord's words to Adam in the Pearl of Great Price: "All things have their likeness, and all things are created and made to bear record of me, both things which are temporal, and things which are spiritual" (Moses 6:63). In one sentence all is made clear:

That by reason of transgression cometh the fall, which fall bringeth death, and inasmuch as ye were born into the world by water, and blood, and the spirit, which I have made, and so became of dust a living soul, even so ye must be born again into the kingdom of heaven, of water, and of the Spirit, and be cleansed by blood, even the blood of mine Only Begotten; that ye might be sanctified from all sin, and enjoy the words of eternal life in this world, and eternal life in the world to come, even immortal glory. (Moses 6:59)

This is the purpose and promise of the purity laws given to the children of Israel.

Women in Book of Mormon times would have kept the purity laws with the proper perspective, as taught by their prophets, who taught not just the law of Moses but "the intent for which it was given" (Jarom 1:11). In each ritual and sacrifice they would have sensed the types and shadows of Christ (see Mosiah 16:14), so all that the law required of them "did serve to strengthen their faith in Christ" (Alma 25:16).

## Equality

A study of the role of the women of the Bible and Book of Mormon would not be complete without examining the emphasis placed on equality in the records. Similar wording is found in both records concerning equality before God. Nephi wrote clearly that God invites all the children of men "to come unto him and . . . denieth none . . . black and white, bond and free, *male and female*; and all are alike unto God" (2 Nephi 26:33, emphasis added). We find this same wording sequence earlier in his writings concerning the fate of those who "fighteth against Zion, both Jew and Gentile,



both bond and free, both *male and female*" (2 Nephi 10:16, emphasis added). We find it used again in Alma, in describing the members of the church being "liberal to all, both old and young, both bond and free, both *male and female*, whether out of the church or in the church, having no respect to persons" (Alma 1:30, emphasis added). Jacob taught that Christ "suffereth the pains of all men, yea, . . . both *men, women, and children*, who belong to the family of Adam" (2 Nephi 9:21, emphasis added).

Included is the concept that God does not distinguish between individuals, that all are equal before him. Nephi wrote that "the Lord esteemeth all flesh in one" (1 Nephi 17:35). This was a concept taught to the people by their leaders as a command from the Lord. Alma the Elder refused to become king so that no man should "esteem one flesh above another, or . . . think himself above another" (Mosiah 23:7). "Every man should esteem his neighbor as himself" (Mosiah 27:4). In Jacob's teaching at the temple he encouraged his people to "think of your brethren like unto yourselves" (Jacob 2:17) and taught them that "the one being is as precious in [God's] sight as the other" (Jacob 2:21).

The teaching that God is no respecter of persons is found throughout scripture. In the Doctrine and Covenants, the Lord declares, "I am no respecter of persons" (D&C 1:35; 38:16). The New Testament is filled with this concept (see Romans 2:11; Ephesians 6:9; Colossians 3:25). James taught fellow church members that to have respect to persons was a sin, and who did so stood before the law as a transgressor (see James 2:1-9; see also 1 Peter 1:17). This is clarified in the Joseph Smith Translation of James 2:1: "ye cannot have the faith of our Lord Jesus Christ . . . *and yet have respect to persons*" (emphasis added). Alma and Amulek imparted the word of God "without any respect of persons" (Alma 16:14; see also Moroni 8:12).

This doctrine follows the teachings in the Old Testament found in Exodus, Leviticus, Deuteronomy and Proverbs. In executing the laws the people were to do no unrighteousness in judgment; they were not to show unjust favoritism to the humble or to the mighty (see Leviticus 19:15). Deuteronomy states that “the small as well as the great” were to be heard before the law and righteous judgment offered (Deuteronomy 1:16–17). These same principles are repeated in Proverbs 24:23 and 28:21 (compare Mosiah 29:32).

We find these same teachings in the Book of Mormon. No laws were to be enacted “which should bring men on to unequal grounds” (see Alma 30:7). This was a practice in the law of the land and also the law of the church, where the righteous were to be liberal in giving to all, “both old and young, both bond and free, *both male and female*,” in or out of the church (Alma 1:30, emphasis added). Mosiah, in establishing judges, wanted every man to be on equal ground before the law, enjoy his own rights and privileges, and have an equal chance, every man being held accountable for his own sins (see Mosiah 29:30–38).

