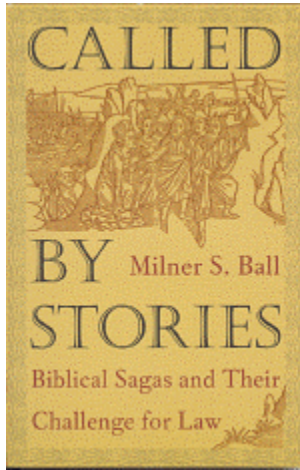


RBL 04/02/2001



Ball, Milner S.

Called by Stories: Biblical Sagas and Their Challenge for Law

Durham: Duke University Press, 2000. Pp. 272, Paperback, \$17.95, ISBN 0822325241.

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Milner S. Ball served as a judge on the International People's Tribunal in Hawaii in 1993 and as a founder of the annual Robert Cover Public Interest Law Retreat. He is a member of the Theological Anthropology Project at the Center of Theological Inquiry at Princeton. He is the author of many books, including *The Promise of American Law*, *Lying Down Together*, and *The Word and the Law*.

Currently, Ball is both Harmon W. Caldwell Professor of Constitutional Law at the University of Georgia School of Law and an ordained Presbyterian minister. This book is at the intersection of both of these interests, which are also his passions.

Milner was impressed by Walter Brueggemann's (*Theology of the Old Testament*, pp. xvi passim) proposal that the best way to convey the theological substance of the Hebrew Bible as a whole, is in the metaphor and imagery of courtroom trial. He suggests that there are further, critically important, specific associations with prophetic lawsuits.

While he was engaged with students in a course, which examined the ethics, values and the legitimate guiding images for a person who is a lawyer, the seeds for this book were sown.

The book aims to show that many of the dilemmas and decisions that legal professionals confront often in typical reason and empirical methods, are more usefully

approached through an experience of a narrative. Being a trained Presbyterian minister provided Milner with what he sees as the ultimate best narratives, e.g. the biblical sagas. The *raison d'être* of the book then dictates the accent of the book and its method.

The book includes 25 short chapters, which are preceded by the Prolog and followed by Epilog; with an Appendix, comprehensive endnotes on each chapter and an Index. These chapters are more or less equally divided into three sections, each section follows different biblical characters or themes which are related to the American law: I – Moses; II – The [Moses'] Encompassing Women; III – The Gospel According to John. The issues dealt with in each section are numerous, yet one can distinguished an underlying theme in each.

In Section I: Moses, the Law-giver is presented as the “Mouth” of God. Yet at the same time he represents the people before God, when the Lord wants to destroy them. This gives rise to a precarious situation when one person represents both sides. We know that in legal terms this situation is problematic. Milner presents the legal problems in such a situation, and he goes on to describe how Louis Brandeis approved it and coined the phrase ‘Counsel for the Situation.’ Milner notes that the integrity of the ‘counsel’ and his loyalty to all sides who seek counsel, must be beyond any shadow of doubt – but he does not dismiss it as impossible. He portrays Moses as a good example of ‘a counsel for the situation.’

So section I, can be summarized as God’s powerful speech which created the world *ex-nihilo*, the people’s power of speech in prayer and when praising God, and Moses the ‘Mouth’ of both sides as the ‘counsel for the situation.’

In Section II: ‘The Encompassing Women’ represent the power of integrity, life and mostly the value of compassion. This compassion is described metaphorically as tears. This is followed by the impact of tears in time judgement. For me it is indeed appropriate that compassion is attached to women, as in Hebrew the word compassion is *rahamim*, which evolves from the root *rahm*. that denotes a womb *rehem*. Indeed this section enumerates many women who encompassed Moses: Yocheved, the mother, Shiphrah and Puah, the midwives, Pharaoh daughter, Miriam, etc., hence the name: the encompassing women. However, Milner ventures further to discuss other biblical protagonists whose tears change the course of history (like Rachel who cries for her children who are led into exile).

In Section III: Milner asserts that the ‘trial’ in the Gospel of John performs a double service: as a narratological climax as well as a structuring device. In this section Milner wrestles with the challenge in discerning who is on trial, in which judicial process and to what effect, and he concludes that the trial of Jesus in Jerusalem is a trial within the larger trial of the world.

Each section starts with analysis of the biblical narrative or theme, followed by discussion of relevant legal issues. Indeed, the accent of the book is the legal aspect, which is also its forte. In fact it seemed to me that every law professional should read this book for its broad legal and ethical outlook.

As for the biblical scholar, the biblical analyses are shorter than the legal parts. Based upon the way these chapters and characters are introduced, it is clear that they are to serve as the foundation for the legal themes. In some cases, full teaching experiments are described in detail, which for readers with a background in biblical studies background is totally new and out of their field of interest. The same apply for the Appendix: KA HO'OKOLOKOLONUI KANAKA MAOLI, which is an abridged, edited version of the *Verdict of the International People's Tribunal*, Hawaii, from August 1993 and is of no interest to biblical studies.

In spite of the central focus on legal issues, however, the literary analysis has merit, for it is sensitive, in tune with various aspects of poetics and aesthetics. Furthermore, the endnotes are comprehensive. In undergraduate courses on Gender and the Bible, my students will make use of these comprehensive notes. The notes cover literary issues starting with Socrates, through 'The Brothers Karamazov' and 'Moby Dick' to modern biblical scholars such as Robert Alter, Phyllis Trible, Meir Sternberg, J.P. Fokkelman, etc.

A most wonderful aspect of the book is its strong feminist outlook. I took great pleasure in the fact that women are presented with strong, wise, and humane attributes. In fact the neutral pronoun in the book is not 'he' but rather 'she'. So when Milner describes a student of law, or a lawyer he will refer to them in later sentences as 'she' not the conventional 'he.' It may be a common phenomenon in the USA these days but for me, reading the book, while I sit in Cape Town, South Africa, it was a totally new experience and initially I had to take a second look to ensure that I read correctly.

One gets the feeling that the author celebrates womanhood and women's contribution to our history. He plucks the historical women out of their marginal representation and in a mastery hermeneutical process he subverts the roles. For example the women at the time of Moses are described as the power that changes history. Milner gives faces and character to these women: who defied mighty Pharaoh, who bore children in spite of the decree of genocide, who delivered these babies, who raised them, etc. Milner pays to each of these groups of women special attention, by studying their lives and their narratological representation in details. One of these groups is the midwives. I had published some papers on midwives in the past and I must acknowledge Milner's readings on this topic as impressive. Considering that the midwives are only one group in one section, M.'s discussion gives one the feeling of the vast scope of his knowledge.

This can be seen from the proportion of the division of the book: the body of the text is pages 1-152; the notes are to page 264 and the index to page 272.