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## Second Nephi as a Legal Document

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## SECOND NEPHI AS A LEGAL DOCUMENT

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**Martin Oman Evans**

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**T**he Book of Mormon contains an abridgment of many records from the people of Nephi. Within the Book of Mormon, there are also two unabridged books written by Nephi. These books were written in the sixth century BCE, approximately one thousand years before the main corpus of the Book of Mormon. Cultural changes will invariably occur over time and some changes may have been deliberate (2 Nephi 25:2). Consideration of contemporary ancient Near Eastern customs may be critical in understanding Nephi's text.

The second book of Nephi has confounded readers for more than 100 years. Highlighting its importance, Elder Jeffrey R. Holland stated that “standing like sentinels at the gate of the [Book of Mormon],”

the writings in 2 Nephi “admit us into the scriptural presence of the Lord.”<sup>1</sup> Some readers, however, may feel 2 Nephi is a “compilation of instructive but unrelated incidents, doctrines, and prophecies.”<sup>2</sup> Perhaps because the book of 2 Nephi remains enigmatic, its structure has been the subject of sustained inquiry over many years.<sup>3</sup> While there are many perspectives, few of them are mutually exclusive. Some secular scholars have opined that 2 Nephi is a collection of contextless excerpts and reflections<sup>4</sup> or commentary interwoven with scripture.<sup>5</sup> Brant Gardner writes that Nephi starts to write a narrative, but later his intent changes, and he includes a sermon.<sup>6</sup> Frederick Axelgard argues for a holistic interpretation of both books written by Nephi. He notes the spiritual themes in 2 Nephi parallel the historical themes in 1 Nephi; they have similar themes presented in the same order.<sup>7</sup> Joseph Spencer places Isaiah’s encounter with God (2 Nephi 16) as the central part of 2 Nephi. He shows that Nephi uses Isaiah’s encounter with God as a paradigm for how God interacts with all His children.<sup>8</sup> Spencer suggests Nephi has much of 2 Nephi in mind when he refers to “more sacred things” (1 Nephi 19:5). Spencer has also reasonably suggested modern readers overlook a major division within 2 Nephi, which should be placed prior to 2 Nephi 6:1.<sup>9</sup> Noel Reynolds states that this “challenge[s] the book divisions left to us by the original author.” Reynolds demonstrates there is an overarching symmetrical (chiastic) structure centered on 2 Nephi 11. Thereby, 2 Nephi presents itself foremost as a witness of Christ, which is the theme of 2 Nephi 11.<sup>10</sup> Reynolds continues by saying 2 Nephi “elevates the traditional meaning of the Abrahamic/Lehitec promises ... into a focus on... Christ.”<sup>11</sup> Terryl Givens’s comments are similar; he shows that 2 Nephi establishes a broader Nephite identity. Givens does this by comparing the Nephites’ history with that of the Jews exiled in Babylon. Givens notes the Babylonian exile was met with a counter-reaction that solidified Jewish thought, text, and language. He points out that the Babylonian exile ultimately led to the production and adoption of the Torah. Similarly, the Nephites, unnerved by the fall of Jerusalem, the center of Jewish worship, needed to forge a new identity. Second Nephi reassures there is a *new* land of promise.<sup>12</sup>

Taylor Halverson points out 2 Nephi contains covenants and is therefore law for the Nephites. He writes that 2 Nephi contains “Lehi’s last will and covenantal speech.”<sup>13</sup> John Welch has also demonstrated that the initial portion of 2 Nephi is the ancient equivalent of Lehi’s will and testament. Lehi’s words establish Nephi as a leader and more.<sup>14</sup> According to Welch this text functions as a “legal and constitutional

basis for several future centuries of Nephite thought and life.” He notes these initial chapters contain similar components as legal ancient Near Eastern texts. Jan Martin suggests Jerusalem was so fundamental and crucial in First Temple period religion and culture that it may have been the announcement of the destruction of Jerusalem that prompted the division of 1 and 2 Nephi.<sup>15</sup> She adds to this by demonstrating the initial five chapters of 2 Nephi are a highly structured suzerain covenant consistent with ancient Near Eastern tradition. Martin identifies sections within 2 Nephi containing a preamble, historical prologue, stipulations, blessings and cursings, and instructions for preserving and remembering the covenant. However, a final component of suzerain treaties that appears absent on initial evaluation is a list or mention of witnesses. Juxtaposing the covenantal documents of Deuteronomy and 2 Nephi, Martin states,

Moses specified that the “heavens” and the “earth” were witnesses (Deuteronomy 32:1), and he directed that large, inscribed stones be set up on the banks of the river Jordan as witnesses to Israel’s covenant renewal (see Deuteronomy 27:1–3). If Lehi did something similar with objects, Nephi did not record it on the small plates.<sup>16</sup>

Martin continues, “Lehi’s descendants, who were all present at the covenant-renewal ceremony, could easily have served as the witnesses to the covenant.”

Herein, I agree with Givens and Halverson. The book of 2 Nephi is tantamount to a manifesto that forms the ethos and law of the Nephite nation. I differ from Welch, as I hold that more than the first section of 2 Nephi can be understood as a legal text. I agree with Spencer that a significant division could be made between chapters 5 and 6 of 2 Nephi. Reynolds’s chiastic model strengthens my position; he writes 2 Nephi 11 is the center-most part of 2 Nephi. It is in this section that Nephi writes, “By the words of three, God . . . will establish [His] word. Nevertheless, God sendeth more witnesses” (vs. 3). It may seem straightforward that 2 Nephi contains witness statements. But this paper demonstrates Nephi uses conventions seen in ancient legal proceedings to present these witness statements. Therefore, in contrast to Martin, I hold there *is* an explicit identification of witnesses within 2 Nephi. Yet, Martin’s insights solidify our anticipation that witnesses should be provided in the record following Lehi’s words.

### **The Concept of Objects as a Witness in Ancient Mesopotamia**

In modern convention, we may use the word “witness” to refer to people that can attest to specific events. But as Martin points out, objects, even stones, could stand as a witness. It is well understood that an object could function as a witness in the ancient Near East. Most legal transactions were presumably oral, but objects and persons qualified as witnesses. Documents,<sup>17</sup> carcasses, garments, or oaths could be used as a witness.<sup>18</sup> This knowledge helps inform our reading of texts originating in that place and time. For example, in the narrative of Joseph, Potiphar’s wife used Joseph’s garment to support her accusations against him. The sons of Israel also presented Joseph’s torn garment as proof of his demise. These stories are not depicted as legal procedures, but the included objects lead us to conjecture how a public official would view the events.

### **Material Culture of Documents**

To the ancient Israelites, the tablets containing the Ten Commandments are more than written admonitions. The tablets themselves are a proof of the covenant with God (Exodus 31:18). Beyond functioning as a witness, the material culture also held that inscriptions were essentially a character in their own right. Objects may witness, but they also act and can secure or guarantee future outcomes.<sup>19</sup> A quintessential example of this material culture is depicted by foundation documents.

For approximately three thousand years, cultures in Mesopotamia constructed buildings over stone boxes containing documents (often metal). By placing written texts underneath notable buildings or within foundations, a king effectively says, “Every aspect of human civilized culture — the civilizing tendency itself, which gives birth to the temple, the palace, the city-state, his entire kingdom, and even to his own powers — is built upon the written document.”<sup>20</sup> In his paper “An Everlasting Witness: Ancient Writings on Metal,” Reynolds demonstrates just as in the Near East, the Nephites also viewed writing as a witness. He writes that the Nephites knew “metal plates would play a major role in God’s final work.” That vision resulted in creating, transmitting and maintaining written witnesses.<sup>21</sup> Aspects of 2 Nephi allow it to be viewed as a witness in its time for *multiple* reasons. The book of 2 Nephi contains unique cultural and legal components contemporary readers would clearly understand.

Throughout the ancient Near East, documents were produced by professional scribes whose training and standing stood as guarantees of their documents’ validity. Parties to legal actions in Nephi’s time need

not have signed legal documents to confirm their validity.<sup>22</sup> The mere existence of a record produced by a known scribe could authenticate a record.<sup>23</sup> An example is a surviving Demotic Egyptian divorce certificate from 490 BCE. The document states the case for the divorce and ends succinctly: “Scribe. Horuz son of Nes-Hor-pechrat.”<sup>24</sup> No seal, signature, or list of witnesses accompany the scribe’s name.<sup>25</sup> In these cultures whose literacy rates were a fraction of ours, the concept that a document’s validity can *only* be confirmed by witnesses’ signatures did not exist in Nephi’s time.

Egyptian customs are particularly noteworthy in our discussion as archeological evidence suggests that scribes operated in Israel after Egyptian custom.<sup>26</sup> Nephi also states he was trained in the language of the Egyptians (1 Nephi 1:2). For over a decade, scholars have believed Nephi had formal training as a scribe<sup>27</sup> writing in paleo-Hebrew, Hieratic, or Hieratic cursive (Demotic).<sup>28</sup> Texts in the latter style included “contracts, lawsuits and tax receipts.”<sup>29</sup> Nephi also demonstrates knowledge of Judean law.<sup>30</sup> Altogether this invites the possibility that he was able to produce legal documents. If 2 Nephi is considered a collection of documents, do those documents have significance beyond their religious meaning? For example, Jack Welch demonstrated that 2 Nephi 1–4 assigns lands and designates the future leader of the people.<sup>31</sup> In Nephi’s time, the recording is valid because Nephi (likely a scribe) wrote the document.

### Neo-Babylonian Depositions

To compare Nephi’s writing with contemporary legal documents, let us consider various examples. In Neo-Babylonian tradition, documents discovered and used in legal proceedings included certain details. Pertaining to our discussion, official depositions often appear without a seal. Instead, they typically include the speaker’s name and a patronym or title. They often include the scribe’s name, date and place of composition, and a list of persons present who witness hearing the statement.<sup>32</sup> Documents communicating a judge’s decision contain seal(s) and those items found in a deposition.<sup>33</sup>

In describing ancient Mesopotamian court proceedings, Shalom Holtz describes four types of recorded depositions: accusatory, testimonial, memoranda, and sworn.<sup>34</sup> There are no identifying markings on court statements to identify them as depositions. This contrasts with Old Babylonian times when depositions may begin with the phrase “tablet of confirmation”<sup>35</sup> or “tablet with a sworn statement.”<sup>36</sup> Neo-Babylonian depositions begin with “[Personal Name] said thus.” Depositions do not



describe the entire dispute, nor do they appeal directly to the judge to render a specific decision. They are made before officials or a group of people stating to whom the declarations are made or who was present. Studies suggest that some depositions used in legal cases were made in unofficial settings,<sup>37</sup> court record could also be made outside of official buildings.<sup>38</sup> This may have been out of necessity. It is not likely that all judiciaries had equal access to court rooms (a discussion of judiciaries will follow). Holtz identifies depositions based on their content, inclusion in the legal archive, their references to the case, adjudicating authorities, or audience. Depending on the type of deposition, the scribe may or may not be identified. As their name suggests, only sworn depositions document an oath taken by the speaker. Using Holtz's analysis as a guide, Jacob's, Isaiah's, and Nephi's words in 2 Nephi (2 Nephi 6–10, 12–24, 25–28, respectively) have features that are seen in formal witness depositions.

The lack of surviving First Temple documents makes it difficult to create a detailed taxonomy of writing from that time. Entire genres from that era are likely unknown. It follows that we cannot establish with perfect certainty the precise nature of a text dating from Neo-Babylonian times. However, the characteristics of surviving depositions can support our analysis. Research has shown conclusively that cultures across Mesopotamia, including Israel, significantly influenced neighboring legal systems.<sup>39</sup> In other words, aspects of the legal systems of *surrounding* nations may compare as a surrogate for the legal procedure *within* Judea. The comparison of Nephi's writing with contemporary legal documents is essential. Ancient Near Eastern documents help us detect some legal conventions and language of the period.

### Similarities with Neo-Babylonian Depositions

An introduction similar to contemporary witness statements is found at the beginning of 2 Nephi 6. An example from the Yale Babylonian Collection Yale Oriental Series (YOS) 6,131 begins:

The *mār banî*<sup>40</sup> in whose presence <sup>m</sup>Anim-aḥḥē-uṣur the messenger of the crown prince said thus to <sup>m</sup>Nabû-šarra-uṣur the ša *rēš* šarri<sup>41</sup> administrator of the Eanna:<sup>42</sup>

This is followed by a first-person narration describing three cows being entrusted to another's care. In this excerpt, one notes the audience's identification (*mār banî*) and the use of formal titles (messenger of the crown). Holtz notes most depositions did not include a sworn statement

or the recording of an oath. Instead of an oath, depositions typically described the *audience* in front of whom the statement was made, as seen in YOS 6,131. The inclusion of the audience is a certifying feature. “A deposition could be taken before a local tribunal. ... It was recorded under the format: ‘These are the witnesses before whom ([personal name] stated.’”<sup>43</sup> Knowing this convention may increase our understanding of the seemingly trivial words Nephi places in the superscription prior to Jacob’s statement. He writes,

The words of Jacob, the brother of Nephi, which he spoke unto  
*the people of Nephi* (2 Nephi 6:1).

The mention of the audience (the people of Nephi) may be viewed as the inclusion of witnesses present at Jacob’s statement and not merely a historical detail. This tradition was not limited to Babylon. For example, when recording Egyptian “transcripts, the participants and onlookers were put down as witnesses.”<sup>44</sup> Biblical superscriptions and ancient Near Eastern oracles<sup>45</sup> typically do not mention the audience (a notable rare exception is Deuteronomy 1:1). Therefore, some information in the heading prior to Jacob’s words is more characteristic of contemporary legal documents than scriptural text.

Another aspect that makes Jacob’s statement more like those found in legal records is the reference to Jacob as the “brother of Nephi.” The reference to the speaker’s brother has no precedent in biblical superscriptions. Biblical superscriptions typically use a patronym (e.g., “The words of Nehemiah the son of Hachaliah”; Nehemiah 1:1). Yet, Jacob is not referred to as “son of Lehi”; instead, he is the “brother of Nephi.” Such titles *are* found in Neo-Babylonian legal records. For example, in the deposition YOS 7, 10 we read,

Ḫašdaya, brother of Iddinaya, said thus in the assembly.<sup>46</sup>

Again, we note the inclusion of the audience characteristic of the legal records we have discussed.

### Witnesses

Moving past the unique superscription, there are other indicators Nephi uses Jacob’s words as a deposition. In the following parallelism, it is clear that Nephi views Jacob’s words in 2 Nephi 6–10 and Isaiah’s words in 2 Nephi 12–24 as witnesses:

Wherefore, I will send [Jacob and Isaiah’s] *words* forth unto my children to *prove* ... that my words are true. ... Nevertheless,

God sendeth *more witnesses*, and he *proveth* all his words. (2 Nephi 11:3)

This citation presents a parallelism, suggesting that Jacob and Isaiah are both witnesses. Bruce Van Orden writes: “Chapter 11 of 2 Nephi serves to connect the witnesses of Jacob, Nephi, and Isaiah, and it is here that Nephi explicitly applied the law of witnesses.”<sup>47</sup> Initial readers of the Book of Mormon noticed Nephi’s inclusion of Isaiah to corroborate his own words.<sup>48</sup>

### The Law of Witnesses

The law of witnesses as understood by those in the First Temple period and how Latter-day Saints understand it is likely different. A Latter-day Saint may believe the law of witnesses refers to multiple sources establishing spiritual truth. For example, three witnesses testify of the existence of the gold plates from which the Book of Mormon was translated. However, amid a list of civil laws, the law of witnesses appears to be focused on protecting the accused from immediate consequences of violated civil laws. Deuteronomy 17:6 (KJV) states, “At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death” (also see Deuteronomy 19:15–21). Therefore, this convention (law) was used in judicial settings. Its implementation in the Second Temple period also suggests it was used in judicial settings. The law of witnesses appears modified in Rabbinic literature and Qumran rules but still refers to civil law imposing immediate consequences.<sup>49</sup> Debate exists among non-Latter-day Saint scholars regarding Paul’s reference to the law of witnesses in Corinthians. With this background, it is no surprise that David Garland argues Paul intends to “take disciplinary action” with “judicial proceeding[s]” upon his return.<sup>50</sup> Although Latter-day Saints may be familiar with the law of witnesses to determine the verity of gospel truths, it appears to be used in legal procedure in Judean culture.

Nephi writes as if justifying his invocation of the law of witnesses. “Behold, my soul delighteth in proving unto my people the truth of the coming of Christ; for, for this end hath the law of Moses been given; and all things which have been given of God from the beginning of the world, unto man, are the typifying of him” (2 Nephi 11:4). By implication, it is perfectly acceptable for Nephi to use or appropriate the legal convention of the law to prove Christ’s existence.

