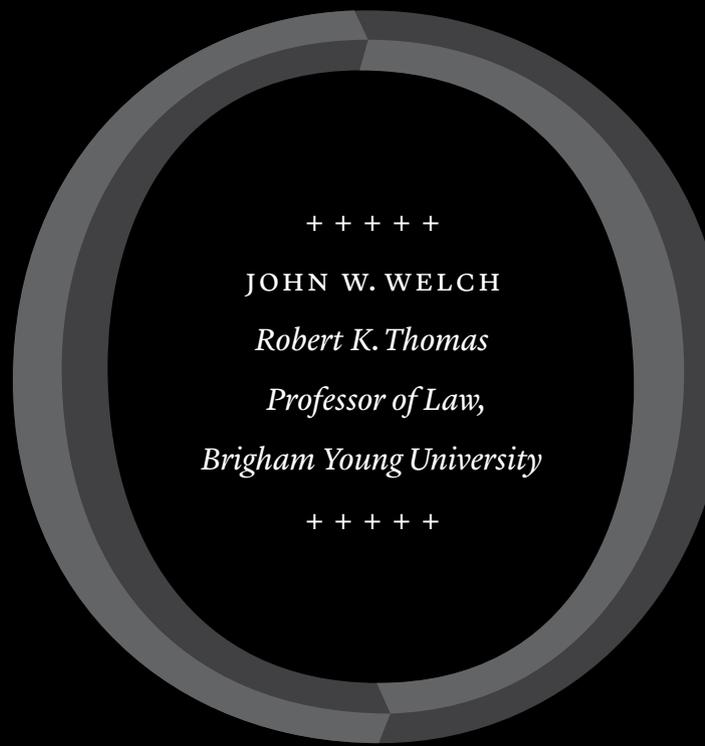


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IN THE OLD TESTAMENT AND THE BOOK OF MORMON

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ernard Jackson's rigorously insightful 1972 volume on theft and robbery in Jewish law<sup>1</sup> opened for me convincing new lines of legal, historical, and textual analyses that have continued to shed new light not only on a wide array of Jewish interests but also on various cultural experiences in ancient life and language reflected in the Roman world, in the New Testament, and, unexpectedly, in the Book of Mormon. Expanding upon his sociolegal approach to biblical law, the present contribution now focuses on homicide accounts in the Hebrew Bible and in the Book of Mormon. These cases are factually entangled and legally complicated, and much has been written about homicide in the Hebrew Bible and about the extraction of legal material from narrative literature.<sup>2</sup> Indeed, in scriptural texts "the narrative and the laws are not only combined together—at times they are actually merged."<sup>3</sup> In recent years several books and articles have highlighted biblical law backgrounds of the legal cases in the Book of Mormon, also relating numerous Jewish religious and cultural features to passages in the Book of Mormon.<sup>4</sup>

Taken on its own literary terms, the Book of Mormon presents itself as generatively related to biblical law and Jewish literature. Its narrative positions itself as a lineage history, primarily of a family from the tribe of Manasseh that begins in Jerusalem shortly before the Babylonian conquest.<sup>5</sup> At the outset of this narrative, Lehi objects to the actions taken by King Zedekiah and openly prophesies of the city's destruction. Lehi is accused of the crime of false prophecy, as Jeremiah and Urijah ben Shemaiah had been a few years earlier.<sup>6</sup> His life threatened, Lehi is warned in a dream to take his family out into the Arabian wilderness, in a manner somewhat similar to the withdrawal of the Rechabites into the desert.<sup>7</sup> Thus begins the saga of their expedition and history for the next thousand years. Encountering obstacles and difficulties—as well as receiving prophetic guidance and spiritual blessings—at every stage along the way, this early group of diasporic Israelites transitions into their own second temple community and eventually becomes a new covenantal Messianic or Christian community.

As Lehi and his family have withdrawn from Jerusalem, a homicide occurs when his youngest son, Nephi, finds the guard of the temple treasury, Laban, drunken and delivered into his hands. This allows Nephi to obtain a copy of the Torah (1 Nephi 3–4). The Book of Mormon account of that homicide—narrated in the first person by Nephi—hinges on several key phrases, especially two from the law of homicide in Exodus 21:13<sup>8</sup> and another from the oral law principle that, in some cases, one life may be surrendered for the survival of all.<sup>9</sup>

Given the glaring prominence of this daring account in the opening chapters of the Book of Mormon, any reader who gets even seven pages into the book is gripped by the legal and moral conundrums of this detailed narrative and stares directly at the fundamental postulates that are assumed not only by this story but by the society out of which it came. It has been famously said by F. W. Maitland that more can be discerned about a society or a civilization’s laws and ultimate values by observing the way in which it conducts a murder trial than by any other way.<sup>10</sup>



*Lehi commands his four sons to return to Jerusalem to somehow obtain . . . a set of brass plates containing the law of Moses and other writings.*

**IN 2013 THE JEWISH LAW ASSOCIATION** announced plans to hold its biannual international conference the following summer in Antwerp, Belgium. The call for papers welcomed submissions dealing with aspects of Jewish law anywhere in world literature. Having been a long-time member of this association and having presented before to this body at previous meetings in Boston and Paris, I decided to propose a paper on literary aspects of homicide laws and homicide narratives in the Hebrew Bible and in the Book of Mormon. My proposal was accepted and presented in July 2014 under the title “Narrative Elements in Homicide Accounts.”

Eleven of the papers read at that conference have now been published in *Judaism, Law and Literature*, volume 27 of *Jewish Law Association Studies* (2017), edited by Michael Baris and Vivian Liska, and are available at HeinOnline. Following is a shortened and adapted version of my paper published there. For the sake of clarity, editorial deletions, transitions, and additions have been made in this version without indication of those changes. A PDF of the full version of the original article can be requested at [welchj@law.byu.edu](mailto:welchj@law.byu.edu). I am grateful for feedback received both at the conference and also in the editorial process.

Narratives about homicides and murder trials expose the balance maintained in a society between such polarities as the contrast between individual rights versus collective needs, family loyalties versus social mores, citizen duties versus leader objectives, political regimes versus priestly institutions, fate versus human choice, and divine providence versus provable objectivity.

And thus it is interesting that both the Bible and the Book of Mormon each contain a score of accounts of actual killings, not to mention about a dozen additional attempted homicides.<sup>11</sup> That said, no actual account of a homicide trial—either at a city of refuge or within the enclosure of a town gate—is given anywhere in the Bible, although two interesting homicide cases are woven into the narrative flow of the Book of Mormon: one is the trial of Nehor for the slaying of Gideon and the other the trial of Seantum, which involved the conviction of a divinely detected killer when no witnesses saw the deed committed. Many scholars have analyzed legal aspects of several of the biblical homicide narratives, but no one has tackled the challenge of analyzing all of these homicide narratives as a body, giving a close reading to each of these texts and a composite synthesis of their common narrative features and strategies with legal components in mind.

