

How Biblical Law Works

Jesus and Biblical Law — Part 2



Recap

- The Evangelical Church has often mischaracterized and misunderstood biblical law
- In the Bible, biblical law is seen as God's gift to his people
- Biblical law functions like marriage vows in the covenant relationship between God and his people
- Biblical law affirms the image of God by describing righteousness and justice
- Today's focus:
 - How do we read Biblical Law?
 - How did Ancient Israelites read Biblical Law?

But First!

- Be good tourists reading ancient literature
- Ask good questions, but first
 - Table assumptions and questions
 - Question self
 - Learn context of the text
 - Let the text set the terms
- Re-visit questions once attempting inhabiting the world of the text



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**

Biblical Law as Examples of Justice and Righteousness

Prop. 1



Justice and the Vulnerable

A Biblical Definition of Justice and Righteousness

- **Righteous (צַדִּיק)** – A lifestyle of right (healthy, loving) relationships to God, people, and the earth.
- **Wicked (רָשָׁע)** – A lifestyle build 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 and judging the wicked/oppressors.
- **KEY:** Most of the Torah is instructions protecting the vulnerable (*anyone can become the vulnerable, but especially the poor, the orphan, the widow, and the immigrant*)

Justice and the Vulnerable

A Biblical Definition of Justice and Righteousness

- **KEY:** Most of the Torah is instructions protecting the vulnerable (*especially the poor, the orphan, the widow, and the immigrant*)
- **Proverbs 31:8-9** “Open your mouth and speak out for those who can’t speak for themselves, for the rights of all the poor. Speak out, bring just righteousness, defend the rights of the poor and needy.”
- **Jeremiah 22:3** “Thus says the Lord: Bring about justice and righteousness. Rescue the disadvantaged, and don’t tolerate oppression or violence against the immigrant, the orphan, and the widow.”
- **Psalms 146:7-9** “The Lord God upholds justice for the oppressed and gives food to the hungry. The Lord sets the prisoners free. He loves the righteous...But he thwarts the way of the wicked.”

Justice and the Vulnerable

Examples

- **Exodus 22:21-27** “You shall not wrong or oppress a foreign immigrant, for you were foreigners in the land of Egypt. You shall not abuse any widow or orphan. If you do abuse them, when they **cry** out to me, I will **listen** to their cry; my anger will burn, and I will kill you with the sword, and your wives shall become widows and your children orphans.
“If you lend money to my people, to the poor among you, you shall not deal with them like a creditor; you shall not take interest from them. If you take your neighbor’s cloak as guarantee for repayment, you shall restore it before the sun goes down, for it may be your neighbor’s only clothing to use as a blanket. In what else shall that person sleep? And when your neighbor cries out to me, I will **listen**, for I am compassionate.”
- The punishments of biblical law are also about protecting the vulnerable
- Most extreme consequences: כָּרַת (death, exile)
- The context of the wilderness (like a boat at sea or space shuttle)

Biblical Law Is ANE Common Law, Not Modern Statutory Law

Prop. 2



Statutory Law vs. ANE Common 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

S P O R

- Begins with Roman Hellenism, 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 context of 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 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)

ANE Common Law Practice

Examples of Paradigm Cases to Meditate On

- **Deuteronomy 22:1-2** “You shall not watch your neighbor’s ox or sheep straying away and ignore them; you shall take them back to their owner. If the owner does not reside near you or you do not know who the owner is, you shall bring it to your own house, and it shall remain with you until the owner claims it; then you shall return it.”
- **22:3** “You shall do the same with a neighbor’s donkey; you shall do the same with a neighbor’s garment; and you shall do the same with anything else that your neighbor loses and you find. You may not withhold your help.”
- **Leviticus 19:14** “You shall not insult the deaf or put a tripping rock in front of the blind; you shall fear your God: I am the Lord.”

ANE Common Law Practice

Punishments are also paradigm examples

- Most of Torah aimed at reconciliation
- Israel is unique in having no prisons, instead primarily prescribing reparations
- In the USA, 12 capital offenses may warrant death penalty, carried out by state
- In Biblical Law, 5 Things warrant כְּרִית: sex crimes, idolatry, murder (including continual economic oppression), contempt of a court and authorities, and kidnapping
- Penalties most frequently carried out by victims or victims' families
- How do these emphasize care for the vulnerable? How were they *actually* followed? And how *frequently*? What was the expectation?
- **KEY:** Biblical law penalties never brought up in court dockets, consequences left to wisdom of community elders

