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Title Killing Laban: The Birth of Sovereignty in the Nephite Constitutional Order

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Abstract The slaying of Laban has been a stumbling block for many readers of the Book of Mormon. Although Laban appeared to have legally merited the execution, any explanation of the act is unsatisfactory if Nephi is considered to be acting as an individual. Larsen illustrates that Nephi was acting as a sovereign, with a clear political purpose. When Lehi offered a sacrifice in the Valley of Lemuel, his family became a separate people, with Nephi repeatedly promised the role of ruler. Nephi's symbolic and literal assuming of this sovereign authority through the act of killing Laban is explained through six different layers: (1) substitutional sovereignty, (2) the assumption of Mosaic authority, (3) the assumption of Davidic authority, (4) private and public motives, (5) the Nephite constitutional order, and (6) explicit declarations of Nephi's reign. Nephi did not formally assume the role of king for many years, but by slaying Laban he proves that he will be a dutiful king.

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KILLING LABAN

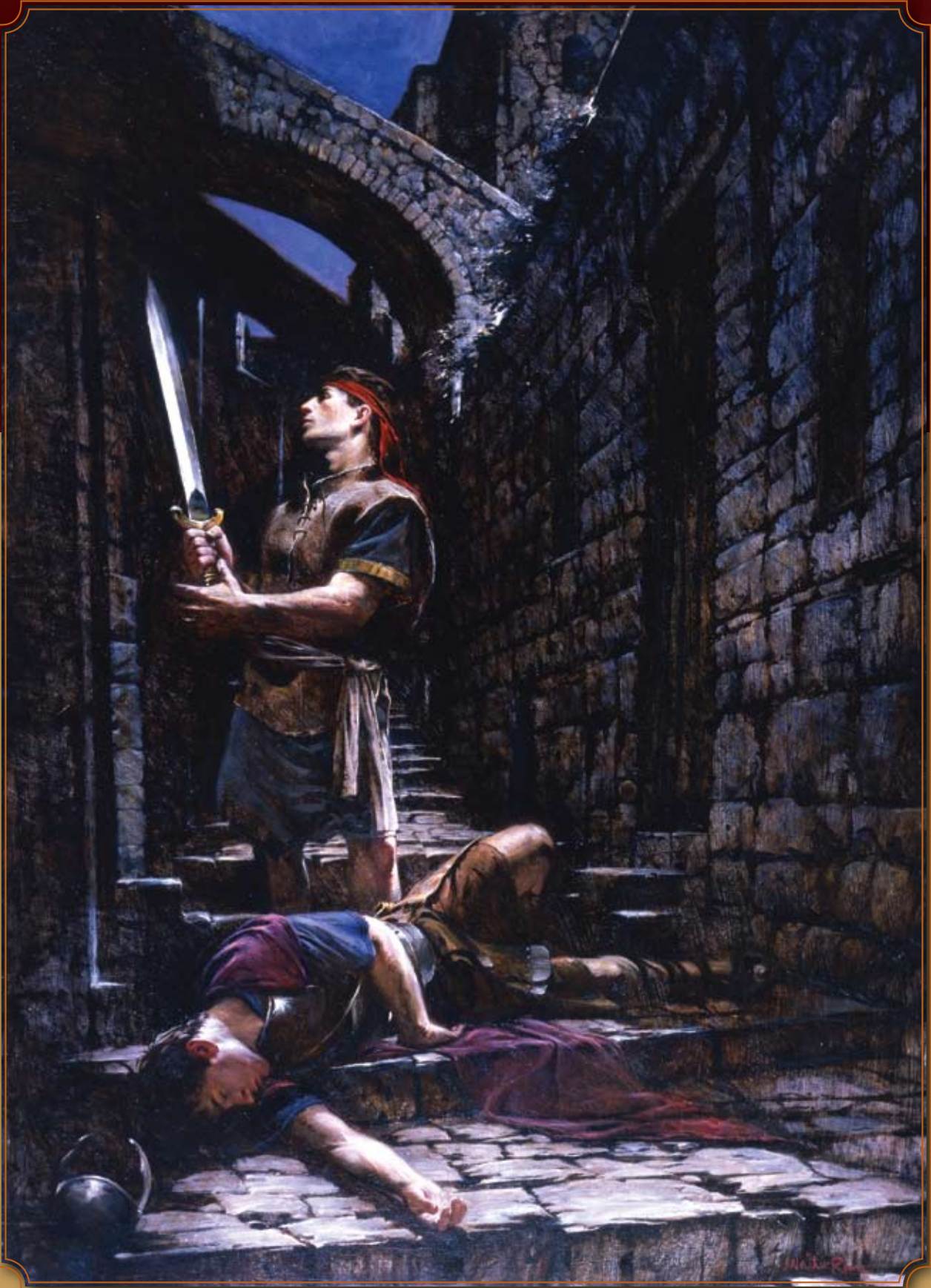
The Birth of Sovereignty in the Nephite Constitutional Order

THE INTRACTABLE PROBLEM OF LABAN'S DEATH

WHEN THE BOOK OF MORMON is evaluated in terms of its narrative—as opposed to its relationship to other texts and historical or archaeological facts—Nephi's slaying of Laban may be the most problematic passage in the entire book. Occurring as it does so early in the text, it has for a long time been a stumbling block for both novice and experienced readers of the Book of Mormon.

Val Larsen

I Did Obey the Voice of the Spirit, by Walter Rane. Courtesy Museum of Church History and Art.



To date, the most impressive effort to deal with this problem is John W. Welch's "Legal Perspectives on the Slaying of Laban."¹ With a very strong assist from his client who has taken care to say all the right things, Welch (a lawyer) marshals enough facts and enough law to acquit Nephi of murder on a series of technicalities. The attorney makes the case that, under the law of Moses, his client would be entitled to flee to a city of refuge or to go into exile since he is guilty not of murder but of justifiable homicide.