The following study is an attempt to make sense of all of this information by identifying key legal rubrics reflected cumulatively in these homicide narratives. Several such elements can then be compared to the legal rules expressed in the four well-known provisions of biblical law regarding manslaughter, found in Exodus 21:12–14, Numbers 35:9–34, Deuteronomy 19:4–13, and Joshua 20:2–6. Reading these narrative and legal texts together shows that, while they all are invested with and interested in many of the same essential factors, the narratives usually make a point of telling something about the degree of blameworthiness of the victim and the larger circumstantial forces that would bear on the exculpation of the killer. In contrast, the legal provisions tend to focus much more on objective evidence that indicates the state of mind of the killer while manifesting little interest in the degree to which the victim might be blameworthy

or deserving of death. Thus, my effort to see which elements are emphasized in narratives as opposed to in the statutes builds on David Daube’s approach, which used law to illuminate narrative, and also is close to Pamela Barmash’s purposes, which are to combine law and narratives in order to understand better which behaviors were defined as criminal and to determine “how legal institutions and principles were thought to operate, whether well or poorly.”<sup>12</sup>

From this study, many conclusions can be drawn about the relationship between legal and narrative texts. Such studies often bring to light the differences or similarities between case narratives and corresponding legal norms. They also expose the degree to which a story, on the one hand, merely serves as an illustration of established law or seeks the authentication of a particular law or, on the other hand, aims to reveal inherent problems within a particular legal reality and perhaps even calls for legal change and social reform.

To begin, the following numbered list identifies an array of cases to be considered here. In the Hebrew Bible and Apocrypha, one finds a considerable variety of slayings, not all of which seem like homicides in the modern sense. Many of these killings were committed under extreme pressures, for defensive needs, under royal orders, or in military contexts though off the battlefield, although license to kill was always tightly controlled by divine prerogative.

Entire articles could be—and in some cases actually have been—devoted to each of these cases individually, but for present purposes, these homicide cases will first be listed and numbered for ease of reference below. The facts and legal issues in each can be discerned by attentive lawyerly reading but will not be worked through here in this article. Rather, after a careful consideration of Nephi’s account of his slaying of Laban in 1 Nephi 3–4, several observations will be made about newly observed elements that run through these 40 homicide narratives as a whole and which are found with particular effect in Nephi’s excruciating and exquisite narrative.

### **Selected Killings and Homicide Narratives in the Hebrew Bible and Apocrypha**

- 1 Cain » Abel (Genesis 4:1–15)
- 2 Moses » an Egyptian (Exodus 2:11–12)
- 3 Phinehas » Zimri and Cozbi (Numbers 25)
- 4 Jael » Sisera (Judges 4:13–21)
- 5 Abimelech » Abimelech’s brothers (Judges 9)
- 6 Samson » Philistines (Judges 14:12–19)
- 7 Samuel » Agag (1 Samuel 15:32–33)
- 8 Doeg » Priests (1 Samuel 22:9–19)
- 9 David and his soldier Abishai do not kill Saul (1 Samuel 26)
- 10 David’s servant » an Amalekite who killed Saul (2 Samuel 1:2–16)
- 11 Abner » Joab’s brother Asahel (2 Samuel 2:18–23)
- 12 Joab and Abishai » Abner (2 Samuel 3:22–30)
- 13 Rechab and Baanah » Ish-bosheth (2 Samuel 4:5–8)
- 14 David’s captain Joab » Uriah (2 Samuel 11)
- 15 Absalom’s servants » Amnon (2 Samuel 13:6–29)
- 16 Joab » Amasa (2 Samuel 20:8–10)
- 17 Gibeonites » seven of Saul’s sons and grandsons (2 Samuel 21:1–9)
- 18 Benaiah » Joab (1 Kings 2:28–34)
- 19 Ahab and Jezebel » Naboth (1 Kings 21:1–14)
- 20 Jozachar (Zabad) and Jehozabad » Joash (2 Kings 12:20–21; 2 Chronicles 24:24–26) and Amaziah » servants Jozacar (Zabad) and Jehozabad (2 Kings 14:5)
- 21 Servants » Amon (2 Kings 21:23)
- 22 Ishmael, agent of the Ammonite king » Gedaliah (2 Kings 25:25; Jeremiah 40:13–41:2)
- 23 Judith » Holofernes (Judith 13)

*Nephi finds the guard of the temple treasury, Laban, drunken and delivered into his hands.*



## A Summary of Nephi's Narration of His Slaying of Laban

Case 24, the narrative of the slaying of Laban, is the most prominent case of homicide in the Book of Mormon—and perhaps in all of scripture.<sup>13</sup> It is unusually rich in factual details and literary motifs that allow its threads to be woven tightly together with many key biblical homicide accounts. Although people usually think of the facts of this case only in terms of the culminating moment when Nephi unexpectedly stumbles upon the drunken Laban after nightfall in the streets of old Jerusalem, its legally related elements begin to assert themselves from the outset of 1 Nephi, the first book in the Book of Mormon.

Writing about a dozen years after these events,<sup>14</sup> Nephi, the narrator and the reluctant and perhaps even traumatized slayer, constructs the opening chapters of his record by portraying these events to justify his gruesome action and to solidify his position of succession in the family ahead of his older but less compliant brothers.<sup>15</sup> This elaborately narrated story establishes several fundamental norms at the beginning of the Book of Mormon, including such themes as the importance of having and following the written law, of receiving and hearkening to the Spirit of the Lord in all things, and of knowing that God will prepare a way for His people to accomplish the things that He has commanded them to do. Several points in this narrative are particularly relevant to the text's literary portrayal of this killing.

In brief, Lehi commands his four sons to return to Jerusalem to somehow obtain from Laban—the captain over the temple guard with access to the temple treasury—a set of brass plates containing the law of Moses and other writings. After two attempts to amicably obtain the plates have failed, the youngest son, Nephi, goes into Jerusalem alone and at night toward the house of Laban, not knowing what he should do. He stumbles onto their nemesis, Laban, drunk and alone on the street.

Nephi is constrained by the Spirit to kill Laban. Using a key phrase from Exodus 21:13, the Spirit says to him twice: Slay him, for “the Lord hath delivered him into thy hands” (1 Nephi 4:11, 12). Other considerations enter

### Selected Killings and Homicide Narratives in the Book of Mormon

To this set of biblical narratives can be added from the Book of Mormon a comparable array of slayings involving kings, priests, military captains, soldiers, servants, and ordinary people involved in conspiracies, fratricides, and regicides. As in the Bible, only a small number of these killings are regular homicide cases.

- 24 Nephi » Laban (1 Nephi 3–4)
- 25 Priests » King Noah (Mosiah 19:6–20)
- 26 Nehor » Gideon (Alma 1:2–15)
- 27 King Lamoni » ineffective servants (Alma 18:6)
- 28 Lamanite soldiers » 1,005 unarmed Lamanites (Alma 24:21–22)
- 29 Amalickiah's servant » Lehonti (Alma 47:18)
- 30 Amalickiah's servant » Lamanite king (Alma 47:23–24)
- 31 Teancum » Amalickiah (Alma 51:33–34)
- 32 Teancum » Ammoron (Alma 62:36)
- 33 Ammoron's servant » Teancum (Alma 62:36)
- 34 Kishkumen » Pahoran (Helaman 1:9)
- 35 Helaman's servant » Kishkumen (Helaman 2:7–9)
- 36 Seantum » Seezoram (Helaman 9:3, 6, 26–38)
- 37 Servants of Akish » Jared (Ether 9:5–6)
- 38 Heth » Com (Ether 9:26–27)
- 39 High priest » Gilead (Ether 14:8–9)
- 40 Lib » high priest (Ether 14:10)

into Nephi's struggling deliberation over what to do, but ultimately he accepts that "the Lord had delivered Laban into [his] hands" (1 Nephi 4:17). He beheads Laban with his own sword, goes to Laban's house, obtains the plates, and flees with his brothers back into the wilderness.

