The Deed and the Doer in the Bible: David Daube's Gifford Lectures, Volume 1

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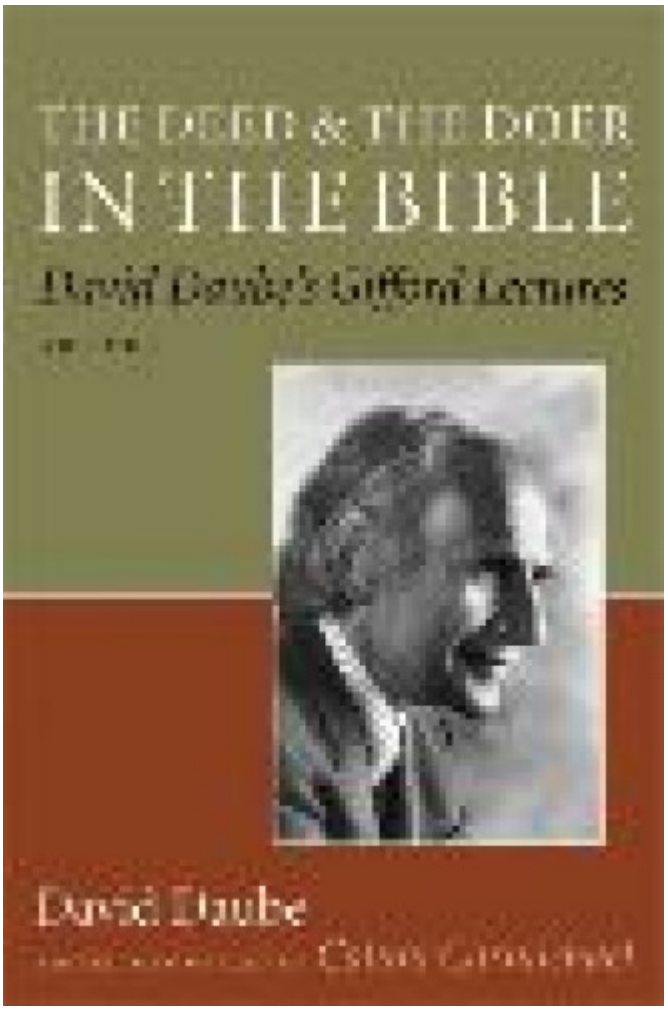
In Review



The Deed and the Doer in the Bible: David Daube's Gifford Lectures, Vol. 1

David Daube; Calum Carmichael, ed.

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David Daube is not well known or much acknowledged in the United States, even among scripture scholars. In Britain, however, he is recognized as a world-class scholar. Daube, who died in 1999 after a distinguished career at Oxford and the University of Cali fornia–Berkeley, was a rare combination of a legal scholar who relentlessly thinks like a lawyer and a Jew who is at home in traditional Jewish textual methods and who gives sustained attention to both the biblical text and the derivative rabbinic tradition. His capacity to find freshness in the texts he reads makes considerable demands upon his readers. Indeed, for those who are accustomed to scanning or reading for a summary, Daube's patient teasing of texts will seem tedious and excessively attentive to detail. But it is in the details that he finds the important learnings; he is like a lawyer reading the fine print.

The present volume contains Daube's first series of Gifford Lectures, delivered in 1962; a second volume is in preparation from his second round of lectures, from 1964. The material in this book was edited and compiled by Calum Car michael, a scripture scholar of note from Cornell University and Daube's longtime student. Carmichael tells us that he had to piece these essays together from a variety of sources, including scattered journal articles; we are in his debt for his having done so.

The ten essays in this volume are focused on topics that interested Daube as a legal scholar. Under the general rubric of "the deed and the doer," Daube investigates social acts from a legal perspective and explores the ways in which the tradition of biblical commandments and procedures sorts out guilt and innocence, responsibility and punishment. Daube shows, through a series of detailed expositions, that the commandments assume and affirm that the human agent featured in them is, in legal terms, known to be a "thinking, planning, moral being" whose capacity as a moral agent outruns any act performed by accident.

It is this view of the human's capacity as a moral agent that occupies Daube and that is the glory and wonder of Judaism. This proposal of Judaism to the world is the large commitment of Daube's work, and his tracing of the ways in which this passion is enacted in the quotidian reality of public life is the detail. (It is most unfortunate that conventional Christianity, in it careless and severe caricatures of Judaism, has almost completely missed the point of Judaism, with its accent on a capacity for Torah performance that makes the world livable.)

