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INSIGHTS

The Newsletter of the Neal A. Maxwell Institute for Religious Scholarship

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New Book Examines Trials in the Book of Mormon

John W. Welch has studied two main topics throughout his career: the law and the Book of Mormon. Welch, a professor of law at Brigham Young University and the founder of the Foundation for Ancient Research and Mormon Studies, has now prepared the culminating volume of decades of research into the trials and other legal procedures in the Book of Mormon. The Maxwell Institute is pleased to announce its publication as *The Legal Cases in the Book of Mormon*.

The close readings in this book, published by the Maxwell Institute and BYU Press, bring many new details to light, making the legal cases in the Book of Mormon clear to ordinary readers, convincing to attorneys, and respectable to scholars of all types, whether Latter-day Saints or not. All readers can identify with these compelling legal narratives, for they address pressing problems of ordinary people.

These texts deserve repeated attention and repay careful analysis. Appreciating both the subtle jurisprudential details and the persistent patterns in these legal dramas adds thought-provoking spiritual insights and practical perspectives to these significant proceedings.


The Legal Cases in the Book of Mormon begins with a discussion of important background information, including legal practices in the ancient Near

East, the ideal of righteous judgment, and the legal cases recorded in the Bible. Welch then devotes a chapter to each of the legal cases in the Book of Mormon—from the formative cases of Sherem and Abinadi to the landmark trials of Nehor and Korihor, the wrenching prosecution of Alma and Amulek, and the politicized proceedings of Paanchi and Seantum.

Because the Nephites strictly observed the law of Moses until the coming of Christ, this book examines the laws, arguments, verdicts, and punishments of these cases in the light of biblical law. By reading these texts with legal principles and procedures in mind, this study sets out to do for the Book of Mormon what biblical scholars have done for the Bible. This provides a point of entry into these key episodes in Nephite history.

As Terryl Givens comments, and as this book shows, “The Book of Mormon is coming to be studied as an important text in its own right, one with literary richness, structural complexity, and a coherent worldview and narrative voice.”

The legal principles explained in this book add life to the messages of the scriptures, particularly the ideal of righteous judgment. The ancient scriptures extend a poignant invitation to the modern world to “judge righteously” (Deuteronomy 1:16) and to “do good continually” (Alma 41:14).

The Legal Cases in the Book of Mormon is available at the BYU Bookstore. 

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From Elder Neal A. Maxwell

Diluted Christianity is not Christianity, it is a feeble attempt to have Christianity without Christ, for it denies the central service of Jesus’ life—the Atonement. Those who call themselves Christians but deny the divinity of Jesus cannot seem to tolerate those of us who accept and proclaim the divinity of Christ.

No one, brothers and sisters, would pay us much heed if we were merely nonsmoking, nondrinking humanists. Without acknowledging the reality of the Resurrection and the Atonement, believing in the ministry of Jesus would mean slumping into the very Sadduceeism which Jesus himself denounced. (“All Hell Is Moved,” in *1977 Devotional Speeches of the Year* [Provo, UT: BYU, 1978], 177, as quoted in *The Neal A. Maxwell Quote Book*, ed. Cory H. Maxwell [Salt Lake City: Bookcraft, 1997], 23.)





Elder Hafen Speaks at Second Annual Neal A. Maxwell Lecture

Defining his purpose as exploring “the relationship between the life of the mind and the life of the spirit, with some connection to Elder Maxwell’s life as a mentoring model,” Elder Bruce C. Hafen, of the First Quorum of the Seventy, spoke at the second annual Neal A. Maxwell Lecture, held March 21, 2008.

Sister Colleen Maxwell, widow of Elder Maxwell, other members of their family, and BYU President Cecil O. Samuelson and other dignitaries were among the large audience who gathered for the lecture.

Elder Hafen began by speaking warmly about the Maxwell Institute, saying, “I have cheered since first hearing that there would be a Neal A. Maxwell Institute. I’ve known the people in this institute a long time, and to see those people and that name come together warms my heart.”


In 1999, when Elder Maxwell invited Elder Hafen to work on his biography, Elder Hafen discovered that his “research on [Elder Maxwell’s] life revealed a different core message than the one I had expected to find.” Although “the theme of his life story” could be “his contribution to the Church as a role model for educated Latter-day Saints, showing how religious faith and intellectual rigor are mutually reinforcing,” Elder Hafen said “personal Christian discipleship is really the central message of Elder Maxwell’s life and teachings.”

