

Volume VI Number 2

Autumn 1983

KING'S

Theological Review

Christianity and the Novelists <i>A.N. Wilson</i>	29
Respect for Life in the Old Testament <i>Anthony Phillips</i>	32
Jewish-Christian Dialogue: A New Proposal <i>Dan Cohn-Sherbok</i>	36
Risen, Ascended, Glorified <i>John M. Court</i>	39
The Last of the Gnostics <i>H. David Sox</i>	43
BOOK REVIEWS	45
FACULTY NEWS Insert	

RESPECT FOR LIFE IN THE OLD TESTAMENT¹

ANTHONY PHILLIPS

The sixth commandment reads: Thou shalt not kill. But this is not to be understood as giving unqualified support to those causes which advocate pacifism, the abolition of capital punishment or vegetarianism. The Hebrews were constantly at war, executed their criminals and ate meat. Yet it is fair to say that while all these activities carried a sacrificial connotation, they were also regarded as a necessary evil. God did not create man for physical violence.

The Hebrews' attitudes to life derived from their creation theology. They understood all life to owe its origin to God to whom the life force (*nephesh*) belonged. This applied to both men and animals (Jer. 38:16). Simple observation confirmed that loss of blood caused death. Consequently the blood was said to contain the *nephesh* (Gen. 9:4; Lev. 17:11, 14; Deut. 12:23), and ownership attributed to God. While blood was central to the ritual of the cultus, for through its use it secured the right relationship between God and man, steps had to be taken to make sure that it was not appropriated by man. This is clearly seen in the rules about eating meat.

From earliest times the Hebrews ate meat. The animal was taken to the local sanctuary for slaughter, its blood being poured out on the altar as a sacrificial act, and so returned to God. Later, following the centralisation of all worship in Jerusalem in the wake of Josiah's reform, and the consequent destruction of all local sanctuaries (2 Kings 23), this duty became impracticable, and the killing of animals for food was secularized. This could still be undertaken locally, but the blood had first to be poured out on the earth (Deut. 12:20f.) which swallowed it up (Gen. 4:11). Although the Holiness Code written just before the exile may have attempted to reverse this secularization (Lev. 17:1-14), in fact the totally changed conditions of post-exilic Israel prevented this. To this day orthodox Jews only eat meat from which the blood has been drained.

For the Priestly theologians of the exilic period the eating of meat is seen as a concession given by God. For in their creation account (Gen. 1) man and animals were created as vegetarian. It is due to man's rebellion symbolised by the generation of Noah that the world ceased to be an idyllic place in which the animals were at peace with man. Instead they lived in fear of him for God has given man authority to kill them for food. Man is, however, not given an entirely free hand: before eating meat, the blood of the animal, its life force, must be drained from it and returned to its creator, God (Gen. 9:4).

None the less the ideal of a world in which there was no bloodshed neither within the animal kingdom nor between man and the animals is preserved in the messianic prophecy of Is. 11:6ff., 65:25. The messianic kingdom can only reflect what was God's will in creation, that all in whom he has placed his life force should live in *shalom*, peace and harmony. Then wild and domestic animals will lie down together in peace and children play in safety by snakes' nests. Until then man is given dominion over the animals: they are to be instruments in his ordering of the world in accordance with God's will. But as created by God, they are

always to be revered by man.

So among the large number of humanitarian and charitable provisions of Hebrew law none of which could be enforced in the courts but were left to man's moral sense to obey, there are a number of enactments concerning animals. For instance engagement in a legal suit does not absolve a litigant from his duty to rescue his opponent's animal in distress (Ex. 23:4-5). Nor should a threshing ox be prevented from feeding itself while working (Deut. 25:4), nor a mother bird be taken as well as her eggs or fledglings (Deut. 22:6-7). And it is not merely the poor who are to benefit from the rule that there should always be land left fallow, but wild beasts as well (Ex. 23:10). While the Old Testament recognises that this is not an ideal world, and makes concessions until the messianic kingdom comes, it remains man's duty to do all in his power to reverence animal life. While animals, like all God's creation, were made for man, he must still order that creation in accordance with God's will. What that will is is left to man to discern from his own moral sense and in the light of the nature of God as revealed in his *torah*, understood as the complete expression of his will.

