

Biblical Law

Study Notes

Introduction

Have you ever wondered why there are so many ancient biblical laws in the first books of the Bible? What are modern readers supposed to do with them, and why are some of them so odd? Let's explore why the laws were given to ancient Israel and how they fit into the overall storyline of the Bible. Use these study notes to dig deeper into the ideas in our video [How to Read the Bible: Biblical Law](#).

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Laws in the Hebrew Bible

The Number of Laws

Are there 611 or 613 laws in the Hebrew Bible? Within the Torah there are hundreds of stipulations found in Exodus, Leviticus, Numbers, and Deuteronomy that total 611 or 613 laws, depending on the interpretation. 611 and 613 were both standard counts among rabbis in the early centuries A.D.

Some rabbis advocated a count of 613 laws, arguing that there are two more implicit commands in the Torah. The first is in Exodus 20:1, and it says "I am Yahweh your God," which could be a command to believe that Yahweh exists. The second is in Deuteronomy 6:5, and it says "Yahweh your God, Yahweh is one," which could be a command to believe that Yahweh is one.

The number 613 became standard with Maimonides *Mishneh Torah* in 1170 C.E.

Importantly, the word "Torah" (תורה) has the numerical value 611.

Babylonian Talmud, *Makkot*, 23b-24a.

II.1. A. Therefore he gave them abundant Torah and numerous commandments:

- B. R. Simelai expounded, "**Six hundred and thirteen commandments were given to Moses**, three hundred and sixty-five negative ones, corresponding to the number of the days of the solar year, and two hundred forty-eight positive commandments, corresponding to the parts of man's body."
- C. Said R. Hamnuna, "What verse of Scripture indicates that fact? 'Moses commanded us Torah, an inheritance of the congregation of Jacob' (Dt. 33:4). **The numerical value assigned to the letters of the word Torah is [24A] six hundred and eleven**, not counting, 'I am' and 'you shall have no other gods,' since these have come to us from the mouth of the Almighty."
- D. [Simelai continues:] "**David** came and reduced them to **eleven**: 'A Psalm of David: Lord, who shall sojourn in thy tabernacle, and who shall dwell in thy holy mountain? (i) He who walks uprightly and (ii) works righteousness and (iii) speaks truth in his heart and (iv) has no slander on his tongue and (v) does no evil to his fellow and (vi) does not take up a reproach against his neighbor, (vii) in whose eyes a vile person is despised but (viii) honors those who fear the Lord. (ix) He swears to his own hurt and changes not. (x) He does not lend on interest. (xi) He does not take a bribe against the innocent' (Psalm 15)."
- V. [Simelai continues:] "**Isaiah** came and reduced them to **six**: '(i) He who walks righteously and (ii) speaks uprightly, (iii) he who despises the gain of oppressions, (iv) shakes his hand from holding bribes, (v) stops his ear from hearing of blood (vi), and shuts his eyes from looking upon evil, he shall dwell on high' (Isaiah 33:15-16)."
- FF. [Simelai continues:] "**Micah** came and reduced them to **three**: 'It has been told you, man, what is good, and what the Lord demands from you, (i) only to do justly and (ii) to love mercy, and (iii) to walk humbly before God' (Micah 6:8)."
- KK. [Simelai continues:] "**Isaiah** again came and reduced them to **two**: 'Thus says the Lord, (i) Keep justice and (ii) do righteousness' (Isaiah 56:1)."
- LL. "**Amos** came and reduced them to a single **one**, as it is said, 'For thus says the Lord to the house of Israel. Seek me and live.' "
- NN. Rather, [Simelai continues:] "**Habakkuk** further came and based them on **one**, as it is said, 'But the righteous shall live by his faith' (Habakkuk 2:4)."

Jacob Neusner, *The Babylonian Talmud: A Translation and Commentary*, vol. 17a (Peabody, MA: Hendrickson Publishers, 2011), 120-122.

Ancient and Modern Problems With the Laws

To modern readers the laws seem noble and inspiring, odd and obscure, but they also seem primitive and barbaric.

*Now when you reap the harvest of your land,
you shall not reap to the very corners of your
field, nor shall you gather the gleanings of your
harvest. Nor shall you glean your vineyard,
nor shall you gather the fallen fruit of your
vineyard; you shall leave them for the needy
and for the stranger. I am the LORD your God.*

Leviticus 19:9-10

*You shall not round off the side-growth of your
heads nor harm the edges of your beard.*

*You shall not make any cuts in your body
for the dead nor make any tattoo marks
on yourselves: I am the LORD.*

Leviticus 19:27-28

*Now a man or a woman who is a medium
or a spiritist shall surely be put to death.
They shall be stoned with stones, their
bloodguiltiness is upon them.*

Leviticus 20:27

The laws create tension within models of biblical authority. Are we supposed to obey all of them, some of them, or none of them? This is a problem in both Jewish and Christian history.

In Jewish history, sacrificial ritual laws make up one quarter of Leviticus (Lev. 1-7), yet the temple was destroyed in 586 B.C. and again in 70 A.D. making sacrifice impossible. Also, many laws are bound to the promised land, such as pilgrimage feasts and Jubilee.

In Christian history, how do the laws relate to members of the messianic new covenant family? How do Jesus' statements about the law like "I didn't come to set it aside but fulfill it" relate to Paul's statements like "The Messiah is the end of the Law"? But Paul still quotes from the ten commandments, like in Ephesians 5 ("Children obey your parents") or Acts 15 (about Kosher food laws, circumcision, etc.).

These questions pose problems for both Judaism and Christianity.

Another problem with the laws is their placement. The laws are placed unevenly throughout the Torah, sometimes in odd locations.