However, while it may be adequate legally, this defense is not morally or emotionally satisfying. As Welch concedes, "In the end, Laban was killed for one and only one reason, namely because the Spirit of the Lord commanded it and constrained Nephi to slay him."² Given this technical legal defense

and threat and must act in self-defense. As Hobbes pointed out in *Leviathan*, the existence of the sovereign protects us from the war of all against all, of strike and counterstrike, violence and counterviolence, in which human life is "solitary, poor, nasty, brutish, and short."³ In most conflicts, a sovereign may intervene as a third party whose only interest is to uphold law and custom. When retribution is necessary, it can be public rather than personal and thus present no obvious target for counterretribution. So however valid Welch's defense of Nephi may be at the microlevel of legal technicalities, at the macrolevel it would destroy the social order we all depend on if it were generalized to other similar homicides. It is a trial of faith to be asked to affirm as justified—because a prophet commits it—an act which is destructive of good social order.

A CLOSE READING OF THE TEXT MAKES IT ABUNDANTLY CLEAR THAT THE KILLING OF LABAN WAS NOT AN INDIVIDUAL ACT, BUT RATHER A SOVEREIGN ACT THAT HAD A CLEAR POLITICAL PURPOSE.

and ultimate rationale of divine intervention, we are bound to remain uneasy because few, if any of us, would want to live in a society where individual citizens are free to kill drunken fellow citizens—however guilty the drunk may be—because the citizen feels he has been constrained by God to do so. In the eternal scheme of things, it would make all the difference whether—as in this case—God had in fact instructed the perpetrator to commit the homicide. Nothing that God commands us to do can ultimately be wrong. But since, as a practical matter, we can never know for certain whether God has actually commanded someone else to commit murder, we must hold to the rule that individual citizens are never justified in killing passed-out drunks they stumble upon in the course of a nighttime ramble through a city. If Laban is guilty of capital crimes—as Welch convincingly argues—he should be executed by the state, not by an ordinary citizen who meets him in a chance encounter. So the stumbling block remains.

There are many good reasons why, in any well-regulated society, the sovereign holds a monopoly on the use of violence to redress crime, except in situations where the potential victim faces an immi-

Clearly, the requirement to kill Laban was also a trial of faith for Nephi since he shrunk from doing what God was commanding him to do, presumably in part, because he intuited the anarchic consequences of freelance justice (1 Nephi 4:10). Given Nephi's strong preference to abide by laws of God that would prohibit him from killing Laban, this episode might be framed in Kierkegaard's terms as an Abrahamic test in which Nephi must choose between his love of God's law and his love of God himself, as Abraham was forced to do when commanded to sacrifice Isaac.⁴ But this explanation is also unsatisfying. The test of Abraham made a profound theological point: more than any other episode in scripture, it makes clear the cost God paid when he sacrificed his son in order to balance justice with mercy. And in the end, Isaac—and more profoundly, Abraham—was spared. Asking Nephi to kill Laban—violating his conscience, judgment, and God's law—does not have an equally clear theological purpose, and Nephi is not spared the trauma of actually carrying out the killing.

But while any explanation of this episode will be unsatisfactory if Nephi is held to be acting as an individual, a close reading of the text makes it

abundantly clear that the killing of Laban was not an individual act, but rather a sovereign act that had a clear political purpose. That Nephi acts as a sovereign is an overdetermined fact in the text. It is demonstrated by multiple layers of implication.

SETTING THE STAGE

The first symbolically sovereign act that marks Lehi's family as a separate people, no longer a part of the society or subject to the authorities in Jerusalem, is Lehi's offering of a sacrifice when the family first arrives at the river Laman in the Valley of Lemuel. In offering this sacrifice, Lehi violates the mandate that sacrifices be offered only at the temple in Jerusalem and only by the Levites.⁵ He demonstrates symbolically that he has established a separate, self-governing branch of Israel that will live far from Jerusalem and that must carry out its own sacrifices if it is to continue to follow the rituals mandated in the law of Moses. This symbolic founding of a new, self-governing branch of Israel is confirmed when Sariah receives her own testimony—upon her sons'

functions of prophet and king by the time he was formally anointed (2 Nephi 5:18). As the discussion below will indicate, he became prophet leader and king when he killed Laban, acquired the sword of Laban and the brass plates, and emblematically led Zoram, proxy of the people, out of slavery and, subsequently, on through Arabia to freedom in the promised land.⁷

This account of Laban's death and the acquisition of the sword of Laban and the brass plates—like other parts of the small plates—is unabridged. The Nephites had exactly the same text that we have. We should recognize, therefore, that the primary audience Nephi would have had in mind when writing this account was his own people. However important we may have been, it is clear that his own descendants were more important to him.⁸ Thus, we will better understand his intentions if we read this account with an awareness of the background knowledge that would have been taken for granted by the original, primary audience.

Among the most important background information would be the facts that, when the small

NEPHI HAD LONG SERVED AS A BELOVED PROPHET AND KING WHO EXERCISED SOVEREIGN POWER AND—AS MANY COMMENTATORS HAVE NOTED—THE PRINCIPAL SYMBOLS OF HIS SOVEREIGNTY WERE THE SWORD OF LABAN AND THE BRASS PLATES.

return from Jerusalem with the brass plates—and joins Lehi at the altar to offer a sacrifice as patriarch and matriarch of Israel's new branch.⁶ Thus Nephi meets Laban not as a fellow citizen of Jerusalem but as a Lehiite, a member of a distinct people with its own interests and security requirements.

But important as Lehi and Sariah's symbolic acts of founding would have been to their descendants, they cannot be the source of the sovereign power those descendants came to rely upon once they had arrived in the promised land because the family split so quickly into two distinct groups. Insofar as sovereignty and group membership is concerned, the critical moment for the Nephites must be the moment when Nephi became the rightful king. That moment was not his formal coronation, since he had long since carried out all the

plates were written, Nephi had long served as a beloved prophet and king who exercised sovereign power (2 Nephi 5:28–31) and that—as many commentators have noted—the principal symbols of his sovereignty were the sword of Laban and the brass plates.⁹ Thus, it would have been obvious to the original audience that Nephi's status or lack of status as a sovereign would be in play in the moment when he acquired the national symbols of sovereignty. This would be all the more true because, as Reynolds has amply demonstrated,¹⁰ virtually all of Nephi's writings in the Book of Mormon are profoundly political, deeply redolent of regime legitimization. Being their first king, Nephi was rightly concerned to secure for his people the blessing of continued good government. In composing his memoir, he selected and recounted events that

would legitimate the regime he was establishing to govern and protect his people.

