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Thieves and Robbers

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Chapter 72

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*3 Nephi 3:12 "Lachoneus, the governor,
was a just man, and could not be frightened
by the demands and the threatenings of a robber."*

Although there is only little difference between a thief and a robber in most modern minds, there were considerable differences between the two under ancient Near Eastern law. A thief (*ganab*) was usually a local person who stole from his neighbor. He was dealt with judicially. He was tried and punished civilly, most often by a court composed of his fellow townspeople. A robber, on the other hand, was treated as an outsider, as a brigand or highwayman. He was dealt with militarily, and he could be executed summarily.

The legal distinctions between theft and robbery, especially under the laws of ancient Israel, have been analyzed thoroughly by Bernard S. Jackson, Professor of Law at the University of Kent-Canterbury and editor of the *Jewish Law Annual*. He shows, for example, how robbers usually acted in organized groups rivaling local governments and attacking towns and how they swore oaths and extorted ransom, a menace worse than outright war. Thieves, however, were a much less serious threat to society.¹

Recently studies have shown in detail how the ancient legal and linguistic distinctions are also observable in the Book of Mormon.² This explains how Laban could call the sons of Lehi "robbers" and threaten to execute them on the spot without a trial, for that is how a military officer like Laban no doubt would have dealt with a robber. It also explains why the Lamanites are always said to "rob" from the Nephites but never from their own brethren—that would be "theft," not "robbery." It also explains the rise and fearful menace of the Gadianton society, who are always called "robbers" in the Book of Mormon, never "thieves."

Other significant details also emerge. It is probably no coincidence that the Hebrew word for "band" or "bandits" is *gedud*, and the most famous Book of Mormon robbers were

known as Gadianton's "band." Like *gedud*, the name Gadianton was spelled with two "d"s, *Gaddianton*, in the Original Manuscript of the Book of Mormon.

The importance of this ancient legal tradition in the Book of Mormon is further enhanced by the fact that Anglo-American common law would have provided Joseph Smith with quite a different understanding of the legal definitions of the terms *theft* and *robbery*, inconsistent in many ways with usages found in the Book of Mormon.

Moreover, if Joseph Smith had relied on the language of his King James Bible for legal definitions of these terms, he would have stumbled into error, for that translation renders "thief" and "robber" indiscriminately. For example, the same phrase is translated inconsistently as "den of robbers" and "den of thieves" in Jeremiah 7:11 and Matthew 21:13. The same word (*lestai*) is translated sometimes as "thieves" (Matthew 27:38), other times as "robber" (John 18:40). But there was an ancient distinction between thieves and robbers that no translator should neglect, and over which Joseph Smith did not blunder.

Based on research by John W. Welch and Kelly Ward, reported in Insights, July 1985.

Footnotes

1. Bernard S. Jackson, *Theft in Early Jewish Law* (Oxford: Oxford University Press, 1972).
2. John W. Welch, "Theft and Robbery in the Book of Mormon and in Ancient Near Eastern Law" (Provo: F.A.R.M.S., 1985).