

Matthew Henry's Exposition of Joshua 7 in Socio-legal and Sociological Perspective.

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'A heap of stones was raised on the place where Achan was executed, everyone perhaps of the congregation throwing a stone at the heap, in token of his detestation of the crime'.¹

'By the number of statutes creating capital offences, it sweeps into the net every crime which, under any possible circumstances, may merit the punishment of death: but when the execution of this sentence comes to be deliberated on, a small proportion of each class are singled out, the general character, or the peculiar aggravations of which crimes, render them fit examples of public justice. By this expedient, few actually suffer death, whilst the dread danger of it hang over the crimes of many.'²

'Confession, while important to the individual, was important in a wider sense. The message of the gallows depended, in theory, if not always in practice, upon the condemned person making a public acknowledgement of his guilt, delivering words of warning to the assembled crowd to prevent them from making the mistakes that he or she had made, and thus dying truly repentant.'³

Introduction

Joshua 7: A Troubling Text for All Times

Joshua 7 narrates a crime committed by one person, Achan, who is named as the culprit at the outset of the story and whose guilt is therefore known by Yahweh and now shared immediately with the reading audience; Joshua and the rest of the Israelites only discover the fact over a period of time and a complex ritual process. However, the crime, though committed by an individual, implicates 'all Israel'. Moreover, when all Israel finally learns the truth, all Israel joins with Joshua in not only condemning the man to death, but also his family and all his livestock, and proceed to stone them to death and burn their corpses.

Whatever the social context in the history of reception, Joshua 7 draws forth needed comment. It is not a text that can be ignored but a text that challenges the audience since it touches on the issues of the organisation of society and the place of the individual within the collectivity, the meaning and purpose of

¹ Matthew Henry, *An Exposition with Practical Observations of the book of Joshua*, in his *A Commentary on the Holy Bible: with Practical Remarks and Observations. Illustrated Edition. Volume 2: Deuteronomy to Esther* (London and Edinburgh: Marshall Brothers, n.d.). All of the quotations from Henry on Joshua come from this source and the page numbers from this edition are not referenced in what follows.

² William Paley, 'Moral and Political Philosophy' in, *The Works of William Paley D.D: Complete in One Volume* (Edinburgh: Thomas Nelson and Peter Brown, 1828), 133. Originally published 1785

³ David Taylor, *Crime, Policing and Punishment in England, 1750-1914* (Basingstoke: Palgrave Macmillan, 1998), 127

crime and punishment and the operation of (divine and civic) justice and mercy. It has challenged interpreters across time and space and the strategies employed by readers and exegetes over time are fascinatingly varied. Joshua 7 then can work as something of a 'litmus text' to assess how the political and cultural context, and the values and norms associated with collective group life and individualism, legitimate and deviant action⁴ (Chalcraft, 1990), impact on how the text is read, and how the text, in turn, might challenge those beliefs or be used to do so. This essay considers the way in which Matthew Henry (1662-1714) responded to what he took to be the challenges of Joshua 7, and the ways in which that response reflects social and cultural attitudes from his context. An important part of that background, especially for the assessment of Henry's treatment of Joshua 7, is his encounter with the socio-legal system during the successive reigns of English monarchs from 1660 to 1714.⁵

Structure of the Essay

In following I begin with a brief overview of English history 1660-1714 before concentrating on two settings in which Matthew Henry had first hand experience of the criminal justice system then operative. These settings provided Henry with a set of opinions, values and tools when thinking about Joshua 7. The second part of the essay then turns to consider Henry's comments on Joshua 7, highlighting the ways in which he drew on the socio-legal context, often unconsciously, to consider the relation between the individual crime of Achan and the collective guilt of Israel, the establishment beyond all doubt of Achan's guilt and the justice of his execution, and the execution of his whole family. The practical spiritual advice that Henry generated for his congregation and readers is also considered and it is proposed that Henry largely envisages the 'community' not to be the nation as such but the dissenting conventicles. Overall Henry's engagement with the text illustrates where he felt the narrative and the actions of Yahweh it describes needed explaining and defending. He tended to read with the ideology and grain of the text, and utilised Joshua 7 to reinforce the legitimate operation of the criminal justice system and concentrated more on the need for the individual to reform their ways of life, rather than offering a critique of the workings of the State and its use of violence to maintain social order, as his radical Puritan forebears more often did.

Legislation and the Status of Dissenters, 1660-1714

The reigns of Charles II (1660-1685), James II (1685-1688), William and Mary (1689-1702), and Queen Anne (1702-14), were turbulent periods in English religious history. It was a period of changing allegiance and treachery, and the monarch was far from secure or could not enjoy the support of the whole Kingdom, as Monmouth's rebellion and of course the Glorious Revolution of 1689 clearly showed. The struggles

⁴ David J Chalcraft, 'Deviant and Legitimate Action in the Book of Judges' in David J.A. Clines et al (eds.), *The Bible in Three Dimensions* (Sheffield: JSOT Press, 1990), 177-201.