Helpful as it is to read Nephi's account as his subjects and descendants would have read it, doing so is not necessary in order to see that, in killing Laban, Nephi acted not as an individual but as a sovereign. It is not necessary because the sovereignty of Nephi's act is overdetermined. Multiple indicators mark Nephi as being sovereign at the moment when he kills Laban.

The first indicator is the Lord's declaration to Nephi at the end of 1 Nephi chapter 2 that "inasmuch as thou shalt keep my commandments, thou shalt be made a ruler and a teacher over thy brethren" (1 Nephi 2:22). Immediately following this declaration that Nephi will rule if he keeps God's commandments, chapter 3 opens with Lehi's request that Nephi return with his brothers to Jerusalem to get the brass plates. Having made his well-known declaration that he "will go and do the things which the Lord hath commanded" (1 Nephi 3:7)—and, incidentally, thus qualified himself to rule as sovereign—Nephi returns willingly; Laman and Lemuel accompany him begrudgingly. When they get to Jerusalem, they cast lots to determine who should go to the house of Laban, and Laman is selected, presumably by the Lord as in Acts 1:24–26. Like Lehi, who first commissioned Laman to lead the mission to recover the plates (1 Nephi 3:5), the Lord apparently respects Laman's leadership birthright. But Laman fails. Laban falsely accuses Laman of being a robber and threatens to kill him, so Laman flees without getting the plates.

The older brothers are prepared to admit defeat and return to their father, but Nephi informs them with the strongest of oaths¹¹ that he will not return without the plates. He suggests that they collect all the wealth their father had abandoned and offer it in exchange for the plates. Though well conceived, this plan fails when Laban orders his servants to kill the visitors, who flee and barely escape with their lives. As Welch notes, in seeking to have the broth-



After the second failure to obtain the brass plates, Laman and Lemuel beat Nephi and Sam until they were stopped by an angel, who affirmed Nephi's role as a ruler over his brothers. By Jerry Thompson. © IRI.

ers killed by bearing false witness against them, Laban commits a capital crime (Deuteronomy 19:18–19).¹² And in pronouncing a death sentence on Lehi's sons, Laban also abuses the sovereign power given him by Zedekiah, much as Haman did later on a larger scale in the book of Esther. Like Haman, Laban may deserve death for this abuse.

This second failure to acquire the plates touches Laman and Lemuel where it hurts—with the final loss of the wealth they so prize. Angered, they take up a rod, a symbol of power (2 Nephi 3:17),¹³ and begin to beat Nephi and Sam. It appears for a moment that the earlier promise of the Lord is false, that Laman and Lemuel rule. But in fact, they have forfeited their birthright between the opening and the close of chapter 3. The forfeiture is declared by an angel who now appears and reiterates: "Know ye not that *the Lord hath chosen [Nephi] to be a ruler over you*, and this because of your iniquities?" (1 Nephi 3:29). Nephi's nighttime adventure and the slaying of Laban immediately follow this second divine declaration that he has been chosen as a ruler, as one who has the power and responsibilities of a sovereign.

THE FIRST LAYER OF IMPLICATION: SUBSTITUTIONAL SOVEREIGNTY

In chapter 4, Nephi enters the city and stumbles upon the drunken Laban. He draws Laban's sword. The narrative then pauses to comment on the properties of the sword: "And I beheld his sword, and I drew it forth from the sheath thereof; and the hilt thereof was of pure gold, and the workmanship thereof was exceedingly fine, and I saw that the blade thereof was of the most precious steel" (1 Nephi 4:9). This pause marks Laban's sword, at its first appearance, in a way that is justified only by the political significance the sword subsequently has in the course of NepHITE history. Taking this sword in hand is a symbolic act that resonates beyond its specific role in the death of Laban.

Nephi continues, "And after I had smitten off his head with his own sword, I took the garments of Laban and put them upon mine own body; yea, even every whit; and I did gird on his armor about my loins" (1 Nephi 4:19). By putting on Laban's clothing and armor, Nephi both symbolically and literally assumes the sovereign authority of Laban.¹⁴ And the symbolic/literal transformation extends beyond clothing, as the following extended excerpt illustrates:

And . . . I went forth unto the treasury of Laban. . . . And I commanded [the servant of Laban] in the voice of Laban, that he should go with me into the treasury. And he supposed me to be his master, Laban, for he beheld the garments and also the sword girded about my loins. And he spake unto me concerning the elders of the Jews, he knowing that his master, Laban, had been out by night among them. And I spake unto him as if it had been Laban. . . . And I also bade him that he should follow me. And he, supposing . . . that I was truly that Laban whom I had slain, wherefore he did follow me. And he spake unto me many times concerning the elders of the Jews. (1 Nephi 4:20–27)

In this passage, Nephi literally takes up the authority of the king's agent, Laban. He commands, and his command is obeyed by Zoram, Laban's servant, who now follows him. Nephi emphasizes that Zoram recognizes him as one of the elders of the Jews, as one of the governors of the state, by highlighting the fact that Zoram repeatedly spoke

to him about the local political leadership and, presumably, about affairs of state.¹⁵ For Zoram, at least, Nephi is now fully invested with the powers of Laban, and as we shall see in the discussion of other layers of implication, Zoram's responses carry great symbolic weight.

In the subsequent verse, Laman and Lemuel see the approach of the exceedingly young boy of large stature (1 Nephi 2:16) whom they had been beating with a rod only hours before. Only now he is "a man large in stature" (1 Nephi 4:31) who terrifies them, and they flee from him.¹⁶ In their flight, Laman and Lemuel symbolically acknowledge that Nephi is more powerful than they and, thus, begin to fulfill the promise of the angel that he will rule over them.¹⁷ In this account of young Nephi issuing commands and scattering his enemies before him, his people would recognize the emergence of their king. Though like Laban, he is not yet fully sovereign (being subordinate to Lehi as Laban was subordinate to Zedekiah), he has become emblematically sovereign, a crown prince whose actions are not those of an ordinary private citizen but rather the governing and protecting acts of a king.

Critics of the Book of Mormon have often focused on the fact that Nephi does not mention that Laban's death was bloody and Laban's clothing bloody when Nephi put it on. Zoram's failure to notice blood on Nephi's clothing in the dark night of the ancient Middle East poses no credibility problem,¹⁸ but it is likely that Nephi would have remembered and mentioned a detail so salient were this an ordinary factual narration. But clearly, this story is not merely factual. Because the narrative is emblematic of Nephi's emergence as king, each detail is suffused with meaning and had to be selected with attention to its symbolic implications. Since Nephi was not a violent, bloody king, describing him in the narrative as being covered in blood would have made the story untrue when the intended symbolic hermeneutic was applied.