Within the Torah, there are multiple blocks of law codes embedded in the narrative. And there are different categories of laws. The table below describes the two categories of laws: narrative and law codes (list of commands). Narrative is in white and law codes are in gray.

Exodus 1-19	Exodus, wilderness wandering, Sinai	
Exodus 20-23	Sinai covenant code	Covenant Code
Exodus 24	Making of the Sinai covenant	
Exodus 25-31	Tabernacle blueprints	Priestly Code Part 1
Exodus 32-34	Golden calf - covenant broken and renewed	
Exodus 35-40	Tabernacle blueprints constructed	
Leviticus 1-9	Sacrificial and priestly rituals	
Leviticus 10	Rebellion among the priests	
Leviticus 11-16	Ritual purity laws	Holiness Code
Leviticus 17-27	Purity rituals and sacred calendars	
Numbers 1-10	Purity and ordering laws	Priestly Code continued
Numbers 11-14	Wilderness journey and rebellions	
Numbers 15	Sacrificial rituals	
Numbers 16-17	Levite rebellion	
Numbers 18-19	Priestly and purity rituals	
Numbers 20-25	Wilderness rebellions	
Numbers 26-36	Priestly and sacrificial rituals	
Deuteronomy 1-11	Moses' covenant speech	
Deuteronomy 12-28	Covenant law code	Deuteronomic Code
Deuteronomy 29-34	Moses' covenant speeches	

Another problem is the way the laws sometimes differ from each other, in small or big ways.

Small Differences in Biblical Laws

Take a look at these two variant versions of the Sabbath in the ten commandments.

Exodus 20:8-11	Deuteronomy 5:12-15
<p>Remember the Sabbath day, to keep it holy.</p> <p>Six days you shall labor and do all your work,</p> <p>but the seventh day is a Sabbath of the LORD your God; in it you shall not do any work, you or your son or your daughter, your male or your female servant or your cattle or your sojourner who stays with you.</p> <p>For in six days the LORD made the heavens and the earth, the sea and all that is in them, and rested on the seventh day; therefore the LORD blessed the Sabbath day and made it holy.</p>	<p>Keep the Sabbath day to keep it holy, as the LORD your God commanded you.</p> <p>Six days you shall labor and do all your work,</p> <p>but the seventh day is a Sabbath of the LORD your God; in it you shall not do any work, you or your son or your daughter or your male servant or your female servant or your ox or your donkey or any of your cattle or your sojourner who stays with you, so that your male servant and your female servant may rest as well as you. You shall remember that you were a slave in the land of Egypt, and the LORD your God brought you out of there by a mighty hand and by an outstretched arm; therefore the LORD your God commanded you to observe the Sabbath day.</p>

Big Differences in Biblical Laws

Should the Passover lamb be roasted or boiled?

Exodus 12:8-9	Deuteronomy 16:6-7
<p>They shall eat the [Passover lamb] that same night, roasted with fire, and they shall eat it with unleavened bread and bitter herbs.</p> <p>Do not eat any of it raw or boiled (בשל) at all with water, but rather roasted with fire, both its head and its legs along with its entrails.</p>	<p>But at the place where the LORD your God chooses to establish his name, you shall sacrifice the Passover in the evening at sunset, at the time that you came out of Egypt.</p> <p>You shall boil (בשל) and eat it in the place which the LORD your God chooses. In the morning you are to return to your tents.</p>
<p>In Deuteronomy 16:7, "You shall boil" is translated to harmonize the variance in English translations.</p> <ul style="list-style-type: none"> • ESV/NASB: "You shall cook it" • NIV: "You shall roast it" 	
<p>2 Chronicles 35:13</p> <p>So they boiled (לשב) with fire the Passover animals according to the ordinance, and they boiled the holy things in pots, in kettles, in pans, and carried them speedily to all the lay people.</p>	

Six Important Perspectives in Understanding the Laws of the Hebrew Bible

1. The Laws Are Terms of a Covenant Relationship, Not a Law Code

The laws are not a constitutional code (divine behavior manual) dropped from Heaven. Rather, they illustrate the official terms of the covenant relationship between Yahweh and the people of ancient Israel.

Law and Covenant in the Bible

In the Bible, the 613 laws are not a judicial code. Rather, they all fall within the ceremony of God's covenant with Israel in Exodus 19-24.

A	Exodus 19:1-25 - Divine appearance before the people on Mount Sinai <ul style="list-style-type: none">Moses alone ascends Mount Sinai (19:3)Yahweh invites Israel "to listen to my voice" and "keep my covenant"Israel responds with "All that Yahweh has spoken we will do!" (19:8)
	Exodus 20:1-17 - Covenant Laws <ul style="list-style-type: none">First and second commands: No other <i>elohim</i> and no idols (20:2-4)The 10 words upon the two tablets
C	Exodus 20:18-21 - The people request Moses as the mediator
B	Exodus 20:22-23:19 - Covenant Laws <ul style="list-style-type: none">First command: "do not make with me gods of silver and gods of gold" (20:23)The 42 laws upon the "scroll of the covenant"
A	Exodus 24:1-18 - Divine appearance before the people on Mount Sinai <ul style="list-style-type: none">Moses ascends Mount Sinai with Aaron and sons and "elders of Israel"Moses writes on a "scroll of the covenant" (ספר הברית) the "words of Yahweh"Israel responds "All that Yahweh has spoken we will do, and we will listen!" (24:7)

"You yourselves have seen what I did to the Egyptians, and how I bore you on eagles' wings, and brought you to myself. Now then, if you will listen to my voice and keep my covenant, then you shall be my own possession among all the peoples, for all the earth is mine; and you shall be to me a kingdom of priests and a holy nation." These are the words that you shall speak to the sons of Israel.