When reading any homicide account, one must always consider how far back in the book the homicide account begins. Usually, everything that precedes a homicide is part of its prologue. In the case of Nephi slaying Laban, the story begins when Lehi receives a revelation of a heavenly book and divine council that draws Lehi and his posterity into a strong but often contested Messianic Christian direction. The Hebraic and biblical underpinnings of this story are persistent. As several studies have shown, the Book of Mormon—even though it came forth in English in an unusual way—can be read exegetically and hermeneutically as manifesting a number of Jewish literary and legal characteristics,<sup>16</sup> and thus biblical law and biblical literature are also part of this narrative's prologue.

As Nephi is telling the story, it is understandable that he includes at the outset several points that cast his character in a positive light. His account begins by affirming that he has "been highly favored of the Lord in all [his] days" and has "had a great knowledge of the goodness and the mysteries of God" (1 Nephi 1:1). Next Nephi establishes Lehi's credibility as a true prophet.

In answer to a prayer to the Lord, Lehi sees "a pillar of fire [that] dwelt upon a rock before him; and he saw and heard much" (1 Nephi 1:6), and it shakes him profoundly. Returning to his house, Lehi is then carried away into a vision of the heavenly council, where he is given a book and asked to read, and "he was filled with the Spirit of the Lord" (1 Nephi 1:12). The account conveys that this Spirit is the same Spirit that later speaks to Nephi and prompts the homicide (1 Nephi 4:11).

The Spirit causes Lehi to read of the abominations and impending destruction of Jerusalem and the death of many of its inhabitants who "should perish by the sword" (1 Nephi 1:13). Evoking the generic use of the sword as the principal mode of execution for apostate cities in biblical law (Deuteronomy 13:15), Lehi's prophetic judgment speech sets the stage for the slaying of Laban, also to be carried out by the sword—indeed Laban's own sword (1 Nephi 4:18). That the heavenly book of judgments has already consigned Jerusalem to destruction and many of its inhabitants to death readies readers to see the slaying of Laban as an engine of divine judgment and at the same time associates Laban with those who had committed the abominations that precipitated the destruction of Jerusalem.

Indeed, as Lehi goes forth among the populace in Jerusalem prophesying about the revelations that he has seen and heard, he is mocked as the people even "sought his life, that they might take it away" (1 Nephi 1:20). Although it is unknown whether Laban is part of the crowd that attempts to kill Lehi, he may well be implicated among those who charge Lehi with the crime of false prophecy, as Urijah and Jeremiah had been charged a few years earlier (Jeremiah 26). Readers soon learn that Laban was a captain of the guard within the city of Jerusalem, having at his disposal a garrison of 50 soldiers (1 Nephi 4:1). As Lehi then quickly departs from Jerusalem, leaving all of his possessions and taking only a few provisions and tents, he leaves as a fugitive from justice whose safety would have been in dire peril—particularly at the hands of Laban—should he ever attempt to return to the city.

Nephi is promised that if he will keep God's commandments, he will prosper and be led to a land of promise (1 Nephi 2:20). At this point, Nephi's audience understands that Nephi and his people will need to keep the law and the commandments. This need will surface again as one of Nephi's culminating ruminations before he kills Laban, when he remembers that his people "could not keep the commandments" unless they had the plates on which the law was engraved (1 Nephi 4:15–16). Nephi's state of mind does not simply assume that having the plates would be helpful; he infers that the fulfillment of the Lord's promise to him necessitates obtaining the plates.

The story continues as Lehi informs Nephi that, in a dream, the Lord has commanded Nephi and his brothers to return to Jerusalem to obtain a record of the law and a genealogy written on the plates of brass (1 Nephi 3:2–3). Lehi directs Nephi and his brothers to "go unto the house of Laban and seek the records, and bring them down hither into the wilderness" (1 Nephi 3:4). Lehi reiterates that this "is a commandment of the Lord" (1 Nephi 3:5), and it is implied that the sons

are familiar with Laban and his house, making the task seem at least feasible.

Nephi's unwavering confidence (1 Nephi 3:7) that the Lord would make a way for this to happen clearly sets the stage for the events that unfold, certifying that, come what may, the hand of the Lord will be instrumental in controlling the crucial steps in ultimately accomplishing the task assigned by God. Indeed, the narrative conveys the impression that the hand of the Lord is involved in each of the three ensuing attempts to get the plates of brass.

In the first attempt, Laman is selected by the casting of lots to go into the house of Laban and talk with him there (1 Nephi 3:11). Although Laman appears to be somewhat inept in his request, and although Laban becomes angry, at least Laman has probably gone further in this attempt than he had ever thought possible. After all, as the son of a wanted fugitive from justice, Laman cannot reasonably expect to get past the front door of Laban's house, which is guarded by servants (1 Nephi 3:25). The fact that Laman is able to obtain this access may indicate again that Laban knew Lehi and, as some have suggested, may even have been related to Lehi and his family, making this something of an intra-clan dispute.

The narrative then turns its attention to Laban's blameworthiness. He soon grows angry and threatens Laman with a serious indictment: "Behold thou art a robber, and I will slay thee" (1 Nephi 3:13). Being angry was a strong factor in determining culpability in homicide cases (Numbers 35:20–23; Deuteronomy 19:4–6, 11). Samson, angry about the men cheating to get the answer to his riddle, killed 30 Philistines [6]; Saul threatened Jonathan in anger, wrongly demanding that David be slain (1 Samuel 20:30–33). Moreover, when robbers were outlaws or members "of an outside group—a bandit," they could be put to death through military channels without a trial.<sup>17</sup> Bandits and brigands, as public enemies who denied the validity of the central government in power, could not expect to be given a trial of any kind within the established system.

In this context, Laban's threat is not an idle gesture. Vehemently calling him a robber is, of course, an unfair characterization of Laman, although since he came with a band

of brothers, he could plausibly be characterized as a robber. But Laban's indictment is at least enough to terrify him, and he flees from Laban, fearing for his life (1 Nephi 3:14).

As a result, the brothers are about to abandon the cause, but Nephi binds himself with an oath: "As the Lord liveth, and as we live, we will not go down unto our father in the wilderness until we have accomplished the thing which the Lord hath commanded us" (1 Nephi 3:15). Making himself subject to a vow of this nature, Nephi in effect pledges his life to successfully obtaining the plates of brass. So the brothers try again, this time with an attempt to give their wealth to Laban, hoping that he will give them the plates. Laban lusts after their property, seizes it, and sends his servants to kill the four brothers, who flee (1 Nephi 3:25–26).

Of more immediate significance, an angel then promises the brothers, "Ye shall go up to Jerusalem again, and the Lord will deliver Laban into your hands" (1 Nephi 3:29). The legal language of deliverance now enters the narrative. In biblical narratives, enemies were said to be delivered: Goliath was delivered into David's hands (1 Samuel 17:45–46), but accidental and unintentional slayings were also defined as a victim being delivered into the hands of the killer.

In response, Nephi exhorts his brothers to go back to Jerusalem one more time: "Let us be strong like unto Moses" (1 Nephi 4:2). The great prophet and lawgiver Moses divided the waters of the sea and drowned the armies of Pharaoh, and thus Nephi argues that the Lord could "destroy Laban, even as the Egyptians" (1 Nephi 4:3). Reluctantly, the brothers go silently back up to Jerusalem, but they stay outside the walls as Nephi creeps into the city at night, going back toward the house of Laban (1 Nephi 4:5). At this point, perhaps Nephi's rhetorical burst of confidence is not the only reason why Moses should be on the reader's mind. Long before the soldiers of Pharaoh were killed, we recall that Moses had also killed an Egyptian [2]. Readers can already sense that someone might justifiably die in the unfolding of Nephi's account.