Elder Hafen said that in his own life Elder Maxwell’s mentoring about faith vs. intellect issues prepared him “to benefit even more from his later, higher-level mentoring on very personal questions about being and becoming.” To illustrate, Elder Hafen described his early days in college after serving as a full-time missionary, and the confusion he felt in “trying to reconcile the conflicting viewpoints” among teachers he revered up to that point in his life. Experience reinforced his inclination to seek what he termed “level two: a balanced approach between the liberal and conservative tendencies” he had seen, and he concluded he didn’t need to make a “permanent choice between his heart and his head.” Later as a professor he was able to explore the “tension between faith and reason,” and taught that “the gospel contains strands that connect to both the Hebrew and the Greek elements in our heritage.” Elder Hafen explained these two heritages and said “we will be in

trouble if our individualistic Greek strain cuts loose from the anchoring authoritarianism of our Hebrew strain.” Quoting President Spencer W. Kimball, Elder Hafen said “we must become ‘bilingual’ in speaking the language of scholarship and the language of the Spirit.” Elder Hafen offered to his students Elder Maxwell as a role model of someone whose “heart and head worked so well together.” For Elder Maxwell, “every dimension of the gospel was relevant to modern social problems.”

His own experiences pushed Elder Hafen beyond his “second level of balance toward yet a third level of understanding.” He explained, “When we find ourselves stretched to our extremities, we need a new level from which to draw more deeply on our Hebrew roots than our Greek roots. No wonder Elder Maxwell often said ‘we should have our citizenship in Jerusalem and have a passport to Athens.’” Elder Hafen said that “part of the sacrifice the Lord may require is that we accept what He may inflict upon us without understanding to our rational satisfaction.”

Elder Hafen briefly chronicled Elder Maxwell’s journey of understanding, applying, and teaching discipleship, and how he saw the connection between discipleship and adversity. “No wonder, then,” Elder Hafen noted, “that when he found in 1997 that he had an aggressive form of leukemia, he said, ‘I should have seen it coming.’” Because Elder Maxwell was an “ardent student of discipleship,” he “embraced the heart-wrenching process of sanctification as his final tutorial.”

Elder Hafen noted that he still can’t quite find the words to define this third level, but “the consecrated sacrifice of a broken heart and a contrite spirit blesses us with inner sight in our lives and in our religious problems.” He invited his listeners to find their “own words” and then showed an image of what he thinks “level three looks like.” The painting by Eugène Burnand depicts disciples Peter and John running to the tomb on Easter morning. Elder Hafen said his wife Marie suggested that the picture captured “the ultimate tension between faith and reason.” When they met the risen Lord, “their being faithful enough to see Him was the ultimate resolution of the tension between faith and reason.” Elder Hafen encouraged his audience to “live closer to ‘the things of eternity’ even now, so that the Lord can prepare us now for whatever further sanctifying tests await us.” 

New Nibley Volume Features Temples, Biographies, Reviews

Fans of Hugh Nibley's writings will welcome volume 17 in the Collected Works of Hugh Nibley, copublished by Deseret Book and FARMS.

Eloquent Witness: Nibley on Himself, Others, and the Temple is a compilation of materials, many of which have been published previously outside the Collected Works.

The book opens with two autobiographical sketches penned before 1978. Of "An Intellectual Autobiography," Stephen D. Ricks, editor of the volume, notes in the foreword:

"Hugh Nibley was a man of profound learning. Nibley's brief (and slightly impersonal) sketch of his academic career that appears in this volume does not take note of the spectacular intellectual abilities that he demonstrated early in his life; his passionate attachment to, and capacity for, focused library work; and his astonishing ability to concentrate on a topic to the exclusion of everything else."

One of the stunning aspects of Nibley's genius was his persistent sense of wonder, which induced him to range widely, yet competently, through very disparate subjects of study—all covered in this volume: the ancient Egyptians, the temple, life sciences, world literature, ancient Judaism, and Joseph Smith and the restoration.


Additional parts of *Eloquent Witness* consist of book reviews, forewords, and various interviews: a previously unpublished interview with Louis Midgley from a BYU forum, an interview in a student journal, and interviews first appearing in *Dialogue*, *BYU Today*, the *Deseret News*, and the *Sunstone Review*.