THE SECOND LAYER OF IMPLICATION: THE ASSUMPTION OF MOSAIC AUTHORITY

Moses was probably the greatest exemplar of prophetic and sovereign power in Hebrew history. It is significant, therefore, that Nephi links himself to Moses in this episode, both through explicit comparison and through multiple narrative

parallels between the life of Moses and this episode in Nephi's life. When Laman and Lemuel stop beating Nephi, he does not immediately depart for the city. They first begin to *murmur*,¹⁹ saying, "How is it possible that the Lord will deliver Laban into our hands? Behold, he is a mighty man, and he can command fifty, yea, even he can slay fifty; then why not us?" (1 Nephi 3:31). Nephi, in turn, urges his brothers to

be faithful in keeping the commandments of the Lord; for behold he is mightier than all the earth, then why not mightier than Laban and his fifty, yea, or even than his tens of thousands?

Therefore let us go up; *let us be strong like unto Moses; for he truly spake unto the waters of the Red Sea and they divided hither and thither, and our fathers came through, out of captivity, on dry ground, and the armies of Pharaoh did follow and were drowned in the waters of the Red Sea.*

Now behold ye know that this is true . . . ; wherefore can ye doubt? Let us go up; the Lord is able to *deliver us, even as our fathers, and to destroy Laban, even as the Egyptians.* (1 Nephi 4:1–3)

By recounting how he used this episode recorded in the brass plates to inspire his brothers and himself to be faithful to God's command that they get the plates, Nephi gives us an artful reminder of why it is so important for Lehi's family to have the plates they are about to acquire.

Nephi also gives us a hermeneutical key we can use to unlock his scriptural treasury and carry forth the intended meaning of the nighttime encounter with Laban. For in these verses—immediately preceding his departure on the quest for the plates—Nephi explicitly equates himself with Moses, and Laban with the Egyptians. The narrative then echoes quite explicitly several major strands in the life of Moses.

One thing that is echoed is the way in which Moses began his career as the great prophet defender and sovereign leader of Israel. Moses began by killing an Egyptian overseer of the enslaved Hebrews, then fleeing out of Egypt and taking a wife at the camp of Jethro in Midian (Exodus 2:11–21), the land located on the Arabian side of the Red Sea, where Lehi awaits the return of his

sons and where Nephi will shortly be married. In a nearly literal sense, Nephi likewise kills an Egyptian and flees from Egypt, for he has just equated Laban, rhetorically, with the Egyptians, and Jerusalem is about to be destroyed by the Babylonians precisely because it has become culturally and politically Egyptian.²⁰ Like Moses, Nephi, after fleeing his Egypt, takes a wife at the camp of his father in Midian, probably very close to the place where Moses was married.

A more fully developed parallel exists with Moses's most noteworthy achievement, leading enslaved Israel in its exodus from Egypt. Moses's repeated visits to Pharaoh and his oft-iterated requests that Pharaoh let his people go are replicated in the petitions of Nephi and his brothers to Laban to let the brass plates go, plates in which are engraved the history of the children of Israel. Nephi and his father are determined to take the children of Israel with them, and when Nephi walks out of Laban's treasury with the brass plates, he is carrying inscribed Israel out of the new Egypt, into the Arabian desert, and, ultimately, on to the promised land.

Nephi leads Israel out of the Egypt that Jerusalem has become not only in the inscribed form of engravings in the brass plates but also in the form of flesh and blood. One of the puzzles in the Book of Mormon is how Laban came to record the words of Jeremiah in the brass plates (1 Nephi 5:13). Although Zedekiah's temporary protection of Jeremiah may have created space for the prophet's words to be recorded, Laban does not seem to be a person who would have recognized the worth of Jeremiah's words and who would have recorded them. Commentators have, therefore, plausibly suggested that Jeremiah's words were recorded by Zoram, Laban's slave,²¹ who is clearly charged with keeping the plates and who appears to have been a pious man.²² As Nephi leaves Jerusalem, he leads the enslaved Hebrew, Zoram, into freedom, into a new life in Arabia and, finally, on to the promised land. In this tableau, Zoram is the symbolic embodiment of a new branch of Israel. When he accepts Nephi, initially symbolically but ultimately literally, as his master and deliverer and governing ruler, he is a proxy for the entire people who ultimately call themselves Nephites.

In making this comparison between Moses and himself, Nephi uses bathos to powerful effect.



When Moses led the children of Israel out of Egypt, he had already established himself as the sovereign ruler of the people in ways that parallel the story of Nephi and his brothers. *Moses Parting the Red Sea*, by Robert Barrett. © 1983 IRI.

Bathos is a rhetorical figure in which one suddenly descends from the sublime to the commonplace, often with comic effect, for example, if one were to say, “I solemnly swear that I will support and defend the Constitution of the United States and the Rules of Scrabble against all enemies, foreign and domestic.” Nephi uses bathos to comment on the naiveté of his younger self and to teach a profound lesson on governance to his successors. As noted above, just before he enters the city, young Nephi reminds his brothers of what is probably the most sublime moment in Hebrew history: the moment when Moses raised his staff and spoke to the waters of the Red Sea which then divided to save Israel

and destroy the Egyptians. Nephi then says, with great faith, “the Lord is able to deliver us, even as our fathers, and to destroy Laban, even as the Egyptians” (1 Nephi 4:3).

Nephi’s faith that the Lord would deliver them was well founded, but the way the Lord did it was not grand but gritty. While Moses was commanded to raise his staff and part the waters of the Red Sea, Nephi is constrained to raise his sword and part Laban’s head from his body. While the Egyptian army of Pharaoh died grandly in the waters of the Red Sea, Nephi’s Egyptian, Laban, dies grotesquely in the red sea of his own blood.