⁵ For surveys of the historical period see: Barry Coward, *The Stuart Age: England, 1603-1714*, 4th Edition (Harlow: Longman, 2012); George Clarke, *The Later Stuarts. 1660-1714* 2nd ed. (Oxford: Clarendon Press, 1934); Jonathan Clarke, *From Restoration to Reform: The British Isles 1660-1832*. (London: Vintage, 2014); Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (Harmondsworth. Penguin, 2007); Anne Somerset, *Queen Anne: The Politics of Passion*. (London: Harper Press, 2012).

between Catholic and Protestant, and between the established Anglican Church and non-conformity were prominent. The struggles were influenced strongly by the legislation that was passed. For example, the period includes the Act of Uniformity of 1662, and various other Tests and Acts under the Clarendon Code which through this means effectively established a non-conformist position, and thereby restricted the liberty of worship and conscience of dissenters, and excluded them from public service. In 1661, Philip Henry, Matthew's father was ousted from his living⁶, along with 2,000 other priests for refusing to sign the oath of allegiance and utilise the new edition of the Common Book of Prayer (1662). Although the dissenters did experience some relief whilst the Indulgences of Charles II (1672) and James II (1687) were in effect (the latter was quite short-lived), but even the Act of Toleration of 1689, was probably motivated more by James II's desire to relieve the Catholics and admit them to political office, than it was driven by concern for his dissenting subjects. Indeed, the King's Catholic motives led to the suspicion which resulted in the invitation to William to invade the country and finally secure a Protestant dynasty for the throne. But even during the reign of Protestant Queen Anne (despite being the daughter of the Catholic James II-like her sister Mary raised an ardent Protestant), Tories felt that the established church, 'was in danger', and the extent of the Sacheverell riots in 1710 confirmed that many others were also persuaded of this threat from the dissenters⁷, so that the Act of Occasional Conformity was seen to be in need of major revision to further restrict their liberty. Hence even though the worst persecution seemed to have passed for Matthew Henry and the dissenters, and the situation was more promising than it had been in his father's time, there was still a need to be cautious and watchful. Despite the lack of liberty and persecution, Henry did not emulate his Puritan forebears to develop an exegesis that would challenge Church and State.

Section 1: Matthew Henry's Experiences of the Criminal Justice System

1. i. Studying at Grey's Inn, 1686

Matthew Henry, in his letters home to his father back in Flintshire during 1686 from Gray's Inn, London, where he was studying law, include a topical commentary on the trials and prosecutions of a number of notable persons, including, the Earl of Stamford (1654-1720), Lord Delamere (1652-1694), Lord Bandon Gerrard (1618-1694), Lord Grey (1658-1701) (a leader in the Monmouth rebellion but restored to full honours after giving evidence against his former comrades) and the 'odious informers' Nathaniel Wade and Richard Goodenough.⁸ Henry often attends the court sessions, and often witnesses the passing by of the condemned criminal on their way to execution, or sees the decapitated or dismembered bodies on public display. Henry happened to be studying law during the aftermath of the Monmouth rebellion, and

⁶ David L Wykes, 'The Early Years of religious dissent in Cheshire following James II's Declaration of Indulgence in April 1687', *Northern History* LII:2(2015):217-32.

⁷ Geoffrey Holmes, 'The Sacheverell Riots: The Crowd and the Church in Early Eighteenth-Century London', *Past & Present*, No. 72 (Aug., 1976): 55-85

⁸ H.D.Roberts, *Matthew Henry and His Chapel, 1662-1900.*(Liverpool: The Liverpool Booksellers Company, 1901).

the trials of suspects associated with the earlier Rye House plot; more suspects were created by those who took part in the Monmouth rebellion trying to find some reduction of their own sentences. It certainly was a lively, newsworthy, and gruesome period of political history involving many cases of treason. The aftermath of Monmouth's rebellion would also be of striking interest to the Henry family since Philip Henry, Matthew's father, was himself briefly imprisoned in Chester castle on suspicion of having sympathies with the uprising.

In his letters home, Henry covers the trial of Lord Brandon Gerrard in some detail. He records on December 1st. 'On Thursd. Last Ld Brand Ger. had his Tryal. The students came early & big wth Expecta. But were outed the Court (to make room for the abundance of Lords that were there present) & I among ye rest'.⁹

Henry is actually present when sentence is passed: 'On Satt. I was in Court when hee was brought to receive Sentence. Somth. Hee moved in arrest of judgment. Reading a Paper drawn up for that purpose, but it availed nothing. So they proceeded to sentence wch ye Ld Ch. Just. Herbert Pronounced after a long Speech tending to aggravate his fault & set home the sense of it. The Prisoner often pleaded his own innocency, But carried it with the strangest unconcernedness that I could but admire. To see a man stand there receiving a sentence of Death without any change of countenance, or so much as down look. Hee desired some time to prepare, for indeed (said hee) I have bin a great sinner, wch was the best word I heard him say. Execution is to bee on Friday next- ye sentence to be hanged drawn quartered - wch tis probable will be altered to beheading. The Prisoner is a comely man seems to bee about 30y old hath a clear complexion, good head of hair and inclining to bee fat'¹⁰

We learn of the fate Gerrard subsequently. A later entry reads: 'Tis reported Lord Gerrard is reprieved, 't is lookt upon as ye Harbinger of a Pardon. Tis said most of ye Lords present did Petition for his life & gave him some hope of speeding before his sentence, wch. Perhaps made him so unconcerned'.¹¹