ANE Common Law Practice

Punishments are also paradigm examples

- **Exodus 22:24-25** “[life for life,] eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.”
- **Deuteronomy 21:18-21** “If someone has a stubborn and rebellious son who will not obey his father and mother, who does not heed them when they discipline him, then his father and his mother shall take hold of him and bring him out to the elders of his town at the gate of that place. They shall say to the elders of his town, ‘This son of ours is stubborn and rebellious. He will not obey us. He is a glutton and a drunkard.’ Then all the men of the town shall stone him to death. So you shall purge the evil from your midst, and all Israel will hear and be afraid.”
- Limits vengeance to proportionate retributive justice
- Distinguish wisdom principles from paradigmatic instances
- כָּרַת was rare, some instances in those who refused changed, mostly applied in wisdom principles through financial reparations, forgiveness, or exile

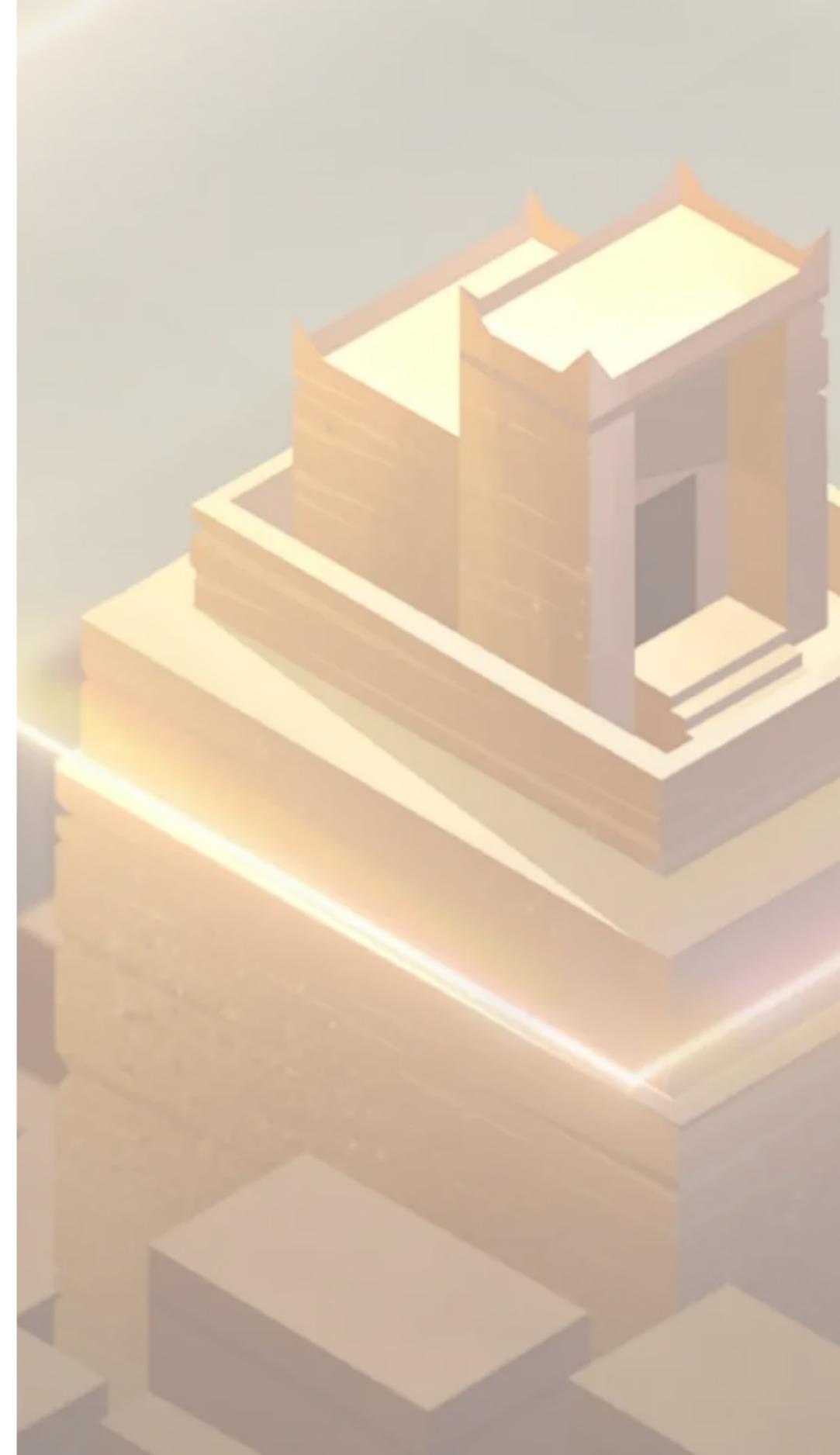
ANE Common Law Practice

- This is not about taking Biblical Law less seriously, but more seriously by not importing modern statutory legal assumptions onto biblical law
- Not aimed at punishment, but communal formation into a people of wisdom and justice
- Meditated on in community for applying wisdom in complex situations, rather than cited in specific punitive legal measures