If a death should somehow occur, one of the main legal issues that would arise would involve a determination of Nephi's state of mind. Intuiting this, Nephi's narrative next



affirms that he "was led by the Spirit, not knowing beforehand the things which [he] should do" (1 Nephi 4:6). This is almost like the Israelites being led through the wilderness by the pillar of fire at night, and Nephi becomes an embodiment of the children of Israel, as they too faced mortal dangers. Nephi's testimony that he was led solely by the Spirit of God substantiates a lack of preplanning, premeditation, lying in wait, coming presumptuously, or desiring revenge or to harm Laban. He had neither schemed to find Laban by guile nor positioned himself somewhere around Laban's house hoping to be able to ambush him. Apparently unarmed, Nephi gives the impression that he simply hopes somehow to gain access to the repository or to persuade someone who controlled access to the plates to cooperate with him.

As Nephi approaches the house of Laban, the narrative tells that he "beheld a man," that this man "had fallen to the earth" right on Nephi's path, that he was "drunken with wine," and that Nephi "came to him," perhaps to see what he might learn or perhaps even help this fallen person, only to discover "that it was Laban" (1 Nephi 4:7–8). Nephi immediately notices Laban's sword, takes it out of its sheath, and admires its hilt of pure gold and its blade of precious steel (1 Nephi 4:9). Considerable irony looms in the fact that not only Laban would be killed by his own sword, after having threatened and sought to kill Nephi and his brothers, but also the sword was extremely valuable—the instrument of Laban's death thus talionically representing his lust for gold and precious things as a cause of his own undoing.

At this point, Nephi reports that he is "constrained by the Spirit that [he] should kill Laban" (1 Nephi 4:10). Nevertheless, he resists and reflects: "Never at any time have I shed the blood of man. And I shrunk and would that I might not slay him" (1 Nephi 4:10). With these words, Nephi certifies that he is being constrained to do this deed, emphasizing that it is not of his own volition. For several unstated reasons, his preference is to somehow take advantage of this situation without having to kill Laban. He is inexperienced, not bloodthirsty or tainted with bloodguilt. These assertions distance Nephi's action from the core domain of culpable, voluntary homicide.

Hearing words almost identical to those found in Exodus 21:13—"Behold the Lord hath delivered him into thy hands" (1 Nephi 4:11)—Nephi reflects further, seeking to rationalize his action on three grounds: (1) Laban had sought to take away Nephi's own life (and the lives

*In the Book of Mormon, Amalickiah, his brother Ammoron, and Kishkumen were all sworn and confirmed enemies of the Nephite people.*

of his brothers), but that attempt was unsuccessful and thus not culpable; (2) Laban would not obey this commandment of God, but he also had no obligation to consider a demand made by Lehi's sons as tantamount to a divine command; and (3) Laban had taken away their property, but stealing property is not treated as worthy of capital punishment. Although Nephi's situation—he is alone, unarmed, and out of options—is different than David's when he and his soldier Abishai deliberated and decided not to kill Saul [9], both of these two narratives draw readers into the agonizing deliberations of each potential manslayer over the seriousness of taking such irreversible action.

To make it unmistakably clear that only one reason justifies Nephi's action, the Spirit repeats the injunction a final time: "Slay him, for the Lord hath delivered him into thy hands" (1 Nephi 4:12). These words of the Spirit certify that in this case the Lord has brought together the facts and circumstances, along with the means and methods, necessary to slay Laban. Thus it is not Nephi but "the Lord [who] slayeth the wicked to bring forth his righteous purposes" (1 Nephi 4:13), as in the ideology of divine intervention in combat. Laban, after all, is carrying arms and wearing armor. As a final assertion by the Spirit, the account concludes, "It is better that one man should perish than that a nation should dwindle and perish in unbelief" (1 Nephi 4:13).

This expression resonates with another pivotal narrative, that of Sheba, a rebel guilty of treason against David (2 Samuel 20). When Sheba sought protection in the city of Abel, Joab demanded that Sheba be released to him. The people of Abel then beheaded Sheba, setting an important legal precedent that has been invoked, under certain circumstances, to justify the killing of one person in order to preserve an entire group. This "one for many principle" was reputedly invoked another time, when Jehoiakim was released to the Babylonians (2 Chronicles 36:6),<sup>18</sup> who presumably executed him only a few months before the account in 1 Nephi begins.

With that injunction from the Spirit, Nephi cuts off Laban's head. He takes him "by the hair of the head" (1 Nephi 4:18), as Judith would later do in cutting off the head of the Babylonian commander Holofernes, whose armies would surround Jerusalem shortly after the setting of Nephi's narrative [23]. No one witnessed either of these beheadings. Like Phinehas [3], Nephi and Judith were portrayed as taking the law into their own hands, acting for the benefit of their entire people.

This narrative ends as the sons flee to Lehi's tent in the wilderness. In the case of a killing that was not premeditated, Exodus 21:13 provides that God will appoint "a place" to which the killer may flee. In times and places where the city of refuge laws were in effect, the place of refuge was understood as the altar in one of the six designated Levitical cities. But the term "place" is ambiguous, and except in Exodus 21:14, it is never used to refer to the altar. It refers to the land of Israel in Exodus 23:20 and Deuteronomy 1:31 or to the wilderness in Deuteronomy 1:33; 9:7; 11:5; and 29:7. As the precedents of Cain's banishment [1] and Moses's fleeing into Midian [2] prefigure, leaving the land where a slaying has occurred may be a sufficient denouement of such a case.

### **New Observations About Homicide Narratives in Biblical and Book of Mormon Literature**

Significantly, all of these homicide narratives go beyond the rudimentary story elements or factual concerns that are typically found in the law codes. The topic of homicide is encountered developmentally first in Exodus 21, then in Numbers 35, then in Deuteronomy 19, and finally in Joshua 20. The purpose of these legal provisions is primarily to promote judicial efficiency and objective clarity. Because ancient Israelite law required two or three eyewitnesses to be able to testify of the things which they had seen relevant to the killing (Deuteronomy 19:15), these statutes tended to emphasize the visible, outward evidence to be used in determining if a killer or manslayer was qualified to receive protection in a city of refuge. Thus the person claiming eligibility for asylum would need to show, by virtue of his physical actions and behavior, that he did not lie in wait (Exodus 21:13; Numbers 35:20, 22; Deuteronomy 19:11); that he had not previously been an enemy to the victim (Numbers 35:23), at least on the day beforehand (Deuteronomy 19:6); and that what happened had occurred suddenly or that the victim had not been in the slayer's field

of vision (Numbers 35:22–23). All of these factors would tend to show that the killer was unaware of the presence of the victim (Numbers 35:11; Joshua 20:3) and thus did not intend or seek to harm him (Numbers 35:23) or that he held no animosity or hatred toward the one who was killed (Deuteronomy 19:4; Joshua 20:5).

