

love, take the form of covenants of loyalty in which Ramsey sees life as a quality of being where fidelity between man and wife are taken with utmost seriousness. Fletcher holds love as absolute, but he refuses to give it an ontological basis. He posits love by faith (just as one presumably would also posit egoism or self-realization, for example) and then after taking this imperative stance, he lets reason run its course in supplying content. In place of a defined system Fletcher develops an abstract idea of love which at its best is act-utilitarianism, and at its worst is mere egoism. Whether love is motive, means, or goal, or possibly all three, is not made clear by Fletcher.

Without exception, these authors, like Fletcher, are "situational" in that they take the situation seriously. For instance Ramsey says, "The justification of an action always depends on some feature or features in that act's proper description" (p. 79). No one pleads for recognition of the "great 'specificity'" of actions more unequivocally than Ramsey. Whereas the situation is *one* consideration for the non-situationists, it is *the* consideration for the situationists. Fletcher begins and ends with the context. Of course the situationist appeals to love for direction, but love merely makes the need for direction imperative, according to Mitchell. The situationist's only content is the situation. Fletcher assumes that everyone will naturally know *what* love demands if he understands the situation fully.

Ramsey especially rebels against Fletcher's idea that every action is an unrepeatable spiritual venture. He does not agree that moral sensitivity is at odds with moral norms. And Ramsey is not alone. Four of the writers at least allude to their hierarchy of norms which they deem necessary in doing ethics. Regarding norms as absolute, Ramsey's basic point, in opposition to Fletcher, is that the absolute norm is appealed to *through* the strata of content-principles and not sought directly. For example, the question of whether to commit adultery appeals *through* the higher principle of marital fidelity to the ultimate norm of love and does not directly appeal to love from the adulterer's bed. The careful work of Ramsey on the side of the non-situationist is not matched by Fletcher for the situationist. It would have been profitable if such had been the case.

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Phillips, Anthony. *Ancient Israel's Criminal Law: A New Approach to the Decalogue*. New York: Schocken Books, 1970. 218 pp. \$10.50.

As the title of the book suggests, the author attempts to distinguish the Decalogue from Israel's other law codes by designating it as criminal law. In this way the Decalogue is set apart from other types of law in Israel, such as civil, customary, family, and cultic. Central to the author's work is the contention that the Decalogue constituted ancient Israel's pre-exilic criminal law code, which the nation received at Sinai following the Exodus from Egypt.

Israel's criminal law, then, did not come about in a haphazard manner over a period of years (against J. Begrich, 'Berit,' *ZAW*, 19 [1944], 1-11), but was produced at a specific time and for a definite purpose, namely, to serve as the basic legal document for the Israelite community. It constituted the basis upon which the covenant community was formed and subsequently maintained.

The unity of the Israelite clans was not determined by a racial or political bond, but stemmed from their common allegiance to Yahweh, as stipulated in the Decalogue. So long as they were obedient to the covenant stipulations of the Decalogue, the vitality and solidarity of the community were maintained, and their future existence as the people of God guaranteed.

Since the Decalogue served as Israel's constitution, breach of it was interpreted as apostasy punishable by death. Capital punishment, Phillips states, was not intended to deter potential criminals, but was designed as a means of appeasing Yahweh's wrath and thereby avoiding divine judgment against the community.

Phillips' work represents a fresh approach to the study of the Decalogue. It will, I believe, contribute to the growing interest in this area of OT studies. While the late date assigned to the Decalogue in the past is no longer widely accepted today, many, as the author himself suggests, would probably question the placing of the Decalogue within the Mosaic period. But few will deny that its contents come from Israel's ancient past.

Basic to Phillips' thesis is Mendenhall's contention that the covenant relationship can be understood best in the light of the Hittite suzerainty treaties. Viewed in this context, the Decalogue was seen as the stipulations which Yahweh lays upon the community. These stipulations govern the clans' relations with Yahweh himself and with the other clans who enter into the covenant. In return for their absolute allegiance, Yahweh offers the clans protection and aid.

Mendenhall's thesis, as attractive as it is, has not gained universal acceptance (see Gerstenberger, *JBL*, 84 [1965], 38-51, and *Wesen und Herkunft des "Apodiktischen Rechts"* [1965]; Stamm and Andrew, *The Ten Commandments* [1967]; Nielsen, *The Ten Commandments* [1968]). One serious objection is that the Sinai pericope does not provide us with specific information regarding the inauguration of the covenant and the covenant ceremonies. Phillips, however, attempts to strengthen Mendenhall's argument by showing that the ten commandments possessed an inner unity throughout the history of the covenant relationship. While individual commandments were expanded and reinterpreted, no new crimes, he argues, were added to this law code during the pre-exilic period. This view is an attractive alternative to the position of C. F. Whitley ("Covenant and Commandment in Israel," *JNES*, 22 [1963], 37 ff.), who believes that the Decalogue was the work of the Deuteronomist.

To interpret the Decalogue as criminal law is, at the same time, to argue for its distinct nature. Whereas in the past the formal characteristics were emphasized as the distinguishing features of Israelite law (Alt, *Essays* [1966], pp. 81 ff., and Albright, *From the Stone Age to Christianity* [1957], pp. 204 f.), we now find attention focused on the content. This seems to be a less precarious route to pursue.

Should Phillips' thesis gain wide acceptance, there is reason to believe that future studies relating to the reforms of Hezekiah and Josiah will be affected, as well as those dealing with Israel's law codes and legal traditions, by the arguments the author advances. In some instances, however, the credibility of the author's arguments is weakened by presumptuous reasoning. For example, at the beginning of the book (p. 8), Phillips contends that the covenant relationship is to be understood in the light of the Hittite suzerainty treaties—a view which he admits is not widely accepted, but one which he intends to strengthen. These treaties, he states, "seem to have been the recognized international covenant form throughout the ancient Near East" during the 14th and 13th centuries, and "it would therefore seem that the Decalogue can be attributed to Moses, to whom, both chronologically and geographically, the Hittite suzerainty treaty form could have been known." What the author is saying is that if we can accept the premise—which is crucial to his thesis—the other parts of the argument would fall nicely into place.

On the whole, the book is well organized, and is written in a concise and succinct manner. It abounds with footnotes containing relevant information and references pertinent to the problem under investigation. An extensive bibliography accompanying the text (convenient for those interested in pursuing the subject further) enhances the value of the book.

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Thielicke, Helmut. *Death and Life*. Translated by Edward H. Schroeder. Philadelphia: Fortress Press, 1970. xxvi + 230 pp. \$7.50.

Thielicke wrote the manuscript for this book after he was removed from his teaching post at Heidelberg by the Nazis and while he was a pastor in Ravensburg. "I actually wrote it only for myself," he states in the preface to the American edition, "in order that I might come to some measure of clarity on fundamental questions of life and death" (p. ix).

Perhaps Thielicke should be thankful that his book was not published in English until he had gained a reputation of being a sound preacher and theologian, for his conclusions about death and life seem to be in opposition to those held by the majority.

In Part I, "Man and Death in Philosophical Perspective," the author points out that the doctrine of natural immortality is seen as a necessity. This immortality, however, necessitates the division of an individual into a body which holds the soul as prisoner and an immortal soul which is set free at death. Within such a philosophical framework birth and death do not involve creation or destruction but merely a change in the relationship of the soul to the body. This division of the *I* is fundamental in Plato, but it is also found in Kant, Hegel, and under closer examination in Goethe's "Faust." Faust, who becomes immortal, becomes so only at the expense of also becoming personless. What is the attitude toward death of those who hold the above-mentioned view? Death is "variously glorified, ignored, or held in contempt."