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## Chapter LXI

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**Abstract:** The Laws of the Nephites—The Roman and Nephite Civilizations—The Laws under the Kings—Position of the Priesthood—Slavery—Criminal Offenses

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## CHAPTER LXI.

THE LAWS OF THE NEPHITES—THE ROMAN AND NEPHITE CIVILIZATIONS—THE LAWS UNDER THE KINGS—POSITION OF THE PRIESTHOOD—SLAVERY—CRIMINAL OFFENSES.

IF THE existence of wise, just and liberal laws, administered in righteousness, be the rule by which we can judge of the true greatness of a nation and of the happiness and prosperity of its citizens, then the Nephites were a far happier and more prosperous people than were their contemporaries on the eastern continent. If this be not so, then we have not read history aright.

The Nephite nation was co-existent with the great Roman power that for so long triumphed over and crushed the surrounding people in Europe, Asia and Africa. True, Rome was founded more than a century before Lehi left Jerusalem,\* but at the time of his exodus its growing power had scarcely begun to be felt outside of Italy. At the time that Moroni's record closed, the Nephites, as a nation, had become extinct, and the glory of the mistress of the world was rapidly fading away. Rome had been sacked by barbarians, the empire had been divided into two governments, the legs of Nebuchadnezzar's great image were forming; people and nations were rebelling and throwing off the iron yoke, and the idea of universal empire had become a thing of the past.† But how different the theory

\*The generally accepted date for the foundation of Rome is 753 B. C.

†The eastern and western empires were divided A. D. 395. Alaric, the Goth, sacked Rome A. D. 410. Britain broke away from the empire A. D. 418. Gaul, Spain and Africa were soon afterwards lost.

and genius of the two nations! The Nephite rulers governed by the power of just laws, the Romans by the might of the unsheathed sword. Among the former, every man was a free man, with his rights as a citizen guaranteed and protected by just laws. Among the latter, few could assert, as did the Apostle Paul, *Civis Romanus Sum*—I am a Roman citizen. The vast majority of the millions who formed its people were either abject allies, vanquished enemies or degraded slaves.† Neither of these had many rights that the Roman citizen felt himself called upon to respect. We are apt to be awed by the grand military exploits of the Roman generals, and to be dazzled with the magnificence of Rome in art and architecture, but we must recollect that the history of that city is the history of tyranny. Its power, during the greater portion of its continuance, was in the hands of the few, who used it for the interest of their class. The masses of the population were the subjects of oppression and violence.

No language could so well describe the spirit of Roman aggrandizement as that used by the prophet Daniel when interpreting to the Babylonish king the import of the terrible image he had seen in his dream. These are his words: And the fourth kingdom shall be strong as iron: forasmuch as iron breaketh in pieces and subdueth all things: and as iron that breaketh all these, shall it break in pieces and bruise. (Daniel ii. 40.) And thus did Rome rule the eastern world as with a rod of iron. We need not refer to the other nations that existed on the eastern continent, for the people

†In Sicily alone, goaded by ill treatment, the slaves rebelled. Their army numbered 200,000 (B. C. 134-132).

that Rome neither conquered nor destroyed were barbarians, who, during the existence of the Nephites, filled but a small page in the world's history.

These facts are presented as worthy of the consideration of all who study the social and political condition of the great and highly-favored people who flourished on this continent for so many centuries; and we imagine the student cannot fail to be impressed with the thought that they were at least a thousand years in advance of their fellow men in the science of true government; and in their polity find a type of the most advanced and most liberal forms of government of the present age. That this should be so, will not surprise us when we consider that they were a branch of the house of Israel, a people who enjoyed more political liberty (until their own follies had cut them off therefrom) than any of the other nations of antiquity, and that to the law of Moses they had added the divine teachings of the everlasting gospel, which in themselves are a perfect law of liberty. Further, it is a noteworthy fact which stares us in the face from the beginning to the end of the Book of Mormon, that when the people departed from gospel principles, it was then and then only that they fell into bondage, of whatever nature that bondage might be.

The political history of the Nephites may be consistently divided into five epochs:

First.—When they were governed by kings.

Second.—The republic, when they were ruled by judges and governors.

Third.—A short period of anarchy when they were divided into numerous independent tribes.

Fourth.—The Messianic dispensation, when they

were controlled entirely by the higher law of the holy priesthood.

Fifth.—The chaotic state of internecine war which preceded their final extinction as a nation and as a race.

The first portion of the history of the Nephites when they were governed by kings, covers almost exactly one half of their national existence, or from the time of the landing of the colony on the coast of Chili to 509 years after the departure of Lehi from Jerusalem. Of the laws by which the people were governed during this period, which, however, we are told were exceedingly strict, we have few details, for the reason that the plates from which the greater portion of the Book of Mormon which relates to this period was taken contain the records of their prophets rather than the annals of their kings. With regard to these kings, they of whose lives we have any particulars, viz: Nephi, the first king, and Mosiah I., Benjamin and Mosiah II., the three last, were eminently virtuous, just and merciful men, who reigned as all monarchs should, but few do—with an eye single to the good of their subjects. Of their kings in general the prophet Jarom, about 400 years before Christ, remarks: Our kings and our leaders were mighty men in the faith of the Lord: and they taught the people the ways of the Lord. Indeed, we recollect no intimation, in any place in the sacred record, of tyranny on the part of those who reigned over the main body of the nation. The government may, we think, be justly considered to approximate nearest to a limited monarchy, in which, as in ancient Israel, the prophet often exercised more power than the king. Though this is true of the central government, it unfortunately cannot be so stated of the

colony which returned to the land of Nephi in the days of King Benjamin; that people suffered beyond description from the tyranny and wickedness, and the consequences resulting therefrom, of their second king, Noah, the murderer of the servants of the true and living God.

