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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;¹ rather, it was disposed of between the surviving sons.² 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).³ 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.⁴

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."⁵ 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).⁶ 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.⁷ 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.⁸ 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.”⁹

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).¹⁰

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, Nephi₁ 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.

Nephi₂, 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,¹¹ adulterers,¹² 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 Zemnarihah,” 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 Zemnarihah).

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 adultress shall surely be put to death.”