Inequality was considered a sin. Alma “saw great inequality among the people, some lifting themselves up with their pride, . . . turning their backs upon the needy and the naked and those who were hungry, and those who were athirst, and those who were sick and afflicted” (Alma 4:12). Mormon inserted this into his abridgment: “And thus we see how great the inequality of man is because of sin and transgression, and the power of the devil” (Alma 28:13). This led to the eventual decline of the church (see 3 Nephi 6:14). The ideal society was based on equality and unity, every man dealing justly with one another, as we find in the society established after Christ’s visit, where all were “free, and partakers of the heavenly gift,” all “in one, the children of Christ” (see 4 Nephi 1:3, 17; see also v. 2).

In the Old Testament and Book of Mormon we find the people, both men and women, assembling to hear the word

of the Lord and to make covenants. In the wilderness Moses called all the people together to give them God's words, and the Israelites covenanted that, "All that the Lord hath spoken we will do" (Exodus 19:8). All Israel—men, women, and children—were to hear the law read every seven years, "that they may hear, and that they may learn . . . and observe to do all the words of this law" (Deuteronomy 31:12). Joshua "read all the words of the law, the blessings and cursings, . . . before all the congregation of Israel, with the women, and the little ones" (Joshua 8:34, 35). Ezra read "the law before the congregation both of men and women, . . . and all the people answered, Amen, Amen, with lifting up their hands" (Nehemiah 8:2, 6) then bowing their heads with their faces to the ground, weeping while they listened to the words of the law. They were instructed not to grieve, but to feast and to be merry "because they had understood the words that were declared unto them" (Nehemiah 8:12; see also v. 9).

King Benjamin assembled his people (see Mosiah 2:5) to hear the law and to enter into a covenant (see Mosiah 6:1, 2). Benjamin explained the purpose and promise of this covenant—to be known as "the children of Christ, his sons, and his daughters" (Mosiah 5:7). Every person old enough to be accountable entered this covenant, also referred to as an oath (see Mosiah 6:2, 3). Alma the Younger explained, "Marvel not that all mankind, yea, men and women, all nations, kindreds, tongues and people, must be born again; yea, born of God, changed from their carnal and fallen state, to a state of righteousness, being redeemed of God, becoming his sons and his daughters," ultimately to inherit the kingdom of God (Mosiah 27:25).

About 620 B.C., before Lehi left Jerusalem, a book of the law was found in the temple, presumed by modern scholars to be Deuteronomy. When King Josiah heard the words of the book, he rent his clothes in mourning and instructed his priests and scribes to enquire of God for him and all of Judah

concerning the words of this book. They went to Huldah the prophetess in Jerusalem and returned to the king with her instructions. Josiah had the book read to all the people, great and small, and put them under covenant to keep the laws written in it (see 2 Chronicles 34:19–32; 2 Kings 22:8, 11–20).

In these events spanning hundreds of years and two continents, we see that women were under equal obligation to hear the law of God, to understand it, and to place themselves under covenant to fulfill it.

### Female Witnesses of Christ

The power of this equality reverberates throughout the Book of Mormon, never more beautifully than in the account of the Lamanite king Lamoni and his wife. When Lamoni woke from his “sleep . . . in God,” his first words were to his waiting wife. In this tender scene between husband and wife, Lamoni “stretched forth his hand unto the woman, and said: Blessed be the name of God, *and blessed art thou*. For as sure as thou livest, behold, I have seen my Redeemer; and he shall come forth, and be born of a woman, and he shall redeem all mankind who believe on his name” (Alma 19:8, 12–13, emphasis added). She was also privileged be taught eternal truth by the Spirit, after which she stood upon her feet and blessed the name of Christ, being filled with joy, speaking many words unto the people “which were not understood” (Alma 19:30).

It is significant that out of an ancient culture in which women were not allowed to testify as witnesses in a court of law,<sup>41</sup> we have recorded in the New Testament the account of a woman, Mary Magdalene, becoming the first witness to the resurrection of Christ (see John 20:1–3, 11–18). She, along with Mary the mother of James, Joanna, Salome, and other women (see Mark 16:1; Luke 24:10), were charged by Christ “go to my brethren, and say unto them, I ascend unto my Father, and your Father; and to my God, and your God” (John 20:17). But their words “seemed to [the disciples] as idle

tales, and they believed them not" (Luke 24:11; see Mark 16:11), saying as the two disciples on the road to Emmaus, "Certain women also of our company made us astonished" (Luke 24:22). When he appeared to the eleven as they sat eating, he "upbraided them with their unbelief and hardness of heart, because they believed not them which had seen him after he was risen" (Mark 16:14).