Only Exodus 21:13, the primary provision in this set of legal guidelines, includes the overall subjective rubric that "God delivered him into his hand" as a way of implying that the slaying occurred by some act of God and not by the intention or inclination of the killer. Alternatively, the other sections came to rely entirely on objective elements, such as the use of an instrument of iron, stone, or wood (Numbers 35:16–18), coupled with demonstrable previous hatred, hostility, or malice (Numbers 35:20–21; Deuteronomy 19:6) and some intentional, actual rising up to go and do the deed (Deuteronomy 19:11), especially with forethought, preplanning, or guile and deception (Exodus 21:14). These elements would then legally support the result—not necessarily in the execution or avenging by killing of the slayer but at least in the slayer being denied the protections of asylum in one of the cities of refuge.<sup>19</sup>

Because these four biblical homicide legal passages all try to distinguish between intentional and therefore culpable killings on the one hand and excusable or protectable slayings on the other hand, all four of these sections, to one extent or another, go on to speak of the altar or physical place of refuge (Exodus 21:13–14) or cities of asylum (Numbers 35:13; Deuteronomy 19:2, 9; Joshua 20:2) to which the slayer must be allowed to flee. They also set forth the procedural rules regarding the presentation of objective evidence that would show whether the slayer had been given an opportunity to flee at a normal speed to the place of asylum (Deuteronomy 19:6; Joshua 20:5) and what the slayer must audibly say to the elders standing at the gate in seeking protection (Joshua 20:4). The elders, namely the elders of the avenger's city (Deuteronomy 19:12), would then judge between the slayer and the avenger (Numbers 35:24) and would be entitled to appear before the court in the city of refuge to demand relinquishment of the slayer.<sup>20</sup> Finally, these statutes then

are concerned about the length of time that the slayer must remain in the city of refuge (Numbers 35:28; Joshua 20:6) and what may happen should the slayer happen to venture beyond the boundaries of the city of asylum (Numbers 35:26–27).

Surprisingly, however, unlike these objectively oriented statutory provisions, the homicide narratives rarely make explicit mention of any of these objective factors. The narratives are unconcerned with a city of refuge, probably because in most cases the narrative makes it obvious that the slayer would not qualify in any event for protection under the asylum system. Still, one might expect some of these narratives to verify the lack of any of the protective factors mentioned in the law codes, but that is not found to be the case. Likely, the narrators assumed that their readers or listeners understood the elements of the laws on homicide well enough that certain points did not need to be highlighted or emphasized in order for the culpability of the slayer to be obvious. Some things just go without saying. Where the guilt of the killer is apparent in several of these narratives, the weapons or instruments used in the killing are mentioned; the enmity, hatred, or jealousy between the killer and the victim is at least a dramatic undercurrent; or deceptive scheming or luring entrapment are behaviors clearly woven into the narrative buildup.

Nevertheless, almost all of these homicide narratives include important elements that go beyond the factors found in the homicide codes. The facts involved in almost any homicide trial are unique, complicated, and confusing, if not irrational. Therefore, expecting to reduce homicide narratives to a rational and regularly coherent legal rubric is not realistic. Thus it follows that witnesses and advocates in trial settings use narratives and storytelling to humanize the law; to highlight the unique or exceptional elements in the individual case; and to explain, rationalize, and justify the ultimate legal or moral outcome that should rightly emerge out of that case. Just as the law and lawyers use narratives to make the law real, narrators use law to connect with audience anticipations and to construct stories that will be memorably instructive.

The following points digest my main observations regarding the key narratological points emphasized in these homicide narratives.

- 1 *Unlike the biblical laws or modern statutes, homicide narratives usually make a point of telling something about the victim's degree of blameworthiness.*

In a few of these narrative cases, the victim is cast as entirely innocent and not worthy of death. For example, Ish-bosheth [13] was expressly described as “a righteous person” who was killed innocently “in his own house upon his bed” (2 Samuel 4:11). Readers are probably expected to strongly assume that Abel [1] was entirely innocent and respected by the Lord and that the prophet Zechariah was not in any way culpable (2 Chronicles 24:20–22). The legal statutes, however, never mention, nor show any interest in the degree to which the victim is innocent.

However, in real life, victims who provoke caustic or violent reactions from their fellow villagers or leaders are somewhat less sympathetically viewed than are polite people who inoffensively and righteously mind their own business. The lack of blameworthiness of the victim at least requires observers and judges to look for guilty motivations elsewhere—presumably in the mind of the perpetrator.

But even in narratives where blameworthiness may be found, it is not always clear how innocent some of the victims actually are. For example, readers are not told if the Philistines who were killed by Samson [6] really deserved to be slaughtered or not. On the other hand, many of the narratives go to great lengths to demonstrate that the victims were clearly reprehensible, and as a rule these narratives seem to assume that the more guilty the victim, the more excusable the death. Amnon despicably and incestuously raped his half-sister Tamar and then hated her [15], Laban was repeatedly portrayed as reprehensible [24], and Kishkumen was a sworn secret conspirator who was caught in the act of an attempted assassination [35].

Moreover, most of the homicide victims in these cases were high-profile, accountable public leaders. As a result, higher levels of social and moral behavior could be rightly expected, given the high degree of trust and responsibility placed into their hands as well as the widespread consequences of public or national calamity that would follow from any serious misconduct on their part. Ultimate victims included wicked kings, such as Abimelech [5], and unfaithful priests, such as Agag [7]. The Egyptian overseer who was killed by Moses held some public position of power that he apparently had abused [2]. Whereas high-ranking social status tended to protect or mitigate liability for damages under ancient Near Eastern laws, the moral tendency in biblical homicide narratives is to hold high-ranking figures not less but more accountable as role models whose actions should be beyond reproach. The narrators of biblical homicides imply that these men should not be viewed as being above the law but, instead, subject to it.

Bloodguilt is sometimes mentioned as justification for killing the guilty party. For example, David required the blood of Ish-bosheth (2 Samuel 4:11) at the hands of Rechab and Baanah [13]. Joab killed Abner to avenge Asahel's death, even though David had made a treaty with Abner, given him a feast, and let him go [12]. Although Joab thought Abner was spying on David, David was disappointed, affirming that he and his kingdom were guiltless but that Joab had bloodguilt upon his head (2 Samuel 3:28–29). Later, Solomon had Joab killed to avenge the deaths of Abner and Amasa (1 Kings 2:31–34) [12, 16, 18].

Some of the victims are presented as cowardly or greedy. Sisera fled away on foot, leaving all of his men to be killed by the sword (Judges 4:15). He even asked Jael to tell a lie to protect him by telling anyone who might ask that he was not there (Judges 4:20) [4]. Likewise, Laban was greedy and had seized Lehi's property [24].

Others were drunk and thus had presumably put themselves in a position of inability or diminished capacity to control the powers with which they had been entrusted. Amnon was killed when he was carelessly merry with wine [15], Holofernes drank more than ever before on the night he was killed [23], and Laban was found drunk in the streets [24].

Some of the victims were avowed enemies of Israel. The Philistines were confirmed enemies of Israel when they were killed by Samson [6], Sisera had attacked Israel with his 900 chariots at



*Had Cain planned to kill Abel, or did it happen on the spur of the moment?*

the desired impression that the more reprehensible the victim, the more justifiable his death seems to be. And, of course, if one may imply that God has somehow delivered the victim into the hands of the killer, it is easier for the family of the victim or for readers of the narrative to accept the justice and appropriateness of the outcome and the events that follow.

- ❶ *While the statutes say very little about the blameworthiness of the victim, instead focusing on the state of mind—the mens rea—of the killer, both the narratives and the legal collections share certain key terms.*

Many of the narratives mention the state of a killer's mind beforehand, such as his desiring to smite, lying in wait for the victim, conspiring, or plotting. Abimelech plotted to kill his brothers [5], and Doeg planned to kill the 85 priests [8]. Enmity or hatred can be manifested not just before but also after the crime, such as when Amnon turned to hate Tamar after he had raped her [15]. However, in no case do these objective factors irrefutably establish the guilt of killer. Rather, guilt was a complex determination for which the courts in the cities of refuge were needed, where all the facts in these cases could be heard and judged.

