

**Positional Paper:**

**Biblical Law**

Devin Peterson

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*What is biblical law and what is its relationship to Ancient Near Eastern law?*

## **Introduction**

Since the earliest known societal systems, global civilization has developed structures of legality that serve to establish justice and maintain order. In its simplest sense, law is a commonly agreed upon code of conduct that drives the ethical obligations of its adherents. The greatest point of contrast, regarding one legal system over another, lies not within its particular precepts, but rather within its source and end goal. Where some groups established “social contracts” that served as no more than a mere guide for what was beneficial to the society as a whole, others sought to contend for deeper levels of spiritual piety. Of those in the latter group, the Hebrew people stand out as the most peculiar. While the law of the Hebrew people shares some similarities with that of its Ancient Near Eastern neighbors, the institution as a whole, differ in many fundamental ways. In order to identify the source and end goal of Biblical Law, several factors must be considered: context, basic structure, and inherent trajectory, which can be identified by evaluating many internal and external components.

## **Context and Basic Structure**

The Biblical Law, often referred to as the Mosaic Law, is traditionally believed to be that which was given by God and delivered, through various mediums, to His Chosen people: the decedents of Abraham. To this day, the literal application of this Law has caused its adherence to be some of the most zealous observers of a religious custom. This rigid structure effects every aspect of Jewish life and thought - from dietary, sexuality, cleanliness, and apparel, the Mosaic legal system offers instruction for “acceptable” living. Strict observance, however, tends to miss

the mark in terms of the original intent for the Law. A more thorough examination of the context surrounding the Law is needed to fully understand its desired intention.

### Torah: Etymology

The most commonly used term when refereeing the Mosaic Law is Torah. Appearing approximately 220 times in the Hebrew Bible (56 times within the Torah itself), this term seems to be the most accurate description.<sup>1</sup> As with many translated words, modern scholarship generally accepts the etymology of Torah, which derives from Septuagintian preferences. That being said, the LXX generally utilizes the Greek *nómos*, which translates into the English “law.”<sup>2</sup> Erudition that seeks an etymology that derives from the original language looks to the Hebrew hiphil verb-form of *yārāh*: *hōrāh*.<sup>3</sup> Etymologists have derived two basic understandings from this conjugation: “to direct” and “to teach or instruct.”<sup>4</sup> Both positions convey the same basic knowledge. Definitively put, Torah guides it’s adherence in the right way of living.<sup>5</sup> The LXX usage of “law” in relationship to the Hebrew Torah seems to miss the mark in bringing forth the fullness of this concept. That is to say that the commands and narrative that encompass the first five books of the Bible should be seen as much more than a simple code of conduct.

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<sup>1</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 77.; M. J. Selman, "Law," in *Dictionary of the Old Testament: Pentateuch*, (Illinois: IVP InterVarsity Press, 2008), 514.

<sup>2</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 77.

<sup>3</sup> Rule, Ulric Z. "Law in the Old Testament." In *The International Standard Bible Encyclopedia*, 1852-858. Vol. 3. Grand Rapids, MI: W.B. Eerdmans, 1979.

<sup>4</sup> Rule; M. J. Selman, "Law," in *Dictionary of the Old Testament: Pentateuch*, (Illinois: IVP InterVarsity Press, 2008), 514.

<sup>5</sup> Walter Harrelson, "Law in the Old Testament," in *The interpreter's dictionary of the Bible*, vol. 3 (New York: Abingdon Press, 1982), 77.

While “the teaching” or “the instruction” can be argued to be a better understanding of Torah, some scholarship has pointed out that Torah has not been fully understood in its etymology and should thus remain somewhat ambiguous.<sup>6</sup> This appeal is not one that seeks to halt this study, but rather aims to encourage the scholar to understand the concept in its contextual rather than etymological sense.

### Torah: Context

Contextually speaking, several terms are used in the Hebrew Bible that seem to serve synonymously to Torah. These terms can be better understood as commands, testimony, admonitions, statutes, orders, and words.<sup>7</sup> Each of these views has a very broad range of implications but can be summed up into a basic understanding of God dealing with and developing His covenant peoples. To understand the more general sense of Torah, one’s study should include the entire narrative framework.<sup>8</sup> That is to say, the commands and direct instructions of the Pentateuch should not be the exclusive focus.<sup>9</sup> Arguably, this framework cannot be restricted to the first five books of the Bible since there seems to be a continual thread of narrative that runs its course throughout the entirety of the Hebrew Bible.