Nephi’s use of legal convention may be somewhat jarring to modern readers who differentiate between the affairs of church and state. But

Nephi reassures the reader. Ultimately because God gave the law of Moses to prove “the truth of the coming of Christ,” it follows that Nephi can use civil legal convention for the same purpose. This is especially true as such a separation of civil and moral law imposes one’s view “on the text from outside the text.”<sup>51</sup> Nephi’s explanation suggests his society can differentiate between civil and moral law. But there may not be a similar division between the two as we see today. If we accept that Nephi used legal convention to record and document religious matters, he would not be the only one to do so. Nehemiah 10 records several individuals sealing a covenant with God. Isaiah 5:3 incorporates a plaintiff statement into his writing, which we will discuss later. Additionally, 4Q365 from the first century BCE demonstrates biblical text juxtaposed with legal text. Interestingly, “there is no scribal indication [there] is nonbiblical material; the text simply flows out of biblical and into nonbiblical material as if there were no difference between the two.”<sup>52</sup>

### **Comparative Analysis of “Prove” in The Book of Mormon**

Nephi states that he delights in proving to his people the truth (2 Nephi 11:4). Ryan Sharp has suggested that because Nephi *also* delights in Isaiah’s words, Nephi is using Isaiah’s words as a proof.<sup>53</sup> To better understand the Nephite concept of proof, I will turn to comparative analysis. As recorded in Alma 34:6–7, Amulek states Alma “prove[s] ... that the word is in Christ” (vs 6). Amulek is explicit. Alma proved this by “call[ing] upon the words of Zenos, ... Zenock, ... [and] Moses” (vs 7). It appears the cultural understanding of a “proof” in Nephite society refers to the expression of multiple testimonies. This usage is also seen when another prophet named Nephi exposes Seantum as the murderer of a chief judge. Nephi provides a miraculous sign exposing the murderer. However, the sign is not what proved the case. Following a confession, Helaman 9:38 reads that Seantum “was brought to prove that he himself was the very murderer.” The only contribution Seantum made to the case was his testimony. Yet Mormon writes it was *Seantum* who proved the issue. These examples suggest the term “prove” in Nephite society refers to testimony or official statements.

Parallelism and comparative analysis of the term “prove” are some details that show Nephi is using the words of Isaiah and Jacob as witnesses.

## Sworn Depositions and Oaths

When depositions were made under oath, surprisingly little notation was used. Typical notation is “they swore,” saying, “Indeed... (followed by the statement).” At times, the name of a deity was recorded as well. The following is an example from a case regarding a deposit of silver from BM 41663.

(Lines 9–11) Rīmūt son of Šamaš-lē’i descendant of Arrabtu swore by Šamaš before the judges and [said] thus:

(Lines 11–12) “I and Šillaya are the creditors (with debts) owed by Iddin-[Marduk]. We did not know that silver was depo[sited] with Nabû-šuma-iškun.”<sup>54</sup>

I will note that this tablet is sealed with the scribe’s seal. This statement depicts two essential aspects of an oath which are a statement of sincerity (authenticating element) and the oath content.<sup>55</sup>

Nephi’s rhetoric in 2 Nephi 25:4 and, to a lesser extent, 2 Nephi 28:1 have features that are found in contemporary oaths. Blane Conklin writes, “Oaths are generally authenticated either by appealing to a precious entity outside oneself or by calling down a curse.” While it is not required to link the oath content and authenticating element, an explanation is often expressed with a complementizer.<sup>56</sup> Oath content may contain a *protasis* (stating the claim) and an *apodosis* (stating the consequence if the claim is not verified). However, documented oaths rarely include the corresponding apodosis.<sup>57</sup> The following is contained in 2 Nephi 25:4:

*Claim:* I give unto you a prophecy

*Authenticating element* (precious entity): according to the spirit which is in me;

*Claim restated:* wherefore I shall prophesy according to the plainness which hath been with me from the time that I came out from Jerusalem with my father

*Complementizer:* for behold, my soul delighteth in plainness unto my people, that they may learn.

When an apodosis is elided, the resulting consequence is not entirely clear. For example, despite numerous oaths that swear with the life of a deity, to call a potential curse on the respected third party has not been performed as far as we know.<sup>58</sup> Therefore potential unstated consequences for Nephi may include death (i.e., for being a false prophet) or perhaps an

acknowledgment the “spirit” is not “in [him].” These two scenarios are in no way comprehensive. Other consequences might include punishment by the spirit upon which he swore or to provide reparations of that which was lost due to Nephi’s testimony. At the very least, it appears Nephi is staking all his credibility on his prophecy.

Nephi’s stylized oath also appears functionally equivalent to Judean oaths. A comparable oath is found in 1 Kings 22:14: “Micaiah said, As the LORD lives, I shall speak whatever the LORD tells me.”<sup>59</sup> Nephi makes another oath more typical of the time, but it does not appear to apply to the entire section:

As the Lord God liveth that brought Israel up out of the land of Egypt, and gave unto Moses power that he should heal the nations after they had been bitten by the poisonous serpents, if they would cast their eyes unto the serpent which he did raise up before them, and also gave him power that he should smite the rock and the water should come forth; yea, behold I say unto you, that as these things are true, and as the Lord God liveth, there is none other name given under heaven save it be this Jesus Christ, of which I have spoken, whereby man can be saved. (2 Nephi 25:20)

Nephi again attests the oath regarding his prophecy in 2 Nephi 28:1. Nephi writes, “And now, behold, my brethren, I have spoken unto you, according as the Spirit hath constrained me; wherefore, I know that they must surely come to pass.” The term “surely” is also consistent with King James wording used to record sworn oaths.<sup>60</sup> Further analysis is complicated, as the composition in the original language is not extant.

### **Neo-Babylonian Legal Procedure and Plaintiff Statements**

Aside from those discussed, additional components in 2 Nephi suggest it contains writings informed by legal conventions. These include a plaintiff’s statement and the promise of additional proof provided by the plaintiff. Additionally, the inclusion of legal rhetoric mentioning the sealing of the record and a judgment bar appears to be a reference to judicial activity.

Due to the lack of records from Judean and Egyptian legal proceedings, of necessity we again must turn to other ancient Near Eastern cultures to understand the conventions that might have held sway in Nephi’s time and place.<sup>61</sup> This approach is reasonable, as some conventions were standardized over large regions.<sup>62</sup> After evaluating a

series of legal proceedings from multiple cities contemporary to Nephi, Holtz wrote that the most common format of plaintiff's statements<sup>63</sup> includes three components:

- A. Opening (mention of plaintiff and adjudicating authority).
- B. Quotation of the plaintiff's statement.
- C. Imperative to authority.

For example, the document YOS 19, 101, written in 545 BCE and discovered in Babylon, discusses a decision record from a case that apparently pertains to a misappropriated shipment of dates. This document provides an example of a plaintiff statement. The first lines are translated as follows:<sup>64</sup>

Opening:

(Lines 1–3): <sup>m</sup>Nergal-rēšūa the slave of <sup>m</sup>Iddin-Marduk said thus to the judges of Nabonidus, king of Babylon.

Quotation of plaintiff's statement:

(Lines 3–6) <sup>m</sup>Iddin-Marduk, my master, loaded a shipment of 480 *kur* of dates for transport from the hinterland on the boats belonging to <sup>m</sup>Amurru-natan, the boatman, son of <sup>m</sup>Ammaya.

(Line 7) He had him bear the responsibility for keeping the dates.

(Lines 8–10) He brought the boats to Babylon and he gave me <sup>m</sup>Iddin-Marduk's message. 480 Gur of dates was written i[n it].

(Lines 11–12) I took account of the dates, and 47 *gur* 1 *pi* were missing.

(Lines 12–14) I raised a claim against <sup>m</sup>Amurru-natan concerning the missing amount of the dates and . . . thus:

(Lines 14–15) I did not take your dates.

(Line 15) Afterwards, an informer . . .

(Line 16) 4 Gur 1 Pi of dates . . .

(Line 17) and behind my boat . . .

(Line 18) those dates in . . .

(Lines 19–20) We contracted a contract stating thus:  
 ‘<sup>m</sup>Amurru-natan illegally took 7 *gur* 1 *pi* of dates.

(Lines 22–23) After <sup>m</sup>Amurru-[natan] wrote this contract  
 until today ...

(Line 24) Now, I have brought him before you.

Imperative to authority:

(Line 25) “Establish our decision!”

The opening statement is demonstrated by mention of the plaintiff and adjudicating authority in lines 1–3. The plaintiff statement is given in lines 3–24. Finally, an imperative to authorities demands a judgment in line 25.

Isaiah uses this format in records that survive in the Bible. For example, in the parable of the vineyard, Isaiah states, “And now, O inhabitants of Jerusalem, and men of Judah, judge, I pray you, betwixt me and my vineyard (KJV Isaiah 5:3).” Additional features of this passage in Isaiah make the allusion to a courtroom explicit.<sup>65</sup> Such explicit allusions to a courtroom suggest plaintiff statements may indicate a degree of specificity. Isaiah summarizes the facts of the case, identifies the adjudicating body, and demands a judgment be made.

One may wonder if Nephi copies Isaiah’s pattern here and, therefore, merely happens to copy a plaintiff’s statement unknowingly. However, people from various backgrounds used the plaintiff’s statement to include slaves.<sup>66</sup> The Bible records cases in Israel that could be held publicly with the citizenry acting as judges.<sup>67</sup> This suggests some aspects of legal proceedings were commonly understood. The same plaintiff statement formula is written near the end of Nephi’s record. Nephi states:

Opening:

I, Nephi, cannot write all the things which were taught among my people; neither am I mighty in writing, like unto speaking; for when a man speaketh by the power of the Holy Ghost the power of the Holy Ghost carrieth it unto the hearts of the children of men... But I, Nephi, have written what I have written. ... And now, my beloved brethren, and also Jew, and all ye ends of the earth ...

*Quotation of plaintiff’s statement:*

[these] are the words of Christ...



Imperative to authority:

And if they are not the words of Christ, judge ye. (2 Nephi 33:1–11)

Nephi mentions himself, the audience, and his claim before demanding a decision.<sup>68</sup> This language is consistent with that found in legal records.

An additional characteristic of ancient Mesopotamian court proceedings is the promise of additional proof provided by the plaintiff.<sup>69</sup> This is in sharp contrast to today's convention. In modern times, all evidence must be presented before a judgement can be made. Holtz notes, "Most of the guarantees for testimony can be shown to be the result of the guarantor's accusations that must be substantiated. In these cases the accusations were made during formal hearings, after which the guarantor assumed responsibility for the testimony" (i.e., by providing another witness).<sup>70</sup> Nephi does this by stating, "Christ will show unto you, with power and great glory, that they are his words, at the last day; and you and I shall stand face to face before his bar; and ye shall know that I have been commanded of him to write these things" (2 Nephi 33:11). Here again Nephi's record is consistent with contemporary legal proceedings.

Nephi is not esoteric. Because Nephi glories in plainness, he may include rhetoric describing his record as a legal document. In the final paragraphs of 2 Nephi, he mentions a judgment bar. Nephi's closing verse makes explicit reference to court proceedings: "For what I seal on earth, shall be brought against you at the judgment bar." All twelve mentions of the word "bar" in the Book of Mormon refer to a setting of judgment.

### **The Reader's Role**

The reader's position in this setting is initially ambiguous. Following the implications of this plaintiff's statement, Nephi posits the reader in an adjudicating role. It appears then that the words of Christ themselves are on trial. Nephi writes, "If they are not the words of Christ, judge ye." The reader's role in the proceedings is nuanced.

Unlike other prophets in the Book of Mormon, Nephi does not consistently posit God as a judge. When the reader is the defendant, Nephi identifies Christ's words as the judge. Nephi states, "[H]e shall bring forth [H]is words unto them, which words shall judge them at the last day." (2 Nephi 25:18). Restating the point, Nephi writes that the "nations who shall possess [the writings in question] shall be judged of

them according to the words which are written” (verse 22). Therefore, in this future courtroom (it appears Nephi is not speaking rhetorically), the reader and the written word assume the roles of both judge and defendant at different times.

While Nephi’s allusion to a judgment bar is clear, our relationship with God in the courtroom is more ambiguous. To better comprehend these implications, I will discuss ancient judicial structures.

### **Ancient Near East Judicial Structure**

Because of such prevalent legal terms, the context of contemporary legal systems must be considered to interpret Nephi’s message.

In Nephi’s day, the legal systems of neighboring nations allowed for appeals. Prior to that era, appeals were generally not allowed in Mesopotamia. Leaders had embodied deities and judgments were immutable.<sup>71</sup> To appeal a judgement put in question the capability of the leader. Even an attempt to appeal could result in punishment.<sup>72</sup> This was not necessarily impractical, as punishment could be levied for false testimony. However, this stands in stark contrast to procedure in the Neo-Assyrian and Neo-Babylonian kingdoms, where appeal was practiced.<sup>73</sup> The relatively new practice of appeal allowed defendants of the time to criticize lower-court judges. While the king was ultimately responsible for justice, he was less directly involved. This resulted in numerous letters directed to Neo-Assyrian kings complaining of injustice by appointed representatives and subsequent requests for appeal.<sup>74</sup>

Further, appeals were likely needed due to what could be viewed as two legal systems in existence simultaneously. State administrators who were not legal professionals such as treasurers, eunuchs, and cupbearers could adjudicate cases.<sup>75</sup> In contrast to the modern concept of mediator, these lower judges were state officials. Pierre Villard notes, “There also existed, alongside the notables acting as judges, a specialized judicial administration, directed by two of the highest figures in the state.”<sup>76</sup> While this approach involved multiple levels of judges, they all derived their judicial authority from the king and acted as his representatives. Appeals for justice were therefore made by seeking the word of the king.<sup>77</sup> Villard continues, “Neo-Assyrian kings did not themselves pronounce the verdict in the cases submitted to them, but delegated this task to those whom they deemed competent for it. ... [F]rom the point of view of the petitioners, it was indeed the king who had rendered justice to them.”<sup>78</sup>

Consistent with the tradition of his day, Nephi does not always place God as judge. Rather, the *word* of God will judge, and Christ will stand by and verify they are his words. In Nephi’s judicially inflected writings, when the reader is at the judgement bar of God, the judge naturally should be a representative of God: in this case, the words of Christ. The Hebrew concept of “words” (*dabar*) carries the presumption that words contain their referents’ essence or fundamental character. Therefore, the word of the Lord can represent the Lord, just as judges and designated functionaries at the time acted as representatives of the king. Additional meanings of *dabar* include “law” or “reality.”<sup>79</sup> The judge could be understood to be God’s law or God’s reality. Nephi’s imperative to the reader is to judge if his words are the words of Christ. It is an imperative to judge if the book of 2 Nephi is God’s representative, his law, and his reality. In the process, Nephi explicitly posits the revealed law, expressed in words, as subjugate to God, mirroring the relationship between judicial functionaries and the embodiment of legal authority, the king. While one has the right to appeal and invoke the word of the King, Nephi assures the reader that his words are God’s words.

### Differences Between Nephi’s Record and Legal Records

It would be irresponsible to omit key differences between Nephi’s writings in 2 Nephi and Neo-Babylonian trial records. These include the detail of the writing and the absence of a list of names and seals. These differences do not change the overall interpretation.

First, Nephi appears to be writing a verbatim record whereas extant records appear paraphrastic. Remember that scribes did not act as transcriptionists but played an active role in legal proceedings.<sup>80</sup> For example, the following citation from three witnesses YOS 7,66 reads:

We were digging below the canal wall, together with <sup>m</sup>Nanaya-iddin son of <sup>m</sup>Innin-zēra-ibni when we killed 2 ducks, property of the Lady-of-Uruk, from the pen of <sup>m</sup>Nidintu and <sup>m</sup>Guzānu, sons of <sup>m</sup>Nanaya-iddin, we buried them in mud.