Another woman witness in the Book of Mormon is the Lamanite servant woman Abish. She must have been an older woman during the recorded incident, for she had been "converted to the Lord for many years, on account of a remarkable vision of her father . . . never having made it known" (Alma 19:16–17). In the remarkable events happening to her king and queen she saw an opportunity for her people to come to believe in the power of God; "therefore she ran forth from house to house, making it known unto the people" (Alma 19:17). When she returned and saw contention instead of growing belief, "she was exceedingly sorrowful, even unto tears" (Alma 19:28). She took her queen by the hand to raise her from the ground, and as soon as she did so, the queen rose to her feet, and cried with a loud voice, giving her witness of her Savior and his power to save: "O blessed Jesus, who has saved me from an awful hell! O blessed God, have mercy on this people!" (Alma 19:29).

Abish's witness echoes that of the woman of Samaria in the New Testament, who came at noon for her daily task of drawing water from the well and found her Savior, who gave her living water. This is the first recorded account in which the mortal Jesus manifested his eternal identity, "I that speaketh unto thee am he" (John 4:26)—to a woman who was scorned by the Jews for being a Samaritan and scorned by her own people as a sinner for having had five husbands and cohabitating with a sixth man. Christ's own disciples privately marvelled, astonished that Jesus would speak with

this woman (see John 4:27). This woman believed and did as Abish; she left her daily duty to draw water from the well and ran to her village (see John 4:28), saying to the men, "Come, see a man, which told me all things that ever I did: is not this the Christ?" (John 4:29). "And many of the Samaritans of that city believed on him for the saying of the woman" (John 4:39) and came to Jesus, entreating him to tarry with them, which he did for two days. "And many more believed because of his own word; And said unto the woman, Now we believe, not because of thy saying: for we have heard him ourselves, and know that this is indeed the Christ, the Saviour of the world" (John 4:41-42).

The New Testament and the Book of Mormon record not only these witnesses, but the silent witness of the many women who knelt at Christ's feet at the temple in Bountiful and on the plains of Judea, testifying of him as their Savior and Redeemer. Their witnesses echo throughout scripture: He lives! He lives! Come unto Him.

## Conclusion

A close study of the place of women in Old Testament and Book of Mormon society yields ideas that challenge and illuminate preconceptions. While evidence for the domination of women in secular societies certainly exists throughout history, in contrast, a righteous society living by God-given truths includes, indeed embraces, the equality of women. This equality is found within the laws established by Moses and lived by God-fearing peoples on two continents—in the laws of the clean and the unclean, the marriage relationship, in chastity and fidelity, the rights of parents, and the responsibility of both men and women to hear, understand, and obey the laws of God. All of these are eternal principles that echo throughout the dispensations.

The Book of Mormon contains more about women than a surface reading yields. In this abridged history we see that

women are valued, cherished, and protected. This comes across most clearly in the teachings of Jacob, in the care of the widow and fatherless, and in the recurring theme of the support and protection owed by a man to his wife and children. Book of Mormon history also reveals that women become dominated and devalued when a people apostatize the laws of God.

Most important, any attempt to study the law of Moses that is devoid of the central, all-encompassing theme of a Redeemer for all mankind, is to strip this law of its foundation and eternal meaning, that of binding male and female together in relation to their Lord, Jesus Christ.

## Notes

1. See the Bible Dictionary in the Latter-day Saint edition of the King James Version of the Bible, s.v. "Pentateuch": "The Pentateuch was written by Moses. . . . It is also evident that scribes and copyists have left their traces upon the Pentateuch as we have it today."

2. Victor H. Matthews, *Manners and Customs in the Bible*, rev. ed. (Peabody, Mass.: Hendrickson, 1991), 133-34.

3. Ze'ev W. Falk, *Hebrew Law in Biblical Times*, 2nd ed. (Jerusalem: Wahrman, 1964; reprint, Provo, Utah, and Winona Lake, Ind.: Brigham Young University Press and Eisenbrauns, 2001), 16.

4. *Ibid.*, 109.