The irony of this bathetic contrast between what he anticipated and what he experienced does not escape Nephi's notice. When entering the city, Nephi naively thought Moses had but to speak and the people were saved. He saw only the majesty of Moses. Leaving the city, he knows better. He knows, or has begun to know, what old Nephi will fully understand, that the more relevant texts in Exodus are the accounts of Moses sorrowfully ordering the slaughter of 3,000 people who were worshipping the golden calf (Exodus 32:26–28) and judging the people from dawn 'til dusk until, worn out, he must be counseled by Jethro to share some of the burden with others (Exodus 18:13–26). In highlighting the grotesqueness of his exodus miracle by contrasting it with that of Moses, Nephi drives home to his successors what it means to bear the sword of Laban and the brass plates. Being a good king, a servant leader, is a burden one must bear in duty and love and weariness. Those who love and suffer and serve will become a Benjamin, as beloved and honored by his people as Nephi; those who egotistically seek to indulge themselves in an unearned glory will become a Noah and perhaps die a deservedly ignominious death like Laban.

If the parting of the Red Sea is Moses's most majestic act, his descent from Sinai with the law in hand is the most important. When Nephi goes down from Jerusalem into the Arabian desert bearing the same law, the parallel with Moses is unmistakable. So in this episode, Nephi becomes not just

the kingly sovereign defender of his people but their sovereign prophet lawgiver as well: their modern Moses.

THE THIRD LAYER OF IMPLICATION: THE ASSUMPTION OF DAVIDIC AUTHORITY

After Moses, the greatest exemplar of sovereign power in ancient Israel was David. In recount-



Like Nephi, the biblical David became the leader of the people through slaying a mighty man (Goliath) with his own sword. *David Slaying Goliath*, by Pietro da Cortona. Courtesy Scala/Art Resource, NY.

ing the death of Laban, Nephi links himself to this second great sovereign and further marks his emergence as the king in his new branch of Israel. In what follows, I will expand on Ben McGuire's analysis of parallels between David and Nephi in the Goliath and Laban stories.²³ In most cases, not only are events similar but the similar events occur in the same sequence in the two narratives.

Each story begins with a statement of the problem. In David's case, the mighty man Goliath has taken possession of the field of battle and defied the army of Israel to send forth a champion to take it from him. In Nephi's case, a mighty man, Laban, has in his possession the brass plates, and the Lord has commanded Lehi to obtain them from him (1 Samuel 17:4–11; 1 Nephi 3:2–4). The two young heroes are now introduced along with their three faithless older brothers. (This is a little unfair to Sam, but the narrative doesn't differentiate between him and the murmuring Laman and Lemuel at this point.) In each case, the father of the hero comes to him and bids him to go up to the scene of the confrontation. In each case, the older brothers are given a chance to solve the problem before the hero gets his turn (1 Samuel 17:12–20; 1 Nephi 3:4–10).

When the hero gets to the place where the mighty man is, he sees one or more older brothers go up against the mighty man and then flee from him (1 Samuel 17:20–24; 1 Nephi 3:11–14). The scattered host of Israel is terrified of the mighty man in each story and does not want to confront him again, but the hero urges them on, noting in each case that they serve "the living God" or "the Lord [that] liveth" (1 Samuel 17:25–27; 1 Nephi 3:14–16). The oldest brother of each hero now becomes angry at him and verbally (and in Nephi's case, physically) abuses him (1 Samuel 17:28; 1 Nephi 3:28).

In each case a powerful figure, Saul or an angel, separates the hero from his domineering older brothers and sends him forth to meet the mighty man. But before he goes, the hero must address skeptics who doubt that he can overcome his powerful antagonist. To convince the skeptics that Israel will triumph over the mighty man, both heroes mention two miracles in which malevolent forces were defeated by God's agent. They suggest the mighty man will suffer the same fate as the forces previously defeated by God. David tells how he miraculously killed a lion and then a bear while guarding his flocks. He adds, "this uncircumcised

Philistine shall be as [the lion or bear]" (1 Samuel 17:33–36). Nephi briefly recounts Moses' parting of the Red Sea and the destruction of the Egyptian army. Next, he recalls the miraculous appearance of the angel who had moments before terminated Laman and Lemuel's abuse of their righteous brothers. He then adds, "the Lord is able to . . . destroy Laban, even as the Egyptians" (1 Nephi 4:2–3).

Each hero next goes up against the fully armored mighty man essentially or completely unarmed but in the strength of the Lord, saying, "I come to thee in the name of the Lord of hosts, the God of the armies of Israel" or "I was led by the Spirit, not knowing beforehand the things which I should do" (1 Samuel 17:45; 1 Nephi 4:6). Each hero confronts the mighty man and cites Exodus 21:13 two times as justification for killing him: David says, "This day will the Lord deliver thee into mine hand. . . . The battle is the Lord's, and he will give you into our hands." The Spirit causes Nephi to think, "Behold the Lord hath delivered him into thy hands. . . . Slay him, for the Lord hath delivered him into thy hands" (1 Samuel 17:46–47; 1 Nephi 4:1–12). Finally, the hero decapitates the mighty man—who has, miraculously, been rendered unconscious—using the villain's own sword (1 Samuel 17:51; 1 Nephi 4:18).

Other parallels exist, but not in the same sequence in the narrative. In each case, the mighty man has threatened the hero and attempted to kill him (1 Samuel 17:44, 48; 1 Nephi 3:13, 25–27). Each mighty man has a servant who accompanies or at least thinks he is accompanying his master (1 Samuel 17:41; 1 Nephi 4:20–23). In each case, the hero takes the armor of the mighty man as his own (1 Samuel 17:54; 1 Nephi 4:19). And finally, the sword of each villain is made of iron or an iron compound, is unique, and becomes a symbol of royal power that is used to lead the nation in battle (1 Samuel 21:9; 1 Nephi 4:9).²⁴

Holbrook has noted that although David had previously been anointed king by Samuel, the slaying of Goliath was the tangible sign to the people that he should be king. It captured the popular imagination, and the women sang, "Saul hath slain his thousands, and David his ten thousands" (1 Samuel 18:6–7).²⁵ So though he did not formally assume the throne for some years, David became king in the people's hearts when he chopped off Goliath's head.