ANE Common Law Practice

Rituals and Festivals

- Biblical law features instructions regarding rituals and festivals:
 - Circumcision
 - Food commands
 - Offerings, Temple keeping, etc. as communion with God
 - Festivals as identity-forming feasts
 - Ritual purity and impurity (discussed in later lecture)
- Rituals shaped imagination and a just identity of God's people through practices that express faithfulness and memorials of history



Biblical Law Uniquely Proposes Wisdom Principles in Patterns and Narrative

Prop. 3



Biblical Law Is Also Different from ANE Common Law

- It exists within narrative
- It exists in patterns that reveal wisdom principles
- Biblical law (*Torah*) is the collection of these stories, the paradigm examples themselves, and the larger divine wisdom its pointing to all at once

Biblical Law Is Embedded in Narrative

- Narratives shape biblical law and biblical law shapes the narratives
- **Leviticus 18:18** “And you shall not take a woman as a rival to her sister, having sex with her while her sister is still alive.” (Allusion to **Genesis 29**)
- **Exodus 22:21-22** “You shall not wrong or oppress a foreign immigrant, for you were foreigners in the land of Egypt. When they cry out to me, I will listen to their cry; my anger will burn.” (Allusion to **Exodus 3** and **Genesis 19**)
- 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 Patterned Together

- Law patterns convey wisdom principles (not just paradigm instances) after communal meditation
- Chiasms *abcdedcba*
- 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



Biblical Law Patterned Together

Practice

- **Deuteronomy 25:11-19**

- “If men get into a fight with one another and the wife of one intervenes to rescue her husband from the grip of his opponent by reaching out and seizing his testicles, you shall cut off her hand; show no pity.

- “You shall not have in your bag two kinds of weights, large and small. You shall not have in your house two kinds of measures, large and small.

- “You shall have only a full and honest weight; you shall have only a full and honest measure, so that your days may be long in the land that the Lord your God is giving you. For all who do such things, all who act dishonestly, are abhorrent to the Lord your God.

- “Remember what Amalek did to you on your journey out of Egypt, how he attacked you on the way, when you were faint and weary, and struck down all who lagged behind you; he did not fear God. Therefore when the Lord your God has given you rest from all your enemies on every hand, in the land that the Lord your God is giving you as an inheritance to possess, you shall blot out the remembrance of Amalek from under heaven; do not forget.”

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- All about the severity exploiting vulnerability
- How would Ancient Israelites put this into practice in faithfully forming their communal imagination?