Daube's interest is in teasing out the details of the commandments (in relation to the narratives) that yield a way of thinking about neighborly interactions in a public world. His first foray concerns causation and addresses indirect causes that may nonetheless be culpable acts. He tends to focus on a few texts from which he derives important general conclusions. Daube considers David's conspiracy to have Uriah eliminated and notices that Uriah is to be done in "by the sword of the Ammonites" (see 2 Sam. 11:15; 12:9)—a conspiracy anticipated by Saul's plan to have David eliminated "by the hand of the Philistines" (1 Sam. 18:17, 21). Quite clearly David is responsible, even by indirect action, and is seen to be so in the narrative. One cannot, the tradition shows, escape guilt by being remote in one's purposefulness. Another text to which Daube frequently returns involves the provision for safety of the killer in the case of accidental homicide, as when an axe head slips off the handle and kills a bystander (Deut. 19:4-7). In this case, the wielder of the axe is a cause but does not have intent.

In the case of David, Daube concludes that the several texts "expose the blamelessness of any theory that would explain the rigidity of early statutes in the matter of causation by an inability to grasp a less obvious nexus. Nothing could be further from the truth." The old traditions could grasp nuance! In the case of the axe, Daube writes, "There was no time in history when people did not see that, if a disaster results from the head of an axe flying off, the person who swung the axe is a cause in one sense at least, namely, as having triggered the chain of events; though in another sense, as a thinking being, he is not, so that from this angle prominence must be accorded to the axe or to fate or to God." In the end Daube revisits the *hiph'il* stem of the Hebrew verb. Those who have studied Hebrew will recall that this stem is a causative that Daube judges to be reserved for "more daring and conspicuous" causation. It is astonishing that Hebrew grammar should have a specific verbal form, a grammatical act, that is preoccupied with responsibility and effective agency.

In his essay on passions Daube considers three conditions that can place social well-being in jeopardy. He considers first of all the problem of drunkenness with reference to Amnon, Elah and notably Nabal, all of whom bring destruction by their passion. In these cases, Daube must appeal to the narratives; it is the peculiar province of Carmichael's own work to have studied the interaction of narrative and commandment, an interaction that he apparently learned from Daube.

The second passion considered here is jealousy (zeal), first of all with reference to Dinah and her brothers (Gen. 34). Daube traces the trajectory of zeal to the later Zealots, who can lack self-control and can act violently against those whom they regard as a threat. Daube never moves his analysis toward contemporaneity, but the linkage to contemporary manifestations of zeal (Jewish, Christian, Muslim) is worth considering. The third passion Daube considers is insanity (madness); here he unfortunately cites no biblical texts, even though some are available.

In another presentation, Daube considers intellectual authorship, by which he means instigation. He refers to the one who initially takes up an idea that leads to subsequent action, even or especially when that action is undertaken by a different agent. He considers in various cases the relation of the planner to the doer, an issue on the table in the Nuremburg trials. Reflecting on the story of the Fall, he likens the serpent to Prometheus. He also traces the way in which Pilate is relieved from responsibility for the death of Jesus and is not the instigator who is held accountable—accountability belonging to the mob that willingly accepts responsibility.

Daube requires great patience in reading, but the effort is worth it. It is, moreover, worthwhile to consider ways in which such scholarship might inform and enliven a congregation. Such reflection, under informed tutelage, might permit a congregation to be sober and slow in pondering the rich and complex ethical legacy that exposes the thinness of so much moral passion—left and right—in religious communities. For the most part church folk do not know that this stuff is in the Bible, and when they do, they imagine it to be irrelevant to contemporary life. But such a legacy concerns character formation—the generation of moral agents who can live responsibly and sanely in the midst of enormous moral complexity. Dumbing down is too easy. Daube not only does the hard work, he invites the reader to engage in equally hard work.

The wisdom of the tradition of the commandments is that they stay remarkably contemporary. In a world where financial and political string-pulling remain invisible, where wars can be fought through technology so that there never need be contact with the enemy, and where the rage of interpersonal violence is all around us in the public domain, these ancient issues persist and these ancient texts pertain. This legacy, when taken seriously, precludes the reduction of moral life to tendentious sectarianism. Daube invites a long view, for which faith may provide patience.