Covenant Prologue: Exodus 19:4-6

Ancient Israel Was a Common-Law Society Not a Statutory-Law Society

1. The Law Code of Hammurabi



The Code of Hammurabi was written by a king of ancient Babylon in the 18th century B.C. After an introduction, it lists 282 “laws” covering many areas of civil and criminal law. The quote from the American Historical Association describes the photograph of the carving of Hammurabi.

Hammurabi is portrayed receiving the laws directly from Shamash the sun god. (A parallel to Moses can be made here.) Shamash is the dominant figure—he is seated on his throne, wears a crown composed of four pairs of horns, holds a ring and staff, and has flames issuing from his shoulders. Although Hammurabi is subservient to the god he still makes a powerful authority statement by addressing the god directly. Even though he has his hand raised in reverence he shows that he has a personal relationship with the gods while mere mortals do not.

Below are excerpts from the Code of Hammurabi, taken from *Law Collections from Mesopotamia and Asia Minor* by Martha Tobi Roth, Harry A. Hoffner, and Piotr Michalowski.

The Epilogue and Prologue to the Law Code

When lofty Anum, king of the Anunnaki and Enlil, lord of heaven and earth, the determiner of the destinies of the land, determined for Marduk, the first-born of Enki, the Enlil supreme powers over all mankind, made him great among the Igigi, called Babylon by its exalted name,

He made it supreme in the world, established for him in its midst an enduring kingship, whose foundations are as firm as heaven and earth—at that time Anum and Enlil named me to promote the welfare of the people, me, Hammurabi, the devout, god-fearing prince, to cause justice to prevail in the land, to destroy the wicked and the evil, that the strong might not oppress the weak, to rise like the sun over humankind, and to light up the land.

Hammurabi, the shepherd, called by Enlil, am I; the one who makes affluence and plenty abound; the one who relaid the foundations of Sippar; who decked with green the chapels of Aya; the designer of the temple of Ebabbar, which is like a heavenly dwelling.

When the god Marduk commanded me to provide just ways for the people of the land (in order to attain) appropriate behavior, I established truth and justice as the declaration of the land, I enhanced the well-being of the people.

Here are a few examples from the 282 laws in the Hammurabi Code.

Law #196: If a man destroy the eye of another man, they shall destroy his eye. If one break a man's bone, they shall break his bone. If one destroy the eye of a freeman or break the bone of a freeman he shall pay one gold mina. If one destroy the eye of a man's slave or break a bone of a man's slave he shall pay one-half his price.

Law #250 (xliv 44-51): If an ox gores to death a man while it is passing through the streets, that case has no basis for a claim.

Law #251 (xliv 52-65): If a man's ox is a known gorer, and the authorities of his city quarter notify him that it is a known gorer, but he does not blunt its horns or control his ox, and that ox gores to death a member of the awilu-class, he (the owner) shall give 30 shekels of silver.

The Epilogue

May any king who will appear in the land in the future, at any time, observe the pronouncements of justice that I inscribed upon my stela. May he not alter the judgments that I rendered and the verdicts that I gave, nor remove my engraved image. If that man has discernment, and is capable of providing just ways for his land, may he heed the pronouncements I have inscribed upon my stela.

Puzzles and Problems about the Hammurabi Code

- This code is one of the most frequently copied texts from the ancient world, with copies made for over 1,500 years, and yet ... "Of the many thousands of Mesopotamian legal documents in our possession, not one of them cites the Code of Hammurabi, or any other 'code' as a source of authority. This in spite of the fact that the Code of Hammurabi was esteemed and recopied for more than a millenium. All of this suggests that ancient near Eastern law codes were of a literary, educational, and monumental nature, rather than legal and juridical" (Joshua Berman, *Created Equal*, 84).
- The code was copied and recopied for over 1,000 years, and yet the dozens of monetary fines remained unchanged across the centuries. The monetary amounts would have changed over time if the code was being used for legal purposes.
- The code is nowhere near comprehensive. For example, there are no laws concerning inheritance, which was one of the most important features of landed-agricultural life in Babylon.
- Copies of the code have been found in royal archives, but never in the sites of local courts, and never with caches of legal documents (receipts, divorce certificates).
- No ancient legal text ever cites or even refers to the code as a source of law. Thousands of ancient legal texts address the same topics as the code, but they are usually at odds with the sentences and fines given within the code.
- If these compositions were not legal codes, (1) where could the law of the land be found? And if they were not legal codes, (2) what was their purpose?

1. Where could the law of the land be found?

Archaeologists have unearthed thousands of law-practice documents from the ancient Near East, documents such as land transfers, financial contracts, and court rulings where law was applied to actual situations [divorces, civil disputes]. There have also been discovered dozens of ancient law codes [Hammurabi, Ur-Namma, Lipit-Ishtar, Eshnunna]. A curious problem emerges, however, when these practice documents are compared with the law collections. The law as practiced in those cultures often differed from, even contradicted, the laws as stated in the collections. Penalties found in court decisions are repeatedly inconsistent with the penalties inscribed in the collections. Prices established in contracts don't match those given in the law codes. This has raised important questions about the purpose of these collections. Whatever their purposes were, they do not appear to have dictated actual legal practice. Scholars have come to see these law codes as academic and monumental collections, but not the source of law in these societies.

Michael Lefebvre, *Collections, Codes, and Torah*, 1

The scholarly consensus is that law in Mesopotamia was customary [common] law. A judge would determine the law at the moment of adjudication by drawing on an extensive reservoir of custom, accepted norms, and principles from the legal texts with which he was educated. The law would vary from place to place, and neither the Code of Hammurabi nor any other text was "the final word" on what law should be applied. Indeed, the association of "law" with a written collection of statutes and rules is a modern anachronistic imposition from our own culture. It is no surprise, therefore, that neither Mesopotamia, Egyptian, or Hittite culture has any word for "written law," that we find in later Greek as *thesmos*, or *nomos*.