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<sup>6</sup> M. J. Selman, "Law," in *Dictionary of the Old Testament: Pentateuch*, (Illinois: IVP InterVarsity Press, 2008), 498.

<sup>7</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 77.

<sup>8</sup> M. J. Selman, "Law," in *Dictionary of the Old Testament: Pentateuch*, (Illinois: IVP InterVarsity Press, 2008), 499.

<sup>9</sup> Walter Harrelson, "Law in the Old Testament," in *The interpreter's dictionary of the Bible*, vol. 3 (New York: Abingdon Press, 1982), 77.

## Law in the Ancient Near East

When taking a survey of legal systems that existed in the Ancient Near East, particularly in the Mesopotamian area, a fantastic starting point is in the Sumerian Civilization. This innovative people group developed many jurisprudential concepts that can be seen, in a faint form, even to this day. The underlying motivation behind these systems developed in response to social injustices and a need for third party intervention.<sup>10</sup> Over time, reforms took place that had their influence in the early Sumerian legal concepts. Of notable mention is that of Hammurabi's Code. Hammurabi was the king of Babylon sometime between the 15<sup>th</sup> and 18<sup>th</sup> century BC. The legal system that Hammurabi enacted has been considered to be "the most formally organized collection of laws in Mesopotamia."<sup>11</sup> The social contract formula of Ancient Near Eastern Law serves as a backdrop for comparison and contrast of Biblical Mosaic Law.

### **Similarities of Biblical/Mosaic Law to that of Ancient Near Eastern Law**

Before the giving of the Law to Moses, there existed a "law" that governed the lives of Abraham and his decedents.<sup>12</sup> This "law" most likely has its origin in Mesopotamian influences. For Abraham, perambulate life would have removed the need to create strict social regulations for those in his company. The primary concern for the Patriarch would have been acceptance and

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<sup>10</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 77.

<sup>11</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 78.

<sup>12</sup> Rule, Ulric Z. "Law in the Old Testament." In *The International Standard Bible Encyclopedia*, 1852-858. Vol. 3. Grand Rapids, MI: W.B. Eerdmans, 1979.

allowance for peaceful passage by territorial principalities.<sup>13</sup> This would have included acceptance of certain honorary customs such as paying a tithe (or tenth) to Melchizedek, the king of Salem, in Genesis 14.<sup>14</sup> God's covenantal discussions with Abraham are very concise considering what would later be revealed to Moses. In fact, it could be argued that the essence of the Abrahamic covenant is more prophetic than practical – establishing what would be later revealed rather than what should be immediately understood. That being said, much of Abraham's day-to-day activities would have resembled the culture's around him. For example, the taking of Hagar (his wife's slave-girl) to establish an heir for himself was a cultural norm in his native city of Ur.<sup>15</sup> As R.K Harrison points out, "Abraham's reluctance to expel his slave-concubine Hagar and her son, despite his wife Sarai's insistence (21:10f), is understandable in the light of Lipit-Ishtar's legislation (cf. § 24) protecting the inheritance rights of all children, including those of concubines."<sup>16</sup> While the Mosaic Law should be seen as no other than a direct revelation from God Himself, it does not undermine this presupposition to accept the reality that many cultural practices influenced the application of this Law. The greatest similarity between the Mosaic and other Ancient Near Eastern Laws is found in administration, legislation, and governmental systems. One thing that made the Sumerian's so successful was their hierarchical systems of rulers and judges. In Samaria, each city-state had a political leader that oversaw all administration. Appointed by this sense (as they were called) were judges that would enforce

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<sup>13</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 80.

<sup>14</sup> Craig S. Keener and John H. Walton, *NIV Cultural Backgrounds Study Bible: Bringing to Life the Ancient World of Scripture* (Grand Rapids, Michigan: Zondervan, 2016).

<sup>15</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 77.