Biblical Law Is Not Always Self-Interpreting

Prop. 4

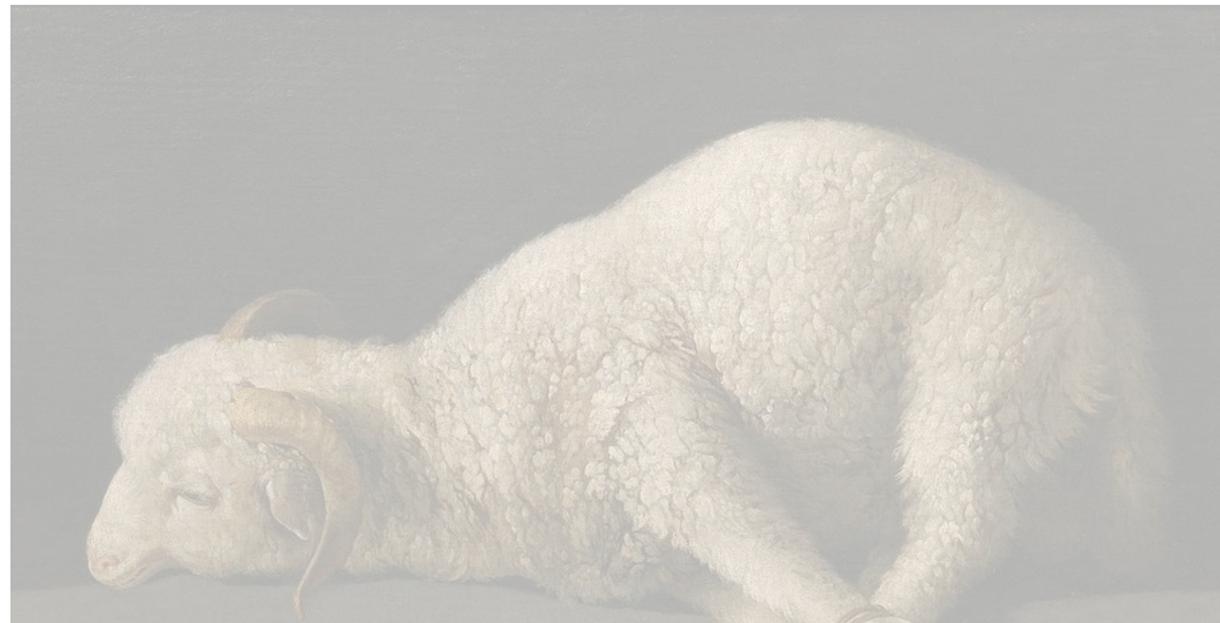


How to Interpret and Apply Biblical Law Faithfully

- What are the wisdom principles and how to apply them faithfully?
- **הַלְּכָה** (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.
- Mishna and Talmud examples of Rabbis doing this in later centuries

Biblical Law is Contextually Adaptable to Time and Place

- **Numbers 36** and the daughters of Zelophehad
- Passover lamb prep: **Exodus 12:8-9** (roasted, not boiled) vs. **Deuteronomy 16:6-7** (boiled)
- Not universal commands, wisdom and instruction based on context



Biblical Law is Contextually Adaptable to Time and Place

- Prioritizing Some Laws Over Others (circumcision, sabbath, priest roles, sabbath, saving life principle, fasting, pregnancy, etc.)
- Which laws are most important? Which give context to others (love and life highly valued)
- Requires community discernment

Not All Laws Are Created Equal

Halakha Examples

- Which wisdom principles or commands are more important
- Sabbath vs.
 - Priestly duties
 - Circumcision on the 8th day
- Risk of loss of life vs. anything else (e.g. pregnancy cravings vs. food impurity or fasting)
- General principal of many rabbis (*agreed with by Jesus*): love of God and neighbor is default wisdom principle to work others through

Biblical Laws Apply Differently to Different Groups of People

- Biblical Law includes:
 - 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)
- In Hebrew Bible/OT, God judges other people groups by far broader standard (*mistreatment of the 4 vulnerable groups as the image of God; Noahic covenant with all creation*)

Not All Laws Are Created Equal

Halakha Examples

- Most of Jesus's conflicts with some Pharisees are framed as halakhic debates
- Jesus does not argue about the status of biblical law or relevance of biblical law, but how to faithfully interpret and apply biblical law based on different contexts, or which commands are more important



Biblical Law Is Triage and About Trajectory

Prop. 5

Triage and 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
- Biblical law takes place within a story of God refusing to break his promise of working through frequently broken, stubborn people
- Biblical law (again) not universal principles, but signposts pointing toward ideal in living out the calling of being the image of God (humanity) and bearing God's name (Israel/covenant family)
 - E.g. polygamy, divorce, and **Matthew 19:3-9**
- What about slavery? What pragmatic moral choices do we make today in pushing toward justice?

Triage and Trajectory

Slavery in Biblical Law

- Slavery in the Hebrew Bible (similar and dissimilar to slavery as we conceive it)
- Most biblical laws about slavery are radically subversive, quoting the Code of Hammurabi, but giving rights to enslaved people
- Slavery frequently a trajectory toward reconciliation
- Exodus 21:21 frequently mistranslated
- Still not ideal, but gestures toward liberation
- *For more: Joshua Berman and Esau McCaulley*

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Recap

- Cultivating biblical law is...
 - Israel's expression of covenantal faithfulness to God
 - Israel's expression of righteousness and justice for the vulnerable
 - not (solely) meant to be followed as a list of rules, but meant to shape Israel's communal imagination into a wise people of justice

Misconceptions

Don't Get Me Wrong

- Not saying US Law should work like ANE common law
- Not saying don't apply wisdom from biblical law in coming up with US law
- Not saying biblical law is squishy and can be applied anyway based on our own moral convictions, rather than letting them shape ours
- Not saying biblical law is irrelevant
- Not saying all biblical law is binding to all people (just like biblical law doesn't say this)

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

- Practice from this week:
Deuteronomy 13, Leviticus 18
- Prep for next Ttme (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 assume we should read biblical law like modern statutory law. How can we teach others 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?