The record continues as a summary:

The corpses of these 2 birds ... were inspected in the assembly ... [the assembly judges] decided [the accused] ... must pay a 30-fold restitution for the 2 ducks.<sup>81</sup>

In this case, the actual words of the judges are never recorded. The testimonies of *three* defendants are recorded as a *single* statement that is so brief it may be a summary rather than a verbatim record. Perhaps a

contributing factor in Neo-Babylonian record keeping is complications of the medium. The brevity depicted in Neo-Babylonian records is not ubiquitous in the ancient Near East. In the reign of Ramses II, a surviving statement from a Theban court appears to include much more detail and may be more likely to be a verbatim recording. Cairo 65739 reads,

As for myself I am the wife of the district superintendent Simut, and I came to dwell in his house, and I worked in weaving, caring for my clothing. Now in the regnal year 15, in the seventh year of my having entered into the house of the district superintendent Simut, the merchant Raia approached me with the Syrian slave Gemniherimentet, while she was a young girl, and he said to me, “buy this young girl and give to me her price” — so he said to me. And I took the young girl and I gave to him her price. Now look, I am saying the price which I gave for her in the presence of the authorities ... [list of items] ... And I gave them to the merchant Raia, without there being any property of the citizeness Bakemut among them and he gave to me this little girl and I called her Gemniherimentet by name.<sup>82</sup>

The papyrus goes on to record the judge’s response. This case predates the Neo-Babylonian records by several hundred years. I present it as a comparison because existing judicial records from Egypt are rare. Cairo 65739 suggests the records in Egypt were closer to a word-for-word recording. If judicial records were made in Israel, the paucity of extant records suggests they were also made on a less durable medium (such as the papyrus observed in Cairo 65739). It is reasonable that less durable material facilitated longer recordings. Therefore, while Nephi’s lengthy records show differences from some legal records, there appears to be a precedent for more detailed records in legal proceedings.

A second deviation between Nephi’s writing and Mesopotamian judicial records is the lack of a list of persons present. In YOS 7,66, the names of the assembled judges are listed following the decision. Likewise, in Cairo 65739, the names of six persons who were present were listed. These persons could attest to the proceedings. Nephi does not list individual hearers of his words. Toward the end of his record, he states the words were taught “among [his] people” (2 Nephi 33:1). Additionally, as mentioned, Nephi does state Christ will show unto the reader that they are His words (2 Nephi 33:11). This does have a loose similarity with the legal convention of the time. Those listed at the conclusion of the record can attest to the veracity of the record.

Finally, following the list of names of those present there would often be a seal. Likewise, immediately after mentioning Christ as a witness of the record Nephi states he seals the record. This is a unique feature because books in the Hebrew Bible, as they are presented today, do not contain a seal nor do they mention closing with a seal.<sup>83</sup> Yet, in 2 Nephi 33, there is a reference to a seal, though there is no record of a seal.

Nephi may be referencing the record as inaccessible. *Chatham* in Songs of Solomon 4:12 is understood as locked or inaccessible. Welch writes that Book of Mormon prophets differentiate between *seal* vs. *seal up*. Nephi's use of the word "seal" likely refers to "physically tying the document shut and affixing a wax or clay seal to the closure." "Seal up," as used in Moroni 10:2, signifies protected or safeguarded.<sup>84</sup>

Many references in the Hebrew Bible to sealed legal documents appear literal (i.e., Jeremiah 32:11–15). The act of using a physical seal in ancient Israel is well-attested. Seals of the time typically had two lines that contained a name and a title or patronym.<sup>85</sup> Legal custom in the surrounding region was to make multiple copies of judicial records. The sealed copy would have the seal(s) of the judge(s) present. Copies of the sealed document would include inscriptions of the seal(s).<sup>86</sup> To my knowledge, the manner of sealing contemporary metal records is not described. Metal foundation documents were written without seals and placed within stone boxes underneath or within a building's foundation.<sup>87</sup> Sealed Roman plates have been found.<sup>88</sup>

If Nephi referred to legal convention the seal may have been removed or the seal inscription wasn't included in translation. Regardless, whether Nephi is speaking rhetorically or literally, that Nephi mentions sealing the document at the end of the record after naming a witness is certainly reminiscent of the contemporary legal practice we have been discussing. The paucity of books in the Hebrew Bible containing a seal and the simultaneous widespread use of seals in legal records suggest a sealing reference has some degree of specificity for legal texts. Again, in this regard, Nephi's record is more similar to contemporary legal documents than extant religious writings.

### **Change of Genre: Revision Through Introduction**

One may wonder if Jacob and Isaiah intended their text as legal statements. Nephi's explanation of the law of witnesses could be viewed as an apologetic explanation for incorporating them as such. I do not consider their primary intent in this paper.<sup>89</sup> They both may reference legal proceedings. However, it is important to note that they would not

need to intend their writing as legal statements for Nephi to incorporate them as such.

Sara Milstein shows that scribes often revise text through the manner of introduction. Notably, insertions prior to a text can change the genre of the text. Examples of this include the Community Rule, 1 Chronicles 1–9, the Greek versions of Esther, Deuteronomy 1–3, and Nehemiah 1.<sup>90</sup> If we consider the Judean legal genre (such as Deuteronomy or the Community Rule), legal precepts are prefaced by “general information regarding the covenant.”<sup>91</sup> Deuteronomy 5, for example, contains the Ten Commandments. Prior to writing the commandments there is some background framing the setting (verses 1–5). Considering this genre, it appears Nephi intends the book to be three statements (2 Nephi 6–28) prefaced by material introducing the setting (2 Nephi 1–5). I view the three witness statements as the central portion of 2 Nephi.

### The Language of Judean Legal Texts and 2 Nephi

The general language of extant Judean legal records is also described by Milstein. She offers suggestions of what legal rhetoric may have looked like.<sup>92</sup> Common to many Hebrew legal texts<sup>93</sup> are root variations, colorful features, unusual legal situations, resonance with contracts, emphasis on social roles, repetitive language, and discussion of money or other penalties.

Certainly, in isolation, none of these features can identify a legal text or rhetoric. Scriptural text is filled with such writings. However, because of their prevalence in Judean legal texts, these features likely form a *sine qua non* to identify such a text. If Nephi wrote 2 Nephi with legal proceedings and format in mind, he might have considered using the established legal rhetorical flourishes. These findings are present in 2 Nephi (see Table 1). While many of these features are seen throughout the Book of Mormon, it is essential to demonstrate their presence in 2 Nephi to confirm language consistent with contemporary legal rhetoric.

**Table 1.** Features in most Judean legal texts are also seen in 2 Nephi.

Feature	Verse
Colorful language	“And they shall be visited with thunderings, and lightnings, and earthquakes, and all manner of destructions, for the fire of the anger of the Lord shall be kindled against them, and they shall be as stubble, and the day that cometh shall consume them, saith the Lord of Hosts” (2 Nephi 26:6).

Feature	Verse
Root variations <sup>94</sup>	Lehi counsels his sons to arise from the <i>dust</i> ( <i>aphar</i> ) and leave darkness and <i>obscurity</i> ( <i>aphel</i> ) (2 Nephi 1:21). <sup>95</sup> Nephi also uses permutations on Joseph’s name. Following a prophecy by Joseph, we read that Laman and Lemuel choose to <i>increase</i> ( <i>yasap</i> ) in anger instead (2 Nephi 3–5), resulting in hatred and rejection of the suzerain covenant and freedom. <sup>96</sup>
Unusual legal situations	“For the atonement satisfieth the demands of his justice upon all those who have not the law given to them” (2 Nephi 9:26).
Resonance with contracts	“And they sell themselves for naught; for, for the reward of their pride and their foolishness they shall reap destruction” (2 Nephi 26:10).
Emphasis on social roles	“They rob the poor because of their fine sanctuaries; they rob the poor because of their fine clothing; and they persecute the meek and the poor in heart, because in their pride they are puffed up” (2 Nephi 28:13).
Repetitive language	“Wo unto the liar, for he shall be thrust down to hell. Wo unto the murderer who deliberately killeth, for he shall die. Wo unto them who commit whoredoms, for they shall be thrust down to hell” (2 Nephi 9:34–36).
Discussion of money or other penalties	“For the time speedily cometh that the Lord God shall cause a great division among the people, and the wicked will he destroy; and he will spare his people, yea, even if it so be that he must destroy the wicked by fire” (2 Nephi 30:10).

### Legal Reasoning

Shin Hur analyzed legal reasoning in Genesis and Deuteronomy. This is particularly relevant, as many place the authorship of much of Deuteronomy in the time of King Josiah (shortly before Nephi leaves Jerusalem).<sup>97</sup> Hur notes that cases from that period emphasize conjecture and transference (i.e., whether an event happened and with whom lays the fault). Hur based this on the case of Tamar, Achan, and Deuteronomy 22:13–21. Less emphasis was placed on qualifying features such as degree of guilt or clarity of the law.<sup>98</sup> This perspective is similar to what we read in Nephi’s writings. Nephi is content to cite Isaiah’s language: “For shall the work say of him that made it, he made me not?” (2 Nephi 27:27). Nephi also states, “By the law no flesh is justified” (2 Nephi 2:5). To Nephi’s audience it appears a person is either “guilty” or “not guilty.” Rhetoric of the period depicts cases as “black” or “white.” This aspect of early Nephite culture may account for some of the rhetoric a modern reader may find binary.

With that understanding in mind it likely seemed foolish and foreign to Nephi's original audience that the Gentiles of the last days will try to minimize or qualify their evil deeds. He states,

And there shall also be many [in the last days] which shall say ... fear God [but] he will justify in committing a little sin; yea, lie a little, take the advantage of one because of his words, dig a pit for thy neighbor; there is no harm in this; and do all these things, for tomorrow we die; and if it so be that we are guilty, God will beat us with a few stripes, and at last we shall be saved in the kingdom of God. (2 Nephi 28:8)

Nephi mentions this to characterize “false and vain and foolish doctrines” among the Gentiles (2 Nephi 28:9). Presumably, this example resonated with an audience unfamiliar with post-Hellenistic arguments.

### **Nephi's Conservative and Revisionistic Citations of Isaiah**

Nephi's adaptive citations of Isaiah are well described. Scholars note that Nephi's writing “makes additions, ... omits material in others, transposes, [and] makes grammatical changes,”<sup>99</sup> “as might be expected of a truly ancient and authentic record.”<sup>100</sup> In contrast, it is not clear that Nephi adapts the text in 2 Nephi 12–24, which appears to be a much more conservative citation. This next section demonstrates that Nephi reproduces Isaiah 2–14 using conservative techniques. A possible motive is that Nephi intends Isaiah's words to have formal purpose.

Much of Nephi's Isaiah-centric writing can fairly be described as exegetical.<sup>101</sup> This is not to say that he exceeded his remit as a scribe. Exegetical techniques of the period were accepted and expected as core scribal activities.<sup>102</sup> These included manipulation, harmonization, paraphrasing, allusion, and, in some cases, the addition of new material to expand on existing themes.<sup>103</sup> Expansionistic techniques included inflation, glosses of long or complex passages, and synoptic additions.<sup>104</sup> “When Nephi engages with the writings of Isaiah,” notes Ryan Sharp, “he is quite comfortable adapting the prophetic record.”<sup>105</sup>

To accurately characterize texts from that era, it is helpful to classify them according to scribal intervention. Accordingly, these texts may be categorized broadly as conservative or revisionistic.<sup>106</sup> Such classifications help us more fully appreciate the process by which each text was recorded and can avoid anachronistic labelling. Of course, not all texts fall neatly into any given category in their long histories. Some manuscripts may come down to us as the result of a mixed treatment.<sup>107</sup>



Such a characterization of Nephi's text is especially relevant to our discussion because the accurate rendering of a witness deposition may demand a more conservative approach.

George Brooke describes five aspects of text written by scribes when performing exegesis (he uses the term "rewritten scriptural text" to define the genre of that time).<sup>108</sup> These include the following:

- The source is thoroughly embedded in its rewritten form not as explicit citation but as running text.
- The dependence of a rewritten scriptural text on its source is also such that the order of the source is followed extensively.
- The dependence of a rewritten scriptural text on its source is also such that the content of the source is followed relatively closely without very many major insertions or omissions.
- The original genre or genres stays much the same.
- The new texts are not composed to replace the authoritative sources which they rework.

Brooke's criteria make clear 2 Nephi 12–24 does not qualify as rewritten, while all other citations in 1–2 Nephi are rewritten. Some consider 1 Nephi 20–21 a citation, but that view imposes our modern conventions on the text. Indeed, 1 Nephi 20–21 meets all scholarly criteria for its classification as a *rewritten* scriptural text. Most notably, without a superscription, it cannot be considered an explicit citation. This leaves modern scholars at something of a loss as to where Isaiah's words actually start (cf. Brooke's criterion 1).<sup>109</sup> Additionally, Nephi never states that his copy can directly replace Isaiah's words (criterion 5). In contrast, prior to the citation of 2 Nephi 12–24, Nephi suggests his text may replace Isaiah's words (as a copy). He writes, "And now I write some of the words of Isaiah, that whoso of my people shall see these words may lift up their hearts and rejoice for all men. Now these are the words" (2 Nephi 11:8). Another indication that 2 Nephi 12–24 is not an exegetical text is that it is introduced as an explicit citation of Isaiah. "The word that Isaiah, the son of Amoz, saw concerning Judah and Jerusalem" (2 Nephi 12:1). These are two criteria that 2 Nephi 12–24 fails to meet; therefore, only 2 Nephi contains a citation that is not demonstrably exegetical.

### **Examples of Nephi's Literary Technique**

To get a sense of the fidelity with which Nephi treats 2 Nephi 12–24, we can compare it to a corresponding section in 2 Nephi 30. Fortunately, we have a section of Isaiah that Nephi cites twice (Table 2). While

acknowledging the limits of textual criticism across translated texts, if we assume the English translation has *any* degree of correlation with the base text, then it does appear that these two passages appeared differently as Nephi wrote them. However, because analysis of Dead Sea Scrolls shows early written texts existed in multiple parallel versions,<sup>110</sup> it is possible Nephi has multiple versions of Isaiah on the brass plates. But based on the conventions of the time, I would expect Nephi to change Isaiah's words in 2 Nephi 30. Surrounding 2 Nephi 30 is evidence of inner scriptural exegesis that meets all five criteria identified by Brooke mentioned above.<sup>111</sup> Whatever Nephi's motivations behind the difference between 2 Nephi 21:4–10 and 2 Nephi 30:9–16 (Table 2), only the latter text is firmly exegetical.

**Table 2.** Selected examples of Nephi's citation of Isaiah.<sup>112</sup>

Isaiah 11:4–10	2 Nephi 21:4–10	2 Nephi 30:9–16
but with righteousness shall he judge the poor and reprove with equity for the meek of the earth and he shall smite the earth with the rod of his mouth and with the breath of his lips shall he slay the wicked	but with righteousness shall he judge the poor and reprove with equity for the meek of the earth and he shall smite the earth with the rod of his mouth and with the breath of his lips shall he slay the wicked	<b>and</b> with righteousness shall <b>the Lord God</b> judge the poor and reprove with equity for the meek of the earth and he shall smite the earth with the rod of his mouth and with the breath of his lips shall he slay the wicked
		<b>for the time speedily cometh that the Lord God shall cause a great division among the people, and the wicked will he destroy; and he will spare his people, yea, even if it so be that he must destroy the wicked by fire.</b>
and righteousness shall be the girdle of his loins and faithfulness the girdle of his reins	and righteousness shall be the girdle of his loins and faithfulness the girdle of his reins	and righteousness shall be the girdle of his loins and faithfulness the girdle of his reins
the wolf also shall dwell with the lamb and the leopard shall lie down with the kid and the calf and the young lion and the fatling together and a little child shall lead them	the wolf also shall dwell with the lamb and the leopard shall lie down with the kid and the calf and the young lion and the fatling together and a little child shall lead them	<b>and then</b> shall the wolf dwell with the lamb and the leopard shall lie down with the kid and the calf and the young lion and the falling together and a little child shall lead them

Isaiah 11:4–10	2 Nephi 21:4–10	2 Nephi 30:9–16
and the cow and the bear shall feed their young ones shall lie down together and the lion shall eat straw like the ox	and the cow and the bear shall feed their young ones shall lie down together and the lion shall eat straw like the ox	and the cow and the bear shall feed their young ones shall lie down together and the lion shall eat straw like the ox
and the sucking child shall play on the hole of the asp and the weaned child shall put his hand on the cockatrice' den	and the sucking child shall play on the hole of the asp and the weaned child shall put his hand on the cockatrice's den	and the sucking child shall play on the hole of the asp and the weaned child shall put his hand on the cockatrice's den
they shall not hurt nor destroy in all my holy mountain for the earth shall be full of the knowledge of the Lord as the waters cover the sea	they shall not hurt nor destroy in all my holy mountain for the earth shall be full of the knowledge of the Lord as the waters cover the sea	they shall not hurt nor destroy in all my holy mountain for the earth shall be full of the knowledge of the Lord as the waters cover the sea
and in that day there shall be a root of Jesse which shall stand for an ensign of the people to it shall the Gentiles seek and his rest shall be glorious	and in that day there shall be a root of Jesse which shall stand for an ensign of the people to it shall the Gentiles seek and his rest shall be glorious	<b>wherefore, the things of all nations shall be made known; yea, all things shall be made known unto the children of men.</b>

Let us consider Nephi's situation. Nephi values Isaiah's words, but his children do not understand Isaiah (2 Nephi 25:1–3). Nephi seeks to preserve Isaiah's words for his people (2 Nephi 11:8). An easy way to resolve this dilemma would be to modify Isaiah's words. Nephi has the tools to do this, but Nephi appears not to do so in 2 Nephi 12–24. The data in Table 2 suggest that Nephi needed to comment on this text *and* change a few words. Instead of placing comments in 2 Nephi 21, which would risk compromising the record, Nephi re-writes these verses in a later section. This suggests Nephi will not allow even minor changes to the record in 2 Nephi 12–24. We would expect such fidelity with a document with a formal extrinsic purpose,<sup>113</sup> such as a certified copy or a verbatim deposition. Considering the textual freedom enjoyed by scribes in Nephi's day, it seems clear that they copied text verbatim as a deliberate choice.