Joshua Berman, *Inconsistency in the Torah*, 112-113

2. What was their purpose?

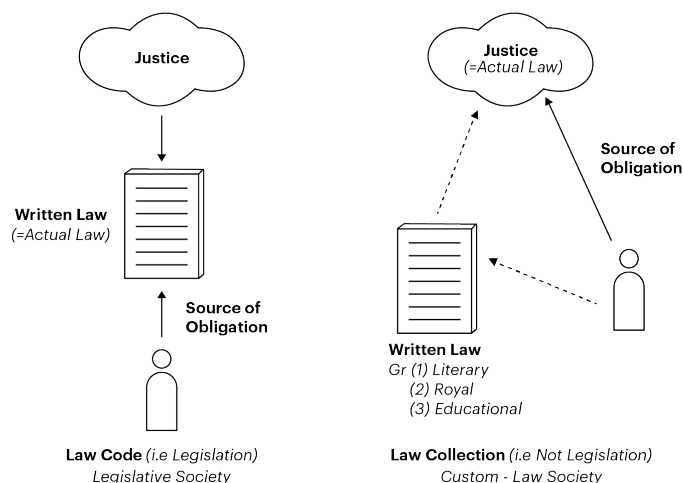
The law collections, instead, are anthologies of judgments from times past, snapshots of decisions and customs rendered by judges or even by a king. The collections were a model of justice meant to educate and inspire ... They were records of precedent, but not of legislation ... they instilled in later generations of scribes a unified legal vision.

Joseph Berman, *Inconsistency in the Torah*

Lefebvre lists three main purposes of law codes.

1. Judicial education texts: Collections of the most common representative decisions from a culture, compiled to train the moral instincts of leaders, not to legislate actual practice.
2. Monumental propaganda: Like the Code of Hammurabi, the code praises the king's wisdom and justice and claims that his decisions are in fact divinely inspired.
3. Educational texts: These are compilations for training the scribal class and introducing them to a literary tradition of justice.

Legislative Versus Non-Legislative Societies



Legislative Society / Statutory Law	Custom-Law Society / Common Law
<ol style="list-style-type: none"> 1. The written law is itself the authoritative statement of legal practice. 2. The norm is authoritative from the moment of its publication. 3. The exact wording of the written law is binding. 4. The written law's publication overrides previous statements of legal practice ("amendments"). 	<ol style="list-style-type: none"> 1. The written law describes applications of legal practice, but is not itself "the law." 2. The written norm applies an already operating norm outside the text. 3. The wording of the law illustrates the authoritative norm, but isn't itself binding. 4. The written law's promulgation adds to and complements pre-existing law codes; it does not replace or "amend."

— Michael Lefebvre, *Collections, Codes, and Torah*, 24-25

Statutory Versus Common Law Societies

Statutory Law

The law itself is contained in a codified text, whose authority combines two elements: (a) the law emanates from a sovereign (a king or legislative body, etc.); (b) the law is a finite and complete legal system, so that only what is written in the code is the law. The law code supersedes all other sources of law that precede the formulation of the code. ... Where the code lacks explicit legislation, judges must adjudicate with the code as their primary guide.

Joshua Berman, *Inconsistency in the Torah*, 109-112

Common Law

The law is not found in a written code that serves as a judge's point of reference or limits what they can decide. Rather, the judges conclude the correct judgment based on the mores and spirit of the community and its customs. Law ... develops through the distillation and continual restatement of legal doctrine through the decision of courts. ... Previous legal decisions are consulted but not binding and, importantly, a judge's decision does not create a binding law, because no particular formulation of the law is binding. ... [T]he common law is consciously and inherently incomplete, fluid, and vague. ... Legal codes are not the source of law, but rather a resource for later judges to consult.

Joshua Berman, *Inconsistency in the Torah*, 109-112

A Metaphor

The common law can change and yet still be considered part of the same legal “system” just as a ship can return home after a long voyage and still be considered the “same” ship, even though it returns with many repairs, new materials, and old materials discarded and replaced. In the same law, law collections create a system of legal reasoning that a judge accesses to apply in new and unanticipated circumstances.

Sir Matthew Hale, a British common-law judge from the 17th century

A Helpful Illustration

(Encyclopedia.com entry for Grimm, Jacob And Wilhelm) Common law traditions flourished for most of human history because they required a homogeneous community where a common story and common values are assumed and perpetuated by all members of a society. 19th century German legal theorist Carl von Savigny called this the *Volksgeist*, or “the collective spirit and conscience of a people.” Where social cohesion breaks down, it becomes more difficult to anchor the law in a collective set of values, and this is what happened in 19th century Europe with the rise of immigration, urbanization, and the rise of the modern nation-state.

19th century Germany, led by Otto von Bismark, was moving from a historically tribal state to a modern state. During this tumultuous time, Carl Savigny continued to advocate for the common law tradition of the past. One of his most famous students was Jacob Grimm (1785-1863), who was best known for his collaboration with his brother Wilhelm. The Grimm brothers conducted exhaustive research into their cultural folklore and produced comprehensive editions of Germany’s moral heritage in their anthology called *Kinder und Hausmärchen*, which means “Children’s and Household Tales” (published in two volumes in 1812 and 1815). This collection included the stories of Cinderella, Hansel and Gretel, Rapunzel, Rumpelstiltskin, Sleeping Beauty, the Frog Prince.