The late Priestly provision of Gen. 9:1-7 dating from exilic times sums up this Hebrew attitude to life. Its aim is to differentiate between man and animals. While animals may be slaughtered for food, God himself demands death for the killing of a man whether by his fellow man or a beast. This had always been the case in pre-exilic Israel as the law in Exodus 21 makes clear. So murder results in the execution of the murderer whether he is a man (Ex. 21:12) or an ox (Ex. 21:28). Indeed the word *ratsah* found in the sixth commandment and translated 'kill' is only used absolutely or with a person as object, never of an animal.

It is the Priestly justification for this difference in attitude to the slaughter of animals and men which is new. Unlike the animals, man is made in the image of God, that is for relationship with him (Gen. 1:26). He was created both to hear and be heard by God – to act as the representative of the creator in his creation, to master and control it.

The creation narratives record the first murder (Gen. 4). As soon as Cain has killed his brother, God is on the spot to interrogate the offender: "Where is Abel your brother?". To this Cain replies, "I do not know; am I my brother's keeper?". God then answers Cain, "What have you done? The voice of your brother's blood is crying to me from the ground." In this exchange, part of the Yahwist's creation account probably dating from the time of Solomon, we have set out the Hebrews' ideas concerning murder.

When a man committed murder, he was understood to take possession of his victim's blood (2 Sam. 4:11). Literally this blood was on his hands – that is in his control, and God as owner had to take action to recover it. So in such circumstances God is described as the seeker of the blood of the murdered man (Gen. 9:5, 42:22, Ps. 9:13; Ezek. 3:18, 20, 33:6, 8). And this seeking is what God is doing when he confronts Cain. For by his action, Cain had taken possession of his brother's blood which as God explains had been crying to him as its rightful owner to come and repossess it (Gen. 4:10; cp. Job 16:18). Cain's answer to God is singularly ironic. He denies knowledge of his brother's whereabouts by claiming in a pun that it is not part of brotherly duty for

RESPECT FOR LIFE IN THE OLD TESTAMENT¹

ANTHONY PHILLIPS

The sixth commandment reads: Thou shalt not kill. But this is not to be understood as giving unqualified support to those causes which advocate pacifism, the abolition of capital punishment or vegetarianism. The Hebrews were constantly at war, executed their criminals and ate meat. Yet it is fair to say that while all these activities carried a sacrificial connotation, they were also regarded as a necessary evil. God did not create man for physical violence.

The Hebrews' attitudes to life derived from their creation theology. They understood all life to owe its origin to God to whom the life force (*nephesh*) belonged. This applied to both men and animals (Jer. 38:16). Simple observation confirmed that loss of blood caused death. Consequently the blood was said to contain the *nephesh* (Gen. 9:4; Lev. 17:11, 14; Deut. 12:23), and ownership attributed to God. While blood was central to the ritual of the cultus, for through its use it secured the right relationship between God and man, steps had to be taken to make sure that it was not appropriated by man. This is clearly seen in the rules about eating meat.

From earliest times the Hebrews ate meat. The animal was taken to the local sanctuary for slaughter, its blood being poured out on the altar as a sacrificial act, and so returned to God. Later, following the centralisation of all worship in Jerusalem in the wake of Josiah's reform, and the consequent destruction of all local sanctuaries (2 Kings 23), this duty became impracticable, and the killing of animals for food was secularized. This could still be undertaken locally, but the blood had first to be poured out on the earth (Deut. 12:20f.) which swallowed it up (Gen. 4:11). Although the Holiness Code written just before the exile may have attempted to reverse this secularization (Lev. 17:1-14), in fact the totally changed conditions of post-exilic Israel prevented this. To this day orthodox Jews only eat meat from which the blood has been drained.

For the Priestly theologians of the exilic period the eating of meat is seen as a concession given by God. For in their creation account (Gen. 1) man and animals were created as vegetarian. It is due to man's rebellion symbolised by the generation of Noah that the world ceased to be an idyllic place in which the animals were at peace with man. Instead they lived in fear of him for God has given man authority to kill them for food. Man is, however, not given an entirely free hand: before eating meat, the blood of the animal, its life force, must be drained from it and returned to its creator, God (Gen. 9:4).