### Distribution of Variants

Certainly, textual analysis is best performed in a text's original language.<sup>114</sup> As Nephi's original writings are not available presently, we are left to compare KJV Isaiah with Skousen's *The Book of Mormon: The Earliest Text*. This is not an entirely expedient choice: scholars have

found evidence to suggest that the language of the King James Bible is the language or base text of the Book of Mormon.<sup>115</sup> While a full discussion of this relationship is beyond the scope of this paper, it is clear that the King James Version is our closest available analog to Nephi's English text. Given the amount of Isaiah's writings in Nephi's text — more than 400 verses — these two works lend themselves to quantitative comparison. Drawing on three sources, I will compare 2 Nephi 12–24 to other sections of Isaiah found in Nephi's writing.

Royal Skousen has dutifully reconstructed the earliest text of the Book of Mormon from all known sources. Using this text, he identified the closest edition of the King James Version used as a base text. Skousen defined a citation when sixteen identical words appear consecutively in both texts.<sup>116</sup> Skousen then identified all textual variations within those citations.<sup>117</sup> He published this data. All words not occurring in the analogous text were printed in bold font. For example, the four words “O house of Israel” in 2 Nephi 7:2 are in bold font because this phrase is not found in Isaiah 50:2. Similarly, minor variants are also bolded. For example, “water” is considered different from the plural “waters.”<sup>118</sup> I tabulated all the words Skousen identified in each section. I found that 4.1% of the words in 2 Nephi 12–24 were bold. In other sections of the Book of Mormon, 12.0% or 14.7% of the words are bold (Figure 1). It is clear 2 Nephi 12–24 has only a third the rate of bold text (corresponding with variants) compared to other KJV citations in the Book of Mormon. While there are many possible causes for the discrepancy in these proportions, a possible contributing cause is changing between conservative or revisionistic scribal techniques. Many of the KJV citations in the Book of Mormon are exegetical (revisionistic) as they meet Brooke's criteria and are not meant to replace their corresponding texts. These generally exegetical texts have bolded words 14.7% of the time in Skousen's findings. The exegetical text by Nephi has a similar proportion (12%). However, 2 Nephi 12–24 contains text that is seemingly closer to its KJV analogue.

- 911 of 6,196 (14.7%) total words were bolded in Jacob to Moroni.
- 462 of 3,858 (12.0%) total words were bolded in Nephi's record excluding 2 Nephi 12–24.
- 310 of 7,537 (4.1%) total words were bolded in 2 Nephi 12–24.

The proportion of changes in Nephi's citations (excluding 2 Nephi 12–24) is similar to other sections of the Book of Mormon that are typically exegetical.

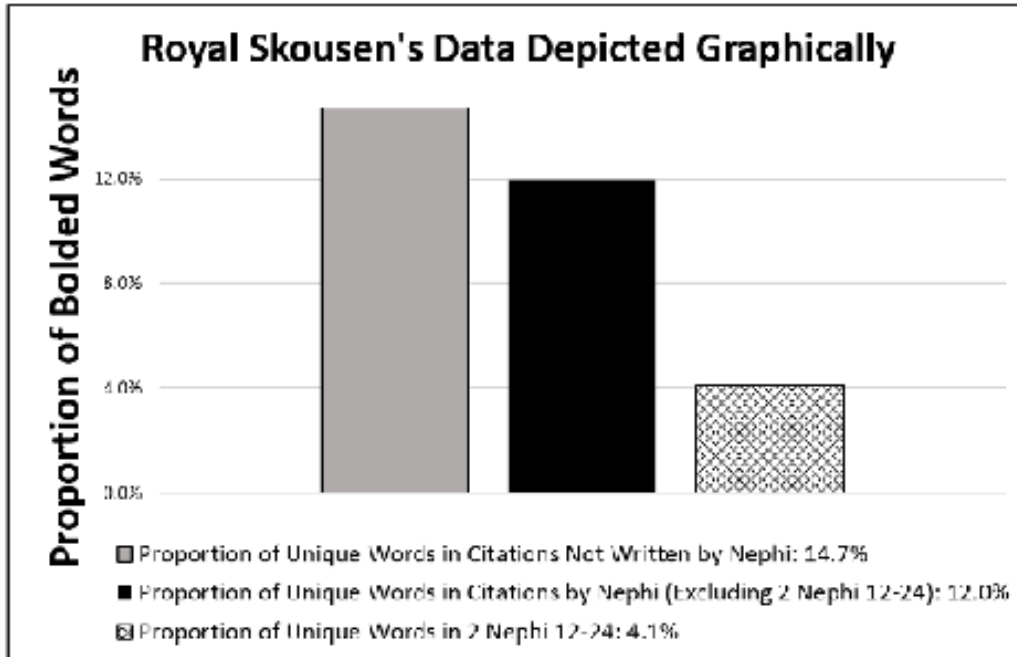


Figure 1. Proportion of unique words in *The Book of Mormon: The Earliest Text* compared with analogous text from the closest King James Bible base text.<sup>119</sup>

John Tvedtnes’s work offers a second approach to the same comparison.<sup>120</sup> After a manual comparison by two reviewers,<sup>121</sup> Tvedtnes documented all variations between multiple versions of the Isaiah and Nephi texts. He found 416 verses “cited” in the first and second books of Nephi. The criteria for citation was reviewer consensus. Figure 2 shows the incidence of variants by chapter. In 2 Nephi 12–24, he found that 46% contained minor variants. In all other Isaiah citations, 79% demonstrate a variant.

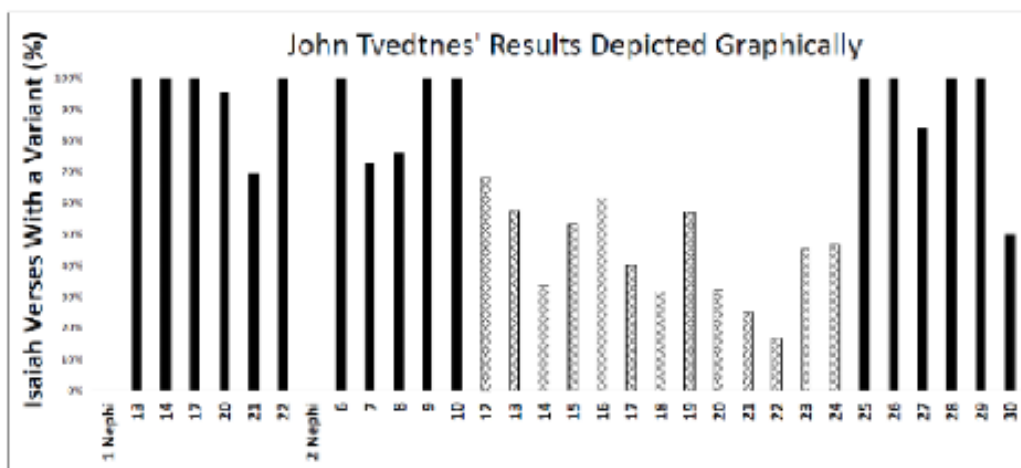


Figure 2. Percentage of Isaiah verses containing a variant in Nephi’s writing.<sup>122</sup>

More recently Ann Madsen published a comparison of Isaiah variants found in Nephi's writings.<sup>123</sup> Her methods varied from Tvedtnes, as she was able to incorporate much of Skousen's critical text findings.<sup>124</sup> Her results were nearly identical to those of Tvedtnes. She found variants in 50% (137/275) of 2 Nephi 12–24 verses. Outside those chapters, she reports 86% (96/111) of verses had variants (Tvedtnes found 46% and 79%, respectively). For readability, her publication does not include some verses where Isaiah is cited on multiple occasions partially accounting for the minor difference in total verse count.<sup>125</sup>

Thus, *all three studies* — Skousen's word-by-word comparison, and Tvedtnes's and Madsen's manual evaluations of variants at verse level — demonstrate that 2 Nephi 12–24 is closer to the corresponding Isaiah KJV text than other Isaiah citations. While this data may appear convincing, these data are significantly limited in that they do not attempt to measure causality. For that, we must rely on context. The differing rates of variants may suggest that one or more sections *en bloc* were systematically treated differently (intentionally or otherwise) than its corresponding analog. Context surrounding high-variation areas corresponds with exegetical writings, and context surrounding low-variation areas suggests a more conservative scribal approach. Thus, Nephi's conscious decision to leave aside exegetical techniques and cite Isaiah verbatim may have contributed to the discrepancy in variant rates.<sup>126</sup> An attempt to classify Nephi's writings on the same terms as other contemporary literature further supports the view that 2 Nephi 12–24 is a conservative citation.

I propose that Nephi places Isaiah's words as a witness. Other Isaiah "citations" found in Nephi's writings qualify as re-written or revisionistic, a known practice in Nephi's time; this is one possible explanation for the unequal distribution of variants noted above.

To understand 2 Nephi, the question is not limited to the existence of a *lengthy* Isaiah citation, or to an *en bloc* decrease in *rate of variants*. We must also ask why a *firmly non-exegetical*, and therefore conservative, text is found in 2 Nephi.

### **Second Nephi 4–5: Reactions to the Covenant Renewal**

If one views the initial chapters of 2 Nephi as part of a covenant or covenant renewal, it follows that the participant's reaction should be recorded. The events following covenant renewals are often recorded. For example, following the Mosaic covenant, the elders of the people saw God and ate (Exodus 24:11). After a covenant renewal performed by

Jehoiada, the people “slew Mattan the priest of Baal (2 Kings 11:17–18).” Similarly, after the Lehitic covenant is presented, Nephi details his own commitment as well as Laman and Lemuel’s rejection of the covenant. All parties had grievances and had anger with each other at one point. In 2 Nephi 5, the anger of Laman and Lemuel will eventually lead to hatred and a breach of the covenant.

Martin reminds us that the term “curse” is covenantal language and signifies Laman and Lemuel made and broke a covenant (a curse can only apply if the covenant is made and breached).<sup>127</sup> Nephi writes, “Because of their cursing which was upon them they did become an idle people, full of mischief and subtlety” (2 Nephi 5:24). In future chapters, Nephi will expound on this and state the Lamanites will eventually be subjugated by the Gentiles (2 Nephi 26:15). Much of 2 Nephi depicts the motives and results of not keeping the covenant. The Lamanites will see violence, great bloodsheds, hatred, and become loathsome and captive to the devil. Ultimately it seems Nephi is aware “anger would determine their eternal destiny.”<sup>128</sup> Following the covenant renewal in the first chapters of 2 Nephi, one expects to read whether the covenant was accepted or not. Instead of unity, a schism took place.

The psalm of Nephi is in this section of the text and serves as an attestation of Nephi’s commitment following the covenant renewal. An *inclusio* demarcates the text and emphasizes his point. Immediately preceding Nephi’s psalm, Nephi introduces the topic of anger. He states, “Not many days after [Lehi’s] death, Laman and Lemuel and the sons of Ishmael were *angry* with me because of the admonitions of the Lord” (2 Nephi 4:13). Nephi was also *angry*. He asks, “Why am I *angry* because of mine enemy?” (vs. 27). Nephi suggests anger is the “enemy of [his] soul” (vs. 28) and resolves to “*not angry again*” (vs. 29). Nephi chooses God and will prosper in his endeavors. “My God will give me, if I ask not amiss” (vs. 35). In attestation, Nephi writes, “My voice shall forever ascend up unto thee, my rock and mine everlasting God” (vs. 35). In marked contrast, the end of the *inclusio* reads, “But behold, [Laman and Lemuel’s] *anger did increase*” (2 Nephi 5:2). They will be “cut off from the presence of the Lord” (2 Nephi 5:20). Thus, Nephi juxtaposes two parties that experience anger but have two different outcomes. This contrast also brings to mind the two choices Nephi had mentioned previously: liberty or captivity (2 Nephi 2:27). To choose anger results in captivity.

In response to the Lamanite’s rejection of the covenant (and subjugate state) God will again reach out offering liberty. Nephi uses permutations of “Joseph” (*yosip* and *yasap*) in these sections to link the prophecy of

Joseph, anger, and the eventual restoration of Israel. Nephi resolves to “anger *no more* (*yosip*),” Laman and Lemuel choose to *increase* (*yasap*) in anger. This led to hatred, severance from God and subjugation. Because of the Lamanite’s eventual state, the Lord will need to set himself *again* (*yosip*) (2 Nephi 6:14) to redeem his people. This is the fulfillment of Joseph’s prophecy in 2 Nephi 3.

Yet, in no way does Nephi over-emphasize Joseph’s role in the covenant (2 Nephi 25:21). With permutations of Judah’s name, Nephi intertwines the role of the children of Joseph and Judah in eventually keeping the covenant. Nephi writes that the Jews bring salvation, yet the Gentiles do not “remember the travails, and the labors, and the pains of the Jews” in bringing forth the Bible and salvation. Nephi writes, “What thank they (*yodu*) the Jews (*et-hayyehudim*)?” playing on both the meaning and phonemes of the terms. Additional meaning can be seen in the combined use of travails and salvation as these suggest Jewish history embodies the Suffering Servant (2 Nephi 29:4).<sup>129</sup>

Considering the first chapters of 2 Nephi as a covenant renewal suggests Nephi’s psalm is a response and is therefore not spontaneous.<sup>130</sup> It is an intricately devised record referencing his and other parties’ reactions to the covenant. Later, we will discuss 2 Nephi may be part of a sealed document. If that is the case, it is likely a summary of a more extensive document, which would further suggest the record is not spontaneous.

Nephi’s psalm also stays within the scope of a legal genre. A characteristic of Mesopotamian legal narratives is to incorporate multiple viewpoints.<sup>131</sup> The psalm of Nephi subtly depicts Nephi’s feelings. As a component of the covenant, consider Lehi designates Nephi as a leader (2 Nephi 1:28). It is around this time that Lehi also dies. Nicholas Frederick notes a phrase in Nephi’s psalm, “Oh wretched man that I am” (2 Nephi 4:17), is identical to Paul’s statement in Romans 7:24 (KJV).<sup>132</sup> Frederick suggests this is a “carefully integrated phrase”<sup>133</sup> and that we can profitably compare the two stories. These citations occur when both individuals are at a crossroads. Paul is losing the Mosaic law as a guide and now must rely on combating sin in a different way (without clear black and white rules). Similarly, Nephi is facing the loss of Lehi his father and long-term guide. The prospects of leading a divided and murderous people are on his mind. Nephi and Paul appear to feel the weight of relying on the spirit’s guidance more than ever.

Altogether 2 Nephi 4–5 documents people’s response to the covenant. It contains an *inclusio* highlighting the role of anger in rejecting the



covenant. It sets up wordplay to connect how the Lord will again set his hand to rescue the people despite this rejection. Nephi moves forward with trepidation and humility. Nephi's psalm also appropriately contains Nephi's feelings, attestation, and reasoning for following the Lord.

### **The Purpose of Nephi's Second Book**

Up to now, I have argued Nephi's second book is a legal document. In modern times we often view legal records as burdensome documents resulting in obligations and penalties. Far from a bureaucratic device depicting contractual terms, Nephi appears motivated to use Isaiah's words in gathering Israel. Following the citation of Isaiah, Nephi employs nearly an entire chapter to the coming forth of a book that will be influential in restoring Israel (2 Nephi 27).

To understand how this book will restore Lehi's posterity to its gathered state, we must first consider one of the Lord's strategies. Nephi states that the children of Israel "swear by the name of the Lord, and make mention of the God of Israel, yet they swear not in truth nor in righteousness" (1 Nephi 20:1). It seems that the Lord has a problem. Israel's children continually state that they will obey his word but do not follow through on their pledge. They "do not stay themselves upon the God of Israel" (1 Nephi 20:2). God mentions at least two strategies here.