The Brothers Grimm established a methodology for collecting and recording folk stories that became the basis for folklore studies. Between the first edition of 1812-15, and the seventh and final edition of 1857, they revised their collection many times, so that it grew from 156 stories to more than 200. In addition to collecting and editing folk tales, the brothers compiled German legends. Individually, they published a large body of linguistic and literary scholarship. In 1838 they began work on a massive historical German dictionary (*Deutsches Wörterbuch*), which, in their lifetimes, they completed only as far as the word “frucht” (fruit).

Jacob Grimm was the foremost student of Carl von Savigny, the founder of the historical school of German jurisprudence. He believed that law must emanate from the mores of the people, and initiated a vast effort to recover texts and traditions that reflected the values and principles of German culture. The Grimm brothers’ interest in German folklore stemmed from a conviction that those specimens of culture contain the remnants of German law and liberties. Judges should adjudicate on the basis of a range of customary law sources, including proverbs, mythology, folklore, poetry, and the like. Grimm himself actually derived property laws from some of the tales found in his collection. Within such a legal tradition, the dichotomy between “legal” documents and “narrative” or “poetry” lacks nuance and displays the imposition of a modern culture based on statutory law. In a common law culture, Proverbs and folktales are in a sense “legal” materials, no less than law codes. Judges are to probe all the sources of their cultural tradition and make decisions based on that tradition. In this context, all specimens of culture become the potential bearers of legal instruction.

Our modern dichotomy between "legal" and "non-legal" texts is not universal, and we should not assume that the Pentateuch's law codes served as the sole authoritative law or that they were intended to serve that purpose. This dichotomy has a buried assumption that only what is written in legal collections is statutory law, and what is not in the code is merely narrative, illustration, or artistic. Instead, we ought to think of "law" in the biblical tradition as a reflection of a common-law culture. The law codes representative compendia of legal and ethical norms, digests of the divine requirements for "justice and righteousness," but not statutory codes. This is why the Torah can be identified with the entire Pentateuch, and also with the entire Hebrew Bible. The totality of these texts, narrative as well as legal, are resources for future generations in discerning the divine will.

Douglas J. Davies and Michael J. Thate, *Religion and the Individual: Belief, Practice, and Identity*

The biblical texts that refer to "law" use the word "Torah," which means "instruction" and is found alongside words such as "wisdom," "truth," and "justice." In other words, the entire Hebrew Bible is about inculcating an ethical cosmology, an all encompassing worldview.

Law and Order in Ancient Israel

The practice of law by judges in Israel conforms to this ancient portrait of common law society. Judges were appointed in Israel based on their moral character and not their legal education.

Furthermore, you shall select out of all the people able men who fear God, men of truth, those who hate dishonest gain; and you shall place these over them as leaders of thousands, of hundreds, of fifties and of tens. Let them judge the people at all times; and let it be that every major dispute they will bring to you, but every minor dispute they themselves will judge. So it will be easier for you, and they will bear the burden with you.

Exodus 18:21-22

So I took the heads of your tribes, wise and experienced men, and appointed them heads over you, leaders of thousands and of hundreds, of fifties and of tens, and officers for your tribes.

Then I charged your judges at that time, saying, "Hear the cases between your fellow countrymen, and judge righteously between a man and his fellow countryman, or the alien who is with him. You shall not show partiality in judgment; you shall hear the small and the great alike. You shall not fear man, for the judgment is God's. The case that is too hard for you, you shall bring to me, and I will hear it."

Deuteronomy 1:15-17

It is noteworthy that none of these catalogs [of character traits of Israel's judges] have a commandment to consult the law books or adhere to the letter of the law. However judicial decisions were argued or rendered, it is evident that conformity to rules of a written law was not the main value to be inculcated ... From this silence one may surmise that Israelite judges were not expected to consult law codes to render decisions or apply a ruling.

Dale Patrich, *Old Testament Law*, 191-193

There are many cases where narratives about legal decisions either (1) differ from the statements of practice in the biblical law codes, or (2) the decision is offered without any recourse to a law code.

In 2 Samuel 14, David gives a ruling contrary to every law and principle in the biblical law codes concerning murder. But David simply excuses his son Absalom (who murdered Amnon) with no appeal or defense of his actions, and no mention of a law code.

Jeremiah 26 is the most detailed description of a trial in the Hebrew Bible. Jeremiah is accused of treason for announcing the temple's destruction. He defends himself by saying that another prophet before him, Micah, announced the same message and he was never imprisoned. This is an argument from precedent, not from a law code. The arguments advanced against him are offered on theological grounds ("he speaks in the name of Yahweh") and political grounds ("he prophesied against our city"). No law codes are ever consulted to defend or accuse him.

In 1 Kings 3, Solomon makes a famous decision about the two women and the baby. Solomon listens to the witnesses (the two women) and uses his intuition (which is divinely inspired according to the previous narrative) to make a decision. The concluding statement shows the real source of legal authority: "When all Israel heard of the judgment which the king had decided, they revered the king, for they saw the wisdom of God in him to do justice" (1 Kgs. 3:28).

The Hebrew Bible strongly suggests that the earliest forms of disputes ... were resolved ... by intuitions of justice against a background of custom, rather than appeal to formulated rules. The biblical sources which talk about the establishment of the judicial system in Israel give no indication that judges were to use written sources. Rather, judges are urged to avoid partiality and corruption and to "do justice." But what was the source of such justice? The version attributed to king Jehoshaphat is the most explicit, "God is with you in giving judgment" (2 Chronicles 19:6). Divine inspiration is also attributed to the king in rendering judgment: Proverbs 16:10, "Inspired decisions are on the lips of a king; his mouth does not sin in judgment. Solomon's judgment (1 Kings 3:16-28) is presented as an example of just such a process. ... This is not to say that judges were expected to go into some kind of trance or function as an oracle. Rather, they were called to operate by combining local custom with divinely guided intuitions of justice ... relying on the "practical wisdom" that existed within the social consciousness of the people as a whole.