5. Andrew Jukes, *The Law of the Offerings* (Grand Rapids, Mich.: Kregel, 1976), 12.

6. Anthony Phillips, "Some Aspects of Family Law in Pre-Exilic Israel," *Vetus Testamentum* 23 (1973): 360-61.

7. Adam Clarke, *The Holy Bible, with Commentary and Critical Notes* (New York: Abingdon-Cokesbury, 1824), 1:405.

8. Louis Ginzberg, *The Legends of the Jews* (Philadelphia: Jewish Publication Society of America, 1925), 5:271, 281.

9. John W. Welch, "Lehi's Last Will and Testament: A Legal Approach," in *The Book of Mormon: Second Nephi, the Doctrinal Structure* (Provo, Utah: BYU Religious Studies Center, 1989), 65.

10. *The Jewish Encyclopedia* (New York: Funk and Wagnalls, 1904), 8:337.
11. *Ibid.*, 12:557.
12. Bible Dictionary, s.v. "Firstborn."
13. Henry Jackson Flanders Jr., Robert Wilson Crapps, and David Anthony Smith et al., eds., *People of the Covenant: An Introduction to the Hebrew Bible* (New York: Oxford University Press, 1996), 166.
14. Jan Joosten, *People and Land in the Holiness Code* (New York: Brill, 1996), 31, 32, 39.
15. Carol Meyers, *Discovering Eve: Ancient Israelite Women in Context* (Oxford: Oxford University Press, 1988), 30, 32, 34.
16. *Old Testament: Genesis–2 Samuel (Religion 301 Student Manual)*, 2nd ed. rev. (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1981), 88.
17. Russell M. Nelson, "Our Sacred Duty to Honor Women," *Ensign* (May 1999): 398.
18. Welch, "Lehi's Last Will and Testament," 68.
19. Erastus Snow attributed to Joseph Smith a statement that the two sons of Ishmael "married two of Lehi's daughters into Lehi's family" (*Journal of Discourses* 23:184).
20. Jasher 33:5–8; *The Book of Jasher* (Salt Lake City: J. H. Parry, 1887), 90.
21. See John W. Welch, ed., *Reexploring the Book of Mormon* (Salt Lake City and Provo, Utah: Deseret Book and FARMS, 1992), 139–41.
22. Falk, *Hebrew Law in Biblical Times*, 127.
23. *Ibid.* See also Judges 19.
24. Falk, *Hebrew Law in Biblical Times*, 156.
25. Leo G. Perdue et al., *Families in Ancient Israel* (Louisville, Ky.: Westminster John Knox, 1997), 185.
26. S. B. Gurewicz, "Divorce in Jewish Law," *Res Judicatae* 7 (1957): 357–58.
27. Alan Unterman, *Dictionary of Jewish Lore and Legend* (London: Thames and Hudson, 1991), 84.
28. Falk, *Hebrew Law in Biblical Times*, 152.
29. Reuven Yaron, *Introduction to the Law of the Aramaic Papyri* (Oxford: Clarendon, 1961), 59–60.
30. John W. Welch, *Illuminating the Sermon at the Temple and the Sermon on the Mount*, (Provo, Utah: FARMS, 1999), 70.



31. The New Revised Standard Version of the Bible interprets that verse as "no sexual relations with your kinsman's wife" (Leviticus 18:20 NRSV).

32. Flanders, Crapps, Smith, *People of the Covenant*, 202.

33. Anthony Phillips, "Another Look at Adultery," *Journal for the Study of the Old Testament* 20 (July 1981): 3.

34. Phillips, "Another Look at Adultery," 19.

35. Phillips, "Some Aspects of Family Law," 354.

36. Daniel E. Murray, "Ancient Laws on Adultery: A Synopsis," *Journal of Family Law* 1 (1961): 89.

37. Carolyn Pressler, *The View of Women Found in the Deuteronomic Family Laws* (New York: de Gruyter, 1993), 97-98.

38. Philip J. Budd, *Leviticus: Based on the New Revised Standard Version* (Grand Rapids, Mich.: Eerdmans, 1996).

39. Jacob Milgrom, in discussing the meaning of "her source of blood," gives the basic meaning of the word *maḡor* as a "fountain, well, or source." Jacob Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary* (New York: Doubleday, 1991), 761.

40. *Old Testament: Genesis-2 Samuel*, 174.