The kinds of details mentioned in these narratives may well reflect the kinds of facts that would have been considered relevant and the sorts of arguments or questions that may have been raised by a killer's pleading for exculpation in such courts in cities of refuge or elsewhere. Had Cain planned to kill Abel, or did it happen on the spur of the moment? Perhaps this uncertainty explains why Cain was allowed to flee to another land with protection by God. Similarly, a reader may ask, when can an avenger kill one who killed his brother? How long may he delay before taking action? And must he wait until he "meets" the killer, or can he somehow trick him into meeting with him, having made him think the meeting is about something else?

The stories that use deceit may help define what is meant by lying in wait. Jael told Sisera to "fear not" (Judges 4:18), and she covered him with a rug [4], but clearly God had delivered him into her hands. Joab killed Amasa by feigning to kiss him [16]. Other instances of deception or lying in wait involve violations of rules of hospitality. Ahab set up Naboth by pretending to honor him at a banquet [19]. Ishmael killed Gedaliah while being trusted and hosted by him [22], and thus "the dastardly nature of the crime is accentuated."<sup>21</sup> These homicide narratives highlight various uses of preplanning or of coming presumptively upon the victim.

- ❷ *Several homicide narratives include exculpating factors that support the innocence of the killer.* Because the main concern of the law was to ascertain the guilty mind of the perpetrator of the killing, any factor that tended to show that the act was not performed by underhanded, private, or self-justifying treachery was relevant to the overall assessment of culpability. Most saliently, in several narratives people acted on the orders of the king, who held ultimate power and authority. Loyally following his or some other controlling authority's commands shifts the moral and legal responsibility for the killing away from the killer, at least to a cognizable degree. Thus, Doeg acted on order from Saul when he killed the 85 priests. Saul and his house were held accountable, but nothing more is specifically said about Doeg's culpability [8]. King Amalickiah [29, 30] and the chief judge Helaman [35] both deployed servants to carry out extrajudicial executions. In these narratives, none of these servants of regents were mentioned as being legally accountable.

In some cases, the killer was acting as an agent for someone other than a king. Ishbosheth's 12 servants killed David's 12 servants at Abner's order (2 Samuel 2:12–16). Absalom's servants killed Amnon for what he had done to Tamar [15]. It appears that servants or slaves also lacked capacity to be held personally culpable.

When narratives emphasize that a vulnerable killer is acting alone, this also tends to exculpate the killer. When one weak person acts successfully against greater odds, this may indicate God's support and approval, as in David's killing of Goliath. Judith, also perilously alone, slayed Holofernes [23]. Nephi likewise acted alone—a youth against impossible

Mount Tabor [4], and Agag was an Amalekite king killed by Samuel [7]. In the Book of Mormon, Amalickiah [31], his brother Ammoron [32], and Kishkumen [34] were all sworn and confirmed enemies of the Nephite people. But enemy status need not necessarily imply that the victim was actively hostile at the moment of the slaying. Sisera [4] and Holofernes [23] were asleep in their tents when they were killed. Just as former hatred or previous enmity would disqualify a killer from the protection of asylum, enmity or open hostility did not need to be actively threatened at the moment of the slaying in order to heighten the blameworthiness of the victim. Laban's previous use of military power, namely his command that his soldiers kill Nephi and his brothers, left Nephi in a position to take action when he encountered Laban, presumably off duty but armed and dressed for military conflict [24].

In some of these cases, the victim was forewarned. Johanan warned Gedaliah to beware of Ishmael [22]. By ignoring these warnings, which were often issued in the name of the Lord by prophetic messengers, the victims in these narratives left themselves partly to blame when a prophesied tragedy befell them.

Only occasionally do biblical laws speak of the blameworthiness of the victim, as in Exodus 22:2, where a housebreaker at night is culpable and can be killed with impunity. More typically, such legal provisions or legislation make no attempt to articulate the extent to which the misconduct of the victim might mitigate the guilt of the killer. However, the biblical homicide narratives convey

chances of success [24]. Helaman's servant went against overwhelming odds in managing to kill Kishkumen [35]. When strong men act alone, however, it can signal instead a sense of stealth, deception, or mischief.

Additionally, if a person acts under a righteous oath he has sworn or a solemn duty he owes to God, that factor brings a motive of sworn loyalty to God and binding self-deprecation into the narrative. Using a standard oath formula, David said to Abishai, "As the Lord liveth, the Lord shall smite [Saul]" (1 Samuel 26:10) [9]. Nephi also swore an oath: "As the Lord liveth . . . , we will not go down unto our father in the wilderness until we have accomplished the thing which the Lord hath commanded us" (1 Nephi 3:15), and an angel commanded him to "go up to Jerusalem again, and the Lord will deliver Laban into your hands" (1 Nephi 3:29) [24]. Trusting in God by turning the matter over to divine forces is another way of understanding how God might then be seen as having indeed delivered the victim unto death at the hands of a slayer.

A history of restraint always helps the slayer's reputed innocence. Absalom waited two years and did not speak against Amnon before taking action and killing him (2 Samuel 13:21-23) [15]. When a killer debates with himself or herself, this may affect how the legal terms *deliberately*, *premeditated*, or *presumptuously* are to be understood by readers. For her part, Judith offered a long prayer of deliberation, justification, and dedication (Judith 9:1-14) before beheading Holofernes [23]. Nephi also carefully considered the justifiability of his action [24].

These accounts make use of questions, which can be seen as mimicking or anticipating the interrogation and thought processes of judges who could be imagined as seeking to determine the guilt of these killers. While it is difficult to determine how the ancients understood acting volitionally—as opposed to acting involuntarily, at unawares, or against one's will—narratives can use this mental uncertainty to dispel any perception of the killer's culpability.

The presence or absence of witnesses can also affect how the killer is perceived. Zimri and Cozbi's wrongs were done in plain sight of Moses and the people [3]. However, it is more often the case that there are no witnesses who can convict the slayer. Cain killed Abel with no one around [1], no one saw when Moses slayed the Egyptian [2], and Nephi killed Laban on the streets with no one around [24]. In many narrative cases, one is simply left to wonder what could possibly ensue legally without any eyewitnesses to testify concerning these killings. Perhaps for this reason the narratives make unabashed use of circumstantial evidence. Moses said that "this thing is known" (Exodus 2:14) when he was questioned about the Egyptian's death [2]. Circumstantial evidence implicating him was likely enough to get him in plenty of trouble.

④ *The narratives add a corporate or collective factor not present in the law codes in necessitating and justifying the killing.*

These narratives seem to assume that killings were necessary in the establishment of any new regime, as they have been practically and politically necessary often in the history of civilizations the world over. Cain's killing of Abel first signaled the need for law outside Eden [1]. Moses's slaying of the Egyptian showed that his authority began with blood—a matter of life and death [2]. In some cases, killing was necessary to preserve the people of God. Moses saved the lives of Israelite slaves by killing an Egyptian [2]. Judith killed Holofernes when the men of Judah unwisely swore an oath to deliver the city (Judith 8:11) [23]. Laban was slain by Nephi in order to preserve Nephi's people [24]. The factors allowing the "one for many" idea to be invoked limited the operation of this factor: one life could be required for all, but only when that one was in some sense guilty.