None the less the ideal of a world in which there was no bloodshed neither within the animal kingdom nor between man and the animals is preserved in the messianic prophecy of Is. 11:6ff., 65:25. The messianic kingdom can only reflect what was God's will in creation, that all in whom he has placed his life force should live in *shalom*, peace and harmony. Then wild and domestic animals will lie down together in peace and children play in safety by snakes' nests. Until then man is given dominion over the animals: they are to be instruments in his ordering of the world in accordance with God's will. But as created by God, they are

always to be revered by man.

So among the large number of humanitarian and charitable provisions of Hebrew law none of which could be enforced in the courts but were left to man's moral sense to obey, there are a number of enactments concerning animals. For instance engagement in a legal suit does not absolve a litigant from his duty to rescue his opponent's animal in distress (Ex. 23:4-5). Nor should a threshing ox be prevented from feeding itself while working (Deut. 25:4), nor a mother bird be taken as well as her eggs or fledglings (Deut. 22:6-7). And it is not merely the poor who are to benefit from the rule that there should always be land left fallow, but wild beasts as well (Ex. 23:10). While the Old Testament recognises that this is not an ideal world, and makes concessions until the messianic kingdom comes, it remains man's duty to do all in his power to reverence animal life. While animals, like all God's creation, were made for man, he must still order that creation in accordance with God's will. What that will is is left to man to discern from his own moral sense and in the light of the nature of God as revealed in his *torah*, understood as the complete expression of his will.

The late Priestly provision of Gen. 9:1-7 dating from exilic times sums up this Hebrew attitude to life. Its aim is to differentiate between man and animals. While animals may be slaughtered for food, God himself demands death for the killing of a man whether by his fellow man or a beast. This had always been the case in pre-exilic Israel as the law in Exodus 21 makes clear. So murder results in the execution of the murderer whether he is a man (Ex. 21:12) or an ox (Ex. 21:28). Indeed the word *ratsah* found in the sixth commandment and translated 'kill' is only used absolutely or with a person as object, never of an animal.

It is the Priestly justification for this difference in attitude to the slaughter of animals and men which is new. Unlike the animals, man is made in the image of God, that is for relationship with him (Gen. 1:26). He was created both to hear and be heard by God – to act as the representative of the creator in his creation, to master and control it.

The creation narratives record the first murder (Gen. 4). As soon as Cain has killed his brother, God is on the spot to interrogate the offender: "Where is Abel your brother?". To this Cain replies, "I do not know; am I my brother's keeper?". God then answers Cain, "What have you done? The voice of your brother's blood is crying to me from the ground." In this exchange, part of the Yahwist's creation account probably dating from the time of Solomon, we have set out the Hebrews' ideas concerning murder.

When a man committed murder, he was understood to take possession of his victim's blood (2 Sam. 4:11). Literally this blood was on his hands – that is in his control, and God as owner had to take action to recover it. So in such circumstances God is described as the seeker of the blood of the murdered man (Gen. 9:5, 42:22, Ps. 9:13; Ezek. 3:18, 20, 33:6, 8). And this seeking is what God is doing when he confronts Cain. For by his action, Cain had taken possession of his brother's blood which as God explains had been crying to him as its rightful owner to come and repossess it (Gen. 4:10; cp. Job 16:18). Cain's answer to God is singularly ironic. He denies knowledge of his brother's whereabouts by claiming in a pun that it is not part of brotherly duty for

him to shepherd the shepherd (Gen. 4:9). By his action Cain has in fact taken possession of his brother's blood, become Abel's keeper.