<sup>16</sup> *Ibid.*

legislation of the law. This concept could be seen in many Ancient Near Eastern civilizations.<sup>17</sup>

In Exodus 18, Moses is instructed by his father-in-law to enact a governmental and judicial system that resembles the former Sumerian establishment. Regardless of how much influence the Ancient Near Eastern Laws had on early Hebrew legal philosophy, the events of the Exodus and the giving of the Law at Sinai serves as the epicenter for all Covenantal Law.

### **Differences of Biblical/Mosaic Law from that of Other Ancient Near Eastern Law**

The greatest contrast between Mosaic Law and other Ancient Near Eastern Laws can be found in its source, and its end goal. For the adherent to the Mosaic Law, the source was unquestionably YHWH - it would be a violation of the Law to believe anything to the contrary. This in and of itself was not abnormal, as many cultures utilized their deity structure to add a level of intimidation to the code of conduct. However, the uniqueness of its acclaimed source was its unapologetic monotheistic conviction. In other cultures where deities “prescribed” the law, other competing gods acted as witnesses.<sup>18</sup> Nothing in the Mosaic legal system resembles this – making it unique. The other significant differing aspect is its end goal. Other Ancient Near Eastern law seemed to directly regulate society and maintain justice. While Mosaic Law certainly set out to accomplish this, the full narrative context implies a much deeper goal. Looking back on the culturally acceptable activities of the Ancient Near East, one may feel that the instruction given by God restricted the covenant people in non-consequential ways but not in ethically relevant ways. For example, the issues of slavery and the poor treatment of women are not entirely condemned in the Mosaic Law. William J. Webb, in his book, “Slaves, Women, and

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<sup>17</sup> Craig S. Keener and John H. Walton, NIV Cultural Backgrounds Study Bible: Bringing to Life the Ancient World of Scripture (Grand Rapids, Michigan: Zondervan, 2016).

<sup>18</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in The International Standard Bible Encyclopedia (Grand Rapids, MI: Eerdmans, 1988), 77.

Homosexuals: Exploring the Hermeneutics of Cultural Analysis,” encourages the scholar to see the slight as they may be, discrepancies between the Ancient Near Eastern customs and the customs prescribed by YHWH in the Mosaic Law. He calls this process a redemptive movement hermeneutic. Webb points out that while slavery and poor treatment of women have not have been entirely eradicated under Mosaic Law, it does make significant modifications to both institutions. For example, slaves owned by those under the Mosaic Law were given generous amounts of time off, full participation rights in religious activity, limitations were set on physical beatings, slave owners under the Law were admonished to have genuine care for their slaves, and Hebrew slaves were released after six years of service with provisions given to them upon their release.<sup>19</sup> In the case of women, rights of female slaves and concubines were improved, bodily punishment of wives was prohibited, and women gained (albeit limited) inheritance rights.<sup>20</sup> In contrast to other Ancient Near Eastern, such as Hammurabi’s Code, the death penalty was often prescribed for those who aided and abetted runaway slaves.<sup>21</sup> Likewise, foreign laws also permitted fathers to sell their daughter as if they were cattle to anyone who would make the purchase (Webb). This thread can further be seen in the teaching of Jesus in his Sermon on the Mount.

### Formation and Classifications of the Law

Referring to the Torah as “law” is not the most accurate understanding of the concept. That is not to say that the Torah did not function as a legal system. However, a better way to

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<sup>19</sup> Webb, William James. *Slaves, women & homosexuals exploring the hermeneutics of cultural analysis*. Downers Grove (Ill.): InterVarsity Press, 2001.

<sup>20</sup> Ibid.

<sup>21</sup> *ibid.*

understand this concept is in the context of Hittite suzerainty treaties. The covenant theme of the Mosaic law naturally leads into the elements of covenantal parameters found in the final four books of the Pentateuch. Five individual sets of Law, which are in their essence the same but not altogether parallel, can be found within the pages of the Torah.