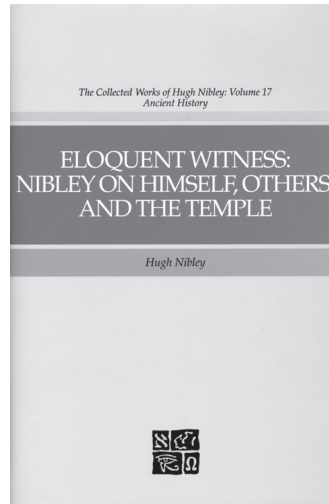
In a personal section, Nibley's thoughts on the "Christmas quest" are followed by a letter to a BYU graduate student in which he expresses his "reluctance to assist people in getting PhD degrees in religion or anything else here at the BYU" and advises against getting a "quick degree." In a widely circulated letter to Sterling McMurrin (a University of Utah history professor and influential

Mormon intellectual), Nibley decries the possibility that blind chance could be the driving force that "set this stage, put the characters on it, and set the plot in motion" for mortal existence. The transcript of *The Faith of an Observer: Conversations with Hugh Nibley*, a film produced in honor of Nibley's 75th birthday, features Nibley's thoughts on such topics as his childhood, wealth, the environment and man's dominion, education, faith and testimony, war and politics, and salvation and the temple. Nibley once more bears testimony in "Not to Worry," an essay that, among other themes, once again addresses the importance of the Terrible Question—what happens after death? In an unusual format

(for Nibley), the essay on "the Last Days, Then and Now" written for a Festschrift in honor of Richard Lloyd Anderson includes no footnotes. In what originated as Sunday School lessons, Nibley covers the Word of Wisdom, the Gospel of Matthew, and the priesthood. This personal section concludes with memorial tributes to Krešimir Ćosić and Joel Erik Myres, in which Nibley reminds us of the covenants we make for eternity and expresses his conviction that we will be engaged in a higher work after this life.

The last, but certainly not the least significant, portion of the book brings together Nibley's important remaining essays on the temple that did not appear in his *Temple and Cosmos* volume, including "The Greatness of Egypt," which is published here for the first time. In these articles, Nibley shares insights that resonate with those who love and appreciate the temple.

Eloquent Witness: Nibley on Himself, Others, and the Temple is available at the BYU Bookstore. 



Maxwell Institute Announces Valuable New Research Tool

The Maxwell Institute and the Harold B. Lee Library have announced that a new electronic database, “Book of Mormon Publications, 1829–1844,” will soon be available to researchers and others interested in Mormon history. “We are excited about this collection,” notes M. Gerald Bradford, executive director of the Maxwell Institute, “because it brings together for the first time everything published about the Book of Mormon during Joseph Smith’s lifetime. Books, pamphlets, and articles from newspapers and periodicals are all included. This represents a major step forward for Mormon studies.”

“We’ve done several things to make this database valuable and easy to use,” says Matt Roper, resident scholar with the Maxwell Institute and head of the project. “First, we have compiled all of the publications, saving researchers the considerable time involved in identifying articles and in tracking down and obtaining microfilm or rare books. Second, we are making the database fully searchable, allowing scholars to focus on their area of interest. So, those with a particular interest in Oliver Cowdery, for example, can quickly locate all of the documents mentioning him.”

This project began as a result of conversations Louis Midgley (emeritus professor of political science at BYU and associate editor of the *FARMS Review*) held with Roper and others in the mid-1990s about the possibility of FARMS (now a department of the Maxwell Institute) revising Francis W. Kirkham’s monumental two-volume work, *A New Witness for Christ in America: The Book of Mormon*, first published in 1942. As Keith W. Perkins notes, “At a time when others lacked either the opportunity or the inclination to do so, [Brother Kirkham] set out to gather many early documents related to the coming forth of the Book of Mormon—source materials that were still available but in jeopardy of loss or deterioration. He analyzed these sources and compiled them into a work that has had a lasting impact on our understanding of this book of scripture.”¹

Building on the early publications—particularly newspaper articles—collected by Francis Kirkham, Roper and those assisting him began compiling additional items. As they consulted key bibliog-

raphies and talked to experts, the project quickly snowballed. It was soon evident that a new volume would be necessary. As the pages multiplied, plans to publish a hard-copy version were revised in favor of an electronic publication.

