

As on the continent, English court records help flesh out the lives of ordinary men and women, even though, in some courts, the names of the person at fault might be identified merely by the use of initials or, in the case of a professor of theology, not otherwise identified at all. Yet, when details are given, they may be illuminating: for example, by demonstrating through the records of other courts that the accused person was a multiple offender. At other times a particular human face may be demonstrated: in 1556, for example, the borough court of Devizes heard a case where a husband had returned home to find himself locked out; on gaining entry he found his journeyman committing adultery with his wife. Nevertheless, the sentence of the court was that both husband and wife should sit in the stocks for a whole day; it seems that the manner in which the journeyman was able to regain his clothing raised doubts as to the husband's general complicity. At a more general level it seems that the effectiveness of the visitatorial system in its regulation of sexual behaviour was tempered in part by the fact that a churchwarden, whose duty it was to report to the archdeacon or bishop, would only be in office for a limited time and would thereafter be open himself to reports of his way of life. It is clear that court records can be mined at many different levels and be used by historians to throw light on our history in multifaceted ways.

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## **An Introduction to Biblical Law**

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Wm B Eerdmans, Grand Rapids, 2017, xvi + 270 pp (paperback £19.99) ISBN: 978-0-8028-6865-7

A serious work on biblical law by a scholar whose bread and butter has been introducing generations of students to this complex area is welcome. It is often forgotten that the first five books of the Hebrew Scriptures, in Christian study known as the Pentateuch, are identical with what Jewish tradition understands as the Torah. As Morrow points out, Christian study of the Hebrew Scriptures (he introduces us to the inclusive synonym *Tanakh*) has tended to emphasise the storyline and the significance of the prophets, but ignore the Law (Torah), except for a brief mention of the Ten Commandments and Leviticus 19:18 'You shall love your neighbour as yourself: I am the Lord'. This study of biblical law is a contribution to redressing that imbalance.

There is an enormous weight of legislative material cast as divinely revealed to Moses on the holy mountain, variously described as Sinai or Horeb, contained in Exodus, Leviticus, Numbers and Deuteronomy. Morrow gently explains the mismatch of the dates for the activity of Moses and the Exodus in the Late Bronze Age or Early Iron Age (thirteenth or twelfth century BCE) and the collecting of the various legal traditions in the name of Moses in the Second Temple period, which followed the destruction of Jerusalem, including the First Temple, by Nebuchadnezzar in 587/586 BCE and the Exile. He summarises:

Critical scholarship has concluded that all of the books in the Pentateuch came into something close to their canonical forms during Second Temple times, although the processes involved continue to be a matter of debate. We can reasonably say that the idea of using written documents to create and maintain a sense of community (i.e., Scripture) was an innovation that firmly established itself in the Second Temple era. It was during that time period that early Judaism first knew itself as 'the people of the book'. It is likely that the five books of Moses were more or less complete by the late Persian period (ca 400 BCE), although signs suggest that small changes continued to be made into the Hellenistic era. (pp 19–20)

Morrow suggests that the connection of Moses to the Torah can be maintained through the biblical concept of covenant: 'Nor is it beyond possibility that, under his [Moses'] leadership, the Exodus group bound itself to its God and to each other by an oath or vow' (p 30). He summarises the implication: 'From this perspective, the biblical Moses is less a historical figure than a metaphor. His memory was the inspiration and justification for a number of movements that used law as a way to define Israel's relationship with YHWH' (p 31). Morrow is able imaginatively to harness the ambiguity of Mosaic/mosaic. He explains that critical study of the books of the Pentateuch concludes that they 'are best regarded as a *mosaic* of different writers and texts, coming from various periods in biblical history, rather than as *Mosaic* in origin. For many biblical scholars, this is true even of the Ten Commandments' (p 23, emphasis in original).

Morrow focuses on four of the different social contexts out of which the mosaic of biblical law was assembled, which illustrate the different textures of voices and periods. The chapters in each area analyse the community-making potential of the legal material, review different academic approaches and, under the heading 'Developments', look for contemporary insights. 'Israel at the Holy Mountain' deals with the Ten Commandments presented as spoken directly by God, which Morrow interprets both as a description of the vocation of God's people and as a claim to divine revelation. 'Israel in the Village Assembly' is the way that Morrow identifies a text known as the 'Covenant

Code' (Exodus 20:18–24:8), in which he notes that rules governing right relationships between members of the community (including the *lex talonis* in the case of a goring ox – Exodus 21:29) are contained within an outer frame of obligations to YHWH.