## **The Decalogue**

Upon being led out of captive Egypt, Israel became the vassals in the suzerainty type covenant initiated by YHWH. In keeping with the covenantal theme, the LORD gave to the people of Israel a summary of the covenantal criteria. In the Christian tradition, these have come to be known as the Ten Commandments. However, the idea of ten basic rules does not do justice to the original intent or the inherent depth of significance found in this giving of God's law. The Decalogue, or the Ten Sayings, offers a more correct perspective to their weight. The Decalogue has a natural division into two basic parts. It is important to read these parts within the context given by the preceding statement, which identifies YHWH as the redeemer of the Israelite people. This predicate is one of the many aspects that parallel Hittite suzerainty treaties. R.K Harrison explains that the essential component of these treatises is that "the approach to the prospective vassal is made by a victorious king, who in a preamble identifies himself by title as a powerful monarch."<sup>22</sup> The first section of the Decalogue offers four basic sayings that serve as requirements for positioning, in one's life and community, God in His rightful position of lordship. It must also be acknowledged that proper execution of these principles must consider God's Holy Nature. The second portion reflects the first in that it prompts the adherence to reflect God's nature within their interpersonal relationships. The prophet Micah offers three

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<sup>22</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 77.

basic phrases that seem to capture the theme that is true within all ten sayings: love mercy, seek justice, and walk humbly with your God.<sup>23</sup> This sequence once again alludes to Hittite treaty in that, customarily, the preamble was followed up by a summary of ordinances to which the vassal will furthermore be bound.<sup>24</sup> Through years of translation and the reformation of traditions, the Decalogue seems to have lost much of its fervent effect as these principles of Holy living have been diluted to a mere set of rules. Harrison asserts, “Inasmuch as these prescriptions aimed to perpetuate holiness in the community of Israel, they are at the heart of the concept of covenant law and are not to be dismissed as mere ritual.”<sup>25</sup> Most in the Christian tradition are familiar with the “Thou Shout” and “Thou Shout Not” statements, which are often connected to the foundations of Christian ethics. The English reconstructions of these Hebrew principles should not seek to make the explicit command the focus – rather the focus should be the underlying heart behind the command. When considered in its fullest context, the Decalogue looks more like core principles than actual laws. That is to say, attempting to utilize such principles in a court proceeding would not be appropriate due to the reality that they do not bring forth explicit consequences and therefore cannot be readily prosecuted.<sup>26</sup> The essence of the Decalogue is complicated to grasp because the breadth extends beyond a workable criterion for relegating it to ethical or legal considerations but also too narrow to be considered a summary of the law

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<sup>23</sup> New International Version Study Bible (Grand Rapids, Michigan: Zondervan, 1999), Micah 6:8.

<sup>24</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 82.

<sup>25</sup> *Ibid.*

<sup>26</sup> M. J. Selman, "Law," in *Dictionary of the Old Testament: Pentateuch*, (Illinois: IVP InterVarsity Press, 2008), 501.

entirely.<sup>27</sup>The Decalogue must also not be seen as the entirety of the law since much of what has been considered Torah cannot be extrapolated from this limited scope. The primary differential between the Decalogue and the rest of the Torah is that this particular aspect was given directly by God. That is not to say, that the corresponding components should be seen as any less divinely inspired, but rather that this aspect sets the law, as a whole, into perpetual motion. Exodus 31:18 illustrates this by describing the Ten Sayings as being uniquely written by the finger of God.<sup>28</sup> In the words of M.J. Selman, “The Decalogue presents the foundational lawyer of YHWH’s expectation of those, who in response to his special gift of himself, desire to give themselves to Him.”

### **Book of the Covenant**

Where the Decalogue seems to be quite limited in its scope, the Book of the Covenant is very broad and in-depth. Within its contents, which can be found in Exodus 20:22-23:33, a plethora of topics and situations are covered that have very specific criteria. In contrast to the aforementioned Decalogue, the Book of the Covenant is no mere foundational layer; rather it comprises all of the laws ratified at Sinai (Selman 501). The basic structure can be divided into two sections. The first section being that of Judgments (Ex. 21:2-22:17 and the second section being that of other laws (Exodus 22:18-22:33). Throughout the second part of the book, clauses can be found which provide moral and theological reasoning for obeying the law. Often, the significance of this aspect of the Torah has been minimized due to the seemingly irrelevant aspects of the given scenarios. However, the Twenty-First Century Christian should identify the core

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

underlying principles that uphold these teachings. Common themes run throughout Scripture, and should therefore not be ignored. One such theme can be defined in Exodus. 20:22-26 which links the Book of the Covenant with the Decalogue to show the primacy of worship to YHWH.