The idea that where life was taken the ownership of the blood was transferred to the killer lies behind two Hebrew expressions about blood. The first refers to shedding innocent blood (Deut. 19:10, 13, 21:8f., 27:25) – that is the blood of someone who has not committed a crime and therefore does not deserve to suffer the pre-exilic criminal law penalty of execution. For instance where a killing took place by accident – as when a man goes into the forest with his neighbour to cut wood, and his hand slips from the handle and strikes his neighbour so that he dies (Deut. 19:15) – in such a case it is not murder and the accidental killer must be protected from an attempt to treat him as a murderer. If he were executed it would be innocent blood which was shed and an action intended to free the community of blood guilt would in fact bring blood guilt upon it for there was no blood to be released from the accidental killer's hands (Deut. 19:10). So cities of refuge were established to which the unintentional killer could flee for an impartial trial. Earlier legislation described such a killing as an act of God (Ex. 21:13). The refusal of the Deuteronomist legislators to attribute an accident to divine causation is an early example of coming to terms with the God of the gaps theology.

The second phrase deriving from these ideas about the transference of blood following a killing describes a person's blood as remaining upon him or upon his head (Lev. 20:9, 11ff., 16; Josh. 2:19; 2 Sam. 1:16; 1 Kings 2:37). This indicates that where a crime has been committed, and death is exacted according to the requirements of the criminal law, the victim's blood would not pass into the hands of his executioners, but remain on the victim himself. Indeed execution was seen as a sacrificial act by which the local community sought to propitiate God for the criminal's action and so avoid divine retaliation falling on them. But nowhere is there any indication that individuals could take the law into their own hands. All crimes were a matter for the local community which tried, and on conviction, executed the criminal.

Execution was by communal stoning which enabled all members of the community physically to take part in this corporate act of propitiation and would have made them collectively liable for any miscarriage of justice. It appears that where the land or people were already suffering what was interpreted as divine punishment, the corpse of the criminal might be exposed until that suffering stopped, thus signifying that God had been appeased (cp. Num. 25:4f.). This would explain the execution of the seven sons of Saul by the Gibeonites in the first days of the barley harvest which had failed for the third time, and Rizpah's watch over their bodies until the rains came (2 Sam. 21). The Deuteronomists in ordering a criminal's burial on the same day as his execution evidently considered this practice not only improper but positively harmful, preventing the very thing it was designed to achieve – the prosperity of the land (Deut. 21:22-3). Even the bodies of criminals were to be respected for they too were part of the created order and belonged to God. Of course when the messianic kingdom came there would be no need for capital punishment for everywhere God's torah would be kept. Until then those who put themselves outside the elect community by their

actions towards God or their neighbour must be executed – sacrificed to the God whose law they had broken.

Both the necessity to propitiate God for a murder and the fact that it is the murderer who has possession of his victim's blood is confirmed from the ancient provision dealing with the case of murder by person or persons unknown (Deut. 21:1-9). No attempt is made to provide a substitute for the offender because only the actual murderer has possession of his victim's blood. Instead the elders take an unmated and unworked heifer to a valley where there is permanent running water and in which the soil has not been disturbed by ploughing or sowing, and there break its neck. The elders wash their hands over the animal and disclaim all responsibility for the murder. No blood is shed and the animal's corpse is simply abandoned. Nor is any attempt made to shift any guilt on to the heifer as in the case of the ritual scapegoat in the law of the Day of Atonement (Lev. 16:21). Rather the washing, confession and abandonment of the animal's corpse in the open countryside alone effects expiation for the murder and ensures that God will take no further action against the community or its land.

While in pre-exilic Israel criminals were always executed, in post-exilic law with the exception of murder excommunication from the cult community replaced execution. This reflects the new situation of post-exilic Judaism which constituted a worshipping community centred on the temple rather than a political entity. Yet for murder execution is still required. The reason remains the necessity to free the blood of the victim to God to whom it belonged. He must be compensated for the loss which he has suffered. It is this principle which underlies the *lex talionis*.