⑤ *Any involvement of divine providence or God's active intervention in a case reveals the writer's primary message and the desired audience response.*

Divine intervention signals the message of the writer. Sometimes the Lord delivered the victim into the hands of the slayer. In Moses's case, God delivered him and the daughters

of Reuel, or Jethro, "out of the hand of the shepherds" (Exodus 2:19), which led to Moses's protection by Jethro. In Judith's case, the Lord would not allow the men of Judah to deliver the city into the hands of the invading enemies (Judith 8:33), thus sanctioning Judith's plot [23]. These examples show signs of divine approval.

In some instances, the victims were delivered to the slayer while they were sleeping. Jael stabbed Sisera while he was asleep in his tent [4], as did Judith with Holofernes [23]. In addition, sometimes there were unplanned coincidences, such as the fact that Sisera happened to flee to the particular tent where Jael was, which had not been planned [4]. Some slayers did not know beforehand what should be done and followed the prompts they received. Judith said, "Don't ask of mine act: I will not declare it to you till it be finished" (Judith 8:34) [23]. Nephi proceeded not knowing or even imagining what lay ahead (1 Nephi 4:6) [24].

Some victims were given talionic justice for the crimes they had committed. In some cases, a killing represented the divine fulfillment of a curse on the victim. In other narratives, God's will was set in motion by the event.

⑥ *Close family relationships between the victim and the killer are often present in homicide narratives. While this factor goes unmentioned in the laws, it usually makes the killing more despicable.*

The relationship between the killer and the victim can affect how detestable the crime seems. Furthermore, familial killings seem despicable since families are often portrayed as tight-knit and trustworthy. Fratricide is especially odious, as with Romulus and Remus, whose quarrel over land resulted in Remus's death. In the biblical narrative, Cain and Abel were brothers, and yet Cain murdered Abel [1].

⑦ *Narratives mention the burial of the victim, whereas the laws do not.*

The law codes never deal with the burial; it was an issue handled by the courts. Whether a killer should be allowed a burial or not tended to be mentioned in stories involving victims who were either very good or very bad. Otherwise, one assumes that the burial rites were handled normally.

- *Beyond conveying the balanced measure-for-measure concept of talionic justice, several interesting effects are served by the chiasmic structures in several of these narratives.*

Chiasmus can serve several functions in narrative and legal texts, such as (1) giving a sense of closure and completion, (2) enhancing the moral imperative of a text by reinforcing reiteration, or (3) conveying a sense of equilibrium or balanced retributive justice, along with the incontrovertible truth of natural consequences.<sup>22</sup> The structure of a narrative can also (4) affect the outcome or message of a text: “Structure is ‘an indispensable aspect of [any text]; . . . it is one of the factors governing the effect of the work on the reader and in addition it serves to express or accentuate meaning.’”<sup>23</sup> The use of chiasmus, especially in disturbing cases of ugly and morally unsettling homicides, helps to convey senses (5) of the reestablishment of controlled stability in situations that appear to be out of control, (6) of the presumptive even-handedness and fairness of outcomes, and (7) of the quantitative and qualitative measure-for-measure suitability of punishments that reciprocally mirror the crime, while (8) doubling down on the seriousness of homicide. Chiasmus can also (9) focus the reader’s attention on the most important or central point in the case by heightening climactic turning points. Finally, decisions in hard legal cases, such as homicides, call for (10) strong articulations that persuade and emphasize decisive details or controlling precedents that might otherwise elude notice or be overlooked—all of which chiasmus rhetorically accomplishes.

Several of the homicide legal texts (Genesis 9:6; Numbers 35) and narrative accounts (Leviticus 24:13–23; Judges 9; Numbers 25:1–18; Jeremiah 40–42; Judith 8:1–16:25) in the Bible and the Book of Mormon utilize chiasmic structures.<sup>24</sup> But for present purposes, the culminating

explanation of Nephi’s slaying of Laban in 1 Nephi 4 now can be appreciated not only as having strategically included many of the objective legal and subjective narrative homicide factors observed above but also as being a masterful use of a classic chiasmic structure (see below).

### Closing the Distance Between Law and Narrative

In conclusion, the distance between law and narrative is not as great as people might think, especially in the legal cases contained in the Bible and the Book of Mormon. While laws tend to emphasize objective factors used in establishing facts about what happened and how events developed, narratives give greater meaning to the unfolding facts and strive to convey human and ethical dimensions about who did what and why actions were undertaken. Knowing both

#### STRUCTURE IN THE NARRATIVE OF THE SLAYING OF LABAN (1 NEPHI 4:4–27)

##### A *Without the Walls of Jerusalem*

“They did follow me up until we came without the walls of Jerusalem” (v. 4).

“I caused that they should hide themselves without the walls” (v. 5).

##### B *Laban and His House*

“I . . . went forth towards the house of Laban” (v. 5).

“I came near unto the house of Laban” (v. 7).

A drunk man: “It was Laban” (vv. 7–8).

##### C *Sword*

“I beheld his sword, . . . and the hilt thereof was of pure gold, . . . the blade thereof was of the most precious steel” (v. 9).

##### D *Spirit*

“I was constrained by the Spirit that I should kill Laban” (v. 10).

“And the Spirit said unto me again” (v. 11).

##### E *Delivered into Thy Hands*

“Slay him, for the Lord hath delivered him into thy hands” (v. 12).

##### F *Perishing*

“It is better that one man should perish than that a nation should dwindle and perish” (v. 13).

##### G *The Law and Commandments*

“Inasmuch as thy seed shall keep my commandments, they shall prosper in the land of promise” (v. 14).

“I also thought that they could not keep the commandments of the Lord according to the law . . . , save they should have the law” (v. 15).

##### F *Imperishable*

“I also knew that the law was engraven upon the plates of brass” (v. 16).

##### E *Delivered into Thy Hands*

“And again, I knew that the Lord had delivered Laban into my hands” (v. 17).

##### D *Spirit*

“Therefore, I did obey the voice of the Spirit” (v. 18).

##### C *Sword*

“I . . . took Laban by the hair of the head, and I smote off his head with his own sword” (v. 18).

##### B *Laban and His House*

“I went forth unto the treasury of Laban. . . . I saw the servant of Laban. . . . I commanded him in the voice of Laban” (v. 20).

“He supposed me to be his master, Laban” (v. 21).

“I spake unto him as if it had been Laban” (v. 23).

##### A *Without the Walls*

“To my elder brethren, who were without the walls” (v. 24).

“[Zoram] did follow me . . . as I went forth unto my brethren, who were without the walls” (vv. 26–27).

objective facts and subjective intentions is necessary in order to judge correctly and rightly about events of the past and to encourage and motivate admirable moral behavior in the future. Because of the ugly, disruptive nature of murder, homicide narratives challenge writers and readers alike to deter, constrain, curtail, and prevent murder; to craft accounts that will be persuasive, memorable, and rehabilitating; as well as to particularize these killings in ways that will limit any improper reading and to constrain any manipulative attempt to recreate these extraordinary fact patterns as justifying precedents for unwarranted killings.