### **Tabernacle Law**

Much of the Torah can be better understood in light of the context that God requires that those who worship him, worship as he prescribes. This can be explicitly seen in the Tabernacle Law. This portion of the Torah can be broken down into two sections: God's instructions (ex. 25-31) and how Israel obeyed those instructions (35-40). As with much of the Old Testament, the tabernacle laws have a close relationship with their surrounding narrative. The relationship should be understood as having pedagogical significance. It is important for later adherents to see the blessing of promise that comes from obedience to the law and the repercussions of disobedience.

### **Levitical Laws**

Similar to tabernacle law, are the Levitical laws. These laws are simply more wide-ranging than the tabernacle laws, including criteria such as cleanliness, sexuality, blasphemy, and so forth. Within this set of law exists a subset that has often been called the Holiness Code. In Leviticus 17:26, YHWH offers his thetical statement: "be Holy as I am Holy". However, it should be understood that Holiness is not restricted here. These chapters lack sufficient internal evidence to suggest that they should be considered a separate collection, and the requirements about holiness are not restricted to them. The Levitical Law assumed that Israel could not please God. With that being said, God would continue to preserve his covenant even if Israel disobeys

and were punished by exile.<sup>29</sup> The Levitical law also reflects the reality that God would bless Israel as they cooperate with Him.<sup>30</sup> Finally, God's giving of the Law to Israel gave them a distinction among their neighbors. It was to be seen as a gift from God to make them Holy.

### **Laws of Deuteronomy**

The final Law document can be found in the book of Deuteronomy. Contextually speaking, Deuteronomy was a Series of speeches given by Moses toward the end of his life's record. Moses discusses with the people that he will not be "crossing the Jordan" – and allusion of the Promise land of Canaan. This is a reemphasis of the Law to a new generation who would not have been of age to receive from the first giving. It is Moses' task to prepare to equip these new sojourns with the very same instruction as had been given to their predecessors. The first four chapters of the book emphasize the actions of God in relation to the people of Israel. There can be a parallel drawn between this predication to this giving of the law, and that, which precedes the first of the Ten Sayings. There seems to exist a thematic element of a remonition on God's redemptive work that prompts adherence to the Law. The next five chapters explain the meaning of Torah. Lastly, Moses describes the repercussions of disobeying the Law.

Deuteronomy contains an overt theological approach to the Law that is critical for understanding its deeper Biblical implications. That is to say, studying Deuteronomy will most probably give any student of Scripture that best quantifiable basis for understanding Mosaic Law. In many ways, this has to do with the emphasis put on the motivations necessary for keeping the Law.

Moses position is one of experience in this situation. He seems to have deeper grasps on what the

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<sup>29</sup> New International Version Study Bible (Grand Rapids, Michigan: Zondervan, 1999), lev. 26:44-45).

<sup>30</sup>New International Version Study Bible (Grand Rapids, Michigan: Zondervan, 1999). (Lev. 18:24-30; 20:22-26; 22:31-33; 25:18-24; 26:3-45).

Law is really about. The theme of covenant is seen once more within this portion of the Torah, as a renewal of God's covenant is encouraged by Moses to this next generation. All in all, Deuteronomy, serves as a final authoritative draft of the written Law.

### Form-Critical Issues

The reality that Biblical Law did not originate as one unified system of instruction (in that there are five different source documents) has created conflict in scholarly circles in relatively recent times. It has been proposed that the Law, which comes to its final form in Deuteronomy, is the hybrid of different systems of law coming under the organizing supervision of Moses. That is to say, that the different aspect of Ancient Near Eastern culture influenced the final form. Albrecht Alt, the German Protestant theologian, hypothesized that verifiability to this suggestion could be found in the dichotomy that is apodictic and casuistic law.<sup>31</sup> Casuistic laws, as defined by Alt, Case laws that incorporate a particular penalty probably originated in a law court. Such laws constitute an if/then or cause and effect relationship.<sup>32</sup> This distinction makes up approximately half of the Book of the Covenant. Alt explains that this portion of the Torah is has become to be accepted as being "defective" and missing certain elements in its later section.<sup>33</sup> His argument positions itself in this missing element and asserts the adoption of certain cultural systems to replace its deficiently. The reality of caustic laws existence in other Near Eastern Legal Systems serves as a baseline for Alts assumption. The caustic law was

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<sup>31</sup> M. J. Selman, "Law," in Dictionary of the Old Testament: Pentateuch, (Illinois: IVP InterVarsity Press, 2008), 508.