Bernard Jackson, *Wisdom Laws*, 30-31

2. The Laws Embody a Set of Symbolic Ideals

Laws related to similar topics work together as a symbolic ritual system. They embody a set of ethical, social, and theological ideals for God's ancient covenant people, who were to be "a kingdom of priests and a holy nation" living out the garden of Eden ideal in the world.

- Ritual calendar: The seven-day Sabbath cycle is all about the anticipation and reenactment of the new creation. In the literary design of the "days" in Genesis 1, there is no end to the seventh day.
- Ritual sacrifices: This involves offering up the life of a blameless representative who will "ascend" to the heavenly mountain on someone's behalf (Lev. 1 begins with the "'*olah* ascent" offering).
- Ritual holiness: This involves symbolic purity boundaries that embody the conviction that God's presence is the source of all life, and health is separate from the mortal and immortal.
- Civil law: This involves creating a new creation community that is structured to carry the poor and prevent injustice against the vulnerable.
- Criminal law: This involves a zero tolerance policy for those who corrupt the holy covenant family through blood feuds, theft, idolatry, or sexual behavior that disrupts the social web.

3. The Laws Embody and Revolutionize Ancient Eastern Concepts of Justice

The laws are formulated in the language and categories of ancient Near Eastern law so that Israel's laws were comprehensible to their neighbors while also representing an irreversible cultural revolution.

1. In all of the covenant documents (Hittite, Assyria), only one is between a king and a people; dozens of others are all between one king and another king.

Covenants are agreements between kings, but the biblical story depicts the laws as stipulations between God and all of the Israelites. Notice how "I will be their God and they will be my people" mirrors "I am my beloved's and he is mine." This is marriage-covenant language.

In the ANE, various gods had consorts and goddess wives, while the common man was subject, a slave and servant of the king and the tribute-imposing class. For these cultures to conceive of the marriage between a god and a group of humans would have been as unthinkable as for us to imagine the marital union of a human and a cat ... The Bible's most revolutionary idea ... is the idea of God as a personality who seeks a relationship of mutuality with human agents. In the neighboring cultures of the ancient Near East, humans were merely slaves of the king. In the Bible, they are transformed into a servant king who is married to a generous sovereign, a wife in relation to her benefactor husband. When God seeks "love" from Israel, it involves both the political sense of loyalty between parties to a treaty as well as the kind of intimacy known in a faithful, intimate relationship between a man and woman.

Joshua Berman, *Created Equal*, 46

2. This concept of a human family married to God is founded on the concept of humanity in Genesis 1-2, which claims all humanity, male and female, is the divine royal image over all creation.

And while the Davidic king could be called the "son of God," it was only as the representative of all Israel who is the "son of God" (Exod. 4:22), and the king and all the Israelites are themselves equals under their divine king, Yahweh.

While in Egypt and Mesopotamia, the bridge figure between the divine and human was the king, deified (as in Egypt) or more of a demi-god (Mesopotamia). He was the top of the socio-religious structure with the economic elite, and this was mirrored by the hierarchy of the gods. *NOT SO* in biblical Israel. God's covenant was with the entirety of Israel, focused on the "common man." I maintain that it is in the covenant, properly conceived in the ancient Near Eastern setting, that we may discern a radically new understanding of the cosmic role of the common man within the thought systems of the ancient Near East, one that constituted the basis of an egalitarian order.

Joshua Berman, *Created Equal*, 29

3. This explains why Israel's law codes consistently downgrade the role of the king in contrast to neighboring nations.

In Israel, the king is not the sole chief divine authority, but rather Yahweh is king, and the human king is subservient to the Scriptures (Deut. 17) and to the prophets who speak on Yahweh's behalf.

He is a leader in war, but not the chief. He can participate in the temple, but he is not the high priest. He is not the lawgiver. This is all in contrast to Egypt and Babylon.

4. Israel's economy was oriented toward landed families who were called to include the immigrant, poor, and orphans in their communities. It is the first ancient example of welfare society.

This can be seen in laws about not maximizing profit to allow work in the fields (Ruth 2-3), laws about the seven year debt release and Jubilee land/debt release, laws about no interest loans for the poor, and laws about the tithe for loans for failing farmers.

The biblical laws about land and assets introduce a reformation of the ancient worldview aimed at achieving social equality, but of a very specific kind. It is not egalitarianism developed since the French Revolution with its emphasis on the individual and inalienable human rights ... Rather, it takes the form of an economic system that seeks equality by granting sacred value to the extended family household, where people assist one another in farming labor and in granting relief to other households in need. Ancient Israel was a tribal association of free farmers and ranchers, living in a single and equal social class with common ownership of the means of production. This system was a rejection of statism (= the nation's state owns all land) and feudalism (= military lords own all land), demonstrated by the fact that it was free of tribute to any human king, and their tribute was a shared burden of funding the temple. Israel defined itself in opposition to the empire of oppression embodied by Egyptian slavery, and also in opposition to the centralized monarchies that surrounded and took up residence in Israel.

Joshua Berman, *Created Equal*, 87

4. The Laws Play a Subordinate Role in the Biblical Storyline That Leads to Jesus

The laws play an important but subordinate role in the plot of the larger biblical storyline. Humanity's failure to obey the divine command is part of the plot conflict that prevents them from being God's image-bearing partners in ruling creation. The laws illustrate the divine ideal while also intensifying that conflict, creating the need for a new human and a new covenant.