First, He will predict events: He declares things and then shows their completion. God inspires prophecies and demonstrates their fulfillment. The Lord does this because he knows that Israel is "obstinate" and may claim that idols brought the acts about (1 Nephi 20:4–5). While Isaiah gives and records many signs (e.g., Isaiah 8) many of Isaiah's words can be interpreted as references to a "local (though still international) series of events."<sup>134</sup> Nephi expands upon this prophecy, depicting it "as a series of global events of universal import"<sup>135</sup> that will eventually culminate in Israel's gathering. The importance of a verifiable record cannot be understated. The words of a book play a key role in the Lehitic covenant.<sup>136</sup> The importance Nephi places on this book is reminiscent of Lehi's words. As Lehi was dying (2 Nephi 3:25), he said to one of his sons, "Wherefore, because of this covenant thou art blessed; for [thy children] shall hearken unto the words of the book" (vs. 23). These are far from the only references to a pivotal book.

Second, aside from prophecies and fulfillment, the Lord declares new things that were hidden and unknown (1 Nephi 20:6). Thus, both fulfilled prophecy and new information are aspects of God's attempts to reconcile Israel with their word and oaths. We can perhaps understand

Nephi's purpose from Mormon's perspective. He values 1–2 Nephi and writes that these words are pleasing because he “know[s] that as many things as have been prophesied concerning us down to this day have been fulfilled, and as many as go beyond this day must surely come to pass” (Words of Mormon 1:4). Jacob describes his record in a similar manner. His words speak “concerning things which are, and which are to come” (2 Nephi 6:4).

Nephi states he writes so the reader may *rejoice* (2 Nephi 11:8), *be persuaded* to believe in God (1 Nephi 6:4), and *know God's intent* is to make the reader “mighty even unto the power of deliverance” (1 Nephi 1:20). Presumably these are the purposes of Nephi's books and the use of legal conventions in 2 Nephi. Nephi writes in the best way he knows will help the reader affirm the prophecies are true.

Nephi includes Isaiah's prophecies that Assyria will destroy Northern Israel (Samaria). He also includes a prophecy that Assyria will not destroy Jerusalem. Assyria shall “remain at Nob that day” (2 Nephi 20:32). Continuing in 2 Nephi 20, we find a prophecy of the destruction of Assyria. From Nephi's perspective, these things have come to pass.

Nephi appears to follow the example of Isaiah. He continues with his “own prophecy” (2 Nephi 25:7) and includes new information and predictions. His prophecy includes the destruction of Babylon; some Jews will be carried to Babylon, and then the Jews will return to Jerusalem (vs.10–11). Nephi prophesies of Christ's crucifixion and resurrection and that Jerusalem will be destroyed again (vs. 14). He also predicts the timing of Christ's first coming (vs.19). Hauntingly, Nephi also predicts the destruction of his own people (2 Nephi 26:7).

Many nations rise and fall. Predicting details beforehand is remarkable but perhaps not as impressive as aiding and helping such nations. Nephi shows that woven throughout Isaiah's prophecies are recurrent references to a remnant. Israel is different than other nations because after Israel falls it not only has a viable remnant but upon the restoration of that remnant salvation will be brought to the Gentiles.<sup>137</sup> Ultimately Nephi viewed the purpose of his record as contributing to the preservation and gathering of Israel (the children of Joseph at the very least). Nephi writes, “Wherefore, for this cause hath the Lord God promised unto me that ... which I write shall be kept and preserved, and handed down ... that [Joseph's] seed should never perish” (2 Nephi 25:21).

Overall, as a legal record, 2 Nephi keeps with God's strategies to reclaim Israel by *predicting* events and then *showing* their completion

(1 Nephi 20:3). This view stresses the important role prophecy and information will play in the gathering of Israel. To be convincing, Isaiah and Nephi's words *predate* their predictions. It follows that Nephi intends to make a verifiable record using legal conventions.

### Deutero-Isaiah

With the above in mind, we can now understand the significance of finding Deutero-Isaiah in the Book of Mormon. Deutero-Isaiah is a literary construct based on diligent literary analysis; since the eighteenth century, scholars have hypothesized that Isaiah chapters 40–55 form a distinct entity written more than a hundred years after the life of Isaiah.<sup>138</sup> Because some consider Deutero-Isaiah to have been written after many of the events it prophecies, passages ascribed to that entity have been described as a “retroactive legitimation of the prophetic message.”<sup>139</sup> Such an interpretation would appear to compromise the Lord's strategy. A full discussion of Deutero-Isaiah lies outside the scope of this paper. However, several factors relevant to the discussion of Deutero-Isaiah also affect our understanding of 2 Nephi.

Deutero-Isaiah is generally dated after 550 BCE primarily because it refers to the Persian king Cyrus (590–529 BCE) anonymously and by name.<sup>140</sup> Other considerations suggesting this view consider that much of Deutero-Isaiah is written from the perspective of Babylon's destruction and the emphasis on rebuilding Jerusalem. Its themes also differ from the rest of Isaiah. Isaiah 1–39 warns Israel of its imminent danger and prophecies of its destruction. In comparison, Deutero-Isaiah contains “nothing but prophecy of salvation.”<sup>141</sup> It also seems to cite material that may have been written in response to the Babylonian exile.<sup>142</sup> Other themes (such as the “servant of the Lord”) and vocabulary (such as “redeemer”) are unique within the book to Deutero-Isaiah as well.<sup>143</sup> Deutero-Isaiah has a shift in narrative voice. Finally, its syntax and grammar are consistent with Late Biblical Hebrew, not the Classical Biblical Hebrew in which the rest of Isaiah is written.<sup>144</sup>

Regarding authorship, it has been proposed that a prophet or circle of disciples dedicated themselves to building upon Isaiah's original writings.<sup>145</sup> Because the language found in Isaiah 40–55 is not Priestly or Deuteronomistic,<sup>146</sup> and because it features substantial incorporation of Psalms, it has been proposed that Deutero-Isaiah was composed by temple singers.<sup>147</sup> The prominence of Zionistic themes points to the possibility temple personnel were authors of Deutero-Isaiah.<sup>148</sup>

The notion of textual adaptation may run counter to our modern preconceptions of the way a sacred text should be transmitted. But as we have discussed throughout this paper, adaptation of the source text was a common and *expected* scribal activity. “No one form of the biblical text could be said to be preferred before the late first/second century CE.”<sup>149</sup> This includes texts produced in religious centers. “The creative/revisionist scribal approach was just as welcome in the Jerusalem temple as the exact scribal approach,” argues Crawford.<sup>150</sup> In this light, the idea that temple psalmists may have added a verse here or there should not trouble modern readers. Such modifications presumably made the text more meaningful to the author, orator, and audience. Notwithstanding those advantages, a potential problem arises when texts claim to contain predictions and prophecy. Clearly, when a text is continuously updated it is difficult to determine *what* was predicted and *when*.

### **Nephi’s Record as a Witness for Isaiah’s Writings**

Setting aside how Nephi viewed his record we need to discuss what the text means to us today. Ultimately, because he left Jerusalem around 600 BCE, Nephi’s writings support a pre-exilic date of composition for the portions attributable to Deutero-Isaiah.

It is reasonable to conclude changes were made to Isaiah’s text during the post-exilic period, and these could certainly support the dating of Deutero-Isaiah to a later period. It is another thing altogether, however, to suggest that Deutero-Isaiah did not exist in *any* form prior to the Babylonian destruction. Crawford contends in a discussion of biblical texts generally:

Each biblical book reached a recognizable shape at the end of its redactional process, and that shape governed the activity of the scribes who transmitted it going forward. ... For example, the shape of Exodus began with the Israelites in Egypt. ... [T]he text within that shape was not fixed, but the shape itself was stable. ... Thus, even though Exodus exists in two literary traditions (proto-rabbinic and pre-Samaritan) it is recognizably Exodus in both editions.<sup>151</sup>

Because biblical books tend to retain their shape, the existence of Deutero-Isaiah in 2 Nephi suggests Nephi had access to an early version (shape) of the text.<sup>152</sup> The exact phrases and terms will vary based on scribal tradition and translator constraints.

## Second Nephi as a Modern Harmonized Text

As we have discussed, the KJV is the base text of the Book of Mormon. The translator of the Book of Mormon incorporated citations from the New Testament. It is, therefore, difficult to imagine reluctance in drawing on sections of KJV Isaiah for Nephi's writings. Like New Testament passages, the wording of these translations may appear anachronistic. Under a "creative and cultural" translation model,<sup>153</sup> a translator may have had good reason to produce a text familiar to its intended audience rather than a strictly literal translation. Royal Skousen writes:

All of this quoting from the King James Bible is problematic, but only if we assume that the Book of Mormon translation literally represents what was on the plates. Yet the evidence ... argues that the Book of Mormon translation is tied to Early Modern English, and that even the themes of the Book of Mormon are connected to the Protestant Reformation, dating from the same time period. What this means is that the Book of Mormon is a creative and cultural translation of what was on the plates, not a literal one. Based on the linguistic evidence, the translation must have involved serious intervention from the English-language translator, who was not Joseph Smith. Nonetheless, the text was revealed to Joseph Smith by means of his translation instrument, and he read it off word for word to his scribe. To our modern-day, skeptical minds, this is indeed "a marvelous work and a wonder."<sup>154</sup>

I find the evidence of a creative and cultural translation compelling. Skousen's model of the translation process may be controversial, but it is akin to the process of harmonization performed by ancient Judean scribes. Harmonization is the integration of multiple textual traditions.

One of dozens of examples suggesting the Book of Mormon is not a literal translation is found in 3 Nephi 12:15. The KJV is quoted as, "Do men light a *candle*?" A literal translation should read, "Do men light a *lamp*?"<sup>155</sup> Such a translation can make the text more relatable to its readers. *Yet*, portions of the 1829 English translation of Nephi's writings represent variants *absent* from the KJV and *are* found in the Septuagint,<sup>156</sup> or only in the Great Isaiah Scroll.<sup>157</sup> This suggests the translator by no means disregarded Nephi's record completely. Rather, the translator went between the texts and incorporated the parallel records into a single text.

Regardless of *why* the translator used the KJV and Nephi's record, the practice is reminiscent of Judean scribal behavior we have been discussing. As far as we can tell, scribes did not favor one text over another when citing or harmonizing texts.<sup>158</sup> Scribes would cite multiple sources even within the same document. As an example, in the production of 4Q175 a scribe incorporated both proto-Masoretic and pre-Samaritan textual traditions. Such harmonized scriptures were "considered valid scripture passages since they were used in phylacteries."<sup>159</sup> Similarly, incorporating the KJV in Nephi's translation allows *horizontal* interaction between the textual traditions.

Because the KJV is based on the Masoretic textual tradition ultimately our translation of the Book of Mormon incorporates Judean (Deutero-Isaiah) textual traditions. Further, because of the integration of early Protestant language and themes,<sup>160</sup> that textual tradition is also incorporated. Finally, given multiple Pauline phrases—we have only discussed one—early Christian texts are incorporated as well. The translation of 2 Nephi we have access to can be read as a harmonized text incorporating Nephite, Judean (Masoretic), early Protestant, and early Christian textual traditions. There is consensus among scholars that quoting a source indicates authoritative or scriptural status.<sup>161</sup> Therefore, those who view the Book of Mormon as sacred may consider the translator's methods a tribute to the validity of the various traditions. Certainly, human errors or omissions occur in all records, but by no means is the effort of hundreds of anonymous scribes and transmitters set aside. Rather, it is incorporated.

I have attempted to demonstrate Nephi's intentions while *writing* 2 Nephi. I propose he intended it to read as a legal document. However, another thing altogether is the analysis of the *translation* we have. I agree with Skousen's view of the translation process, but it complicates the thesis of this paper. I suggested the minimal variants in 2 Nephi 12–24 compared with other portions of Nephi is due to *Nephi's* desire to produce a verbatim record and to limit his adaptation of the text. Instead, we must consider Nephi's words, the effects of Judean scribes, and the effects of the translator(s) of Nephi's writings. Numerous causes could affect the distribution of variants (e.g., perhaps the translator(s) relied more heavily on the KJV for a particular section or, as we discussed, exegetical changes by any party).

Harmonization and translation process aside, because the general content of a text typically remains intact, inclusion in Nephi's writings suggest he had access to an early version of what we call Deutero-Isaiah.

Changes in terminology and grammar are *expected scribal activity* as well as other previously mentioned exegetical techniques. Later, “leaving ... archaisms in spelling and grammar ... became the fashion in Greece and Rome.”<sup>162</sup> As Israel returned from Babylon with new Hebrew dialects they likely read and sang the celebratory half of Isaiah much more than the first section that prophesied destruction. Considering the people’s history and well-described practices involved in textual transmission we reasonably *expect* anachronistic findings and expansions in pre-exilic texts. The content of Nephi’s translation suggests material and themes found in Deutero-Isaiah existed prior to the Babylonian exile.<sup>163</sup> Our current translation appears to harmonize Nephite and post-exilic Judean records.

### Sealed Records

If Nephi did intend 2 Nephi as a legally permissible record containing Isaiah’s words to validate his own writing, it is ironic the text we have today is harmonized (though that doesn’t necessarily delegitimize it) and witnesses to Isaiah’s words. However, we have not fully considered the cultural practices associated with legal documents. Legal documents of that day were written at least twice. One copy was for public view and another for safe keeping to be opened in need of court proceedings.

In his paper *Doubled, Sealed, Witnessed Documents: From the Ancient World to the Book of Mormon*, Jack Welch notes the word *sepher* (often translated as “book”), even in the singular, can refer to both sealed and unsealed copies of the same document. He writes, “Nephi could sometimes speak of that doubled book as a single document.”<sup>164</sup> I do not mean Nephi refers to a sealed analog of 2 Nephi in 2 Nephi 27. Rather, Nephi clearly understands a sealed document to be a document with two parts. This applies to our discussion, since the final verse of 2 Nephi references “seal[ing]” the record. This may signify its legal authority and place 2 Nephi in a genre of doubled books. In other words, 2 Nephi may point to a second (sealed) copy that includes more content.<sup>165</sup>

“The second part of many double documents was not [always] a verbatim repetition of the first part.”<sup>166</sup> Unsealed portions contain as little as a quarter of the sealed copy’s text. Before Hellenistic influence in Judah, the primary or “controlling document” was the sealed portion.<sup>167</sup> Regardless of Nephi’s meaning, our lack of access to Nephi’s entire body of work, and perhaps even to a literal translation of his writings, is analogous to long-standing limitations on access to full, sealed records.

Similar scenarios appear to be common to all gospel ages. The Israelites did not have access to the tablets containing the Ten Commandments, as they were sealed in the Ark of the Covenant.<sup>168</sup> Rather, they were only able to directly view copies that were man-made and likely less visually impressive.<sup>169</sup> Welch mentions long-held tradition that even King David had not read the sealed book of the law (thus implying that he was missing aspects of the law). Sealed documents, including much of what Moses wrote, were never distributed.<sup>170</sup> Similarly, the Nephites maintained records whose distribution was forbidden (Alma 45:9). The Jaredites had information that was not distributed (Ether 3:21). As discussed above, Nephi also differentiates between “words which are not sealed” and “things which are sealed” (2 Nephi 27:8,15). Nephi does promise that we will get access at the appropriate time: “And the day cometh that the words of the book which were sealed shall be read upon the house tops” (2 Nephi 27:11). Nephi wrote, “Wherefore, the things of all nations shall be made known; yea, all things shall be made known unto the children of men” (2 Nephi 30:16).

If this is the case our copy of 2 Nephi was never intended (by Nephi) to be the controlling or primary document. Rather, it points to a sealed document. This tradition continues in our time, and it is entirely appropriate, for now, that we do not have access to Nephi’s sealed record.<sup>171</sup> Returning to our original thesis, if we consider 2 Nephi as a legal text, it also follows that a second copy — likely lengthier — exists.<sup>172</sup>

### Conclusion

The Book of Mormon was translated without punctuation or extensive formatting. This lack of formal features can sometimes make it difficult to know *what* we are reading. Second Nephi contains an agreement (2 Nephi 1–4) followed by a record of the participant’s reactions (2 Nephi 4–5) followed by three witness statements (2 Nephi 6–10, 12–24, 25–28) followed by a plaintiff statement (2 Nephi 33).

