

Jesus and Biblical Law - Part 2

How Biblical Law Works

Torah/Biblical Law - Pentateuch; 613 law code instructions; literally: teaching or instruction

5 Proposals

1. Biblical law expresses justice and righteousness, especially describing how to protect the vulnerable in the community
2. Biblical law is ANE common law, not modern statutory law
3. Biblical law uniquely proposes wisdom principles in patterns and narrative
4. Biblical law is not always self-interpreting
5. Biblical law is triage and about trajectory

1. Biblical Law as Examples of Justice and Righteousness

Righteous (קָדָשׁ) — A lifestyle of right (healthy, loving) relationships to God, people, and the earth.

Wicked (עָשָׂה) — A lifestyle built on the mistreatment of God, people, and/or the earth

Justice/Righteousness/Judgment (מִשְׁפָּט) — The re-establishment of righteousness, often by vindicating or liberating the vulnerable/oppressed and judging the wicked/oppressors (Proverbs 31:8-9; Jeremiah 22:3; Psalm 146:7-9).

Most biblical law is instructions protecting the vulnerable. Anyone can become the vulnerable, but especially the poor, the orphan, the widow, and the immigrant (*Exodus 22:21-27*).

Most extreme punishment **karat** — *To cut off (exile or death)*

2. Biblical Law IS ANE Common Law, Not Modern Statutory Law

“If statutory law is like football, ANE common law is like curling.”

— *Dr. Dru Johnson*

“Authoritative legal precedent, as we know it, didn’t exist. No particular formulation of these norms is final. There is no authoritative text called ‘the law’ or ‘the law code’. In fact, not a single court docket from anywhere in the ANE ever refers to any ancient law collection as a source of law. Nowhere in the cultures of the ANE is there a word for written law. The very concept did not exist. Only by reading the [words] of the Torah in its ANE context, as its first audience understood it, can we hope to grasp its message.”
— *Rabbi Dr. Joshua Berman*

Statutory Law

- Begins with Roman Hellenism and develops through Enlightenment-based political theories
- Produced by legislative bodies within centralized political states
- Enforced through courts and administrative mechanisms under governmental authority
- Oriented toward regulating behavior, allocating rights and obligations, and mitigating public harm
- Comprehensive and detailed written documents operating through formal standards
- Either broken (compliance) or kept (violation)
- Primarily prohibitive, sometimes prescriptive
- Organized into systematic categories for reference

ANE Common Law

- Biblical law functions similarly to Assyrian and Babylonian Common Law (Code of Hammurabi), as descriptions of communal customs and a vision for identity
- Exists within a relational context between a suzerain (king) and a vassal (people group), giving a vision for faithfulness in a Suzerainty-Covenant-Treaty relationship
- A list of examples (paradigm cases) meant to convey wisdom to form a wise and just community
- Not designed for systematic courtroom adjudication
- Meant to be meditated on for the formation of communal imagination toward faithfulness (to God, people, and the earth)
- Can be cultivated or crossed against (not broken or kept)
- Primarily formative, even when describing prohibitions (like vows)

Most penal consequences in biblical law are aimed at reconciliation

KEY: Biblical law penalties (including karat) never brought up in court dockets, consequences left to the wisdom of community elders

Biblical law is not aimed at punishment, but communal formation into a people of wisdom and justice

Biblical law is meant to be meditated on in community for applying wisdom in complex situations, rather than cited in specific punitive legal measures

Biblical law features instructions regarding rituals and festivals

3. Biblical Law Uniquely Proposes Wisdom Principles in Patterns and Narrative

Narratives shape biblical law, and biblical law shapes the narratives

The biblical law exists with the story of rescue from slavery, covenant relationship, stamping a people with God's name, mission of justice, not detached universal moral truths

Biblical law exists in patterns that convey wisdom principles (not just paradigm instances) after communal meditation

- Through chiasms (*abcdedcba*)
- Through clusters
- Biblical law was meant to be heard and visualized more than read
- The paradigms tell mini-stories pointing to divine wisdom that goes beyond the examples

4. Biblical Law Is Not Always Self-Interpreting

***Halakha* (the way to go/walk)** - The disciplined, communal, and authoritative process by which Israel interprets the Biblical Law, through discernment and debate, in order to determine how God's wisdom is faithfully obeyed in concrete, everyday situations and practice (e.g. Mishna and Talmud).

Not universal commands, but contextually-based examples

Some laws change with context

Some laws are more important than others

General principle of many rabbis (*agreed with by Jesus*): love of God and neighbor as default wisdom principle to work others through

Not all biblical law applies to all people

- Commands for kings (Deuteronomy 17)
- Commands for priests/Levites (Leviticus 21)
- Commands for Israel as covenant people (Most Biblical Law)
- Commands for Israel *and foreigners* in Israel (Leviticus 17)

5. Biblical Law Is Triage and about Trajectory

Within Torah (Pentateuch), the ideal is depicted as something like Genesis 1-2 and Deuteronomy 30

Biblical law pragmatically meets people in non-ideal circumstances and pushes toward a divine ideal

Recommended Reading

- ***Understanding Biblical Law: Skills for Thinking With and Through Torah*** by **Dru Johnson**
- ***Inconsistencies in the Torah: Ancient Literary Conventions and the Limits of Source Criticism*** by **Joshua Berman**
- ***Created Equal: How the Bible Broke with Ancient Political Thought*** by **Joshua Berman**
- ***Bearing God's Name: Why Sinai Still Matters*** by **Carmen Imes**

- *The Lost World of the Torah: Law as Covenant and Wisdom in Ancient Context* by John Walton

Reading for next time

Practice from this week: **Deuteronomy 13, Leviticus 18**

For Next Time (Jesus and Halakhic Debate with some Pharisees 2/25): **Matthew 5; Mark 7:1-23; Luke 11:37-54, Luke 13:10-16, Luke 14:1-6**

Questions

- Most of us assume we should read biblical law like modern statutory law. How can we teach the church (young and old) to avoid this mistake?
- Did you notice any wisdom principles from Exodus 20-24?
- What are examples of applying the wisdom of God when what's right is not clear?
- How can the church read biblical law together to shape our moral imagination communally rather than individualistically?
- What are ways the church has neglected righteousness and justice, as defined by biblical law?