<sup>32</sup> Albrecht Alt, "The Origins of Israelite Law," in Essays on Old Testament History and Religion (Sheffield: JSOT Press, 1989), 112.

<sup>33</sup> Ibid,

traditionally held as originating from previous court (be they sacral or secular) decisions.<sup>34</sup> As archeological discovery has identified striking similarities between the Mosaic and other Ancient Near Eastern legal structures, speculation have developed - some which undermine the validity of Scripture, Alt asserts, "In the excitement of discovery of the Code of Hammurabi some people went so far as to allege the dependence of Israelite law upon it."<sup>35</sup> While this does not seem to be the position of Alt himself, he does entertain certain elements of such. He proposes the consideration that much of the law (that which does not refer to YHWH in the 1st person) should be considered as not having God as its source, and should furthermore be considered as originating from other Ancient Near Eastern law, such as the Hammurabi Code.<sup>36</sup> The similarities between these two systems are far too similar to be ignored. Ulrich Z. Rule further explains this comparison by stating "All alike have the same structure, beginning with a hypothetical clause, "if so and so," and then giving the rule applicable in the third person. All alike relate entirely to civil, as distinguished from religious, matters, to rights and duties between man and man. All seem to have had a similar origin in judgments passed in the first place on causes brought before judges for decision: both sets therefore represent consuetudinary law."<sup>37</sup> The assertions made by Alt and Rule seem to keep in mind the evidence suggests that Israel believed the entirety of their law to be directly connected to Yahwistic worship. Alt's thoughts

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<sup>34</sup> Albrecht Alt, "The Origins of Israelite Law," in *Essays on Old Testament History and Religion* (Sheffield: JSOT Press, 1989), 117.

<sup>35</sup> Albrecht Alt, "The Origins of Israelite Law," in *Essays on Old Testament History and Religion* (Sheffield: JSOT Press, 1989), 118.

<sup>36</sup> Albrecht Alt, "The Origins of Israelite Law," in *Essays on Old Testament History and Religion* (Sheffield: JSOT Press, 1989), 124.

<sup>37</sup> Rule, Ulrich Z. "Law in the Old Testament." In *The International Standard Bible Encyclopedia*, 1852-858. Vol. 3. Grand Rapids, MI: W.B. Eerdmans, 1979.

also seem to propose consideration of validity in the documentary hypothesis which, in part, asserts that original usage of the ambiguous Hebrew word for god was later replaced with the personal name which the Hebrew God gave for Himself: YHWH. This would suggest that original usage of Elohim was not necessarily indicative of YHWH, but rather was adopted from other cultures in relationship to their legal systems which honored pagan gods. This proposition is not entirely without reasonable consideration. In the second millennium BC, Israel adopted certain Canaanite economical frame works. Thus, it logically follows that they might also adopt certain Canaanite legal procedures: namely the casuistic law form. Considering Alt's argument, since the only portion of Law that was given directly by God Himself (The Decalogue) was written in (as Alt would classify it) Apodictic or unconditional form, it does seem plausible that any portion of Torah that does not follow this basis of development could very well be from a contrasting source. This begs the question as to if adoption of this hypothesis undermines the authority of Scripture or the validity of the Law's final form. That which is considered caustic by Alt has a particular specificity that cannot go unacknowledged. For the sake of the argument, if the portion of Scripture in question were to not exist in the Torah than the original recipients would have only possessed a basic underlying philosophy of law rather than a situational guidebook. What is more, if the "casuistic" components were given in the same context as the other elements, than there would be a plethora of situational conditions that were not addressed by the Law itself. It seems probable to speculate that what was given as a basis for Biblical Law was a framework which embodied the principles further realized by Micah the prophet: mercy, justice, humility before God. That being said, in keeping with the narrative theme, which is present throughout the Torah, it does not seem improbable to consider that that which is "casuistic" is, in fact, the legal decision handed out by judges with respect to the aforementioned

