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Review of Daniel Friedmann, To Kill and Take Possession: Law, Morality, and Society In Biblical Stories

Daniel L. Smith-Christopher
Loyola Marymount University, dchristopher@lmu.edu

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over the waterfall is certain—the nation is at the point of no return. This happened a century earlier because of the sins of Manasseh. But Yhwh is the God who picks people up from the rocks below and continues to be about the business of building and planting the future, even when it seems there isn't much with which to work.

Fretheim also rightly highlights another ongoing message in Jeremiah: the moral order affects the created order. That is, because of human sinfulness, it does not rain; the land is made desolate, and animals and birds are swept away. Human sin has a deeply negative effect on the environment. Yet, in failing to connect these texts to the pentateuchal blessings and curses in Leviticus 26 and Deuteronomy 28, F. misses the rhetorical nature of Jeremiah's message: namely, that these cataclysmic changes in nature indicate finally that the people are under God's curse.

It appears as though F. believes that only exilic readers are in the view of the author of these texts. This quotation is representative: "These verses have been shaped to speak to an exilic audience that has already experienced the fall of Jerusalem and the Babylonian exile" (p. 60). In this move, the original audience and the oral qualities of texts are subsumed under this redactional prerogative. In favoring the *Sitz im Buch* over the *Sitz im Leben*, F. omits the idea that these texts, in light of the oral culture of the time, could have been written to be heard, and not only to be read.

It is not until the end of his commentary that F. defines what he means by "exiles." The reader is left wondering if they are exiles in Judah, Babylon, Egypt, or a combination thereof. In his comments on chap. 40, F. finally offers a clear definition of who the exilic audience actually is—those who are in Babylon. Why F. consistently understands Torah as "law" and not as revelation, instruction, teaching, and the like is a mystery.

Yet these are only minor bumps in the road, for few interpreters of Scripture go so quickly and reflectively to the heart of a text as does F. If one wants to hear the word of Yhwh afresh in the study of Jeremiah, this commentary gives the reader a whole new set of ears for careful listening.

Reed Lessing, Concordia Seminary, St. Louis, MO 63105

DANIEL FRIEDMANN, *To Kill and Take Possession: Law, Morality, and Society in Biblical Stories* (Peabody, MA: Hendrickson, 2002). Pp. xvi + 327. \$29.95.

This book is an English translation of the Hebrew work whose title has much more of a ring to it in its original language: *Hārāṣaḥtā wēgam yāraštā* (Tel Aviv: Devir, 2000). Professor Friedmann is a legal scholar with considerable expertise in his field. He was the recipient of the Israel Prize, the most prestigious annual award for academic accomplishment in Israel. This work represents a genre of literature, popular among both American and Israeli readers, in which a nonspecialist in Bible who is otherwise an accomplished scholar and/or journalist, comments on the Bible. I do not know if this kind of literature is as popular with European readers, but there are many examples of this type of work in both Jewish and Christian circles in the United States and in Israel.

This work has all the advantages and limitations of the genre, and readers should be clear about what this book is and is not. The advantages lie in the opportunity to see what a

scholar of wide-ranging experience in the history of law will make of familiar biblical stories. The disadvantages are that the observations are sometimes of limited value because of F.'s quite understandable lack of familiarity with current critical debates regarding the specific texts on which he chooses to comment. For example, F. presumes a very conservative chronology of biblical history, which is not incidental to some of the arguments he makes. When he argues that the Mosaic laws pertaining to inheritance cannot be considered relevant in assessing some of the implications of the conflict between Jacob and Esau over birthright because the Mosaic Law was so much later, serious questions can be raised (p. 52). In another discussion, F.'s acceptance at face value of the early date for the story of Ruth allows him to suggest that "everything had changed" with regard to foreign women by the time of Ezra (pp. 300-302). It is now often argued, however, that Ruth is likely to have been written at the same time that Ezra and his supporters were railing against foreign wives and that the book thus represents a counterblast to Ezra's conservatism. It is often the case that scholars from related disciplines can make serious and important contributions to biblical analysis (e.g., in my opinion, the very significant contributions to the study of Leviticus by the symbolic anthropologist Mary Douglas), but many of these scholars are more familiar with critical debates in the literature than F. is in this work.

Part 1 of this lengthy work is entitled "Concepts of Legal and Moral Responsibility" and is divided into nine chapters. In the chapter entitled "From the Trial of Adam and Eve to the Judgments of Solomon and Daniel," F. begins with the legal implications of God's "trial" of Adam and Eve and ends with a discussion of Daniel's techniques of examination in the famous story of Susannah. Along the way, we are genuinely treated to a variety of observations pulled from the history of legal theory and anecdotes about trials by ordeal or psychological subterfuge (e.g., Solomon and the two prostitutes). The remaining chapters of part 1 are the following: chap. 2, "David and Goliath: Trial by Combat"; chap. 3, "Stories of Disguise"; chap. 4, "The Fruits of Deceit"; chap. 5, "Samson Loses a Bet"; chap. 6, "To Kill and Take Possession" (about David and Bathsheba, but also the Vineyard of Naboth); chap. 7, "A Godly Man Killed by a Lion"; chap. 8, "Saul Kills the Priests of Nob"; and chap. 9, "Jephthah Sacrifices His Daughter."