1. The first divine command is in the garden of Eden.

The LORD God commanded the man, saying, "From any tree of the garden you may eat freely; but from the tree of knowing good and evil you shall not eat, for in the day that you eat from it you will surely die."

Genesis 2:16-17

2. The failure to listen to the voice of God (i.e. breaking the divine command) results in exile from the Eden mountain, and this exile leads to death.

Then to Adam he said, "Because you have listened to the voice of your wife, and have eaten from the tree about which I commanded you, saying, 'You shall not eat from it'..."

So he banished the human; and at the east of the garden of Eden he stationed the cherubim and the flaming sword which turned every direction to guard the way to the tree of life.

Genesis 3:17, 24

3. Each following generation replays and intensifies the human condition of “not listening to the voice” of God concerning “good and evil” until Abraham’s final act of obedience.

*“By myself I have sworn,” declares the LORD, “because you have done this thing and have not withheld your son, your only son, indeed I will greatly bless you, and I will greatly multiply your seed as the stars of the heavens and as the sand which is on the seashore; and your seed shall possess the gate of their enemies. In your seed all the nations of the earth shall be blessed, because you have **listened to my voice.**”*

Genesis 22:16-18

*[God speaking to Isaac.] Live for a time in this land and I will be with you and bless you, for to you and to your descendants I will give all these lands, and I will establish the oath which I swore to your father Abraham. I will multiply your descendants as the stars of heaven, and will give your descendants all these lands; and by your descendants all the nations of the earth shall be blessed; because Abraham **listened to my voice** and kept my charge, my commandments, my statutes and my laws.*

Genesis 26:3-5

4. But from the very beginning, Abraham’s descendants consistently fail to obey the terms of the covenant. For example, notice how the golden calf story in Exodus is patterned after Genesis 3.

When the people saw that Moses was so long in coming down from the mountain, they gathered around Aaron and said, “Come, make us gods who will go before us. As for this fellow Moses who brought us up out of Egypt, we don’t know what has happened to him.” Aaron answered them, “Take off the gold earrings that your wives, your sons and your daughters are wearing, and bring them to me.” So all the people took off their earrings and brought them to Aaron. He took what they handed him and made it into an idol cast in the shape of a calf, fashioning it with a tool. Then they said, “These are your gods, Israel, who brought you up out of Egypt.” When Aaron saw this, he built an altar in front of the calf and announced, “Tomorrow there will be a festival to the Lord.”

Exodus 32:1-5

5. Israel’s covenant choice is the same as that of Adam and Eve and all humanity.

*See, I have set before you today **life and good, and death and evil**; in that I command you today to love the LORD your God, to walk in his ways and to keep his commandments and his statutes and his judgments, that you may **have life** and **multiply**, and that the LORD your God may bless you in the land where you are entering to possess it. But if your heart turns away and you will not obey, but are drawn away and worship other gods and serve them, I declare to you today that you shall surely **perish**. You will not prolong your days in the land where you are crossing the Jordan to enter and possess it. I call heaven and earth to witness against you today, that I have set before you **life and death, the blessing and the curse**. So **choose life** in order that you may **live**, you and your descendants, by loving the LORD your God, by **listening to his voice**, and by holding fast to him; for **this is your life** and the length of your days, that you may **live** in the land which the Lord swore to your fathers, to Abraham, Isaac, and Jacob, to give them.*

Deuteronomy 30:15-20

6. Israel’s inability to listen to the voice of God leads to death and exile, and their failure traps humanity in the power of death, necessitating the messianic age and the new covenant.

“Behold, days are coming,” declares the LORD, “when I will make a new covenant with the house of Israel and with the house of Judah, not like the covenant which I made with their fathers in the day I took them by the hand to bring them out of the land of Egypt, my covenant which they broke, although I was a husband to them,” declares the LORD. “But this is the covenant which I will make with the house of Israel after those days,” declares the LORD, “I will put my law within them and on their heart I will write it; and I will be their God, and they shall be my people. They will not teach again, each man his neighbor and each man his brother, saying, ‘Know the LORD,’ for they will all know me, from the least of them to the greatest of them,” declares the LORD, “for I will forgive their iniquity, and their sin I will remember no more.”

Jeremiah 31:31-34

Moreover, I will give you a new heart and put a new spirit within you; and I will remove the heart of stone from your flesh and give you a heart of flesh. I will put my Spirit within you and cause you to walk in my statutes, and you will be careful to observe my ordinances. You will live in the land that I gave to your forefathers; so you will be my people, and I will be your God.

Ezekiel 36:26-28

5. The Purpose of the Covenant Laws Are Fulfilled in Jesus and the Spirit

The dual role of the laws—to condemn and to point the way to true life—is fulfilled in the life, death, and resurrection of Jesus and in the coming of the Spirit to Jesus’ new covenant people. Jesus was the first obedient human and the first faithful Israelite who fulfilled the law yet bore the curse of their punishment, so that others could have life and the status of covenant righteousness.

Do not think that I came to abolish the Law or the Prophets; I did not come to abolish but to fulfill. For truly I say to you, until Heaven and Earth pass away, not the smallest letter or stroke shall pass from the Law until all is accomplished. Whoever then annuls one of the least of these commandments, and teaches others to do the same, shall be called least in the Kingdom of Heaven; but whoever keeps and teaches them, he shall be called great in the Kingdom of Heaven. For I say to you that unless your righteousness surpasses that of the scribes and Pharisees, you will not enter the Kingdom of Heaven.