41. Falk, *Hebrew Law in Biblical Times*, 110.



# Protecting the Widows and the Fatherless in the Book of Mormon

Hannah Clayson Smith

In Old Testament times, widows and the fatherless were particularly vulnerable to poverty and distress. Perhaps because women generally had no right to inherit their deceased husband's property, the Code of the Covenant specifically protected widows (and therefore their minor children) to ensure their subsistence. This paper examines how these provisions may illuminate our understanding of passages in the Book of Mormon that relate to the treatment of widows and the fatherless by asking the following questions: Why did widows and the fatherless need special protection under Hebrew law, and what legal protections existed? What legal protections existed in Book of Mormon times for widows and the fatherless, and what were the penalties for violating the law? Which accounts in the Book of Mormon demonstrate violations of the commandment to protect widows and the fatherless, and which accounts demonstrate obedience? The answers to these questions illustrate the special status of widows and the fatherless in biblical law and in the Book of Mormon.

## Protections for Widows and the Fatherless under Hebrew Law

Under biblical law, widows and the fatherless were particularly vulnerable to poverty. According to Ze'ev Falk in his *Hebrew Law in Biblical Times*, when a woman's husband died, she could not inherit any of her late husband's estate;<sup>1</sup> rather, it was disposed of between the surviving sons.<sup>2</sup> Falk suggests

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that the main purpose for prohibiting a woman from inheriting her husband's property was to prevent it from passing to another family (upon remarriage, for example).<sup>3</sup> Because the Hebrews considered each private estate to have been granted by Moses and Joshua to specific families, the main purpose of this prohibition was to preserve the original distribution of property among tribes, clans, and families.<sup>4</sup>

Apart from the legal inheritance of property, Falk also addresses what would physically happen to a widow and her children when her husband died: "[U]nder the patriarchal system all family as well as property rights were passed on from the head of the clan to the son chosen to become successor." Thus, "the widow of the former patriarch . . . passed into the power of his heir, unless she were his mother."<sup>5</sup> A widow with adult sons would usually live with and be supported by them (see Ruth 4:15; Isaiah 51:18). A widow with minor children acted as their guardian when no redeemer was forthcoming (see the widow of Zarephath, 1 Kings 17:12).<sup>6</sup> A childless widow would either return to her father's house or—according to the law of the levirate—would live with the deceased husband's family (see, for example, Tamar in Genesis 38:11; see also Leviticus 22:13; Ruth 1:8) and would conceive offspring to raise up the deceased husband's name.<sup>7</sup> Accordingly, the subset of widows most susceptible to poverty and distress were those with minor children to support when no redeemer presented himself.

Legal protections for this vulnerable population were formulated in Mosaic law. First, in the Code of the Covenant, Hebrew law established a talionic retribution for anyone who persecuted widows or the fatherless.<sup>8</sup> This part of the code reads: "Ye shall not afflict any widow, or fatherless child. If thou afflict them in any wise, and they cry at all unto me, I will surely hear their cry; And my wrath shall wax hot, and I will kill you with the sword; and your wives shall be widows, and your children fatherless" (Exodus 22:22–24). The talionic

punishment here meant that the Lord would punish men who persecuted widows and the fatherless by making their wives widows and their children fatherless. As Reuven Yaron has suggested, this symmetry between crime and punishment in the biblical law reflected a "desire for exactness in retribution."<sup>9</sup>

Second, in Deuteronomy 24:19–21, the biblical law protected widows and the fatherless by commanding that those who harvest must leave some crops in their fields for the stranger, the widow, and the fatherless "that the Lord thy God may bless thee in all the work of thine hands" (Deuteronomy 24:19).<sup>10</sup>

### **Book of Mormon Protections for Widows and the Fatherless**

Many of the provisions that specifically address widows and the fatherless in the Book of Mormon have their origins in the prophetic writings of the Old Testament. Moreover, these provisions support the proposition that Book of Mormon cultures continued to recognize a special protected status for these groups.