Henry then lived through a period when the justice system often condemned the criminal to death. Moreover, Henry experienced trials, the plights of prisoners, and executions first hand. These experiences begun during his period studying law in London, and continued throughout his ministry in Chester. In such a context, interactions with a text dealing with crime, guilt, justice and execution as narrated in the Old Testament, would be of a different character than readings taking place in a different system of criminal justice based on fundamentally different principles of justice and alternative approaches to the reform and restitution of the criminal. His first biographer, William Tong, talking of 1685 and the decision to encourage Matthew Henry to study the law, observes that it was a reasonable choice because 'the times were then very dark, he was young, and had time enough to mix that with other studies: the knowledge of the law would not only be convenient for one that was heir to an handsome estate, but might be of use for the better understanding the nature of the divine law and government, and the forensic terms so much used in the holy scriptures, and in other divinity-books, both ancient and modern...He loved to look

⁹ Roberts *Matthew Henry*, 62

¹⁰ Roberts *Matthew Henry*, 64

¹¹ Roberts *Matthew Henry*, 65

into the body of the civil law, and did not neglect to acquaint himself with the municipal laws of his own country.¹² We will see in what ways this learning in the law influenced his reaction to Joshua 7.

In these descriptions of the trials in his letters home, Henry does not express any criticism of the State or express any misgivings about the carriage of justice. In such difficult times it is perhaps not surprising that, as his father warned him, he needed to be careful what was committed to paper. But it also seems the case that even living through the midst of (inconsistent and relatively arbitrary) State interference in Church affairs, especially concerning the status and plight of the dissenting congregations, did not encourage Henry to develop anything but a position of non-resistance and when he was able to celebrate the reigning monarch, which became possible once the Protestant champion William III was ruling with Queen Mary, and was continued under the reign of Queen of Anne, he did so with enthusiasm (Tong 1794). In other words, the political and cultural context, and the suffering of the dissenters under the burden of legislative acts, did not motivate Henry to take up a position when engaging with Biblical texts that tended to sympathise with people subject to the rule of the theocracy. The potential was there for Henry to develop a political exegesis like his Puritan forebears when the 'world was turned upside down'. For example, in the late 1620's Joshua 7 was utilised by Henry Burton to attack Laudianism in church and politics, and to expose not only one Achan whose sins were crippling the well-being of the nation, and inviting the wrath of God, but a host of Achans¹³. Burton suffered the consequences of such political exegesis, with imprisonment in Lancaster castle, and the cutting off of his ears. Henry's exegesis, as we shall see, did not question the State but rather worked to justify the justice of God's anger and judgement and in the process share the views of many of his contemporaries regarding the workings of the then current criminal justice system.

:ii Visiting Prisoners in Chester Castle 1690-1710

Another context in which Henry encountered the criminal justice system were the many occasions when he visited prisoners, many of them condemned to death, in Chester castle, whilst he was a minister in the city.¹⁴ Henry visited prisoners incarcerated in Chester castle periodically for over 20 years (1690-1710). Tong narrates that 'he was sent for to the castle by one that was to be executed for clipping the king's coin; he prayed with him, and endeavoured to convince him of sin; but observes, that the e man seemed rather amazed or sullen.'¹⁵ Clearly Henry considers it justifiable that the king's coin should not be clipped and that breaking this law, and presumably committing theft, breaks the 8th commandment and is a sin. Tong gives a number of examples, and records the texts from which Henry liked to preach in these circumstances, most of which were hardly comforting (e.g. 2 Thess 1:7,8; Proverbs 14:2; Ps 99:67; Eccles 9:5), before reporting: 'I shall mention but one more, and that is a sermon which he preached on the 8th May, 1701, to the prisoners, where three women were under sentence of death for murdering their bastard children. It was a very awful and awakening discourse, from James 1:15. "Then when lust hath conceived, it bringeth forth sin; and sin, when it is finished, bringeth forth death;" not the death of the

¹² William Tong, *An Account of the Life and Death of Mr Matthew Henry*. (Berwick, 1794), 29

¹³ Henry Burton, *Israel's Fast: Or, a meditation upon the seventh chapter of Joshua; A faire Precedent for these Times*. (1626). See also James Holstun, *Ehud's Dagger. Class Struggle on the English Revolution* (London: Verso, 2000) 161.

¹⁴ William Tong, *An Account*

¹⁵ William Tong, *An Account*, 155

body only, (that is not the finishing stroke of sin,) but the death and damnation of the soul. While he reasoned about these things, the poor wretches trembled exceedingly; and several good people that used to attend these prison-sermons were mightily affected: tears and trembling were every where observed. He visited these poor wretches a second and third time after this, and was with them when they died. It is not easy in such cases clearly to discern whether God gives true repentance or no, but he had done all he could for them, and they were very thankful for the compassion he had showed to their poor souls.' ¹⁶

Henry then was living at a time, and experiencing the full force of the criminal justice system, that is far removed from our own time and system. Living at a time when executions not only took place but took place on a regular basis, surely provides a different context for thinking about Joshua 7. Public execution takes place and justifying its occurrence is possible, as is the lack of mercy shown on a particular occasion. In the cases of Henry's visits to the condemned prisoners in Chester castle there is no sense of Henry questioning the decisions of the courts or making a plea for mitigating circumstances that undoubtedly led to the criminal activities. Guilt is always presumed by Henry, and the justice of the law presupposed. A general sense of conformity to the law and morality of the wider society is promoted. Is this perspective on the role of law and punishment also found in his exegesis of Joshua 7?

Part 2: Matthew Henry's Exegesis.