Matthew 5:17-20

Therefore there is now no condemnation for those who are in Christ Jesus. For the law of the Spirit of life in Christ Jesus has set you free from the law of sin and of death. For what the Law could not do, weak as it was through the flesh, God did: sending his own Son in the likeness of sinful flesh and as an offering for sin, he condemned sin in the flesh, so that the requirement of the Law might be fulfilled in us, who do not walk according to the flesh but according to the Spirit.

Romans 8:1-4

Even so Abraham believed God, and it was reckoned to him as righteousness. Therefore, be sure that it is those who are of faith who are sons of Abraham. The Scripture, foreseeing that God would justify the Gentiles by faith, preached the Gospel beforehand to Abraham, saying, “All the nations will be blessed in you.” So then those who are of faith are blessed with Abraham, the believer.

For as many as are of the works of the Law are under a curse; for it is written, “Cursed is everyone who does not abide by all things written in the book of the law, to perform them.” Now that no one is justified by the Law before God is evident; for, “the righteous man shall live by faith.” However, the Law is not of faith; on the contrary, “He who practices them shall live by them.” Christ redeemed us from the curse of the Law, having become a curse for us—for it is written, “Cursed is everyone who hangs on a tree”—in order that in Christ Jesus the blessing of Abraham might come to the Gentiles, so that we would receive the promise of the Spirit through faith.

Why the Law then? It was added because of transgressions, having been ordained through angels by the agency of a mediator, until the seed would come to whom the promise had been made. Now a mediator is not for one party only; whereas God is only one. Is the Law then contrary to the promises of God? May it never be! For if a law had been given which was able to impart life, then righteousness would indeed have been based on law. But the Scripture has shut up everyone under sin, so that the promise by faith in Jesus Christ might be given to those who believe.

But before faith came, we were kept in custody under the law, being shut up to the faith which was later to be revealed. Therefore the Law has become our tutor to lead us to Christ, so that we may be justified by faith. But now that faith has come, we are no longer under a tutor. For you are all sons of God through faith in Christ Jesus.

Galatians 3:6-14, 19-26

6. The Laws Are a Source of Wisdom for All Generations

The Torah is viewed as a source of wisdom within the Hebrew Bible.

The tree of **knowing good and evil** is the pathway to the **tree of life**, and in Proverbs, learning **wisdom** is the pathway to the tree of life.

The fear of the Lord is the **beginning of knowing**;
Fools despise wisdom and instruction.

Proverbs 1:7

How blessed is the man who finds **wisdom**
And the man who gains understanding.

She is a tree of life to those who take hold of her,
And happy are all who hold her fast.

Proverbs 3:13, 18

The eyes of the Lord are in every place,
Watching **the evil and the good**.
A soothing tongue is **a tree of life**,
But perversion in it crushes the spirit.

Proverbs 15:3-4

Wisdom is the way to fulfill the Shema. The Shema refers to a couple lines from the book of Deuteronomy (6:4-5) that became a daily prayer in ancient Israelite tradition. It's the equivalent of the Lord's prayer ("Our Father in Heaven ...") in Christian tradition.

Hear, O Israel! The Lord is our God, the Lord is one! You shall love the Lord your God with all your **heart** (לבב) and with all your soul and with all your might. These words, which I am **commanding** (מצוה) you today, shall be on your **heart** (לבב). You shall teach them diligently to your sons and shall talk of them **when you sit** in your house and **when you walk by** the way and **when you lie down** and **when you rise up**. You shall **bind** (קשר) them as a sign on your hand and they shall be as frontals on your forehead. You shall write them (כתב) on the doorposts of your house and on your gates.

Deuteronomy 6:4-8

My son, keep the **commandment** (מצוה) of your father and do not forsake the instruction (תורה) of your mother; **bind** (קשר) them continually on your **heart** (לבב); tie them around your neck.

When you walk about, they will guide you;
when you sleep, they will watch over you;
and **when you awake**, they will talk to you.

Proverbs 6:20-22

The apostle Paul continued to use the laws as wisdom literature.

For it is written in the Law of Moses, "You shall not muzzle the ox while he is threshing." God is not concerned about oxen, is he? Or is he speaking altogether for our sake? Yes, for our sake it was written, because the plowman ought to plow in hope, and the thresher to thresh in hope of sharing the crops. If we sowed spiritual things in you, is it too much if we reap material things from you? If others share the right over you, do we not more? Nevertheless, we did not use this right, but we endure all things so that we will cause no hindrance to the Gospel of Christ.

1 Corinthians 9:9-12

This is often cited as an example of arbitrary proof texting on Paul's part, but closer observation demonstrates a more complex hermeneutical strategy at play here. First of all, Paul is operating with an explicitly stated hermeneutical principle that God is really concerned about human beings, not oxen, and that the text should be read accordingly (vv. 9-10). Second, a careful look at the context of Deuteronomy 25:4 lends some credence to Paul's claim about this particular text. The surrounding laws in Deuteronomy 24 and 25 (especially Deut. 24:6-7, 10-22; 25:1-3) almost all serve to promote dignity and justice for human beings; the one verse about the threshing ox sits oddly in this context. It is not surprising that Paul would have read this verse also as suggesting something about justice in human economic affairs.

Richard B. Hays, *First Corinthians (Interpretation: A Bible Commentary for Teaching and Preaching)*, 151

How To Read the Laws in the Hebrew Bible

1. Read each law within (a) its immediate literary context and (b) within the larger narrative strategy of the Torah and the Prophets.
2. Read the laws in their ancient cultural context in conversation with their law codes.
3. Study related laws as expressions of a larger symbolic worldview.
4. Discern the wisdom principle underneath the laws that can be applied in other contexts.
5. Refract every law through Jesus' summary of God's will: love God and love people in the power of the Spirit.