Of the life and character of the first king of the Nephites, the father of his people, Nephi, the son of Lehi, we need say nothing here. History affords no better model of the true prince. So thought his people, and they, to retain in remembrance his name, and to perpetuate the recollection of his virtues, called his successors, second Nephi, third Nephi, etc., no matter what their original name might have been.

The right of choosing his successor appears to have been vested in the reigning sovereign. When Nephi became old, and saw that he must soon die, he anointed a man to be a king and a ruler over his people. King Benjamin chose his son Mosiah to reign in his stead, and then gathered the people to receive his last charge and ratify his selection. Mosiah gave the people yet greater liberty, and instead of nominating his successor directed them to make their own choice. The people highly appreciated this act of grace on the part of their beloved king, and selected Aaron his son. Aaron, whose heart was set upon the salvation of the Lamanites, declined the kingly authority, when Mosiah very wisely advised his subjects not to select another to fill the throne, lest it give rise, in the future, to bloodshed and contention, but to elect judges to be their rulers, instead of kings, which proposition they accepted with great joy.

With regard to the Nephite laws in the days of

the kings, and the manner of their execution, we can learn most from the parting addresses of kings Benjamin and Mosiah II. to their subjects. We are frequently told by the sacred writers, from Nephi, the founder, to Nephi, the disciple, that the people observed the law of Moses, modified, we judge, in some of its details to suit the altered circumstances of the Nephites from those of their brethren in the land of Palestine. As an instance we draw attention to the fact that, as there were none of the tribe of Levi in the colony that accompanied Lehi from Judea, the priestly office must necessarily have been filled and the required sacrifices and burnt offerings offered by some of the members of the tribes who were with them. Nephi (doubtless by the direction of the Lord) appointed his brothers Jacob and Joseph to be the priests for the people, they being of the tribe of Manasseh, and the care of the sacred records remained with the descendants of the first named for several generations. The members of the various orders of the priesthood, when not actually engaged in the work of the ministry, in the duties of the temple, or the service of the sanctuary, were required to labor for their own support, that they might not prove burdensome to the people. A merciful provision was, however, made for the sustenance of members of the priesthood in cases of sickness or when in much want.

Though the laws were strict, they were mercifully and equitably administered, which gave much greater stability to the government and respect for the law than if they had been adjudged loosely, and with partiality towards classes or persons. It has been wisely observed that it is not the severity of the law but the sureness

of the punishment that deters the evil doer, and in this respect the Nephite nation had cause for thankfulness. All men were alike before the law, there were no privileged classes as in Rome, or in feudal Europe in later years. Mosiah says, Whosoever has committed iniquity, him have I punished according to the law which has been given to us by our fathers.

From the charge of king Benjamin to his son Mosiah we learn that slavery was forbidden. All the inhabitants of the continent being of the house of Israel, they could not observe the law of Moses and enslave their brethren.

Murder, robbery, theft, adultery and other sexual abominations were punished by law, as also was lying or bearing false witness.

Mormon states that in king Benjamin's days the false Christs, etc., were punished according to their crimes; but we are not informed if those crimes consisted in false personation, etc., or in fomenting, aiding and abetting treason and rebellion, as was almost universally the habit of those who apostatized from the gospel and sought to establish false religions in its place. King Benjamin also states that he had not permitted the people to be confined in dungeons; but we are uncertain whether to infer from this remark that the king intended his hearers to understand that he had not done this, as so many tyrants do, without cause and without trial, or that some other more effectual means had been found of punishing those transgressors not deemed worthy of death. We incline to the former opinion.

When the Nephite kingdom was first established the people were so few that they could not possibly



sustain the expenses incidental to royalty. Thus it became the rule for the kings to sustain themselves. This unique, though most excellent custom continued as long as the monarchy lasted, even when the nation had grown rich and numerous. King Benjamin reminds his subjects that he had labored with his own hands that they might not be laden with taxes. Of Mosiah, his successor, it is written that he had not exacted riches of the people and that he had granted unto his people that they should be delivered from all manner of bondage.

We must not forget that, in connection with the civil law, the law of the gospel was almost unceasingly proclaimed during the whole period of the monarchy. Various false Christs and false prophets had arisen at different times, but the power of the priesthood had remained, ministering in holy things, rebuking iniquity and aiding in the suppression of vice. The kings of the Nephites, as we before observed, were, as a rule, men of God, holding the priesthood, and were often prophets and seers as well as temporal rulers. To this happy circumstance we must attribute greatly the peace and good order that so generally prevailed; the respect for the law that was so widespread; the large amount of liberty accorded to the people and the few abuses they made of that freedom. To use the idea of the prophet Joseph Smith, for long years, they were taught correct principles, and they (to a great extent) governed themselves.

In the course of the centuries, as the people increased and spread far and wide over the land, they appear to have introduced local customs to suit their differing circumstances, or in some cases their whims

and notions. Thus, until king Mosiah II. established uniformity by law, nearly every generation and each section of the country had its own moneys, weights, measures, etc., which were altered from time to time according to the minds and circumstances of the people. This custom naturally caused confusion, annoyance and distrust, and to obviate these, and possibly greater evils, Mosiah consented to newly arrange the affairs of the people; and, if we may so express it, to codify the law. This code became the constitution of the nation under the rule of the Judges, which limited the powers of the officials and guaranteed the rights of the people. This compilation was acknowledged by the people, whereupon the historian remarks, Therefore they were obliged to abide by the laws which he had made. And from that time they became supreme throughout the nation. It is stated in another place that this change was made by the direct command of Jehovah.