- 'A firm belief of God's all-seeing eye always upon us, wherever we are, and whatever we are doing, would be a mighty aweband upon the spirit, to keep it serious and watchful. Dare I omit such a known duty, or commit such a known sin, while I am under the eye of a just and holy God, who hates sin, and cannot endure to look on iniquity?'¹⁷

In his *Commentary* Henry devotes some 10 columns to the exegesis of Joshua 7¹⁸. He adds one more stone to the growing cairn of interpretation on Achan. For Matthew Henry, Joshua 7 is not a text of terror: rather it magnifies the glory of God. However, this does not mean the text is not without its difficulties, and Henry is left with some explaining to do to make the text palatable for himself and to present it to his readers. The justice of God's actions need some explanation and the guilt of Achan needs to be established as a heinous crime necessitating the punishment by death. Also the execution of his family and the loss of all property, needs to be addressed.

Henry's accounting for the all-Israelite guilt has some relation to the unravelling of the plot. There is little narrative tension here. It is not a detective story which follows the skills of the sleuth who slowly reveals the culprit: rather, we are told at the outset of the narrative that Israel has sinned and that the guilty party was Achan. The detective story here is about how Joshua and all Israel gradually learn whom was guilty and the processes by which they did so.

For most commentators the Achan story raises two central concerns. The first issue is: in what **ways can a body of people be guilty for an action that has clearly been carried out by only one of them**. Wherein lies the logic of their responsibility? Henry suggests that the connection of the crime with all Israel is because at the early stage of the story Achan has yet to be singled out. There are theological and sociological reasons to be given by Henry. It is only by singling out and punishing the single individual, it

¹⁶ William Tong, *An Account*, 156

¹⁷ William Tong, *An Account*, 31

¹⁸ Matthew Henry, *An Exposition with practical Observations of the book of Joshua*

is implied, that the collective can be exonerated and relieved of any guilt. The execution of the criminal pardons the collective crime. We shall see that Henry's emphasis is in fact less on the guilt of the community and a collective crime, and more on the responsibility of keeping the community pure and holy. The crime for sure is committed by Achan and his family only.

The second theme that attracts attention is around the punishment of Achan and his family. When the criminal is singled out and has confessed their crime, he is executed but so too are all his family and their possessions are also destroyed. Again the question arises: **how can the crime of one person require the destruction of many others who are related.** For a modern audience familiar with the concepts of individual responsibility such a collective punishment is not only unjustified and unfair but completely outrageous. Moreover, a modern audience, in the light of Achan's confession, expect mercy to be extended to Achan, and are shocked by the execution of Achan, as needless cruelty. It would appear from this perspective that Joshua 7 is a text that Richard Dawkins in *The God Delusion*, might very much have in mind as an example to support the argument that 'The God of the Old Testament is arguably the most unpleasant character in all fiction.'¹⁹ We will see below how Henry deals with these issues. As Henry sees, the text attributes guilt to all Israel on account of the act of one member, and in the event, the punishment is metered out to Achan (and his family) but not to all Israel. Israel has already suffered some loss, with the deaths of those warriors who fell in the first failed attack on Ai (which led to the inquiry as to why they had lost the battle) but in the punishment it is Achan and his family who are executed and the execution is carried out, by all Israel in unison, as the text is at pains to point out, and Henry underlines.

2.i Individual and Community

Of Achan's guilt and the need for punishment, Henry is in no doubt. Since all Israel had been told by Joshua expressly to spare no one in the city of Jericho, and moreover, not to take any spoil but to put it all to the flame or dedicate to Yahweh, then, since Achan did take from the spoil, and is in direct contradiction of that earlier instruction, of the Divine Command, he is guilty. Henry does not question the legitimacy of the ban or the reason for the ban (for example, that it was a means of discipline to maintain the military commitment of the tribes, or served the interests of the priests in adding to the treasury): rather, since the ban had been put into effect, a transgression of it is, by definition, a crime, and Achan is the criminal. It is an act of 'disobedience' and deserves punishment.

What is in need of more explanation (and defence) is the relation between Achan as an individual and all Israel both in terms of the crime and later, in terms of the punishment. Henry writes, 'And yet, though it was a single person that sinned, the children of Israel are said *to commit the trespass*, because one of their body did it, and he was not, as yet separated from them, nor disowned by them. They did it, that is, by what Achan did, guilt was derived upon the whole society of which he was a member.'

Henry wants to point out that Achan was the only criminal in all Israel. While perfection of the followers of God will only ever be achieved 'in the heavenly Canaan', Henry presents the Israelites at this time as in harmony and unity almost to a man (and woman). Israel here is a pure and holy nation, and it is this purity that needs to be maintained. Achan is the only exception. Achan is the only 'delinquent'. The fact that more of the members of the society had not strayed from their obedience is a remarkable one, Henry

¹⁹ Richard Dawkins, *The God Delusion* (London:Transworld, 2006), 51

opines, given the sore temptation that all the spoil would present to ordinary men and women. It was on account of the ordinances of God, of circumcision and Passover (Henry clearly dating all these prior to the Conquest) that the Israelites were kept on the straight and narrow.