Nephi’s allusions to sealing the record and to a bar of judgement, his discussion of the law of witnesses, his reference to Isaiah and Jacob as witnesses, formatting and verbiage consistent with Neo-Babylonian depositions and plaintiff statements, practices used in Neo-Babylonian legal procedures such as requesting an initial judgment be made in the absence of but with the assurance of additional future evidence, vocabulary, paronomasia, reasoning, and finally the inclusion of lengthy non-exegetical text together are idiosyncrasies of 2 Nephi. A possible explanation is that Nephi is using legal convention.



While all the records on metal plates were likely construed in the aggregate as a witness by the Nephites, the unique formatting of 2 Nephi argues strongly that it should be viewed as a witness on its own merits based on legal convention.

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## Appendix

Table 3 includes a partial list of topics common to all three depositions. Instead of viewing Nephi's writing as repetitive or obsessive, we can now view 2 Nephi as a collation of depositions culminating in a plaintiff statement.

**Table 3.** Partial list of topics that appear in all three depositions. All scripture citations are from 2 Nephi.

Topic	Jacob	Isaiah	Nephi
Jerusalem Destroyed	6:8	13:1, 8	25:10
Due to Wickedness Israel will be Captive	6:11	15:11	26:19
Details of the Savior's Life	10:3	17:14	25:13
Israel will be Gathered	6:11	20:20	29:14
Gentiles Assist with the Gathering of Israel	10:8	15:26, 21:12	30:3
Israel's Fate without a Redeemer	9:7-9	20:4	28:20
Gentile Oppression is Used as a Tool in God's Hands	10:18	20:12	26:15
Repentance is Essential	9:23	20:1-3	31:10
Lest Israel Think Itself Cast Off Forever, the Lord Assures They are Not	10:22	20:21	26:15
As Israel is Gathered, the Righteous Gentiles will be Counted among the House of Israel	10:18	24:1	30:2
The Fate of Those Who Fight Against Zion	6:13, 10:16	20:17	29:14

### Endnotes

- 1 Jeffrey R. Holland, *Christ and the New Covenant: The Messianic Message of the Book of Mormon* (Salt Lake City: Deseret Book, 1997), 34–36.
- 2 Frederick Axelgard, “1 and 2 Nephi: An Inspiring Whole,” *BYU Studies Quarterly* 26, no. 4 (Oct. 1986): 53–65, <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=2476&context=byusq>.
- 3 Monte S. Nyman and Charles D. Tate Jr., *The Book of Mormon: Second Nephi, the Doctrinal Structure, Book of Mormon Symposium Series* (Provo, UT: Religious Studies Center, Brigham Young University, 1989).
- 4 Hardy writes that 2 Nephi contains “undated, contextless excerpts, along with reflections.” See Grant Hardy, *Understanding the Book of Mormon: A Reader’s Guide* (Oxford: Oxford University Press, 2010), <https://doi.org/10.1093/acprof:oso/9780199731701.001.0001>.
- 5 Benjamin L. McGuire, “Nephi: A Postmodernist Reading,” *Interpreter: A Journal of Mormon Scripture* 14 (2014): 49–78, <https://journal.interpreterfoundation.org/nephi-a-postmodernist-reading/>.
- 6 Gardner writes that Nephi was planning on 2 Nephi to be a narrative (based on the header for 2 Nephi). “That was Nephi’s plan. His plan was short-lived.” He writes that 2 Nephi 4 was a “emotional and poetic response to his father’s passing, one spontaneous rather than planned.” Nephi resumed the narrative in 2 Nephi 5 and then pauses without finishing it (the chapter doesn’t end with “Amen” which Gardner shows is an idiosyncrasy of Nephi’s). When Nephi returns to the record, “he had intended to speak of wars and contentions ... but decided to change the way he had been writing. Rather than narrate a story of contentions, he entered a sermon from Jacob that was designed and delivered to ease the contentions.” Brant Gardner, “Labor Diligently to Write: The Ancient Making of a Modern Scripture Chapters 6–8,” *Interpreter: A Journal of Latter-day Saint Faith and Scholarship* 35 (2020): 107–66, <https://archive.bookofmormoncentral.org/content/labor-diligently-write-ancient-making-modern-scripture-chapters-6-8>. Gardner’s view is also similar to Given’s. He states that 2 Nephi provides a “defining charter for this new community.” Brant

Gardner, *Analytical and contextual commentary on the Book of Mormon: Second Nephi — Jacob* (Salt Lake City: Greg Kofford Books, 2007), 15.

- 7 Axelgard, “1 And 2 Nephi.”
- 8 Joseph M. Spencer, *The Vision of All: Twenty-five Lectures on Isaiah in Nephi’s Record* (Salt Lake City: Greg Kofford Books, 2016), 167.
- 9 Spencer writes, “Nephi’s record divides into two major parts: (1) the twenty-seven chapters stretching from 1 Nephi 1 to 2 Nephi 5, leading up to the account of the physical production of the small plates; and (2) the twenty-eight chapters stretching from 2 Nephi 6 to 2 Nephi 33, following the account of the physical production of the small plates.” Joseph M. Spencer, *An Other Testament: On Typology* (Salem, OR: Salt Press, 2012), 34–35.
- 10 Noel Reynolds, “On Doubting Nephi’s Break Between 1 and 2 Nephi: A Critique of Joseph Spencer’s ‘An Other Testament: On Typology,’” *BYU Faculty Publications* (2017), <https://scholarsarchive.byu.edu/facpub/1806>.
- 11 Noel B. Reynolds, “Chiastic Structuring of Large Texts: 2 Nephi as a Case Study,” in *Chiasmus: The State of the Art*, ed. Jack Welch and Donald Parry (BYU Studies & Book of Mormon Central, 2020), 190, <https://byustudies.byu.edu/article/chiastic-structuring-of-large-texts-2-nephi-as-a-case-study/>.
- 12 Terryl Givens, *2nd Nephi: A Brief Theological Introduction* (Provo, UT: The Neal A. Maxwell Institute for Religious Scholarship, 2019), 4–6.
- 13 Book of Mormon, see Taylor Halverson, *The Covenant Path in the Bible and the Book of Mormon* (Springville, UT: Line of Sight Publishing, 2020), 228.
- 14 John W. Welch, “Lehi’s Last Will and Testament: A Legal Approach,” in *The Book of Mormon: Second Nephi, the Doctrinal Structure*, ed. Monte S. Nyman and Charles D. Tate Jr. (Provo, UT: Religious Studies Center, Brigham Young University, 1989), 61–82, <https://rsc.byu.edu/book-mormon-second-nephi-doctrinal-structure/lehis-last-will-testament-legal-approach>.
- 15 Jan Martin “The Prophet Nephi and the Covenantal Nature of Cut-off, Cursed, Skin of Blackness, and Loathsome,” in *They Shall Grow Together: The Bible in the Book of Mormon*, ed. Charles Swift

and Nicholas Frederick (Provo, UT: Religious Studies Center, 2022), 107–41.

- 16 Martin, “The Prophet Nephi,” 113.
- 17 Bruce Wells, *The Law of Testimony in the Pentateuchal Codes* (Wiesbaden, DE: Harrassowitz, 2004), 127.
- 18 Raymond Westbrook and Bruce Wells, *Everyday Law in Biblical Israel: An Introduction* (London: Westminster John Knox Press, 2009), 42.
- 19 Cited for additional cultural context: “This conception of writing as material witness is demonstrated in Jeremiah 32 where the prophet buys a field during the siege of Jerusalem. . . . The double-form of the deed — a sealed and an open copy are mentioned (Jer 32:11, 14) — itself demonstrates the double-signification of writing: the open copy allows public review and repeated proclamation, even if, or after, the witnesses to the transfer event are not themselves available; meanwhile, the sealed copy exists as a persistent thing which witnesses to the originating and ongoing event. In this way, the written deed recollects the written law, which seems also to have existed in double-form: the tablets inscribed by God sealed within the Ark, a persistent material witness to covenant, and the copy inscribed by Moses placed beside the Ark as witness, allowing for ongoing publication and re-proclamation. . . . Further, Jeremiah 32 does not merely recount the legal niceties of property transfer in ancient Judah, but continues to stress the power of inscription’s persistence, as Jeremiah charges the scribe Baruch with the LORD’s own command to take both deeds, the sealed and the open, ‘and put them in an earthenware jar, in order that they may last for a long time’ (Jer 32:14).” See Katherine E. Brown, “Silent Idol, Speaking Text: Prophetic Writing as Material Mediation of Divine Presence” (Ph.D. Dissertation, Washington, DC, The Catholic University of America, 2018), 102–106, <https://cuislandora.wrlc.org/islandora/object/cuislandora%3A213600/datastream/PDF/view>.
- 20 H. Curtis Wright, “Ancient Burials of Metal Documents in Stone Boxes,” in *By Study and Also By Faith*, vol. 2, ed. John M. Lundquist and Stephen D. Ricks (Provo, UT: Foundation for Ancient Research and Mormon Studies, and Salt Lake City: Deseret Book, 1990), 302, [https://archive.bookofmormoncentral.org/sites/default/files/archive-files/pdf/wright/2021-07-07/10\\_h.\\_curtis\\_wright\\_](https://archive.bookofmormoncentral.org/sites/default/files/archive-files/pdf/wright/2021-07-07/10_h._curtis_wright_)

ancient\_burials\_of\_metal\_documents\_in\_stone\_boxes\_273-334.pdf. As a contemporary example, one document found at the Apadana at Persepolis was inscribed in gold and read, “Darius the Great King, King of Kings, King of Countries, son of Hystaspes, an Achacmenian. Saith Darius the King: this is the kingdom which I hold, from the Scythians who are beyond Sogdiana, thence unto Ethiopia; from Sind, thence unto Sardis which Ahuramazda the greatest of gods bestowed upon me. May Ahuramazda protect me and my royal house.” Margaret Cool Root, “The Persian Archer at Persepolis: Aspects of Chronology, Style, and Symbolism,” *Revue des études anciennes* 91 (1989) 33–50.

- 21 See Noel B. Reynolds, “An Everlasting Witness: Ancient Writings on Metal,” *Faculty Publications* 5379 (2021): <https://scholarsarchive.byu.edu/facpub/5379>.
- 22 Westbrook and Wells, *Everyday Law in Biblical Israel*, 43. Egyptian written culture around Nephi’s time did not require a signature or a witness for sales records to be considered valid. The scribe was effectively the witness. Indeed, in the seventh century BCE, scribes frequently referred to themselves as “the witness scribe.” See John Baines, *Visual and Written Culture in Ancient Egypt* (Oxford: Oxford University Press, 2009), 75–79.
- 23 Prior to Nephi’s day, though not common, there is recorded use of unsealed records used in court proceedings. Herbert Liebesny, “Evidence in Nuzi Legal Procedure,” *Journal of the American Oriental Society* 61, no. 3 (September 1941): 130–42, <https://doi.org/10.2307/594500>. Contemporary with Nephi, many unsealed deposition and settlement records have been identified. For additional discussion, see Shalom E. Holtz, *Neo-Babylonian Court Procedure* (Leiden, NL: Brill, 2009), chapter 2.
- 24 The British Museum, s.v. “Papyrus | Museum Number EA10449,” [https://www.britishmuseum.org/collection/object/Y\\_EA10449](https://www.britishmuseum.org/collection/object/Y_EA10449); J. E. Curtis and Nigel Tallis, *Forgotten Empire: The World of Ancient Persia* (London: British Museum Press, 2005), 199.
- 25 Only a few centuries later, some documents do appear to require additional validation. For example, a certificate of divorce from 283 BCE appears to have the names of four witnesses on the reverse. Nathaniel Reich, “Marriage and Divorce in Ancient Egypt,” *The Museum Journal* 15, no. 1 (1924): 54, <https://www.penn.museum/sites/journal/1195/>.

- 26 Orly Goldwasser, “An Egyptian Scribe from Lachish and the Hieratic Tradition of the Hebrew Kingdoms,” *Tel Aviv* 18, no. 2 (1991): 248–53, quoted in John S. Thompson, “Lehi and Egypt,” in *Glimpses of Lehi’s Jerusalem*, ed. John W. Welch, David Rolph Seely, and Jo Ann H. Seely (Provo, UT: Foundation for Ancient Research and Mormon Studies, 2004), 266.
- 27 Noel Reynolds, “Lehi and Nephi as Trained Manassite Scribes,” *Interpreter: A Journal of Latter-Day Saint Faith and Scholarship* 50 (2022): 161–215, <https://journal.interpreterfoundation.org/lehi-and-nephi-as-trained-manassite-scribes/>; Brant Gardner, “Nephi as Scribe,” *Mormon Studies Review* 23, no. 1 (January 2011): 45–55, <https://doi.org/10.18809/mormstudrevi.23.1.0045>.
- 28 Neal Rappleye, “Learning Nephi’s Language: Creating a Context for 1 Nephi 1:2,” *Interpreter: A Journal of Latter-day Saint Faith and Scholarship* 16 (2015): 151–59, <https://journal.interpreterfoundation.org/learning-nephis-language-creating-a-context-for-1-nephi-12/>. Also notice the Caractors document compares favorably with Demotic characters. Ariel L. Crowley, “The Identification of Characters as Egyptian,” *Improvement Era* 45, no. 2 (February 1942): 76–80, <https://archive.org/details/improvementera4502unse/page/n13/mode/2up>.
- 29 Miriam Lichtheim, *Ancient Egyptian Literature: Volume III: The Late Period*, 2nd ed. (Berkeley: University of California Press, 2006), 8, <http://www.jstor.org/stable/10.1525/j.ctt1pp5vf>.
- 30 John Welch, “Narrating Homicide Chiastically,” *BYU Studies Quarterly* 59, no. 5 (2020): 151–76, <https://scholarsarchive.byu.edu/byusq/vol59/iss5/9>.
- 31 Welch, “Lehi’s Last Will and Testament,” 61–82.
- 32 Holtz, *Neo-Babylonian Court Procedure*, 101.
- 33 *Ibid.*, 37.
- 34 “Different text-types that record only statements: accusatory depositions, depositions of testimony, memoranda of depositions, depositions under oath. These text-types do not explicitly mention the activities of a court. ... Although these texts do not describe the entire dispute and decision, many of the statements seem to have been made as part of a larger legal process.” See Holtz, *Neo-Babylonian Court Procedure*, 100–16.

- 35 Martha T. Roth, “Reading Mesopotamian Law Cases PBS 5 100: A Question of Filiation,” *Journal of the Economic and Social History of the Orient* 44, no. 3 (2001): 266–67.
- 36 Harry Hoffner, “Records of Testimony Given in the Trials of Suspected Thieves and Embezzlers of Royal Property,” in *Context of Scripture Vol. III*, ed. William W. Hallo and K. Lawson Younger, Jr. (Leiden, NL: Brill, 2003), 57, <https://archive.org/details/the-context-of-scripture/page/57/mode/2up>.
- 37 Holtz, *Neo-Babylonian Court Procedure*, 103.
- 38 In Assyria, “as a consequence of the fact that various administrative officials could act as judges, there was no specific court building.” See Karen Radner, “The Reciprocal Relationship Between Judge and Society in the Neo-Assyrian Period,” *MAARAV* 12, no. 1–2 (2005): 43.
- 39 Westbrook and Wells, *Everyday Law in Biblical Israel*, 23–24.
- 40 Often translated as “citizens” or “freemen”; see Holtz, *Neo-Babylonian Court Procedure*, 54.
- 41 High-ranking temple administrator.
- 42 Holtz, *Neo-Babylonian Court Procedure*, 106.
- 43 Joachim Oelsner, Bruce Wells, and Cornelia Wunsch, “Mesopotamia: Neo-Babylonian Period,” in *A History of Ancient Near Eastern Law*, 2 vols., ed. Raymond Westbrook (Boston: Brill, 2003), 922.
- 44 Sandra Lippert, “Law Courts,” *UCLA Encyclopedia of Egyptology* 1, no. 1 (December 2012), <https://escholarship.org/uc/item/4136j3s7>.
- 45 For dozens of contemporary examples see Martti Nissinen, C. L. Seow, Robert K. Ritner, and H. Craig Melchert, *Prophets and Prophecy in the Ancient Near East* (Atlanta: Society of Biblical Literature, 2019), <https://doi.org/10.2307/j.ctvkwnng3>.
- 46 Holtz, *Neo-Babylonian Court Procedure*, 103–104; Shalom E. Holtz, *Neo-Babylonian Trial Records* (Atlanta: Society of Biblical Literature, 2014), 20–23, <https://doi.org/10.2307/j.ctt5vjz1s>.
- 47 Bruce A. Van Orden, “The Law of Witnesses in 2 Nephi,” in *Second Nephi, The Doctrinal Structure*, ed. Monte S. Nyman and Charles D. Tate Jr. (Provo, UT: Religious Studies Center, Brigham Young University, 1989), 307–21.