This occurs three times in the Old Testament, once in each of the major legal collections. In all three places (Ex. 21:23ff.; Lev. 24:17-22; Deut. 19:21) it is a late addition having no direct connection with the material into which it is inserted. Its origin is most probably to be sought in Babylon. For post-exilic Israel it acts as a shorthand expression to indicate that in every case of loss due compensation is to be made to the injured party whether an individual or in the case of murder God himself. So Lev. 24:17f. attaches the first talionic provision 'life for life' both to the tort of killing an animal and also to the crime of murder. There is certainly no indication that at any time Israel practiced literal retaliation as a form of punishment. Indeed there is only one case where any kind of mutilation was prescribed by the law, indecent assault by a woman on a man's private parts (Deut. 25:11ff.) which resulted in the loss of the offending hand. The mutilation is not ordered simply because of the woman's immodesty, but rather because by her action she might have damaged the man's testicles, and thereby affected his ability to have children. He could consequently be left in the position of being unable to father a son, and therefore having his name blotted out (cp. Deut. 25:6). This accounts for the position of this law after the provision on levirate marriage, also concerned with the continuance of a man's name.

Like the slaughter of animals for food, and the execution of the criminal, killing in war was also regarded as sacrificial – the foe being pictured as the enemy of God whose holy war it was. So war began with sacrifice (1 Sam. 7:9, 13:8ff.) and required the participants to keep themselves clean by abstaining from sexual intercourse through-

out the campaign (1 Sam. 21:4f.; 2 Sam. 11:11ff.; cp. Deut. 23:10). Sometimes the enemy were formally dedicated to God by the infliction of the ban. This could be of varying severity; (i) total destruction of all persons and property (Deut. 20:16-18; 1 Sam. 15:3); (ii) total destruction of all persons but not property (Deut. 2:34f., 3:6f.); (iii) destruction of all males only (Deut. 20:10-15). Failure to carry out the ban as at Jericho could lead to direct divine punishment (Josh. 7). In Deuteronomic eyes the ban is what ought to have been inflicted on the Canaanites which would have ensured that the Israelites would never have been led into apostasy by them. How often the ban was in fact inflicted in ancient times remains uncertain, but evidence for it is found on the ninth century B.C. Moabite stone. This records that Mesha, king of Moab, exterminated the inhabitants of the Israelite city of Nebo whom he had dedicated to his God, Ashtar-Chemosh.

None the less war is to be avoided if possible so preventing unnecessary loss of life. Before attacking a city overtures of peace are to be made, and only after these are rejected is battle to start. In this case males are to be executed, but if the city surrenders without fighting then no one is to be harmed (Deut. 20:10ff.). Only the Canaanites are to be utterly exterminated, but that is a late theological rubric which was never entertained in reality. Further, there was a limit to the ferocity with which war might be prosecuted. While trees which did not yield fruit might be cut down and used for siege works, this was not so of trees which supplied food. It was important that after the war there should be a regular supply of food (Deut. 20:19f.). Further a woman prisoner whom an Israelite might marry was to be treated humanely. She acquired full rights as a wife and so if her husband subsequently tired of her she could not be sold off as a slave (as prisoners usually were) but had to be divorced in the normal manner and sent off a free woman (Deut. 21:10ff.). Characteristically Deuteronomic humanitarian law ensured that certain people were exempt from military service. These included anyone who had built a new house which he had not yet dedicated, planted a vineyard and not yet used it, betrothed himself to a woman, but had not yet taken her, and even those who were afraid (Deut. 20:5ff.). Further Deut. 24:5 allows a newly married man a year's exemption from military service to enable him to found a family. The laws of warfare indicate that for the Hebrews victory was not to be won at any price. Even in war one had a duty to act humanely as the clear horror of the war crimes listed in Amos 1-2 indicates.

But war, like eating meat and capital punishment, would cease when the messianic age dawned. This could not be until the nations accepted God's *torah*. But the prophetic vision points to a time when Israel will act as a light to the nations (Is. 49:6) mediating to them that *torah* which is his will for all his creation. So the nations will come to Jerusalem to receive it and return to their own lands to practice it, so enabling the beating of swords into ploughshares as peace encompasses the whole world (Is. 2:2-4; Mic. 4:1-4).

Finally we must consider those without legal status and so without the protection of the courts. Only free adult males were both responsible under the law and could appeal to the courts to enforce it. All other persons were denied legal status. These included women, children and slaves, who could be disposed of by men as they liked under family

law, part of the general body of customary law, mostly unwritten. It was of no concern to the courts but instead was administered in the home by the head of the household acting unilaterally. Change of a dependent's status was achieved either by a declaration being uttered by the head of the household and/or by his performance of a prescribed ritual. This applied to betrothal, marriage, divorce, adoption and the making of slavery permanent.