I am suggesting that the same was true of Nephi. Deeply acquainted as they would have been with the story of David and Goliath, Nephi's people surely saw the parallel between young David and young Nephi. (Nephi has carefully composed his narrative in such a way that they would see it because of multiple structural and sequential similarities, notwithstanding the very different contexts and mix of characters that clearly differentiate the two stories.) Having recognized the allusion, Nephi's people would have understood that, in constraining Nephi to slay Laban as he did, the Lord

(1 Nephi 4:10). The critical point is this: if he had been acting as a private citizen according to his own will, Nephi would not have killed Laban.²⁶

So why does he kill him? Nephi first reflects on the fact that Laban is not "innocent blood" (Deuteronomy 19:10). He is guilty of crimes that make him worthy of death under the law. He has robbed and sought to commit murder by bearing false witness and abusing his grant of sovereign power. And he is in rebellion against God. In sum, Laban has committed capital crimes and deserves to be executed by a competent authority.²⁷ Layer upon

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marked Nephi as a legitimate successor to David in their new branch of Israel. Once again, Nephi is cast as a sovereign who acts not out of personal malice but to defend his people. And his successors, like those of David, would be legitimate rulers of God's chosen people.

THE FOURTH LAYER OF IMPLICATION: PRIVATE AND PUBLIC MOTIVES

Critically important to the argument advanced in this paper is the fact that Nephi slays Laban not for personal reasons but for reasons of state. In his legal defense of Nephi, Welch conclusively demonstrates that Nephi was not acting "presumptuously" (Exodus 21:14) when he killed Laban. As Welch notes, Nephi consciously lays down all the markers that preclude a charge of premeditated murder—sometimes in direct or nearly direct quotations from the relevant passages in the Torah. Nephi states that he "was led by the Spirit, not knowing beforehand the things which [he] should do" (1 Nephi 4:6). As noted above, he is told by the Spirit that "the Lord hath delivered him into thy hands" (1 Nephi 4:11; Exodus 21:13). Clearly, Nephi is not acting out of hatred or revenge (Exodus 35:20–21). He reports that when constrained by the Spirit to kill Laban, "I said in my heart: Never at any time have I shed the blood of man. And I shrunk and would that I might not slay him"

layer of implication suggests that Nephi is in a position of sovereign authority, empowered to be an agent of justice under the law. But while Laban is worthy of death and Nephi has the sovereign power to execute criminals, there is a question of jurisdiction. Laban has committed his crimes in Jerusalem where other authorities, however corrupt, exist and have a clearer right than Nephi to be the agents of justice. Whether for this reason or not, while Nephi is framed by this initial rationale as the executor of justice that he will be for his people, he does not act upon these considerations and execute Laban for his crimes.

So the Spirit again urges Nephi to slay Laban and gives him what, upon reflection, he takes to be an adequate reason to kill the drunken man: "Behold the Lord slayeth the wicked to bring forth his righteous purposes. It is better that one man should perish than that a nation should dwindle and perish in unbelief" (1 Nephi 4:13). Sacrificing one person to save many others is the ultimate reason of state. Every society must invest in the sovereign the power to sacrifice the few to save the many, if occasion requires. This is the power that sends police to face dangerous criminals and some soldiers to certain or near certain death in order to protect the people. It is the power that executes the criminal few to protect the law-abiding many from their depredations. It was a recognized power of the sovereign in Israel,²⁸ a power that Caiaphas—the closest thing Israel had

to a Jewish sovereign in Christ's day—invoked when he said, “it is expedient for us, that one man should die for the people, and that the whole nation perish not” (John 11:50). When the sovereign decides that someone must be sacrificed to save his nation, there is no question of jurisdiction. The sovereign is acting on a question of ultimate concern to the nation as a whole. He is empowered and obligated to take the steps necessary to preserve his people, even if he must act on foreign territory against the citizens of other nations.

Nephi's people face a specific danger to their existence: the danger that they will be left without the law of Moses. So far from being the lawless act of an individual citizen, Nephi's execution of Laban is the lawful act of a sovereign lawgiver who is seeking to maintain among his people a social order based on law. Thus Nephi thinks:

Other details—the use of his own sword—suggest, symbolically, that Laban is slain not by Nephi but by his own sins. Nephi having acted on the word of God, it is quite literally true in Laban's case that “the word of God *is* quick, and powerful, and sharper than any two-edged sword, piercing even to the dividing asunder of soul and spirit” (Hebrews 4:12).²⁹ Though some may cavil at the aesthetics of a decapitation, no state execution could ever be more merciful than this one carried out by Nephi. Laban suffered neither fear nor pain. In his mercy, God permitted Nephi to be a merciful executioner, to preserve the law for his people while inflicting the minimum possible suffering on the enemy.

Critics have sometimes suggested that the rationale Nephi acted on—“better that one man should perish than that a nation should dwindle and perish in unbelief”—is unsound because, if

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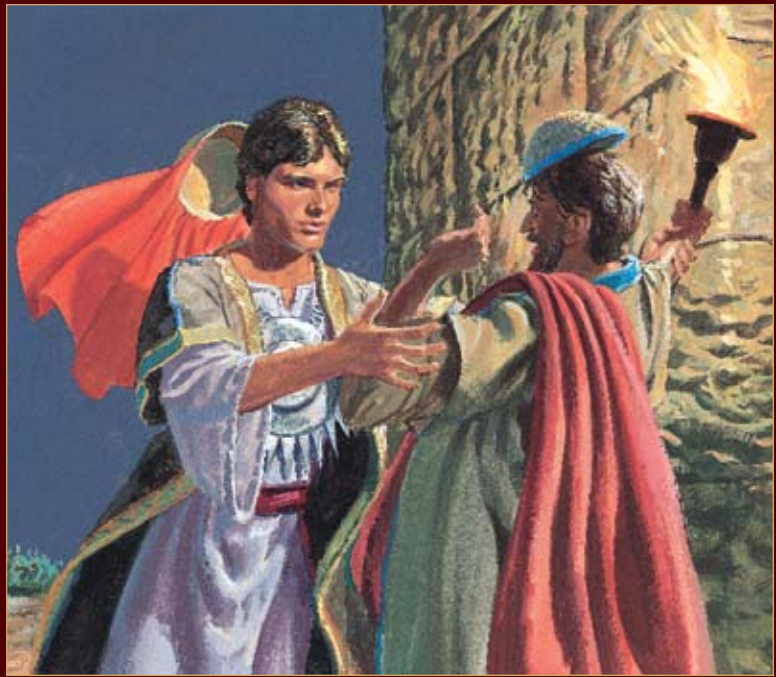
[My people] could not keep the commandments of the Lord according to the law of Moses, save they should have the law. And I also knew that the law was engraven upon the plates of brass. And again, I knew that the Lord had delivered Laban into my hands for this cause—that I might obtain the records according to the commandments. Therefore I did obey the voice of the Spirit, and took Laban by the hair of the head, and I smote off his head with his own sword. (1 Nephi 4:15–18)