- 48 “Nephi ... transcribes several chapters from Isaiah by way of corroboration.” See John Clark, *Gleanings by the Way* (Philadelphia: W. J. & J. K. Simon, 1842), 279.
- 49 J. David Woodington, “A Precedented Approach: Paul’s Use of the Law of Witnesses in 2 Corinthians 13:1,” *Journal of Biblical Literature* 137, no. 4 (2018): 1003–18.
- 50 David E. Garland, *The New American Commentary: 2 Corinthians* (Nashville: Broadman & Holman, 1999), 541.
- 51 J. Daniel Hays, “Applying the Old Testament Law Today,” *Bibliotheca Sacra* 158, no. 629 (2001): 21–35.
- 52 Sidnie White Crawford, *The Text of the Pentateuch: Textual Criticism and the Dead Sea Scrolls* (Berlin: De Gruyter, 2022), 205. Note that on page 8, Crawford refers to this material as “legal.” The note was written more recently than the original article.
- 53 Ryan Sharp, “Except Some Man Should Guide Me: Studying Isaiah with Nephi and Jacob,” in *They Shall Grow Together*, 352.
- 54 Holtz, *Neo-Babylonian Trial Records*, 138.
- 55 Blane Conklin, *Oath Formulas in Biblical Hebrew* (University Park, PA: Penn State University Press, 2011), 5:1–12, <https://doi.org/10.5325/j.ctv1bxgzws.5>.
- 56 *Ibid.*, 46–59.
- 57 Johannes Hackl, *Der subordinierte Satz in den spätbabylonischen Briefen* (Munster: Ugarit Verlag, 2007), 72–73. See also Bruce Wells, F. Rachel Magdalene, and Cornelia Wunsch, “The Assertory Oath in Neo-Babylonian and Persian Administrative Texts,” *Revue Internationale des droits de l’Antiquité* 107 (2010): 13–29.
- 58 Conklin, *Oath Formulas in Biblical Hebrew*, 24.
- 59 For a discussion and examples of oaths containing only “as the Lord lives” as an authenticating element, see Yael Ziegler “As the Lord Lives and as Your Soul Lives: An Oath of Conscious Deference,” *Vetus Testamentum* 58, no. 1 (2008): 117–30, <http://www.jstor.org/stable/20504320>.
- 60 For example, in Isaiah 14:24 we read, “The Lord of hosts hath sworn, saying, Surely...” Book of Mormon translation tends to follow KJV convention to incorporate “Surely” to indicate an oath. This is demonstrated in 2 Nephi 24:24 and Isaiah 14:24.



- 61 It is clear that the civilizations in question had significant political influence on each other and the surrounding areas. The Hebrew Bible attests to this influence, yet there is not a consensus on the degree of influence biblical law had on Judean state law. See Westbrook and Wells, *Everyday Law in Biblical Israel*, 3.
- 62 It appears there was a fair amount of standardization, based on consistent practices across multiple regions. For example, plaintiff statements with imperatives were found primarily in decision records when cases originated in higher courts. Whereas records of cases originating in informal settings or in lower courts were less likely to contain a plaintiff statement with an imperative. This tendency was observed in the existing records composed in Babylon, Uruk, Tapsuhu, Sippar, and Bit-sar-Babil dating from approximately 560 BCE to ~550 BCE. Another tendency in the imperative is the wording. When the plaintiff appeared with the defendant, the imperative was typically, “establish our decision.” If the plaintiff appeared alone before the judge, the imperative was usually, “Judge my case against [defendants name].” The latter decision records may result in a summons rather than a verdict. Similar notation used across multiple regions suggests a degree of standardization present in Neo-Babylonian times. Holtz, *Neo-Babylonian Court Procedure*, 226.
- 63 *Ibid.*, 227.
- 64 *Ibid.*, 28–29.
- 65 Shalom E. Holtz, “Praying as a Plaintiff,” *Vetus Testamentum* 61, no. 2 (January 2011): 258–79, <https://doi.org/10.1163/156853311X564796>.
- 66 See A Boatman’s Fraud HSM 890.4.8 in Holtz, *Neo-Babylonian Trial Records*, 80–82.
- 67 In Judah, “the king, the elders, local assemblies of citizens, state officials, and priests, could function as judges.” See Wells, *The Law of Testimony*, 19.
- 68 A point of clarification regarding Nephi’s relation to the reader: Nephi addresses the reader with what is termed a “plaintiff statement.” In modern times, the plaintiff is a person or party wronged by the defendant. Thus, a modern reader might opine Nephi implies the reader has wronged him. However, this is not the convention anciently, as state officials often brought suit against the defendant on behalf of the state.

- 69 Holtz, *Neo-Babylonian Court Procedure*, 135–65.
- 70 *Ibid.*, 148.
- 71 “The judge stands in the place of deity according to the general view prevailing in antiquity. If he fails in the proper discharge of his duties, he lowers the dignity of his office; and the deity, by permitting him to go astray, shows that he no longer desires the judge to speak in his name. Confidence in the probity and ability of the judge is the condition sine quo non of the execution of justice. Defective as this uncompromising attitude toward a judicial error may be from a modern standpoint in not recognizing an appeal from a lower to a higher court, the ethical basis is both sound and of a high order. With such a provision, ... the integrity of the courts was firmly secured for all time.” Morris Jastrow Jr., *Aspects of Religious Belief and Practice in Babylonia and Assyria* (New York: Knickerbocker Press, 1911), 396.
- 72 Ronald A. Veekner, “An Old Babylonian Legal Procedure for Appeal: Evidence from the Ṭuppi Lā Ragāmim,” *Hebrew Union College Annual* 45 (1974): 1–15, <http://www.jstor.org/stable/23506845>.
- 73 Karen Radner, “Mesopotamia: Neo-Assyrian Period,” in *A History of Ancient Near Eastern Law*, 2 vols., ed. Raymond Westbrook (Boston: Brill, 2003), 887.
- 74 “The ... way of addressing the ruler is rendered by the Akkadian expression ... literally meaning ‘to present oneself to the king,’ i.e., to bring a case to his attention. In messages of this type, supplicants sometimes explicitly ask the king for a judgment (denu epašu) or allude to cases previously decided by the ruler (denuparasu). For all that, it did not mean that the monarch himself pronounced a verdict. ... [T]he king is never mentioned in [legal proceedings], which is at first sight surprising considering the relatively large number of letters asking for justice. ... All this seems to show that the Neo-Assyrian kings did not themselves pronounce the verdict in the cases submitted to them, but delegated this task to those whom they deemed competent for it. It is therefore understandable why the interventions of the ruler have not left any traces in the judicial documentation, whereas from the point of view of the petitioners, it was indeed the king who had rendered justice to them.” Pierre Villard, “Degrees of jurisdiction and the notion of appeal in the Neo-Assyrian period,” *Ash-Sharq: Bulletin of the*

*Ancient Near East — Archaeological, Historical and Societal Studies* 6, no. 2 (November 2022): 113–26, <https://archaeopresspublishing.com/ojs/index.php/ash-sharq/article/view/1756>.

- 75 “Other state officials could take on judicial duties but are attested in this role much less frequently than the sukalla [vizier] and the sartennu [chief judge]. The masennu (‘treasurer’) assumed the role of the judge in a text from Assur (no. 22), and from the fact that he had a court clerk ... at his disposal we can infer that also the rab sa resi (‘chief eunuch’) could pass judgment. The rab saqe (‘chief cupbearer’) was supposed to act as judge in the matter of an unsettled debt but somehow failed to do so; according to a memorandum from Nineveh, the king had been approached instead to speak justice.” Radner, “The Reciprocal Relationship,” 57.
- 76 Villard, “Degrees of jurisdiction,” 113–26.
- 77 Małgorzata Sandowicz, “Nabonidus and Forty Thieves of Uruk: Criminal Investigation in Neo-Babylonian Eanna,” *Iraq* 76 (2014): 245–61, <http://www.jstor.org/stable/43307197>.
- 78 Villard, “Degrees of jurisdiction,” 119.
- 79 Isaac Rabinowitz, *A Witness Forever: Ancient Israel’s Perception of Literature and the Resultant Hebrew Bible* (Bethesda, MD: CDL Press, 1993), 8.
- 80 Sara J. Milstein, *Making A Case: The Practical Roots of Biblical Law* (Oxford: Oxford University Press, 2021), 35.
- 81 Holtz, *Neo-Babylonian Court Procedure*, 49.
- 82 Robert Ritner, “A Lawsuit Over a Syrian Slave,” in *Context of Scripture Vol. III*, 31–32.
- 83 A colophon found at the conclusion of a Septuagint Book of Esther serves a comparable function to a seal and could be considered the sole exception. See Sidnie White Crawford, “Where Are All the Colophons? Colophons in the Ancient Near East and in the Dead Sea Scrolls” in *Mighty Baal: Essays in Honor of Mark S. Smith* (Harvard Semitic Studies, Volume 66, 2020), 101–15.
- 84 “Jared and Moroni never use the word *seal* (or *sealed*) by itself, while the phrase *seal up* (or *sealed up*) is used eight times (see Ether 3:22, 23, 27, 28; 4:5 [3 times]; and 5:1). By contrast, 2 Nephi 27 uses the word *seal* (*sealed*) by itself nine times (see verses 7, 8,

10 [3 times], 11, 15, 17, 21), while the expression *seal up* (*sealed up*) is used only twice (see 2 Nephi 27:8 and 22; in verse 8 its meaning is unclear, but in verse 22 it means ‘to seal up’ in the sense of ‘to hide up’). The dominance of *seal up* in Ether indicates that ‘sealing up’ something meant something different, especially in the mind of the brother of Jared, from what ‘sealing’ meant for Nephi.” Jack Welch, “Doubled, Sealed, Witnessed Documents: From the Ancient World to the Book of Mormon,” in *Mormons, Scripture, and the Ancient World*, ed. Davis Bitton (Provo, UT: FARMS, 1998), 428.

- 85 Jeffrey Tigay and Alan Millard, “Seals and Seal Impressions,” in *The Context of Scripture: Canonical Compositions, Monumental Inscriptions, and Archival Documents from the Biblical World*, Vol. 2, ed. W.W. Hallo and K.L. Younger Jr. (Leiden, NL: Brill, 2000), 197–204.
- 86 Holtz, *Neo-Babylonian Trial Records*, 146.
- 87 Wright, “Ancient Burials of Metal Documents in Stone Boxes,” 302.
- 88 Two bronze metal plates from the time of Trajan, found in Mainz, Germany, have four holes, two on the corners and two in the middle: “The seal was fashioned in the following manner: A cord made out of bronze wire threads was laced through the middle holes of both plates and the two ends were tied together on the back side of the second plate. Over these knots a film of wax was poured, on which the witnesses impressed their seals. A half cylindrical bronze seal was soldered over the wax for protection.” Welch, “Doubled, Sealed,” 403–404.
- 89 Jacob, a priest, emphasizes Nephi’s role as a king, protector, and the audience’s dependence on him for safety (2 Nephi 6:2). He then states his words are “the words which my brother has desired that I should speak unto you” (2 Nephi 6:4). This may be tantamount to declaring himself a messenger of the king. Further, Jacob’s audience would have readily recognized the laws among a list of admonitions he cites (2 Nephi 9:30–38). The setting is public, but there is an obvious contrast, for example, with a public case in Alma 10 that involves professional interrogators (vs. 31) and the use of public oaths (vs. 10). John Thompson interprets Jacob’s words as a covenant renewal (the composition includes a preamble and titulary, historical overview and covenant speech proper,

stipulations of the covenant or treaty, cursings, and blessings that would be seen in a covenant renewal) delivered at a festival celebration. John S. Thompson, “Isaiah 50–51, the Israelite Autumn Festivals, and the Covenant Speech of Jacob in 2 Nephi 6–10,” in *Isaiah in the Book of Mormon*, ed. Donald W. Parry and John W. Welch (Provo, UT: Foundation for Ancient Research and Mormon Studies, 1998): 123–50. Similarly, as discussed, Isaiah incorporates explicit legal terminology in the Parable of the Vineyard (Isaiah 5:1–7). He also writes, “Bind up the testimony, seal up the law among my disciples” (Isaiah 8:16). Regardless, Nephi’s use of Jacob’s words and Isaiah 2–12 does not require they originated as depositions.

90 Sara J. Milstein, *Tracking the Master Scribe: Revision Through Introduction in Biblical and Mesopotamian Literature* (Oxford: Oxford University Press, 2016), 74.

91 *Ibid.*, 65.

92 Milstein begins by reviewing Old Babylonian scribal school curriculum. She points out that numerous model or practice contracts have been discovered. These were contracts that are copied in order for a scribe to learn a format and appropriate legal phrases. Milstein lists criteria for these practice texts, including hurried characters, multiple copies of the document on a single tablet, exaggerated details, increased attention to format, and other aspects. She then notes fewer model (practice) court transcripts have been found. This may indicate fewer scribes practiced the production of court records. Alternatively, there appears to be less focus on standardizing the court records, based on a larger amount of intra-record heterogeneity when compared with finished contracts. But as scribes rewrote practice documents, some habits developed. Milstein notes legal terms and phrases (more so than formatting) are conserved across practice and official court records in Old Babylon. Some of these patterns are similar to language seen in Old Babylonian pedagogical and court records. This does not indicate that Judean scribes had access to Babylonian records per se but did have access to Babylonian precepts (page 153). Milstein applies the same analysis to Biblical legal records. Many of the laws in Exodus and Deuteronomy are so detailed they appear to be based on cases and pedagogical records. Some laws retain sections of their original cases. For example, Deuteronomy

- 19:4 is often translated as, “This is the case of.” While aspects of Milstein’s work is controversial, she successfully shows common traits that appear in these passages. See Sara Milstein, *Making a Case* (Oxford: Oxford University Press, 2021), 20–158.
- 93 Specifically, Milstein analyzes early sections of the Covenant Code and select laws she terms “Hebrew legal fictions.” *Ibid.*, 72.
- 94 Milstein also noticed extensive wordplay in the HLFs. Some root variations are only observed in the Hebrew case laws suggesting scribes would intentionally seek uncommon words if needed when writing in this genre. *Ibid.*, 81.
- 95 Jeff Lindsay, “‘Arise from the Dust’: Insights from Dust-Related Themes in the Book of Mormon (Part 1: Tracks from the Book of Moses),” *Interpreter: A Journal of Mormon Scripture* 22 (2016): 179–232, <https://journal.interpreterfoundation.org/arise-from-the-dust-insights-from-dust-related-themes-in-the-book-of-mormon-part-1-tracks-from-the-book-of-moses/>.
- 96 Matthew Bowen, “‘Their Anger Did Increase Against Me’: Nephi’s Autobiographical Permutation of a Biblical Wordplay on the Name Joseph,” *Interpreter: A Journal of Latter-day Saint Faith and Scholarship* 23 (2017): 115–36, <https://journal.interpreterfoundation.org/their-anger-did-increase-against-me-nephis-autobiographical-permutation-of-a-biblical-wordplay-on-the-name-joseph/>.
- 97 Shin Wook Hur, “The Rhetoric of the Deuteronomic Code: Its Structures and Devices” (Emory Theses and Dissertations, 2013), 60.
- 98 *Ibid.*, 30–36. Other Judean rhetoric techniques mentioned are also seen in 2 Nephi, such as alternating prescription and proscription: “choose eternal life ...and [do] not choose eternal death” (2 Nephi 2:28–29).
- 99 Sharp, “Except Some Man Should Guide Me,” 338.
- 100 *Ibid.*
- 101 Grant Hardy, “Prophetic Perspectives and Prerogative: How Lehi and Nephi Applied the Lessons of Lehi’s Dream,” in *The Things Which My Father Saw: Approaches to Lehi’s Dream and Nephi’s Vision*, ed. Daniel Belnap, Gaye Strathearn, and Stanley

- A. Johnson (Salt Lake City: Deseret Book, 2011), 199–213; Hardy, *Understanding the Book of Mormon*, 61–65.
- 102 Sidnie White Crawford, *Rewriting Scripture in Second Temple Times* (Grand Rapids, MI: William B. Eerdmans Publishing, 2008), 4.
- 103 *Ibid.*, 80.
- 104 Frank Moore Cross, “The History of the Biblical Text in Light of the Discoveries in the Judean Desert” in *Qumran and the History of the Biblical Text*, ed. Frank Moore Cross and Shemaryahu Talmon (Cambridge, MA: Harvard University, 1975), 283. See also Sidnie White Crawford, “Scribal Traditions in the Pentateuchal and the History of the Early Second Temple,” in *Congress Volume Helsinki 2010*, ed. Martti Nissinen (Leiden, NL: Brill, 2012), 148, 167–84.
- 105 Sharp, “Except Some Man Should Guide Me,” 334.
- 106 The latter may also be described as a “free” or “creative” scribal approach. See Sidney White Crawford, “Understanding the Textual History of the Hebrew Bible: A New Proposal,” in *The Hebrew Bible in Light of the Dead Sea Scrolls*, ed. N. David et al. (Gottingen, DEU: Vandenhoeck & Ruprecht, 2012), 60–69.
- 107 Drew Longacre, “A Contextualized Approach to the Hebrew Dead Sea Scrolls Containing Exodus” (Ph.D. thesis, University of Birmingham, 2014).
- 108 G J. Brooke, “The Rewritten Law, Prophets and Psalms: Issues for Understanding the Text of the Bible,” in *The Bible as Book: The Hebrew Bible and the Judaeian Desert Discoveries*, ed. E. D. Herbert and Emmanuel Tov (London: British Library, 2002), 32. As summarized by Sidnie White Crawford in *Rewriting Scripture*, 12.
- 109 “As Nephi quoted this Servant Song to his brothers, he included several lines of text in the first verse not found in other current versions of the Old Testament. It is not clear whether these additional lines were in the ancient text of Isaiah that Nephi knew, or if these lines are his own commentary.” Terry B. Ball, “Isaiah’s ‘Other’ Servant Songs,” in *The Gospel of Jesus Christ in the Old Testament* (Provo, UT: Religious Studies Center, Brigham Young University, 2009). See also John A. Tvedtnes, *The Isaiah Variants in the Book of Mormon* (Provo, UT: Foundation for Ancient Research and Mormon Studies, 1981), 73.

