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Justice and Compassion in Biblical Law (review)

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Hebrew Studies, Volume 51, 2010, pp. 404-406 (Review)

Published by National Association of Professors of Hebrew



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JUSTICE AND COMPASSION IN BIBLICAL LAW. By Richard H. Hiers. Pp. xi + 243. New York: Continuum, 2009. Paper, \$34.95.

This book offers an incisive overview of biblical law, of a kind that extends the promise of its title and can serve as an introduction to the subject. Trained in the fields of biblical studies and of law, Hiers is able to offer a peephole to the way a lawyer reads the Bible and approaches the legal material it holds. The first insight is provided by the way Hiers chooses to organize the material: although well-aware of the composite nature of the Pentateuch, and the distinct layers that comprise the body of biblical law, Hiers does not follow a chronological—nor a narratological—outline for his discussion. Rather, the chapters are organized thematically.

The first part of the book deals with civil law, with chapter 1 focusing on contracts and tort law and chapter 2 on transference of property. The second part, which is also the main part of the book, focuses on criminal law, setting out with a discussion of biblical trial scenes in chapter 3, and proceeding to the significance of impartial judgment in chapter 4, capital offenses in chapter 5, due process in chapter 6, and concluding this part with reference to contemporary implications of biblical criminal law. The third and final part of this work focuses on social legislation, dedicating two chapters to issues of welfare, along with a comparison to contemporary times.

This organization is helpful as it sheds light on separate components of biblical law. Like any other choice of organization, it also has its disadvantages. Some laws are discussed more than once in separate chapters, revisited for separate elements. Thus, for instance, the law of the cities of refuge in Deuteronomy 19 is discussed in chapter 5 on capital offences (pp. 107–108), and again in the following chapter on due process (pp. 131–132). Hiers is aware of the other two versions of this law (Exod 21:13; Num. 35), and discusses them separately, too. It could have been helpful to have them discussed all together, including a more detailed account of their development and relation to each other, but this disadvantage is compensated by the gain of a discussion concentrated on distinct legal elements.

Similarly, the laws of the levirate marriage (Deut 25:5–10) are discussed as part of the discussion of inheritance in the chapter on transference of property (pp. 40–43), and again in the context of social legislation (pp. 199–202). In both cases, Hiers refers to the narratives that demonstrate this law, Tamar's story in Genesis 38, and the story of Ruth. Hiers notes the discrepancy between the narratives and the formulation of the deuteronomic law, but does not expand on the different genres of these texts, or the relations between them. Using biblical narrative to extract further information from the scarce data we have is more than legitimate, but at the same time it requires justification and caution.

A greater concern is the fact that the book seems dated in its research: in the first two chapters there are hardly any references to works published after 1990, and while later chapters are more updated in their references, the study remains wanting for some relevant research. Most noticeable is the lack of any reference to Jacob Milgrom in a volume on biblical law.

Another concern that might stem from the previous one is the notion of canon that underlies the book. The title of the book refers to "biblical law." Most of the chapters focus on the Pentateuch, but almost always these are accompanied by examples from the New Testament. Such discourse, referring to these two corpora as a unity in content and in worldview, can be obfuscating to the student of biblical law (and specifically when keeping in mind some of the views expressed in the New Testament on pentateuchal law!). There is no reference to the Dead Sea Scrolls or Tannaitic literature. These sources are as equal descendants of pentateuchal law as the New Testament, and as far as the traditions preserved in these three groups of texts are concerned, they are also contemporaries. By introducing comparisons from the New Testament and excluding references to these other groups of material, the book reflects a canonical worldview as to which texts are worthy of consideration. Such a view is still very much prevalent in the world but is unacceptable in contemporary scholarship. A petty example will demonstrate my point: in his discussion of testamentary gifts or bequests (p. 53), Hiers dedicates a paragraph for examples from pseudepigraphic literature, namely from Jubilees and the Testament of Job. One sentence prior to this paragraph, he quotes from Sirach 33:20. The reference to Sirach appears in the index of the volume, while a reader searching for Jubilees or the Testament of Job will not be able to locate them through the index, which is divided into "Old Testament or Hebrew Scriptures," "Old Testament Apocrypha or Deutero-Canonical," and "New Testament." Such a division between Jubilees and Sirach (both priestly writings of the Second Temple period) is not in place. A more inclusive index would include all ancient literature, regardless of their status of canonization. I am not alluding merely to pseudepigraphic works such as Jubilees, but also to references of ancient Near Eastern texts which are excluded from the index.

The downsides of this volume, however, are the other side of the coin of its merits. Primarily, in the fact that this volume is focused on the pentateuchal law, and provides examples from narratives of the Hebrew Bible (such as in the chapter on trial scenes) and from the New Testament, it will be helpful for students seeking an introduction to biblical law or for scholars

seeking to reframe their conceptualization of biblical law, with the aid of an experienced lawyer.

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NEW INTERNATIONAL BIBLICAL COMMENTARY: EZEKIEL.
By Steven Tuell. Pp. xv + 368. Peabody, Mass.: Hendrickson Publishers, 2009. Paper, \$16.95.

The New International Biblical Commentary series is a well-established Evangelical Christian series that has contributed a number of important commentaries on the books of the Hebrew Bible. It eschews pre-critical approaches that avoid reference to modern scholarship and anti-critical approaches that seek to “defend” the Bible against purported scholarly detractors. Instead, the series focuses on an approach labeled “believing criticism,” that employs a full range of critical methods to engage in “probing, reflective interpretation of the text to loyal biblical devotion and warm Christian reflection” (p. x). The goal of such work is to bring the message of the biblical texts to life so that the minds of modern readers might be illumined and their faith deepened. Such claims might set alarm bells off in the minds of those who do not subscribe to the theological worldview of Evangelical Christianity, but this volume in particular provides a model on how to engage in such interpretation with full integrity to the analysis of the text and to the religious commitments of the author and the volume’s presumed readers.

Steven Tuell does in fact provide readers with a fully credible, critical interpretation of the text that takes into account a combination of historical-critical methods and theological analysis. He does not allow the New Testament to govern his interpretation of the text of Ezekiel. Instead, he enables his analysis of Ezekiel to stand as the basis for observations as to how the book was read in the New Testament and early Christianity. This is not to say that there is not room for disagreement or discussion, but a dogmatic reading of the text is not a factor here.

Tuell’s work grows out of his long engagement with the book of Ezekiel, from his Ph.D. dissertation, published as *The Law of the Temple in Ezekiel 40–48* (HSM 49; Atlanta, Ga.: Scholars Press, 1992), through his ongoing engagement with the Society of Biblical Literature Seminar on “Theological