Nephi's reasoning here is doubtless informed by the recent discovery—in Lehi's lifetime—of the book of Deuteronomy during a renovation of the temple (2 Kings 22–23). In the wake of that discovery, King Josiah and his people came to understand that they had not fully kept the commandments of the Lord because they did not have them.

the Lord can deliver Laban unconscious at Nephi's feet, he can keep him unconscious until Nephi has escaped. It is true that God could keep Laban unconscious or slay him himself. But this criticism is, nonetheless, invalid. While God has the power to remedy any ill we may encounter, no thinking Christian or Jew believes that God will or should instantly solve all the problems the believer faces. It is trite but true that “we must pray as if everything depends upon the Lord, then work as if everything depends upon us.”

In this specific case, Laban will pose a serious danger if Nephi leaves him alive: the danger that he will wake and follow Nephi to his house or that he will pursue the brothers later to recover the plates. So the Lord delivers Laban into Nephi's hands, but he then requires that Nephi prove to himself and his people that he will do what is necessary to preserve and protect them. If Nephi could not kill a malicious stranger like Laban to save his people,

he could not be trusted to act as a dutiful sovereign, carrying out necessary executions of subjects who committed capital crimes or leading his people into battle against brothers and cousins and nephews as he would later be required to do (2 Nephi 5:14; Jacob 1:10). Nephi must prove that he is willing to abide by even this most difficult of commands, for it is only “inasmuch as thou shalt keep my commandments, [that] thou shalt be made a ruler” (1 Nephi 2:22). Unlike Abraham who was spared the horror of sacrificing his son, Nephi cannot be spared, for in a fallen world, sovereign rulers cannot avoid the necessity of using measured violence to protect their people from violence without measure. For a righteous man, being king is hard duty, but through his willingness to do this distasteful deed, Nephi proves that he will be a dutiful king.



Nephi prevented Zoram from fleeing back into the walls of Jerusalem. The two then swore solemn oaths of loyalty and obedience. By Jerry Thompson. © IRI.

THE FIFTH LAYER OF IMPLICATION: THE NEPHITE CONSTITUTIONAL ORDER

If as has been argued, the Nephites looked to this episode as the moment in which Nephi became their king, they would naturally also see it as the moment in which they became subjects of the king, bound to him by a social contract. The terms of that contract—the Nephite constitutional order³⁰—are spelled out emblematically in the relationship that is established between Nephi, the king, and Zoram, the people’s proxy, as they emerge from Jerusalem and encounter Nephi’s brothers.

When he sees the brothers, Zoram tries to flee and, thus, puts the entire family of Lehi in jeopardy of being pursued and destroyed by the Jews in Jerusalem (1 Nephi 4:30, 36). But “Nephi, being a man large in stature, and also having received much strength of the Lord . . . did seize upon the servant of Laban, and held him, that he should not flee” (1 Nephi 4:31). The large stature of Nephi signifies his kingly power. And since Nephi has been selected by God as the legitimate defender and protector of the people, the people can trust that his power will be—as it is in this instance—magnified by God.

As Nephi now stops Zoram from fleeing, so will he prevent his subjects from behaving in ways that endanger others. He will take care to stop outsiders from attacking and destroying his people as he here takes care to protect them from Jerusalem’s Jews.

Having restrained Zoram, Nephi specifies the terms on which Zoram may live peaceably with the family of Lehi. Nephi swears with the most powerful of oaths that if Zoram “would hearken unto my words, as the Lord liveth, and as I live, even so . . . he should be a free man like unto us” (1 Nephi 4:32–33). And what words must Zoram hearken to as the condition on which he, the subject, will enjoy the same freedoms as Nephi, the king? Nephi asks him to keep God’s commandments, for “surely the Lord hath commanded us to do this thing; and shall we not be diligent in keeping the commandments of the Lord?” (1 Nephi 4:34). The constitutional force of this episode follows from the seriousness of the oath Nephi swears, his indubitable honor, and the importance of this event in Nephite history. Having taken such an oath, we can be certain that Nephi took care throughout his life to preserve a freedom for Zoram equal to his own, so long as Zoram

kept his covenant to follow God’s commandments. And Nephi would have no reason to treat his other subjects differently than Zoram. When Lehi and Sariah’s family finally splits, every adult in Nephi’s group makes the same conscious decision to follow Nephi that Zoram makes in this emblematic episode (2 Nephi 5:6).

After Nephi swears his oath, Zoram, in turn, swears an oath that he will behave as God has required and align himself with his captor. “And he also made an oath unto us that he would tarry with us from that time forth. . . . And it came to pass that when Zoram had made an oath unto us, our fears did cease concerning him” (1 Nephi 4:35, 37). Each having sworn to meet obligations to the other, the bond that forms between Nephi and Zoram in this moment proves to be powerful, a good representation of the powerful bond that connects Nephi and his people. Though we don’t have any details on what Zoram subsequently did to prove his loyalty—for example, during Laman and Lemuel’s rave on the ship and its aftermath—we can be certain that Zoram and his family were true to their new sovereign, for Lehi, who observed all of Zoram’s behav-

ior, later declared, recalling the initial encounter of sovereign and subject, “And now, Zoram, I speak unto you: Behold, thou art the servant of Laban; nevertheless, thou hast been brought out of the land of Jerusalem, and I know that thou art a true friend unto my son, Nephi, forever. Wherefore, because thou hast been faithful thy seed shall be blessed with his seed. . . . The Lord hath consecrated this land for the security of thy seed with the seed of my son” (2 Nephi 1:30–32).

We have reason to believe that Nephi achieved his rhetorical purpose in recounting Laban’s death—to establish legitimate, good government among his people—for the constitutional order reflected in Nephi and Zoram’s solemn covenants with each other persisted. Its essential terms are apparent 470 years later in the relationship between King Benjamin and his people and between the people and Benjamin’s father, Mosiah, before him and his son, Mosiah, after him (Mosiah 2:31). These kings, men still very much in the mold of Nephi, are the last in the line of kings descended from Nephi.