- 110 Emmanuel Tov, *Textual Criticism of the Hebrew Bible: Revised and Expanded Fourth Edition* (Minneapolis: Fortress Press, 2022), 15.
- 111 Using the above criteria, first, 2 Nephi 30:9–16 is embedded without defining where Isaiah’s words start or stop. Second, much of the order of 2 Nephi 30:9–16 follows that of Isaiah 11. Third, there are no major insertions. Fourth, the subject matter of Isaiah 11 and 2 Nephi 30 are similar. Finally, there is no suggestion that 2 Nephi 30 replaces Isaiah’s words.
- 112 Excerpts from Royal Skousen, *The History of the Text of the Book of Mormon Part 5: The King James Quotations in the Book of Mormon* (Provo, UT: Foundation for Ancient Research and Mormon Studies, 2019), and Royal Skousen, ed., *The Book of Mormon: The Earliest Text*, 2nd ed. (New Haven: Yale University Press, 2022). These excerpts appear to demonstrate Nephi’s use of conservative and revisionistic scribal techniques.
- 113 Supporting the notion that 2 Nephi has a more formal purpose is the introduction of words attributed to others as well. We discussed that 2 Nephi 6:1 states, “The words of Jacob, the brother of Nephi.” This verse serves no important narrative purpose: we have already read about Jacob in 1 Nephi 18, 2 Nephi 2, and 2 Nephi 5. The reader knows Jacob is Nephi’s brother. While we can never be sure of Nephi’s reason for reintroducing Jacob, his choice connotes a level of formality not previously apparent in his writings. Nephi did not introduce his father’s visions or blessings with such formality. This sudden formality is unusual for someone modern readers have described as a guide. Joseph Spencer, *1st Nephi: A Brief Theological Introduction* (Provo, UT: The Neal A. Maxwell Institute for Religious Scholarship, 2020), 119. Another example of such formality is 2 Nephi 12:1 and 23:1.
- 114 Arie van der Kooij, “Review: Eugene Ulrich and Peter W. Flint, *Qumran Cave 1.II: The Isaiah Scrolls: Part 1: Plates and Transcriptions; Part 2: Introduction, Commentary and Textual Variants*. DJD 32.,” *Dead Sea Discoveries* 22, no. 1 (2015): 116–17.
- 115 “The base text for the Isaiah quotations in the Book of Mormon is indeed the King James Version of the Bible.” Royal Skousen, “Textual Variants in the Isaiah Quotations in the Book of Mormon,” in *Isaiah in the Book of Mormon*, 369–90. For more discussion, see Scripture Central, “History of the Text of the Book of Mormon — Royal Skousen — Volume 3 Parts 5 and 6



- 1/15/20,” YouTube video, 1:33:19, March 5, 2020, <https://www.youtube.com/watch?v=4jIPgeX0U3Y>, especially at 32:00–38:00.
- 116 Royal Skousen, “The History of the Book of Mormon Text: Parts 5 and 6 of Volume 3 of the Critical Text,” *BYU Studies Quarterly* 59, no.1 (2020): 19.
- 117 *Ibid.*, 289–431.
- 118 *Ibid.*, 304.
- 119 Data compiled from Skousen, *History of the Text of the Book of Mormon Part 5*, 289–431. Total word count and bolded words (representing a change in Book of Mormon text) were tabulated. This method does not account for omissions, only material unique to the Book of Mormon within that section. 911 of 6,196 (14.7%) total words were bolded in Jacob to Moroni. 462 of 3,858 (12.0%) total words were bolded in Nephi’s record excluding 2 Nephi 12-24. 310 of 7,537 (4.1%) total words were bolded in 2 Nephi 12-24. The proportion of changes in Nephi’s citations (excluding 2 Nephi 12-24) is similar to other sections of the Book of Mormon which are typically exegetical.
- 120 John A. Tvedtnes, “Isaiah Variants in the Book of Mormon,” in *Isaiah and the Prophets: Inspired Voices from the Old Testament*, ed. Monte S. Nyman and Charles D. Tate Jr. (Provo, UT: Religious Studies Center, Brigham Young University, 1984), 165–78.
- 121 These reviewers looked at the Hebrew Masoretic text, the Hebrew scrolls found at Qumran (notably 1QIsa, which contains all sixty-six chapters), the Aramaic Targumim, the Peshitta, the Septuagint or Greek translation, the Old Latin and Vulgate, and the Isaiah passages quoted in the New Testament. *Ibid.*
- 122 Data was compiled from Tvedtnes, *Isaiah Variants*, 6–24. Results are displayed by chapter. Hatched marks indicate Nephi’s conservative citation of Isaiah. Within 2 Nephi 12-24, 126 of 275 (46%) verses demonstrated a variant. This is compared to all other Isaiah citations in Nephi’s writing (solid) that showed 116 of 141 (79%) verses had a variant.
- 123 Ann N. Madsen and Shon D. Hopkin, *Opening Isaiah: A Harmony* (Provo, UT: Religious Studies Center, Brigham Young University, 2018).

- 124 Royal Skousen, *Analysis of Textual Variants of the Book of Mormon* (Provo, UT: Foundation for Ancient Research, 2006).
- 125 On the surface, there may appear to be a disagreement in these results. Skousen’s data showed a three-fold difference in variation between the sections in question. Madsen’s and Tvedtnes’s findings result in less than a 2:1 difference in the variant incidence. However, the latter works are based on the number of verses with a variant. Skousen’s data allowed for a more granular analysis. The ratio difference suggests that areas with higher variation by verse also have more variants within each verse.
- 126 This analysis also suggests that we should be hesitant to regard as citation every verse in the Book of Mormon with an analog in the KJV. This represents something of a novel view: some long passages that are nearly universally considered as “citations” — such as 1 Nephi 20–21 — have as much as three times more unique content than that found in other Isaiah-block analogs that are equally referred to as “citations.”
- 127 Martin, “The Prophet Nephi,” 117.
- 128 Bowen, “Their Anger Did Increase Against Me,” 132.
- 129 Matthew L. Bowen, “‘What Thank They the Jews?’ (2 Nephi 29:4): A Note on the Name ‘Judah’ and Antisemitism,” *Interpreter: A Journal of Latter-day Saint Faith and Scholarship* 12 (2014): 111–25. <https://journal.interpreterfoundation.org/what-thank-they-the-jews-2-nephi-294-a-note-on-the-name-judah-and-antisemitism/>.
- 130 Some have suggested Nephi’s Psalm is spontaneous. Based on the inclusio on each side of Nephi’s Psalm it can be viewed as an addition. Gardner suggests it is spontaneous; see Gardner, “Labor Diligently to Write,” 161.
- 131 Cornelia Wunsch, “Legal Narrative in Neo-Babylonian Trial Documents. Text reconstruction, Interpretation and Assyriological method,” in *Law and Narrative in the Bible and in Neighboring Ancient Cultures*, ed. K.-P. Adam, F. Avemarie, N. Wazana, and D. Felsch (Tubingen, DEu: Mohr Siebeck, 2012), 7.
- 132 Nicholas Frederick, “The Language of Paul in the Book of Mormon,” in *They Shall Grow Together*, 207.
- 133 *Ibid.*, 206.

- 134 Joseph M. Spencer and Jenny Webb, *Reading Nephi Reading Isaiah: 2 Nephi 26–27* (Provo, UT: The Neal A. Maxwell Institute for Religious Scholarship, 2016), 64.
- 135 Ibid.
- 136 The Lehitic covenant consists of four basic elements: 1. A promised land is given to the children of Lehi (2 Nephi 1:5). 2. Prosperity in the land is predicated on obedience to the commandments (Jarom 1:9). 3. Lehi’s seed will never perish (2 Nephi 25:21). 4. A record will bring Lehi’s seed to a knowledge of their covenant (Enos 1:13, 16; Ether 4:17). Ibid.
- 137 Joseph M. Spencer, *The Vision of All*, 219.
- 138 Rainer Albertz, *Israel in Exile: The History and Literature of the Sixth Century B.C.E.* (Atlanta: Society of Biblical Literature, 2003), 378.
- 139 Ibid., 387.
- 140 Ibid., 379.
- 141 Ibid., 380.
- 142 Ibid., 368.
- 143 Joshua Sears, “Deutero-Isaiah in the Book of Mormon: Latter-day Saint Approaches,” in *They Shall Grow Together*, 368.
- 144 Ibid.
- 145 D. Michel, “Deuterocesaja,” in *Theologische Realenzyklopädie* (Berlin: Walter de Gruyter, 1981), 521.
- 146 Albertz, *Israel in Exile*, 379.
- 147 Claus Westermann, *Isaiah 40–66: A Commentary* (Louisville, KY: Westminster John Knox Press, 1969), 8.
- 148 Albertz, *Israel in Exile*, 381. Many theories suggest there was a core that underwent multiple expansions. Naturally there is disagreement about which verses belong to which sections. For example, some posit the initial verses in Isaiah 49 were part of a later addition. Albertz writes, “We must ... insist that at the least the Servant Song in 49:1–6 was an indispensable part of the very first edition of the book of Deutero-Isaiah.” See Albertz, *Israel in Exile*, 394.
- 149 Crawford, *The Text of the Pentateuch*, 112, 136.

- 150 Ibid., 145.
- 151 Ibid., 115.
- 152 It is important to note that Nephi's writings omit sections of Deutero-Isaiah that represent its most demonstrable anachronisms. For example, Cyrus is not mentioned by name and the culmination of text written from the perspective of Babylon's destruction (Isaiah 47) is not cited.
- 153 Many aspects of the Book of Mormon suggest it was translated using a "cultural and creative translation model," suggesting that the translator was aware of the reception of the text and modified the text accordingly. See Daniel C. Peterson and Royal Skousen, "A Critical Text," The Interpreter Foundation (blog), January 11, 2020, <https://interpreterfoundation.org/a-critical-text/>; Skousen, *History of the Text of the Book of Mormon Part 5*, 212.
- 154 Skousen, *History of the Text of the Book of Mormon Part 5*, 6.
- 155 Ibid.
- 156 Alma Allred, "The Bible and The Book of Mormon," FAIR (website), <https://www.fairlatterdaysaints.org/archive/publications/the-bible-and-the-book-of-mormon>.
- 157 Donald W. Perry and Stephen David Ricks, "Worthy of Another Look: The Great Isaiah Scroll and the Book of Mormon," *Journal of Book of Mormon Studies* 20, no.2 (2011): Article 7. For additional discussion on nine such examples: 2 Nephi 8:5, 8:11, 24:32; Mosiah 15:29, 3 Nephi 20:32; Skousen, *Analysis of Textual Variants*, 594, 597, 760, 803; 1 Nephi 20:11 and 2 Nephi 7:2, 13:9, 19:9, 24:32; Donald W. Perry and Stephen David Ricks, *The Dead Sea Scrolls: Questions and Responses for Latter-Day Saints* (Provo, UT: Foundation for Ancient Research and Mormon Studies, 2000), 44–46.
- 158 Of note, excerpted texts "were never recopied." See Crawford, *The Text of the Pentateuch*, 269.
- 159 Crawford, *Rewriting Scripture in Second Temple Times*, 34–36.
- 160 Royal Skousen, "Tyndale Versus More in the Book of Mormon," *Interpreter: A Journal of Mormon Scripture* 13 (2015): 1–8, <https://journal.interpreterfoundation.org/tyndale-versus-more-in-the-book-of-mormon/>.
- 161 Crawford, *Rewriting Scripture in Second Temple Times*, 8.

- 162 Paul Wegner, *A Student's Guide to Textual Criticism of the Bible: Its History, Methods and Results* (Westmont, IL: IVP Academic, 2005), 52, 64.
- 163 Joseph M. Spencer, *The Vision of All*, 292–94.
- 164 Welch, “Doubled, Sealed,” 421.
- 165 Welch also differentiates between Book of Mormon terminology for “sealed” vs. “seal up.” The latter is more commonly used by the later prophets in the Book of Mormon and means hidden and under the protection of God. Alternatively, the term *seal* by itself is more commonly used by Nephi and may refer to a double document. *Ibid.*, 426–30.
- 166 *Ibid.*, 400. Welch also states, “Some of the double documents have a greatly abridged [stark verkümmerter] scriptum interior.” *Die Doppelurkunden aus der Wüste Juda*, ed. Elisabeth Koffmahn (Leiden, NL: Brill, 1968), 13.
- 167 *Ibid.*
- 168 Further designating their authoritative status, [the tablets] were effectively sealed in the Ark of the Covenant. Official records were generally sealed by the scribe and a second unsealed version was made available for viewing. There was a “double-document” convention in ancient Near Eastern scribal practice, where an official version remains sealed (or otherwise inaccessible) while a public copy could be consulted, examined, and studied.” Mark Leuchter, “Sacred Space and Communal Legitimacy in Exile: The Contribution of Seraiah’s Colophon (Jer 51: 59–64a),” in *The Prophets Speak on Forced Migration*, ed. Mark J. Boda et al. (Atlanta: SBL Press, 2015), 94.
- 169 The tablets in the Ark do “not come out ... again. From now on, the words inscribed in the tablets of stone are hidden words”; see G. J. Venema, *Reading Scripture in the Old Testament: Deuteronomy 9–10; 31 — 2 Kings 22–23 — Jeremiah 36 — Nehemiah 8* (Leiden, NL: Brill, 2004), 36.
- 170 “In Jubilees 1:5–29, Moses was given two stone tablets and was shown a vision of ‘what was in the beginning and what will occur in the future’ (compare Moses 1...). He was instructed to write a book containing everything the Lord would tell him on the mountain so that it might serve as a testimony in the future against the people. While the Testament of Moses and the book of

Jubilees do not say that this eschatological and prophetic book of Moses would be sealed, the authors of those works presume that those writings of Moses would be preserved until the final day of judgment.” See Welch, “Doubled, Sealed,” 420.

- 171 The Lord appears to state additional writings of Nephi exist. He refers to 1 and 2 Nephi as the “first part of the engravings of Nephi” (D&C 10:45). Decades after his estrangement from the Church, David Whitmer — who saw the golden plates from which the Book of Mormon was translated in the presence of an angel and multiple witnesses — commented on the sealed portion, emphasizing that there remained sealed records “of Nephi” that will come “when the time comes.” That certainly may refer to other sealed records of Nephi (i.e., not a sealed version of 2 Nephi). As quoted in Lyndon W. Cook, *David Whitmer Interviews: A Restoration Witness* (Orem, UT: Grandin Book Company, 1991), 20–1.
- 172 Discussing other sealed and doubled documents Welch writes, “The abridged text served as a working summary or general identification of the main contents of the transaction, so the shortened text would only prevent falsification of the main document in a limited number of cases. In any event, both texts are always formatted in the same way and written in the same hand.” Welch, “Doubled, Sealed,” 400.