Working with close to one million words of text, Maxwell Institute staff members—especially Roper, Larry Morris, and Sandra Thorne—student interns, and librarians at BYU’s Harold B. Lee Library—notably Kayla Willey, metadata librarian—completed a painstaking and time-consuming process: locate copies of the original articles (usually on microfilm), scan and transcribe the originals, proofread the transcriptions against the originals, compile the “metadata” required to make the documents searchable, and convert the collection into the proper format for electronic distribution. “Researchers will be able to view the original, the typed transcription, or both,” says Bradford. “They will also be able to cut and paste text from the transcriptions into their own publications, making this database particularly valuable.”

The first item published about the Book of Mormon appeared in *The Wayne* [New York] *Sentinel* on June 26, 1829, about the same time that Joseph Smith and Oliver Cowdery completed the translation, and nine months before the book was printed. “Just about in this particular region, for some time past,” read the article, “much speculation has existed, concerning a pretended discovery, through superhuman means, of an ancient record, of a religious and a divine nature and origin, written in ancient characters, impossible to be interpreted by any to whom the special gift has not been imparted by inspiration.” This article also quoted the title page of the Book of Mormon in its entirety.

Not surprisingly, many early articles often took a hostile stance toward Joseph Smith. “No prophet since the destruction of Jerusalem by Titus, has performed half so many wonders as have been attributed to that *spindle shanked* ignoramus JO SMITH,” proclaimed *The Reflector* (Palmyra, New York) on June 30, 1830.² By including such hostile viewpoints, “Book of Mormon Publications” echoes the thoughts of Joseph Smith, who advised the Saints to “gather up the libelous publications that are afloat . . . and present the whole concatenation of diabolical rascality” to be published “to all the world” (Doctrine and Covenants 123:4–6).

It is also true, however, that some writers and editors have been refreshingly fair minded. “I am of the opinion,” wrote William Owen, “that . . . the Golden Bible will bear a very good comparison with the Holy Bible. I find nothing in the former inconsistent with the doctrines or opposed to a belief in the latter; on the contrary, the one seems to corroborate the other” (New York *Free Enquirer*, Sept. 10, 1831).

“This collection offers an important perspective on what early missionaries were hearing—and saying—about the Book of Mormon,” observes Roper. “It’s fascinating to see the variety of opinions expressed. The Book of Mormon was the object of considerable discussion before it was even published.”

Along with being accessible and searchable, the electronic database will also be easily updated. “You can never be sure that you have everything,” says Roper. “We will add new documents—and make corrections to existing ones—whenever needed.”

Current plans call for “Book of Mormon Publications” to be posted as one of the Harold B.

Lee Library’s digital collections beginning early autumn of this year. Other digital collections at BYU (accessible online at www.lib.byu.edu/online.html) include such diverse electronic resources as the sermons of John Donne, the *Encyclopedia of Mormonism*, and a collection of Mormon missionary diaries. The Harold B. Lee Library electronic collection is directed by Scott Eldredge. As noted on the library Web site, “The digital library is a combination of unique collections and services that support learning, teaching, course development, and research and are directed specifically at supporting the institutional objectives of the university through the acquisition of electronically published information, the creation of reformatted digitized resources, and by providing access points to a repository of digital materials.”

Notes

1. Keith W. Perkins, “Francis W. Kirkham: A ‘New Witness’ for the Book of Mormon,” *Ensign*, July 1984, 53.
2. Emphasis in original.

The Joseph Smith Papers Project

Editor’s Note: While *The Joseph Smith Papers* will be published by the Church History Department of the Church of Jesus Christ of Latter-day Saints, the Maxwell Institute will benefit vastly from its volumes. Andrew H. Hedges, a volume co-editor with the Joseph Smith Papers Project and newly appointed editor of the *Journal of Book of Mormon and Restoration Scripture*, indicates that the Joseph Smith Papers Project will “result in a huge amount of information about the creation and textual history of the Doctrine and Covenants” and will provide “a treasure trove of insights into other restoration scriptures.” The anticipated publication of *The Joseph Smith Papers* was one of the factors the administrators at the Maxwell Institute considered when they decided to expand the format of the *Journal of Book of Mormon Studies* to incorporate further studies on restoration scriptures. Hedges hopes *The Joseph Smith Papers* will promote studies into the development and context of the D&C and other scriptures and that scholars will consider publishing their findings in the pages of the *Journal*. (More information about the *Journal of Book of Mormon and Restoration Scripture* will appear later this year.)