Part 2 is entitled "Kingdom, Crown, and Prophecy" and is divided into four segments: chap. 10, "The Rise of the House of David: The Problem of Legitimacy"; chap. 11, "Prophecy in Times of Upheavals"; chap. 12, "Jerusalem the Eternal Capital: Assyria's Contribution"; and chap. 13, "Succession to the Throne."

Part 3, entitled "Family and Matrimony," contains the following: chap. 14, "The Prohibition of Another Man's Wife"; chap. 15, "The Status of Women: Monogamy, Polygamy, and Surrogate Motherhood"; chap. 16, "Infertility, Surrogacy, and Sperm Donation"; chap. 17, "Levirate Marriage and Incest"; chap. 18, "The Wives of the Father and of the King"; chap. 19, "The Divorce of Michal"; chap. 20, "Crimes in the Family: Rape, Murder, and Adultery"; chap. 21, "Death of a Bastard" (not, alas, about King David after all); and finally, chap. 22, "The Expulsion of the Foreign Women: Ezra's Legal Revolution."

The study ends with a conclusion, an index of names and subjects, and an index of ancient sources, which, in this case, is particularly helpful given the wide range of material over which F. obviously has command.

There is much in this work of great value. It is a treasure trove for pastors seeking

illustrations, for lecturers wishing to include fascinating anecdotes in their classroom presentations, and especially for undergraduate students who wish further discussion of the contemporary implications of many of the stories of the Bible. Of particular interest in F.'s book is his commentary on the fascinating fact that the stories and narratives of the Bible often exhibit a moral attitude at variance with the laws of Moses. The author's legal acumen is particularly evident in his ability to tease out the detailed implications of this interesting aspect of the literature of the Hebrew Bible.

Daniel L. Smith-Christopher, Loyola Marymount University, Los Angeles, CA 90045

FREDERICO GIUNTOLI, *L'officina della tradizione: Studio di alcuni interventi redazionali post-sacerdotali e del loro contesto nel ciclo di Giacobbe (Gn 25,19–50,26)* (AnBib 154; Rome: Biblical Institute, 2003). Pp. 448. Paper €26.

This book presents Giuntoli's entire dissertation, which was directed by Jean Louis Ska, S.J., and defended at the Pontifical Biblical Institute. In it G. studies a theme long familiar to Jewish commentators, namely, that Jacob, the patriarch and eponym of Israel, was a representational figure par excellence of the exiled person, a type who condensed in himself and his experience the future wandering destiny of the entire people descended from him. The specific focal point is the so-called Jacob cycle (Gen 25:19–50:26) and the most recent (i.e., postexilic and post-Priestly) redactional insertions into the story.

In chap. 1, "The Fears of Jacob and the Fears of the New Israel: The Redactional Expansion of Gen 32:10-13 and its Context," G. concludes that the postexilic and post-Priestly redactors freely inserted elements such as Gen 32:10-13 into the texts they received. They were particularly fond of the literary forms of the "divine discourse" and the "prayer of the individual." Many texts from the Priestly authors were reworked in the liturgy by the families who used them. Such texts thus served as a means of regathering and unifying the people repatriated from the Babylonian exile. The post-Priestly method was to retroject into Jacob's life, especially at its conclusion, the anguish that the redactor was feeling in his own epoch.

In chap. 2, "The Two Arrivals of the בִּיחָ"עֵקֶב in the Land of Egypt: Gen 47:5-6 [MT], a Peculiar Example of Radical Redactional Intervention," G. argues that LXX Gen 47:5-6 uses a more primitive Hebrew *Vorlage* than the MT. This makes it possible to appreciate the work of the (near) final redactor who imposed a particular shape on the Hebrew text. These specific verses offer a positive view of Jacob's "exile," suggesting to Babylonian exiles that it is possible to live authentically as a true Israelite outside of Israel.

In chap. 3, "Ephraim, Manasseh and Israel of the Postexilic Period: The Redactional Expansions of Gen 48 in Regard to the Sons of Joseph," G. identifies two redactional insertions: Gen 48:3-7 and 14-15 (besides 21-22). Verses 3-7 are likely of Priestly origin, and vv. 14-15 of post-Priestly origin. These adult sons of Joseph, born to him and Aseneth in Egypt, are icons of the Judean exiles and therefore symbols of the future of the new Israel. Here for the first time in the Bible, someone (Jacob) is ill before dying. This allows the redactors to have Jacob bless Ephraim, Manasseh, and all his other sons, eponyms of the tribes, but he inverts their priorities and privileges. Then he can die peacefully (Gen