Like Nephi, each of the three are prophets. Like Nephi, Benjamin wields the sword of Laban in his people’s defense and holds them accountable to obey his words, which are the words of God (Words of Mormon 1:12–18). Though he exercises sovereign power like Nephi in punishing those who “murder, or plunder, or steal, or commit adultery,” Benjamin has taken care to preserve freedom and equality among his people. He has not permitted them to “make slaves one of another” and he himself has “labored with [his] own hands that [he] might serve [them], and that [they] should not be laden with taxes” (Mosiah 2:13–14). He plainly states that he sees himself as no better than his people: “My brethren . . . hearken unto me. . . . I have not commanded . . . that ye should fear me, or that ye should think that I of myself am more than a mortal man. But I am like as yourselves. . . .” (Mosiah 2:9–11). Thus, the relationship between these last three kings and the people is in every way



When Zoram and Nephi formed their covenant, Zoram became part of the party of Lehi. Zoram and his descendants remained true to the covenant for hundreds of years. By Jerry Thompson. © IRI.

consistent with the covenants Nephi and Zoram made to each other. As the Exodus established a firm legal order among the Hebrews of the Old World,³¹ so this episode appears to have established a durable governance pattern in the New.

THE SIXTH LAYER OF IMPLICATION: EXPLICIT DECLARATIONS OF NEPHI'S REIGN

The explicit declarations of Nephi's reign suggest that it began, as has been argued above, before Lehi's family left the Valley of Lemuel rather than many years later when Nephi was formally anointed king in 2 Nephi. That Nephi had begun to reign before 2 Nephi is evident in Mormon's subtitle for 1 Nephi: "His [Nephi's] Reign and Ministry." The only men-

of Israel, is a *fait accompli*: "Know ye not that the Lord hath chosen him [Nephi] to be a ruler over you, and this because of your iniquities?" (1 Nephi 3:29). Having twice been declared a ruler, once by the voice of the Lord himself and once by his angel, Nephi now enters the city where he finds Laban and acts to protect his people in the role of the sovereign ruler God's angel has just declared him to be.

Early in 2 Nephi, just before the family finally splits, Nephi adds his own testimony to that of the Lord and his angel, declaring that he has been made, as the Lord promised, a *ruler* over his brothers: "And behold, the words of the Lord had been fulfilled unto my brethren, which he spake concerning them, that I should be their ruler and their teacher. Wherefore, *I had been their ruler* and their

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tion Nephi makes of his personal *reign* occurs shortly after he acquired the plates while the family is still in the Valley of Lemuel: "And now I, Nephi, proceed to give an account upon these plates of my proceedings, and *my reign* and ministry" (1 Nephi 10:1, 16). This explicit statement would seem to cap his acquisition of sovereignty in the events that have just unfolded. The events that follow, this passage suggests, are part of Nephi's reign as sovereign.

As previously indicated, Nephi is twice told in 1 Nephi that he will be a ruler over his brothers. The first declaration is prospective and occurs just before the brothers depart for Jerusalem to get the plates: "inasmuch as thy brethren shall rebel against thee, they shall be cut off from the presence of the Lord. And inasmuch as thou shalt keep my commandments, thou shalt be made a ruler and a teacher over thy brethren" (1 Nephi 4:21-22). What those verses anticipate then occurs: Laman and Lemuel rebel against and begin to beat Nephi because he insists on doing the Lord's will. An angel then appears and declares that Nephi's rule over his brothers, his sovereign position in this new branch

teacher, according to the commandments of the Lord, until the time they sought to take away my life" (2 Nephi 5:19). Most of this ruling and teaching occurred in 1 Nephi during and following the acquisition of the plates and the sword.

CONCLUSION

Let me conclude by discussing briefly what may have led Nephi to write such a densely allusive account of his assumption of sovereignty during the acquisition of the brass plates. First, it is important to keep in mind that, prior to the development of printing, written texts were difficult to produce and, thus, were expensive and comparatively rare possessions. High production costs had an affect on genre. When the cost of buying a given quantity of text was high, purchasers preferred to read dense genres that rewarded multiple readings, for example, poetry was relatively much more popular in comparison with prose than it is today. Incentives to include poetic features such as chiasm and intertextuality were high because such features were likely

to be discovered and savored when the text would be read repeatedly. When printing drove down production costs, less dense genres such as the novel became predominant in the production and consumption of literary texts and repeated reading of the same text became less common. Since Nephi wrote when production was still costly and repeated reading the norm, he probably wrote with a full expectation that his writing would get very close scrutiny, especially when what he was writing would be, for his people, analogous to Of Plymouth Plantation, the Declaration of Independence, and the Constitution rolled into one.

The high costs of both acquiring and transporting texts make it likely that the brass plates—the preexilic Old Testament—was the only text available to Lehi and his family.³² It is, therefore, probable that they read it many times and were deeply familiar with its contents. Moreover, they were strongly inclined to read their own lives in terms of the narratives in their Old Testament, both because they viewed it as scripture and because it was the only textual model available to them (1 Nephi 19:23). Nephi’s explicit framing of the attempt to acquire the plates as a recapitulation of the Mosaic exodus (1 Nephi 4:2–3) and his implicit recapitulation of

the David and Goliath story in the structure of his narrative are examples of his tendency to link his life to scripture.

Finally, because his work was autobiographical, Nephi had an almost unlimited number of details that he could have included in his account—all the details of his life. Since his record had to be short, his charge was analogous to that of a historian of modern times who is awash in facts and whose principal task is to cultivate an “ignorance which simplifies and clarifies, which selects and omits” in order to tell an important story coherently.³³ Given his textual model, the Old Testament,³⁴ we can be confident that Nephi chose only those episodes and details that were most richly endowed with meaning and that served his rhetorical purposes. In his response to the Lord’s mandate to kill Laban, Nephi seems to have found an experience that could be framed as a symbolic tableau of the relationship between sovereign and subject and that could be linked through intertextual allusion to Mosaic and Davidic biblical narratives of sovereignty assumed and exercised. By making these connections, Nephi created legitimacy for a political regime that was to endure and protect his people for more than five hundred years. ■