In applying such thinking to Henry's own situation and that of his audience, there is a sense that the society that is envisaged is less the English nation (and Scotland too after the act of Union of 1707) as a whole or some sense of one Church but rather that it is the dissenting congregation itself that is in view. A situation where members of the community are known to each other, and able to monitor the behaviour, speech and ideas of fellow members in a mutual effort to remain on the straight and narrow. In other words, a social setting more akin to a sectarian movement, made up of the elect, in the classical Weberian sense of the term.²⁰ In such small scale social settings, the deviancy of one member is more clearly seen, more strongly objected to, and more easily expunged through removal of the deviant. This is the way in which Henry understands the Israelite polity as narrated in Joshua 7 and the connection with the context of himself and his congregations is a relatively smooth and straight forward one.

Henry is able to address the relation between the individual and the community with respect to Achan's crime, by seeing the individual as part of the community, so that if the deviant can be identified and removed from the community, the purity of the community can be restored and maintained. There is no mysterious bond between community and individual or sense of a community soul or psychology. Such reasoning is not required by Henry, and neither does it occur to him. Henry simply sees the community as being implicated because Achan is a member of that community. Hence self and community can be differentiated, but there is a strong sense of community since the deviance cannot be tolerated: in a Durkheimian sense there is increased sensitivity to deviance in the context of a bounded community devoted to holiness.²¹ And, until the criminal is identified and punished, by the community, the community itself, Henry understands, will not thrive. In this instance the community's pathological status results in their loss in the first attack on Ai. What there is however, is a strong bond between the community and its status and health and Yahweh. In addition, the metaphor of disease is utilised by Henry: the community is seen as a body, which has been infected in one of its limbs/members; if that member can be cut off, if the gangrenous element can be eliminated the health of the body, will be restored. As Henry wrote: 'No reprieve could be obtained, a gangrened member must be cut off immediately.' Such metaphorical ways of thinking about crime and punishment in Matthew Henry's times was quite common and often drawn upon by preachers at Assize sermons²², and Henry drew fully upon it, and extended the concept of the social body to the 'congregation as the body Christ'. Indeed, the body metaphor itself in secular society had its origins in theological thought.

Since Achan is part of the community, the community is responsible, not so much for the crime (would they incriminate themselves for a failed socialisation?) but more for identifying the crime and the criminal

²⁰ Max Weber, 'The Protestant Sects and the Spirit of Capitalism' in Hans Gerth and C.W. Mills eds. *From Max Weber* (London: Routledge, 1948), The essay was originally published in German in 1920. David J. Chalcraft, 'David J. Chalcraft (Ed), *Sectarianism in Early Judaism: Sociological Advances* (London: Equinox, 2007), 26-51.

²¹ Emile Durkheim, *The Rules of Sociological Method*. (Basingstoke, Macmillan), 1988. Originally published in French in 1895)

²² Taylor, *Crime, Policing and Punishment*, 126

and acting accordingly. Not to act to remove the deviant individual would be to act wrongly and incur further punishment. This is the emphasis in Henry's account. The history of reception would need to wait till the 'anthropological turn' in biblical studies, with its ideas of taboo and contagion or indeed for its notions of collective personality, to offer a different account.²³ Given the more collective nature of social thought at the time of Henry's writing, and the culture of crime and punishment, Henry already has contextual tools ready to hand to interpret the biblical text.

2.ii Implications for Individuals in the Community.

Henry draws out the lesson for the community of readers of his commentary, when he writes: 'This should be a warning to us to take heed of sin ourselves, lest by it many be defiled or disquieted, Heb xii:15. And take heed of having fellowship with sinners, and of being in with them, lest we share in their guilt'. (538.col 1). Hence the relation between the individual and the community is one where the sin of the individual can corrupt others, so one must keep a watchful eye on oneself and also upon fellow congregation members. Such advice surely can be followed much more readily in smaller, sectarian, congregational settings. Only here can the warnings found in the Epistle of the Hebrews be fully followed, making sure that there is 'not one among you, a bitter, noxious weed growing up to poison the whole, no immoral person, no one worldly minded like Esau'. (NEB)

This observation of Henry's to be vigilant of one's self and other members of society, is a common one in interpretation of various passages in the Old Testament by commentators in the 17th century²⁴, and reflects aspects of social organisation in the communities of England, where the policing of morals is performed by all citizens of each other. Such mutual policing of course becomes much harder to effect when the nation is divided on political and religious lines and for Henry's day a nostalgic picture of close knit communities is not helpful²⁵. In a more sectarian setting, the vigilance is enjoined for the monitoring of fellow-sect members, and is more intense, and, moreover, capable of being carried out. For Henry, secret sins will 'be brought to light' and if the community is not to do it, God will instigate processes that brings the sin to the attention of the people. 'Many a community is under guilt and wrath, and is not aware of it, till the fire breaks out: here it broke out quickly' (p. 538, col.1)

Henry manages to keep both a collective, societal dimension to his exegesis and one that speaks to the individual piety of the people in his audience, but the emphasis overall of the implications of Joshua 7 is at the individual level: reform of the individual is promoted, not reform of the State or society. The lessons he draws from the story of Achan attempt to combine the collective and the individual. For example, he writes:

'That which is accursed, will be destroyed; and they whom God has intrusted to bear the sword, bear it in vain, if they make it not a terror to that wickedness which brings these judgements of God on a land. By

²³ For an introduction to the debate see John W. Rogerson, 'The Hebrew Conception of Corporate Personality: A Re-Examination', in John W. Rogerson ed. *Cultural Landscapes and the Bible: Collected Essays* (Beauchief Abbey Press), 7-29.