For example, Nephi<sub>1</sub> quotes Isaiah:

Wo unto them that decree unrighteous decrees . . . ; To turn away the needy from judgment, and to take away the right from the poor of my people, that widows may be their prey, and that they may rob the fatherless! And what will ye do in the day of visitation, and in the desolation which shall come from far? to whom will ye flee for help? and where will ye leave your glory? (2 Nephi 20:1–3, quoting Isaiah 10:1–3)

In this passage, Isaiah expressly invokes Israel's covenant with God to do justice for the poor and needy, specifically widows and the fatherless. As a direct quote, this passage is by far the most precise Book of Mormon repetition of an Old Testament denunciation of injustice towards widows and the fatherless. Using the condemnatory "Wo," Isaiah forbids turning away

the needy from justice or, in other words, neglecting the covenantal duty that Israel has to care for its poor. By phrasing oppression of the poor in terms of “tak[ing] away the right from the poor of my people,” the translation suggests that laws protecting the poor were not only covenantal duties of Israel, but also a claim that the poor had against their community. Either way, Isaiah suggests that those who deny justice to the poor and make widows their prey will have no refuge in the day of judgment. He illustrates how seriously the Lord regards the neglect or maltreatment of widows and the fatherless.

This passage is situated at the beginning of a chapter that describes the destruction of Assyria, which serves as an allegory for the destruction that shall befall those at the Second Coming who have not repented. By including the forceful condemnation of those who do injustice to the poor and widows, Isaiah links the neglect or maltreatment of the poor to those who will be destroyed. The inclusion of Isaiah’s prophecy in 2 Nephi is the firmest ground upon which to conclude that Book of Mormon culture preserved special protection for widows and fatherless.

Nephi<sub>2</sub>, the son of Helaman, also drew upon Old Testament prophetic writings when he invoked the Lord’s revelation in Malachi 3:5: “And I will come near to you to judgment; and I will be a swift witness against the sorcerers, and against the adulterers, and against false swearers, and against those that oppress the hireling in his wages, the widow and the fatherless, and that turn aside the stranger, and fear not me, saith the Lord of Hosts” (3 Nephi 24:5).

Here, the Lord promised to be a swift witness against those who oppress widows and the fatherless. This revelation places these oppressors on equal footing with sorcerers, adulterers, false witnesses, and those who oppress hirelings. Biblical law mandated harsh treatment—even death in some instances—for sorcerers,<sup>11</sup> adulterers,<sup>12</sup> and false witnesses (see

Deuteronomy 19:16–21). By including those who oppress widows in this disreputable company, this passage emphasizes the gravity of the sin.

### **Mormon's Account of a Violation of the Commandment to Protect Widows and Fatherless**

In the second epistle of Mormon to his son Moroni (see Moroni 9), Mormon recounts a dramatic example of the abuse of widows and the fatherless in the Book of Mormon. In the final battles between the Nephites and the Lamanites, Mormon learned that the Lamanites had taken prisoners of war from the tower of Sherrizah (see Moroni 9:7). The Lamanites had captured men, women, and children. They killed the men, leaving the women widows and the children fatherless (see Moroni 9:7–8), and then fed their captives the flesh of their own husbands and fathers (see Moroni 9:8). The Lamanites then abandoned Sherrizah, taking most of the provisions of the tower with them, and Mormon laments that “many widows and their daughters . . . remain” (Moroni 9:16). He relates that after the Lamanites plundered the provisions of Sherrizah, the army of Zenephi carried away the remainder of the food, leaving the widows “to wander whithersoever they can for food” and “many old women do faint by the way and die” (Moroni 9:16). Accounts of widows and the fatherless in the Book of Mormon are few; the inclusion of this one suggests that the abridgers of the Book of Mormon wished to convey the utter depravity of the people.

### **Two Accounts of Obedience to the Commandment to Protect Widows and the Fatherless**

The book of Alma records Captain Moroni's example of sustaining widows: “And it came to pass that [Moroni] did no more attempt a battle with the Lamanites in that year, but he did employ his men in preparing for war, yea, and in making fortifications to guard against the Lamanites, yea,

and also delivering their women and their children from famine and affliction, and providing food for their armies” (Alma 53:7, emphasis added). In this simple phrase, we see that Captain Moroni attended to the needs of the widows and fatherless. They had suffered from hunger and affliction as a result of losing their husbands and fathers to Moroni’s army and to death in battle. War and preparations for war could have legitimately claimed all of Captain Moroni’s available resources. But he understood his duty to this vulnerable group. They were alone and in need because he had asked their husbands and fathers to fight with him. Moroni’s decision speaks to the honor and compassion he felt towards those made widows and fatherless through war.

