

Book Reviews

LEVY, LEONARD W. *Treason against God: A History of the Offense of Blasphemy*. New York: Schocken Books, 1981. 432 pp. \$24.95.

Reviewed by Malcolm R. Thorp, associate professor of history, Brigham Young University.

Leonard J. Levy's *Treason against God* is a study of the suppression of the freedom of religious expression from ancient Greece to 1700. This is the first of a projected two-volume work; the second volume will continue the story within the Anglo-American legal tradition to the present. Professor Levy is a well-known authority on American legal history. His study of the *Origins of the Fifth Amendment*¹ was awarded a Pulitzer Prize in 1969.

The crime of blasphemy in the Judeo-Christian tradition is first identified in Exodus 22:28, where it is written, "Thou shalt not revile the gods." The details of how blasphemers were to be treated came to Moses somewhat later (Lev. 24:10-26) when he sat in judgment over an unknown man accused of reviling against God. On this occasion, Moses judged that "he that blasphemeth the name of the LORD, he shall surely be put to death, and all the congregation shall certainly stone him" (verse 16). Levy argues, however, that the offense was rarely punished in Old Testament times. But, after the death of Christ, when the Christian church came to a position of political dominance in the late Roman Empire, there followed long centuries of persecution of those who deviated from established Christian norms. During this time, the definition of blasphemy was extended to include not only verbal defamation of deity but also the holding of heterodoxical opinions.

Levy's study is a serious, thought-provoking work that provides useful insights into the history of blasphemy. The theme of this volume is provided by the question: If vengeance belongs to Providence, why invoke the criminal law for such offenses? For Levy,

¹Leonard W. Levy, *Origins of the Fifth Amendment* (New York: Oxford University Press, 1968).

the answer is found in the Christian hierarchy's dogmas concerning salvation—that is, entrance into the kingdom was at stake. In addition, it was believed the blasphemy (as well as the more general charge of heresy), if allowed to go unpunished, would threaten the moral fabric of both church and state. “But,” Levy asserts, “persecutors acted out of choice, not necessity, because Christianity . . . also yielded a tradition of toleration” (p. 332). The numbers of fissions in matters of belief throughout the Christian past stemmed, he feels, from the innermost depths of consciousness, and as time progressed the blasphemy/heresy persecutions came to be viewed as a threat to the wellspring of religious creativity. That it was necessary to espouse toleration was recognized in England in the seventeenth century as “the incertitude of things” in matters of faith (to use Locke's famous phrase). It was finally realized that religious liberty eventually was possible for none unless it became possible for all.

The major problem with *Treason against God*, however, is the book's polemical quality. This is apparent in the chapter on the “Trial of Jesus,” which undoubtedly will be controversial. To Levy, the sources of early Christianity are anti-Semitic, and there was a conspiracy to blame the death of Jesus on the Jews. Thus, he feels, the trial of Jesus before the Sanhedrin was nothing more than a myth carefully perpetrated by the writers of the synoptic gospels for propaganda purposes. Levy relies heavily on the arguments of Rudolf Bultmann and other radical exponents of Form Criticism² without carefully weighing all of the possibilities concerning the trial of Jesus. Many scholars would argue that the Marcian account of the trial is among the oldest historical materials in the text, and the story cannot be as easily dismissed as Levy would have us believe. He asserts that the Jewish elders could not have accused Jesus of blasphemy because the definition in Exodus 22:28 did not fit the case. Blasphemy, he writes, “was a very special crime to Jews: it was cursing God by name or, in the laxest Old Testament view of crime, denying Him or His attributes, honors or powers” (p. 54). According to Levy, Jesus' claim in Mark to have been the Son of God would not have fit this definition. Although there are important legal problems connected with the Sanhedrin trial, Levy's dismissal of the trial as unhistorical seems a harsh judgment. For example, it is plausible that the High Priest

²Form Criticism, a critical approach to the understanding of the texts of the New Testament advocated by Rudolf Bultmann and his followers, attempts to “liberate” the biblical message from the mythological language in which it is expressed. The Form Critic school is generally skeptical about the possibility of understanding the historical Jesus (see Rudolf Bultmann, *Theology of the New Testament*, trans. Kendrick Grobel, 2 vols. [New York: Charles Scribner's Sons, 1955]).

made a legal blunder in tearing his clothes (the sign that blasphemy had been committed) when Jesus affirmed that he was Christ, “the Son of the Blessed” (Mark 14:61–63). Moreover, it is curious that Levy seems not to have examined the arguments of some scholars that Deuteronomy 17:12 was at issue: “And the man that will do presumptuously, and will not hearken unto the priest that standeth to minister there before the Lord thy God, or unto the judge, even that man shall die.” At any rate, Levy has not solved the legal questions raised in the Marcian account of the trial, nor has he considered all of the relevant alternatives to his explanation of events.

Throughout the book there are errors of fact and interpretation. John Calvin, for example, is portrayed as the religious and civil “dictator” of Geneva who was personally involved in a number of heresy cases. Calvin’s power, however, was limited to that of persuasion, as he was insistent on the absolute separation of church and state. English Puritans are depicted as narrow-minded fanatics who, if they had been given the chance in the early 1630s, would have remodeled the Church of England into “the image of Calvin’s Geneva” (p. 194). Theologically, according to Levy, the Puritans differed from Archbishop William Laud in their “obedience to the letter of the Mosaic law” (p. 194)! Indeed, much of what Levy says about the Puritans is out-of-date since William Haller’s seminal studies on Puritanism in 1938.³ Many such errors reflect a certain abrasiveness as well as a degree of unfamiliarity with the history of the Christian tradition.

Levy candidly states that his sympathies lie with Arian and Unitarian beliefs and with the Christian victims of the Christian persecutions. In this regard, the book is written with both compassion and conviction. Unfortunately, however, Levy’s study does not go as far as one would hope. Perhaps what is most lacking is a treatment that is sympathetic to all the participants in Christianity’s long struggle against heterodoxy. This would include the persecutors as well as the victims. Such an approach might well have opened new insights and, in the process, revealed hidden dimensions of this facet of human misunderstanding. Although the book is written in a lively manner, Levy’s study is altogether too close to being a secularized, twentieth-century rendition of a *Book of Martyrs*.⁴

³William Haller, *The Rise of Puritanism* (New York: Columbia University Press, 1938).

⁴John Foxe’s *Book of Martyrs* has been through numerous editions, both in Foxe’s lifetime and since, the earliest appearing in 1559.