²⁴ See for example the exegesis of Judges 16:1-3 by Richard Rodgers in his, *The Book of Judges: A Commentary* (Banner of Truth, originally published 1616). Also, David Underdown, *Fire From Heaven: life in an English Town in the Seventeenth Century* (London: Fontana, 1993).

²⁵ See for example, Margaret Spufford, *Contrasting Communities. English Villagers in the sixteenth and Seventeenth Century*, Second edition. (Stroud: Sutton, 2000).

personal repentance and reformation, we destroy the accursed thing in our own hearts and unless we do that, we must never expect the favour of the blessed God. Let all men know that is nothing but sin that separates between them and God, and if that be not sincerely reported of and forsaken, it will separate eternally’.

On the collective level Henry invokes those charged with the oversight of the community through designated positions and they must uncover and eradicate wrong doing; but his emphasis is more on the individual and their personal responsibility: the Achans that exercise Henry are not leaders in the State but each individual themselves. Henry appeals to the individual’s conscience and responsibility for their own integrity. In another place Henry draws the moral lessons for the individual, rendering each far from perfect believer, a type of Achan- rather than throwing further stones at Achan the Christian reader is meant for Henry to consider whether they themselves, as Jesus challenged the would be stoners of the fallen women in the Gospel, ‘are free from sin’. Indeed, the individual believer knows themselves to not be in a right relationship with their God. He writes; ‘How much is it our concern, when God is contending with us, to find out what cause the action is, what the particular sin is, that, like Achan, troubles our camp. We must thus examine ourselves, and carefully review the records of conscience, that we may find out the accursed thing, and pray earnestly with holy Job, Lord, show me wherefore thou contendest with me. Discover the traitor, and he shall no longer be harboured’ (541, col. 1).

Henry clearly sees Achan as an individual who shares these human attributes: that they have an individual responsibility to acknowledge their own faults and sins and, once committed, to subject their consciences to scrutiny and to act upon the guilt that emerges to encourage them to self-reformation, repentance and the seeking for forgiveness, whether that be through redress to the community or through the acceptance of justice. Henry is at pains to point out that the Israelites went to great lengths to be sure to identify the guilty person- the task was not to make a show of punishment, but to punish the right man. For Henry this shows a great commitment to justice on the part of Joshua and the people.

2: iii Achan’s Crime is Heinous and Deserves to be met with Death by Execution.

Another line of interpretation adopted by Henry in his overall defence of the justice of Yahweh in Joshua 7, is to emphasise the seriousness of the crime/sin committed by Achan: a crime so serious that normal guidelines for justice, even those laid down by the deity, need not be followed. The sin is made to appear ‘exceedingly sinful’. Henry imagines a scene that it is not presented in the narrative, where Joshua would have enquired of the whole army that they had indeed followed the ban faithfully and not taken anything for themselves. In this scene Achan of course is imagined as giving his assent to Joshua’s general question, and moreover, in a further imagined scene where Henry has Joshua enquiring again since it was clear to him now that something had gone amiss, Achan continued to deny his crime. Henry posits that Yahweh does not name the culprit outright- remembering that we have already been told about the crime and the criminal from the beginning of the chapter- so as to give Achan time to repent and confess. It is likely that Henry is led to invent these scenes in order to better account for the fact that even though in the end Achan does confess there is no chance of his escaping the death penalty. ‘Joshua no doubt, proclaimed it immediately throughout the camp, that there was such a transgression committed, upon which, if Achan had surrendered himself, and penitently owned his guilt, and prevented the scrutiny, who knows but he might have had the benefit of that law which accepted of a trespass-offering, with restitution, from those had sinned through ignorance in the holy things of the law? Lev 5:15,16. But Achan never discovering himself till the lot discovered him, evidenced the hardness of his heart, and therefore he found no mercy.’

Again, Henry shows no interest in the anthropology of the structure of Israelite society. Rather, the delay in discovering the criminal, through the mustering of all Israel, and then taking the tribe, followed by household and family, is seen as yet another opportunity for Achan to discover himself, and confess his crime. Henry creatively constructs the scene whereby the lot gets closer and closer to putting the finger precisely and only on Achan's head: 'It was strange that Achan, being conscious to himself of guilt, when he saw the lot come nearer and nearer to him, had not either the wit to make an escape, or the grace to make a confession....We may well imagine how his countenance changed, and what horror and confusion seized him when he was singled out as the delinquent, when the eyes of all Israel were fastened upon him...'

In these comments on the facial changes imagined to have overcome Achan's face, we are reminded of Henry's observations about the unchanging countenance of Lord Brandon Gerrard in 1686 when he received with no visible signs of disturbance the sentence of death metered out to him for his association with the Rye House plot. It is also interesting to note that Henry does seem to think that if an earlier and swifter confession had been made, Achan may have escaped the death penalty.