But in spite of the absolute authority of the head of the household in cases of family law, he nonetheless never had power of life or death over those under his protection. So for instance there was no question of a father being able to kill his daughter for consenting to her seduction before marriage or his wife for her adultery after marriage as in other ancient Near Eastern law. Nor was any child ever punished instead of his father for a crime which the father had committed, nor except for apostasy, when it appears that the whole male line was exterminated in order to blot out the father's name (Ex. 22:20), was any child executed along with his father for one of his father's crimes. Yet in other ancient Near Eastern law injury to another's son or daughter could result in corresponding injury being inflicted on one's own child. And although Naboth and his sons were executed (2 Kings 9:26) almost certainly for apostasy (repudiating God and the king), later Deuteronomic law even put an end to that practice (Deut. 24:16).

Even slaves were to be protected from vicious masters. So if a slave died as a result of a disciplinary beating, the master would be prosecuted, though to be murder the death had to occur during or immediately after the beating which caused death. The law presumed that no master would want to deprive himself of his property (Ex. 21:20f.). Similarly a slave was able to bring an action for assault against a master in the case of permanent injury (Ex. 21:26f.).

But respect for life in Hebrew law also had its positive side. This is found in the so-called laws of humaneness and righteousness to some of which we have already referred. These were designed to protect those without legal status, the widow, orphan and foreigner and those whose status is threatened, the poor. Such people were not to be left to the mercies of a free economy. Those with sufficient means are placed under a moral duty to ensure that those without are protected. So loans are to be made free of interest, and a limit is placed on the legal rights of a creditor (Ex. 22:26f.). Later Deuteronomic law provided that all debts were to be written off at the end of every seventh year and enjoined that even when this year of general release was imminent, loans were still to be made though there could be no hope of recovery (Deut. 15).

As we have seen, these provisions though commonly termed laws, in a technical sense are not laws at all. They envisage no legal action for their breach and specify no penalties. Rather they are a sermon to society at large which bases its appeal on a sense of moral responsibility and justice. They recognise that there was a limit on the courts' power to secure order in society, but that true order went much deeper than what could juridically be enforced. How far practice matched ideals we cannot of course know but it was for breach of such unenforceable provisions that the eighth century prophets condemned a self-righteous and prosperous northern kingdom, a charge later repeated against southern Judah.

Respect for life in Hebrew *torah* was not then confined to the negative Thou shall not kill. It included the positive injunctions to charity which was no optional extra but part of God's will alongside his criminal, civil and cultic law. It is a principle which has sustained the Jewish people to modern times and one which needs reasserting both nationally and internationally. Respect for life involves ensuring that economic pressures do not result in those made in the image of God going under, but in securing for them a satisfactory quality of life which will enable them to enjoy their relationship with their God which is his will for all mankind – for all owe their creation to him who provided their *nephesh*.

1. A talk given to a day conference at King's College, London, on 17 March 1983.

MOWBRAYS BOOKS

Praying Round the Clock

RICHARD HARRIES

In 1983 Richard Harries completed 10 years of broadcasting the early morning prayers each Friday on Radio 4's TODAY programme. In this book, he applies this extensive experience of the making of prayers to fill the needs of people where they are, in the varied circumstances of daily life out in the world.

'This is a very attractive book, to be recommended to all who want imaginative, warm, non-pietistic religion.' – *Church Times*

paper £1.95

The Cross and the Bomb

Editor: FRANCIS BRIDGER

This collection of essays makes a vital contribution to the current nuclear debate. The contributors, who represent a wide ecumenical spectrum, examine the central, ethical and theological issues in contemporary debate and argue forcefully that, despite claims to the contrary, multilateralism provides a sounder moral basis than unilateralism.

Contributors include **Richard Harries, Keith Ward and Graham Leonard, Bishop of London.**

paper £3.25



A. R. MOWBRAY & CO. LTD, St Thomas House, Becket Street, Oxford OX1 1SJ