* * *

The Joseph Smith Papers Project seeks to do for Joseph Smith what has been done (and is being done) for George Washington, Thomas Jefferson, Benjamin Franklin and other important early

Americans: Make their papers easily accessible and more intelligible by publishing them in a carefully prepared, comprehensive scholarly edition. Historians rely on documents to gain insight into the facts, relationships, and other realities of the past, the raw materials from which they construct their narratives and interpretations. The task of scholars functioning as documentary editors is to help readers and other scholars understand the documents without getting too much in the way themselves, leaving others to construct their own narratives from these (and other) documentary resources.

The task of *The Joseph Smith Papers*, then, is to make available complete and reliable texts of all surviving Joseph Smith documents and present them with supporting information, including historical context, that help make them as intelligible to modern readers as they would have been to participants in the history they document. The editors are preparing and publishing not histories of Joseph Smith or early Latter-day Saint history but the “raw materials” from which such histories can be written. Our task is not to “connect the dots” or present a narrative

so much as to provide information that will allow others to do so. Though stuffed with 19th-century documents, neither will our set of reference volumes be a documentary history, bringing together everything about Joseph Smith—but a documentary edition of papers that were authored by Joseph Smith, or in some cases “owned” by him (as with incoming correspondence), or that were created by those working under his direction.

Today’s scholars of American religious history recognize Smith as a significant part of the 19th-century American religious landscape and acknowledge the importance of having access to his papers. This was explicit in the blind reviews of our project solicited by the National Historical Publications and Records Commission (NHPRC) before they granted our application for endorsement. Every reviewer noted the importance of Joseph Smith. The main question, then, was not the importance of the project, which all agreed on, but whether or not we had demonstrated that we were up to the task of doing professional, credible work.

And we are up to that task. These volumes will meet the standards set by the NHPRC and will be works that scholars can rely on and use with confidence. In addition to capable scholars editing each volume, we have a panel of the best Latter-day Saint scholars with expertise on the Joseph Smith period of our history helping to enrich our work and ensure accuracy. Moreover, our project has had and will have more peer review than most projects of this nature and has benefited from the suggestions of many experts. We have consulted with and invited detailed critiques from nationally known non-LDS scholars, several of whom will read each volume before publication.

One scholar who provided a blind review of our project for the NHPRC concluded that the project is important on two levels. It will serve to illuminate the life and times of a major American religious figure, a benefit for all who would understand the religious history of our country. But the work will also, this reviewer concluded, serve as a source of inspiration to Latter-day Saints. He did not see these outcomes as incompatible but urged “extreme caution” in putting an official stamp of approval on the one without implying any endorsement of the other.

We do not seek any such stamp of approval, official or otherwise, on “the religious validity

of Joseph Smith’s life and work” (to quote the reviewer). Indeed, the goal of the project is not so much to affirm Smith’s life or work as to present the surviving records that will help us all to better understand them. Fundamentally, rather than building a particular case, we are after insight and understanding of the man, his work, his world. We see no need to protect him and his reputation from himself, even if that were possible. Convinced as we are that both scholars and Latter-day Saints will be well-served by a comprehensive scholarly edition of *The Joseph Smith Papers*, we have set ourselves the task of presenting the full record in such a way as to be as accessible and intelligible as possible. Nothing less would be worthy of our efforts as scholars or worthy of the man. ■

by Ronald K. Esplin

Managing Editor, The Joseph Smith Papers
condensed from full-length article found on
www.josephsmithpapers.org

INSIGHTS

Paula W. Hicken, Jacob D. Rawlins, *Editors*

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The Neal A. Maxwell Institute for Religious Scholarship encourages and supports research on the Book of Mormon, the Book of Abraham, the Bible, other ancient scripture, and related subjects. The Maxwell Institute publishes and distributes titles in these areas for the benefit of scholars and interested Latter-day Saint readers.

Primary research interests at the Maxwell Institute include the history, language, literature, culture, geography, politics, and law relevant to ancient scripture. Although such subjects are of secondary importance when compared with the spiritual and eternal messages of scripture, solid research and academic perspectives can supply certain kinds of useful information, even if only tentatively, concerning many significant and interesting questions about scripture.

The Maxwell Institute makes reports about this research available widely, promptly, and economically. These publications are peer-reviewed to ensure that scholarly standards are met. The proceeds from the sale of these materials are used to support further research and publications.