The people of Limhi also obeyed the commandment to care for widows and the fatherless. Mosiah 21:9–17 records that because many of Limhi’s people had been killed by the Lamanites, “there was a great mourning and lamentation among the people of Limhi, the widow mourning for her husband, the son and the daughter mourning for their father, and the brothers for their brethren” (Mosiah 21:9). There were “a great many widows in the land,” and they continued to “cry mightily from day to day, for a great fear of the Lamanites had come upon them” (Mosiah 21:10). The widows’ cries galvanized the people of Limhi to fight against the Lamanites, but they were defeated repeatedly. Because of these defeats, the number of widows swelled: “there was a great number of women, more than there was of men.” Thus, King Limhi commanded that “every man should impart to the support of the widows and their children, that they might not perish with hunger,” and the people obeyed: “and this they did because of the greatness of their number that had been slain” (Mosiah 21:17). Shortly thereafter the people of Limhi met Ammon and were converted to the Lord.



## Conclusion

Because of their vulnerability to poverty and distress (perhaps due to prohibitions against women inheriting their deceased husbands' properties), widows and the fatherless were given special protection under biblical law. Indeed, the Code of the Covenant established a talionic punishment for any man who persecuted widows and the fatherless—the man would be killed, leaving his own wife a widow and his children fatherless. A few notable accounts in the Book of Mormon reiterate the biblical law's special protections for widows and the fatherless by promising that the Lord would be a swift witness against their oppressors. Indeed, Mormon's second epistle to Moroni specifically referenced the abhorrent treatment of widows and the fatherless as a measure of the depth of depravity of the people. Finally, Captain Moroni and the people of Limhi, despite the pressing demands of war, were obedient to the commandment to sustain widows and the fatherless, demonstrating the importance that the Lord's faithful in the Book of Mormon placed upon this provision of the law.

## Notes

1. Falk stressed, however, that the widow was entitled to her dowry and any "separate property given to her." Ze'ev W. Falk, *Hebrew Law in Biblical Times*, 2nd ed. (Provo, Utah, and Winona Lake, Ind.: Brigham Young University Press and Eisenbrauns, 2001), 154. See, for example, Judges 17:2; 1 Samuel 25:14–42.

2. Falk, *Hebrew Law*, 173–74.

3. *Ibid.*, 175. Although the remarriage of widows was discouraged in the priestly rules (see Leviticus 21:7, 14; Ezekiel 44:22), in practice, widows often remarried (see, for example, Abigail in 1 Samuel 25:38, 42, and Bathsheba in 2 Samuel 11:27).

4. Falk, *Hebrew Law*, 173.

5. Ibid., 153.

6. Ibid.

7. Ibid., 154–55.

8. The most cited talion is found in the Code of the Covenant: “Eye for eye, tooth for tooth, hand for hand, foot for foot, Burning for burning, wound for wound, stripe for stripe” (Exodus 21:24–25). Reuven Yaron has noted that the talion first appeared in the Code of Hammurabi and “from his Code made its way into later collections, including the Bible.” Reuven Yaron, “Biblical Law: Prolegomena,” in *Jewish Law in Legal History and the Modern World*, ed. Bernard S. Jackson (Leiden: Brill, 1980), 32–33. In biblical law, talionic retributions are “often related symbolically to the offense.” John W. Welch, “The Execution of Zemnariyah,” in *Reexploring the Book of Mormon*, ed. John W. Welch (Salt Lake City and Provo, Utah: Deseret Book and FARMS: 1992), 250–52 (suggesting a form of talionic retribution in the Book of Mormon account of the death of Zemnariyah).

9. Yaron, “Biblical Law,” 32.

10. Deuteronomy 24:19–21 provided in full: “When thou cuttest down thine harvest in thy field, and has forgot a sheaf in the field, thou shalt not go again to fetch it: it shall be for the stranger, for the fatherless and for the widow: that the Lord thy God may bless thee in all the work of thine hands. When thou beatest thine olive tree, thou shalt not go over the boughs again: it shall be for the stranger, for the fatherless, and for the widow. When thou gatherest the grapes of thy vineyard, thou shalt not glean it afterward: it shall be for the stranger, for the fatherless, and for the widow.”

11. See Exodus 22:18, “Thou shalt not suffer a witch to live”; and Leviticus 20:27, “A man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death.”

12. See Leviticus 20:10, “And the man that committeth adultery with another man’s wife, even he that committeth adultery with his neighbour’s wife, the adulterer and the adulteress shall surely be put to death.”

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