This examination of homicide narratives in the Book of Mormon and in the Bible is just the latest installment in my larger project on legal insights in scripture. In 1980, when I began teaching law at BYU, I began a serious quest to identify and understand the legal principles undergirding these two sacred volumes. Several of my print publications over the past four decades have developed this theme, and ten years ago much of this research was published by the BYU Press in a volume entitled *The Legal Cases in the Book of Mormon* (2008). Interested readers can also access further information about legal principles and judicial practices in the Book of Mormon—as well as find answers to hundreds of fascinating Book of Mormon questions—at [www.bookofmormoncentral.org](http://www.bookofmormoncentral.org). [cm](#)

#### NOTES

- 1 Bernard S. Jackson, *Theft in Early Jewish Law* (Oxford: Clarendon Press, 1972).
- 2 For a longer version of this article with footnotes to sources, see John W. Welch, “Narrative Elements in Homicide Accounts,” *Jewish Law Association Studies* XXVII (2017): 206–38, used by permission.
- 3 Assnat Bartor, “Narrative,” in *The Oxford Encyclopedia of the Bible and Law*, at 126.
- 4 See John W. Welch, *The Legal Cases in the Book of Mormon* (Provo, Utah: Brigham Young University Press, 2008), available at [publications.maxwellinstitute.byu.edu/book/the-legal-cases-in-the-book-of-mormon](http://publications.maxwellinstitute.byu.edu/book/the-legal-cases-in-the-book-of-mormon), as well as the bibliographic sources cited there.
- 5 John W. Welch, David Rolph Seely, and Jo Ann Seely, eds., *Glimpses of Lehi’s Jerusalem* (Provo: Foundation for Ancient Research and Mormon Studies, 2004), available at [publications.mi.byu.edu/book/glimpses-of-lehi-s-jerusalem](http://publications.mi.byu.edu/book/glimpses-of-lehi-s-jerusalem).
- 6 Jeremiah 26:1–24. For an analysis of the trial of Jeremiah in relation to several legal facets of law in the Book of Mormon, see John W. Welch, “The Trial of Jeremiah: A Legal Legacy from Lehi’s Jerusalem,” in *Glimpses of Lehi’s Jerusalem*, *supra* n. 5, at 337–56.
- 7 Jeffrey P. Thompson and John W. Welch, “The Rechabites: A Model Group in Lehi’s World,” in *Glimpses of Lehi’s Jerusalem*, *supra* n. 5, at 611–24.
- 8 “If a man lie not in wait” and “God deliver[ed] him into his hand” (Exodus 21:13). See, generally, Bernard S. Jackson, *Wisdom Laws: A Study of the Mishpatim of Exodus 21:1–22:16* (Oxford: Oxford University Press, 2006), 120–30.
- 9 “Better one should perish than many.” Roger David Aus, “The Death of One for All in John 11:45–54 in Light of Judaic Traditions,” in *Barabbas*

- and Esther and Other Studies in the Judaic Illumination of Earliest Christianity*, ed. J. Neusner, et al. (Atlanta: Scholars Press, 1992; South Florida Studies in the History of Judaism, no. 54), 29–63. See also Nahum Rakover, “The One vs. the Many in Life and Death Situations,” *Jewish Law Association Studies* VIII (1996), 129–53.
- 10 “If some fairy gave me the power of seeing a scene of one and the same kind in every age of history of every race, the kind of scene that I would choose would be a trial for murder, because I think that it would give me so many hints as to the multitude of matters of the first importance.” F. W. Maitland, quoted in Fritz Stern, ed., *The Varieties of History: From Voltaire to the Present* (New York: Vintage Books, 1973), 29.
  - 11 In addition to the completed killings that will be discussed here, the Bible includes a number of attempted killings, such as between Esau and Jacob (Genesis 27:41), see Calum M. Carmichael, *The Origins of Biblical Law: The Decalogues and the Book of the Covenant* (Ithaca: Cornell University Press, 1992), 101–06; Pharaoh and Moses (Exodus 2:15); and Ahab and Elijah (1 Kings 18:9–14). Book of Mormon narratives also relate a dozen attempted homicides. Since attempted crimes are not cognizable under biblical or Jewish law, these narratives will not be covered here. See Jacob Bazak, “An Unsuccessful Attempt to Commit a Crime,” *Jewish Law Association Studies* XVIII (2008), 9–15.
  - 12 Pamela Barmash, “Homicide,” in *The Oxford Encyclopedia of the Bible and Law*, ed. Brent A. Strawn (Oxford: Oxford University Press, 2015), at 400–01.
  - 13 For my initial examination of Nephi’s account from purely legal angles, see John W. Welch, “Legal Perspectives on the Slaying of Laban,” *Journal of Book of Mormon Studies* 1, no. 1 (1992): 119–41.

- 14 John W. Welch, “When Did Nephi Write the Small Plates?” in John W. Welch and Melvin Thorne, eds., *Pressing Forward with the Book of Mormon* (Provo: Foundation for Ancient Research and Mormon Studies, 1999), 75–77; Grant Hardy, *Understanding the Book of Mormon: A Reader’s Guide* (New York: Oxford University Press, 2010), 13–14.
- 15 Noel B. Reynolds, “Why Nephi Wrote the Small Plates: The Political Dimension,” in *Pressing Forward with the Book of Mormon*, *supra* n. 14, at 81–83.
- 16 See, for example, John W. Welch and Stephen D. Ricks, eds., *King Benjamin’s Speech: “That Ye May Learn Wisdom”* (Provo: Foundation for Ancient Research and Mormon Studies, 1998).
- 17 Jackson, *Theft in Early Jewish Law*, *supra* n. 1, at 180, 251–54.
- 18 Cf. Y. [Jerusalem Talmud] *Terumot* 8:10, 46b.
- 19 See, particularly, the chapter on homicide in Bernard S. Jackson, *Wisdom-Laws*, *supra* n. 8, at 120–71.
- 20 For a discussion of the laws and procedures of accusation and determination of guilt for homicide under biblical law, see, generally, Peter Haas, “‘Die. He Shall Surely Die’: The Structure of Homicide in Biblical Law,” in *Thinking Biblical Law*, ed. D. Patrick (Atlanta: Scholars Press, 1989); Anthony Phillips, “Another Look at Murder,” *Journal of Jewish Studies* 28 (1977), 105–26; Hermann Schulz, “Das Todesrecht im Alten Testament,” *Beiheft zur Zeitschrift der alttestamentlichen Wissenschaft* 114 (1969).
- 21 John Bright, *Jeremiah* (Garden City, New York: Doubleday, 1965), 254.
- 22 John W. Welch, “Chiasmus in Biblical Law,” *Jewish Law Association Studies* IV (1990), 9–10.
- 23 S. Bar-Efrat, “Some Observations on the Analysis of Structure in Biblical Narrative,” *Vetus Testamentum* 30 (1980), 155; Welch, “Chiasmus in Biblical Law,” *supra* n. 22, at 22.
- 24 See John W. Welch, “Narrating Homicide Chiastically,” paper presented at the Chiasmus Jubilee Conference, Provo, Utah, Aug. 16, 2017 (publication forthcoming).

#### ART

Page 23: *Samson Slaying the Philistine*, by Giovanni Bologna © Victoria and Albert Museum, London. Page 25: Minerva Teichert (1888–1976), *Treasures in Exchange for the Plates of Brass*, 1949–1951, oil on masonite, 36 x 48 inches. Brigham Young University Museum of Art, 1969. Page 27: *Nephi and Laban*, H. H. Haag, Courtesy Museum of Church History and Art. Page 29: Minerva Teichert (1888–1976), *Death of Amalickiah*, 1949–1951, oil on masonite, 35 3/4 x 47 7/8 inches. Brigham Young University Museum of Art, 1969. Page 32: *Cain Kills Abel*, by Julius Schnorr von Carolsfeld, iStock/Getty Images Plus.