principles. In line with Alt's thinking, if the Israelites were not given specific criteria for carrying out all economical consideration (in that they adopted Canaanite systems of economy) it would seem plausible that they also may have adopted their legal procedures. This idea also supports the claim that each offering of the law is (presumably) the outlook and practice of distinct social and legal context. M.J. Selman offers a rebuttal to this idea by asserting that many parallels exist between the laws of the Ancient Near East and that which is found in the Torah, but none have been considered identical.<sup>38</sup> He also argues that the fundamental nature of Ancient Near Eastern Law did not possess an educational component, as did the Biblical Law. Furthermore, Rule also offers a contrast between the two legal systems that indicates the theme of Biblical law to be justice, mercy, and humility, while the theme of Hammurabi's Code is that of social prosperity. R.K. Harrison makes the statement that "Studies in Mesopotamian law have shown that the casuistic sections are far less likely to have been borrowed from Canaanite society than from the common traditions of the West Semitic peoples."<sup>39</sup> Harrison's assertion does not eradicate the idea that the Israelite people borrowed many legal concepts from their neighbors, but rather argues against Canaanite leadership. While all four scholars have their merit, it seems that a balanced approach can be discovered and employed. It does not appear to diminish the validity of Scripture to accept the idea that cultural components did influence the judiciary factors of Biblical Law. However, the lines that should not be crossed are that which challenges the monotheistic aspect of Yahwistic worship or that which attempts to undermine the thematic undertone, which is ever present.

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<sup>38</sup> M. J. Selman, "Law," in *Dictionary of the Old Testament: Pentateuch*, (Illinois: IVP InterVarsity Press, 2008), 506.

<sup>39</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 78.

## **End Goal Considerations**

An in-depth study of Biblical Law in the context of other Ancient Near Eastern law will reveal the nature and intent of God's covenantal arrangement. Simply put, God selected a particular people and made them His own. Within this covenant, the people which He had chosen persistently violated the covenant agreement. God, being Gracious in His nature, allowed the Hebrew people to bring forth offerings and sacrifices that would serve as atonement for their violations. It should be thoroughly grasped that these sacrifices were not a means of obtaining salvation. That is to say that it was not the Law that saved the Hebrew people. Samuel Greengus explains this by saying, "Theology and Chronologically election (or more generally Grace) comes before the Law, reward and punishment come after."<sup>40</sup> This only means that God's grace had chosen the Hebrew people for Salvation before he gave them the Law. It would seem more appropriate to refer to the sacrifices as symbolic rather than literal forms of atonement. When a sacrifice was given, God required that the best of that person's possession (be it livestock or produce) be the sacrificial element. This idea can even be seen in the narrative of Abraham bringing his promised son as a sacrifice. The act of giving "first-fruits" causes the giver to reposition his heart and place God back in his rightful seat of Lordship over one's life. Sacrifices were also symbolic in that they projected the atonement that would be made through the blood of Jesus Christ.

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<sup>40</sup> Samuel Greengus, "Law," in *The Anchor Bible dictionary*, vol. 4 (New York: Doubleday, 1992), 264.

## Fulfillment of the Law

The Law was an effective system, even if the adherence were not altogether successful in following its requirements. Torah, as an instruction tool, developed a nomadic people into a sophisticated kingdom who once stood as a World Power. On a more important note, the Law served as an instrument of revelation instructing the covenant people as to the very nature of God. It also showed them that they were unable to please God by their efforts. That is not to say that many misunderstood the nature of the Law. In fact, many saw it as a means of receiving salvation and fervor from God. Truly, it was not until the coming of Christ that this misconception was fully rebuked. Certainly, the Law did not bring forth salvation. As a New Testament believer, we glean this from the words of the Apostle Paul in his letter the church at Rome.<sup>41</sup> Even without those words of direction, it is clear that men were not saved by sacrificial systems as such sacrifices could not have taken place while the Hebrew people were in captive Babylon.<sup>42</sup> It is also evident that the Law (in its practices) has passed away.<sup>43</sup> This process can even be seen taking place as Israel is taken into captivity. Slowly, but surely, the precepts that once defined Israel as a distinct nation began to dissipate. However, it should not be seen that the Law has failed. In fact, the only failure comes when one misses the connection between the Old Testament and New. Walter Haralson makes the statement, "The time-honored distinction between the OT as a book of Law and the NT as a book of divine Grace is without grounds or