Henry continues in this vein of underlining the severity of the crime that Achan has committed, so as to justify the apparent severity of God's punishment. Establishing the severity of the crime appears to be essential to Henry if he is going to be able to justify God's actions and exonerate the deity from injustice, cruelty and barbarism. Even though for Henry, God could act arbitrarily if God wanted to, being God, Henry works hard to establish the deep seriousness of Achan's crime. First, Henry observes, the crime was a great affront to God because Achan has transgressed the covenant, the sacred bond between Yahweh and his people. Secondly, the punishment needs to be severe to match the severity of the crime because Achan has caused 'great injury' to the church of God, damaging the reputation of the holy nation which is to be an example to all nations; a holy nation of which Yahweh is the protector. Moreover, for Henry the text indicates that the goods were stolen, and that Achan, even though given ample opportunity to confess continually hid his guilt and did not own up. In addition, Achan hid the stolen things, which were under the ban, among his own goods. Henry draws the conclusion therefore that: 'These being crimes so heinous in their nature, and of such pernicious consequence and example, the execution, which otherwise would have come under the imputation of cruelty, is to be applauded as a piece of necessary justice. It was SACRILEGE, it was invading God's rights, alienating his property, and converting to a private use that which was devoted to his glory, and appropriated to the service of his sanctuary- this was the crime to be thus severely punished for warning to all people in all ages to take heed how they rob God'.

So in fact for Henry, one act of theft has been elevated to a range of crimes: indeed, theft has been transformed into sacrilege tantamount to treason. There is no way of course that Achan would have intended all those consequences, and was not conscious of the full implications in these terms of the simple act of theft. Henry does not, to be clear, label these actions treason. If he had done it would have served to justify the punishment Achan receives for at the time of his writing, treason in England was a crime whose punishment included in its sweep the criminal's family and possessions.

However, it is the context of crime and punishment in Henry's day that explains the emphasis Henry lays on the heinous nature of the crime. As can be seen from the quotation from William Paley at the top of this chapter, although many criminal acts, especially after the passing of the Black Act of 1723, were subject to the death penalty, the death penalty actually was followed through only for a small proportion. Since many were reprieved of the death penalty and given alternative sentences, the question becomes

how it was decided to execute some and not others. The answer is that those who were executed were considered to be particularly deserving of execution given the nature of their crime, and the nature of their overall standing and character and record. William Paley lists three elements: 'Repetition, cruelty and combination.'²⁶ Matthew Henry has worked hard to establish why Achan's execution was equally merited.

2:iv Achan's Arraignment and Examination: Confession

Joshua seeks Achan's confession, even though the lot has determined the guilty party. Not only will confession be required but also retrieval of the stolen goods from where they were hidden to confirm the accuracy of Achan's confession. Henry considers in all cases the accuracy and justice of the lot, and hence of Yahweh's guidance, is confirmed in this process. Commentators and preachers have found much to interest them in these passages. Henry suggests that Joshua 'urges him to make a penitent confession, that his soul might be saved by it in the other world, though he could not give him any encouragement to hope that he could save his life by it' (541). Here Henry clearly anachronistically attributes a belief in a Christian afterlife to both Joshua and Achan, but to be sure such an approach was not seen as an anachronistic to Henry given his Christian approach to both Testaments. Behind these discussions one can sense the idea that confession of guilt is a required part of the justice system since the confession confirms for all that the system is indeed just, that those found guilty are indeed guilty, and that the punishment is fit and deserved. There may also be a sense that confession, even at the last moment, will place the guilty penitent in a better relation with the deity, and hence is strong motivation for Christian magistrates and pastors to press till the very end for confession, but it is probably the case that the motivation to justify the law and the criminal process is the stronger. 'Thus does Achan confess the whole matter, that God might be justified in the sentence passed upon him.'

Henry's thinking about the trial and execution of Achan is coloured by this general sense of the criminal justice system, as operative in his own time, where public executions took place and were seen as necessary and effective elements of the maintenance of law and order and where the role of confession was an important part of the procedure and the spectacle.²⁷

One particular feature of the interchange between Joshua and Achan in Joshua 7: 19-22 has drawn the attention of commentators in the 16th, 17th and 18th centuries, namely: the calm and considerate way in which Joshua speaks to Achan. The Hebrew text is short but conveys a depth of concern from Joshua which has the effect of bringing forth the confession of Achan and the details of his theft. It is the fact that Joshua does not mistreat Achan, nor call him a host of derogatory names, that is often commented upon. In this way commentators challenge the contemporary justice system from their own perspective for what they see as the mistreatment of the accused. For example, Henry writes:

'How he accosts him with the greatest mildness and tenderness that could be, like a true disciple of Moses. He might justly have called him 'thief' and 'rebel', 'Raca', and 'thou fool', but he calls him 'son'; he might have adjured him to confess as the High Priest did our blessed Saviour, or threatened him with the torture to extort a confession, but for love sake he rather beseeched him, *I pray thee, make confession*. This is an example to all, not to insult over those that are in misery, though they have brought themselves into it by their own wickedness, but to treat even offenders with the spirit of meekness not knowing what we

²⁶ William Paley, *Moral and Political Philosophy*, 133

²⁷ David Taylor, *Crime, Policing and Punishment*

ourselves have been and done, if God had put us into the hand of our counsels. It is like-wise an example to magistrates, in executive justice, to govern their own passions with a strict and prudent hand and never suffer themselves to be transported by them into any indecency of behaviour or language, no not toward those that have given the greatest provocations.’

It can now perhaps be better understood why the prisoners in Chester castle benefitted from Henry’s ministry given the humanity in this understanding of the convicted criminal being still deserving of respect. In his exegesis Henry here also shares a concern with George Fox (1676), who, given his dedication to resisting all forms of oaths and oath making, and ensuring that all speech was plain and to the glory of God, commented similarly and at length on the subject, and used Joshua 7 as the point of departure for a survey of scripture on the theme²⁸. George Fox himself, in his many trials, had no doubt been subject to a lot of abuse, both verbal and physical. It is in this context of the speech of the magistrates that Henry comes closest to making any implicit criticism of the criminal justice system, or of rendering any constructive advice.

