

THE HOLY BIBLE AND THE LAW. By J. W. Ehrlich. [New York: Oceana. 1962. 240 pp. U.S. \$7.95.]

It is not uncommon to find counsel, especially in criminal trials, and particularly in those relating to war crimes, quoting the Bible in support of their contentions and in condemnation of the accused. Usually, such comments are general in character and are the expression of emotionalism. Occasionally, however, and this was frequently true of the Attorney-General of Israel when presenting his case against Eichmann, biblical quotations are used to show that the legal concept being put forward by counsel accords with the basic views of western civilization and is merely a modern form of a biblical injunction. Thus, Holmes' view that the law should be looked at from the point of view of the 'bad man', is only a modern form of the statement in *Timothy* (I, 1:8,9) that "the law is not made for a righteous man, but for the lawless and disobedient."

In *The Holy Bible and the Law*, Mr. Ehrlich, basing himself upon the Old Testament, the Apocrypha and the Protestant and Catholic versions of the New Testament has drawn attention by his compilation of extracts to the width of legal comment to be found in the Bible. Thus, xenophobes, and those who fear the existence of an alien fifth column, will find support in *Ecclesiasticus* 11: 34: "Receive a stranger into thine house, and he will disturb thee, and turn thee out of thine own"; on the other hand, believers in the principle of non-discrimination and the rights of man will prefer the statement in *Exodus* 12: 49: "One law shall be to him that is homeborn, and unto the stranger that sojourneth among you."

Advocates of the rule of law will find support in the section on crimes and punishment to inveigh against retroactive law and the idea of *crimen sine lege*, while *Exodus* 23: 7 provides an enjoinder against double jeopardy: "And the righteous slay thou not" — in an editorial comment, Mr. Ehrlich interprets 'righteous' as 'he that was declared to be righteous'. Likewise, in I *Timothy* 5: 21 there is a requirement for impartial judges, while *Luke* 11: 46 expresses the view of many unsuccessful litigants: "Woe unto you also, ye lawyers! for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers."

Political scientists frequently assert that a people gets the government it deserves. A similar statement appears in *Ecclesiasticus* 10: 2: "what manner of man the rule of the city is, such are all that dwell therein". *Proverbs*, however, does not go so far: "When the righteous are in authority, the people rejoice; but when the wicked beareth rule, the people mourn" (29: 2).

One could go on quoting from this compendium without cease. Perhaps it is enough to draw attention to a fundamental problem in the law of evidence. There are some legal systems which appear to assume that the taking of an oath on a holy book is a guarantee of integrity in a witness. Others, for example Denmark, prefer to rely on the dignity of the proceedings and the ability of the judge to identify a false witness. Both schools of thought might well bear in mind the dictum of Solomon: "A faithful witness will not lie: but a false witness will utter lies" (*Proverbs* 14: 5).

Now that Mr. Ehrlich has blazed the trail for the Bible, perhaps some other compiler will perform the same service for the holy books of other faiths. It will be interesting to see the extent to which the fundamental views of the good life as understood by the western world coincide with those of the "heathen".