'Israel in the Courts of the Lord' covers regulations regarding the sacred found in the priestly material throughout Exodus, Leviticus and Numbers and in the Holiness Code (Leviticus 17–26) with its year of Jubilee release (Leviticus 25). Priestly material includes the details for the construction of the Tabernacle in the wilderness, which Morrow points out was intended to hold the tablets of the law (Exodus 31:18) and represented the 'real presence' of God (Exodus 40:34 ff): 'Their implication is that divine presence is found in the written law as well as in the holy of holies' (p 121). 'Law in the City' is Morrow's summary of the concerns of Deuteronomy, which 'validates the scriptural idea and sets the written text up as the charter document for Jewish faith and life. It also promotes the study of Torah as a central obligation (e.g., Deut 6:6–9)' (p 206). He sees the structure of Deuteronomy, with its emphasis on the covenant exclusiveness of Israel, and the consequent intensification of its life separated from the nations, as indebted to the Ancient Near Eastern vassal treaty form. He is realistic in identifying dilemmas: 'Few biblical motifs are as upsetting as the command to exterminate the Canaanite nations in Deuteronomy 7' (p 207).

The survey of the biblical mosaic of law is perceptively summed up by Morrow using the concept of incarnation: 'Implicit in all of the biblical law collections is the belief that YHWH wants his spirit embodied in human community. The eschatological hope is that the human community will become a dwelling for the divine reality' (p 257).

Morrow demonstrates the virtues of an exemplary teacher in the way in which he carefully assembles the building blocks of evidence, assuming no prior knowledge or specialist vocabulary, and gradually leads his readers to considered complexity. He is sensitive to the potential concerns of his students, who might find that biblical criticism shakes their faith. He is also keen to wean students away from 'supersessionism': 'a doctrine that contends Christianity has superseded Judaism as the legitimate heir of the biblical tradition' (p 9) He summarises his own academic position: 'Although this book intends to read biblical law sympathetically, it will not explain away material that may offend or puzzle modern sensibilities' (p 12).

Morrow is commendably thorough in his comparison of Israel's law with Ancient Near Eastern examples; however, the treaty comparison is by no means established. It is a pity that he fails to consider the alternative possibility of Wisdom influence with its two ways and similarly associated blessings and curses. He leaves issues raised by biblical law across the chasm of history – such as capital punishment, gender roles and environmental ethics – to be

dealt with elsewhere. That potential for further engagement with the subject is greatly helped by useful reading lists provided after each section.

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## **Transforming Religious Liberties: A New Theory of Religious Rights for National and International Legal Systems**

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This is a very interesting book because it proposes a new approach to religious liberties in an attempt to avoid some of the controversies and conflicts that arise in this area. The proposed approach is set out in ‘eight categories of the religiously oriented original position’s constitutional framework’ which are eight propositions on pages 119–120 of the book. These are then tested against reported examples from cases raising issues of religious liberties. Although it is unlikely that the eight propositions will defuse the conflicts which arise in cases involving religious liberties, the work itself makes a worthwhile contribution to the debate about how religious rights can be accommodated in a modern democratic state.

The book starts with an introduction to the methodology in Chapter 1. This shows the work’s genesis as a doctoral dissertation completed at the University of Cambridge in 2002 which won the Yorke Prize in 2003 (p xiii). I found Chapter 2 the most interesting because it identified weaknesses of the approach to religious liberties in the jurisprudence from the United States, the United Kingdom and the Republic of Ireland, as well as theoretical justifications for current approaches. This culminated in what (for me) was one of the strongest paragraphs in the book (p 93) where the author identifies that ‘by characterising the issue in oppositional, zero-sum terms, existing analytical models perpetuate religio-legal conflict and preclude the possibility of cooperative problem-solving’.

This leads to Chapter 3, in which an immensely theoretical approach is taken to developing the eight categories of the religiously oriented original position’s constitutional framework. The religiously oriented original position is based on approaches suggested by John Rawls’ *A Theory of Justice* (1971) and then developed by the author to meet the objections to Rawls’s writings of those with religious beliefs. The author then considers what a religion is (pp 122–133) before