2.v. The Punishment

Since the lot had identified Achan as the sinner and the criminal, and since Achan had confessed to the crime, and the goods had been recovered from the very place he said they were hidden, there is no doubt of Achan’s guilt and no sense that the troubler of Israel would not now themselves be troubled by All Israel. Execution was to take place and each qualified member of the society was to take part in the execution. As Henry reiterates: ‘See why Achan was so severely dealt with, not only because he had robbed God, but because he had troubled Israel’. He goes on to explain: ‘...it was an act of all Israel...They were all spectators of it, that they might see and fear. Public executions are public examples. Nay they were all consenting to his death, and as many as could, were active in it, in token of the universal detestation in which they held his sacrilegious attempt. And their dread of God’s displeasure against them’. (542, col. 1).

The public execution of Achan and the collective involvement demonstrates that all were united in their hatred of the crime and willing to exercise their abhorrence through stoning. Henry also demonstrates how he was familiar with public executions and the general belief in their efficacy in emphasising the terror of the law and the terror of punishment. The public execution confirmed the justice of the system, involved the whole community (rather than being the arbitrary act of the ruling classes), and served as a terrible example to all, as a major deterrent. Unlike William Paley, who felt that public executions would rather have the effect of lessening the humanity of all involved and wanted to advocate alternative means, Matthew Henry provides no sense of finding such occurrences harmful, and as we have seen, expected the powers that be to effectively wield the sword. Rather he observes: ‘The concurrence of all the people in this execution, teaches us how much it is the interest of a nation, that all in it should contribute what they can, in their places, to the suppression of vice and profanes, and the reformation of manners; sin is a reproach to any people, and therefore every Israelite indeed will have a stone to throw at it’ (542: col.

²⁸ George Fox, *The Christian judges, so called their words judged by the holy men of God, and Christ, and his apostles and by the heathen.* (1676)

2). In these ways Henry reads with the grain of the narrative and adds further stones to the cairn of consensus raised over Achan's dead body.

2.vi. The Sins of The Fathers are visited on the Children: Killing all the Family.

Henry does not question the punishment that is metered out to Achan and his family, and the loss of property. In English law at the time, the crime of treason was also punishable by the loss of property so that spouses and descendants were disinherited and left without means in one blow. The sins of the fathers were certainly borne by the children in these instances. Henry seeks to justify the execution of all of Achan's family, on the grounds that the sons and daughters must have been cognisant of the crime. Otherwise he cannot actually countenance that their punishment was just, as seen in the following passage:

'God has expressly provided that magistrates should not put the children to death for the father's sins; but he did not intend to bind himself by that law, and in this case he has expressly ordered, v 15, that the criminal and all he had should be burnt. Perhaps his sons and daughters were aiders and abettors in the villainy, had helped to carrying off the accursed things. It is very probable that they assisted in the concealment, and that he could not hide them in the midst of his tent, but they must know and keep counsel, and so they became accessories ex post facto- after the fact; and if they were ever so little partakes in the crime, it was so heinous, that they were justly sharers in the punishment. However, God was hereby glorified, and the judgement executed was thus made that more tremendous'.

Even God is defended when his own legislation not to punish the children on account of the crimes of the parents, as found in Deuteronomy and Ezekiel, is contradicted by these actions. Henry does not resort to any sense of Joshua narrative being earlier than the law found in Deuteronomy to escape the tension. On the contrary, since God is God, God has the perfect right to break his own laws as he sees fit. The natural law of the universe and of morality, since established by God, can be broken by God. In this fashion, Henry is not so far from Calvin's response to this text: namely, that God's justice is a mystery and cannot be questioned, and his knowledge of the secrets of a person's heart is deeper than any human can fathom. Calvin is left speechless in the sight of such texts and considers it unworthy and sinful to seek to fathom the logic of the case. As he states in his Commentary on Joshua:

'Wherefore, there is nothing better than in this case, than to holde our minds in suspense, until the books be opened, where the judgements of God shall be openly seene, which are nowe shadowed with our darkness...But if we do consider, how much deeper the knowledge of God pearceth, than the understanding of our mind, we will rather stay in his decree, than by advancing our selves with rashnesse, and mad pride and presumption, cast our selves headlong into destruction'.²⁹

3. Conclusion

²⁹Jean Calvin, *A Commentarie of M. John Calvine, upon the booke of Josua finished a little before his death.* (1578), 33; 39.

Henry did speculate further than Calvin would seem to allow, and in his engagement with the text utilises his imagination, and draws consequences for the nation and the community, and most emphatically, for the individual, from his engagement with Joshua 7. Whilst there is an element of constructive criticism of the contemporary criminal justice system in his comments about the appropriate 'words of the magistrate' in interrogating the suspected criminal and in eliciting full confessions, overall Henry adopts a somewhat conservative approach to the text, and rather than using Joshua 7 as his Puritan forebears had done on occasion to directly challenge the State and its officers, rather draws upon and reinforces, the values, beliefs and procedures of the criminal justice system in his own day. Perhaps his dissenting status, being a minority one and precarious in the country, inhibited his biblical interpretation to seek the reform of the individual rather than to engage in social and political criticism of the State. While Henry certainly felt the discomfort of a few splinters caused by the text, generally he read and interpreted with the grain of the text.