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<sup>41</sup> New International Version Study Bible (Grand Rapids, Michigan: Zondervan, 1999), (Rm. 3:20; 8:3).

<sup>42</sup> R. K. Harrison, "Law in the OT," ed. Geoffrey W. Bromiley, in *The International Standard Bible Encyclopedia* (Grand Rapids, MI: Eerdmans, 1988), 77.

<sup>43</sup> Rule, Ulric Z. "Law in the Old Testament." In *The International Standard Bible Encyclopedia*, 1852-858. Vol. 3. Grand Rapids, MI: W.B. Eerdmans, 1979.

justification.”<sup>44</sup> Throughout the Hebrew Bible, the Law can be characterized, as the mediation of the unmediated voice of God (d. 4:32-40). Matthew, chapters five through seven, reveals that the Law was given to direct behavior in much the same as a parent instructs a young child. However, the pedagogical nature of the Law was intended to grow and guide the covenant people – change the very heart inside of them. Jeremiah 31:33 gives a direct reference to this fact, “This is the covenant I will make with the people of Israel after that time,” declares the Lord. “I will put my law in their minds and write it on their hearts. I will be their God, and they will be my people.” The Apostle Paul discusses the interconnectedness of the Old and New Testaments in his epistle to the Romans (chapter 10, verse 4) as he states Christ’s being the end (literally goal) of the Law. The Law prepared hearts for the coming of Christ by revealing to them what they were lacking: a redeeming savior. It should be misunderstood that the Law was a precursory for God’s act of Grace. Rather it should be grasped that the Law was a result of Grace– it was given because God had delivered Israel from Egypt.<sup>45</sup> The Biblical Law can be seen in one of two ways: As a form of the Gospel or as a strict set of rituals and rules.<sup>46</sup> If one chooses to interpret the Law without Christological and Pentecostal considerations than the giving of the Law will be seen as no more than a set of rules, regulations, and procedures.<sup>47</sup> But, if seen in the light of those criteria, the Law can be understood as a precursor to the Gospel because the covenant was made in a

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<sup>44</sup> Walter Harrelson, "Law in the Old Testament," in *The interpreter's dictionary of the Bible*, vol. 3 (New York: Abingdon Press, 1982), 77.

<sup>45</sup> Samuel Greengus, "Law," in *The Anchor Bible dictionary*, vol. 4 (New York: Doubleday, 1992), 264. M. J. Selman, "Law," in *Dictionary of the Old Testament: Pentateuch*, 509.

<sup>46</sup> *Ibid.*

<sup>47</sup> M. J. Selman, "Law," in *Dictionary of the Old Testament: Pentateuch*, (Illinois: IVP InterVarsity Press, 2008), 515.

unilateral form, at a time when Israel had no other way of knowing the graciousness of God. Another corollary component is that anyone who wished to live by the Covenant had to first recognize that it was essential to experience God's redeeming Grace as a foundation for living by the same Grace under the Law.<sup>48</sup> The implication of this truth is that as God expresses His intent for Man's moral responsibility, He gradually increases the accountability by which He judges. For example, the Law put a restriction on the action of murder; this limitation directed the person (who had murderous intent) away from this action. However, Jesus calls for pure motives and condemns the murderous intent that the Law seems to allow. Jesus statement that He had not come to abolish the Law but to fulfill it (paralleled with Paul's reference in Romans 10:4) seems to imply that the intention of the Law was to eventually cause humankind to "have the Law written on their hearts." The Law was the start of something that will not be fully realized until the Kingdom of Heaven is fully established. The Sermon on the Mount gives insight into the providential plan of God for redeeming humanity – not only from sin itself but also from the depraved nature with caused the sin in the first place.

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<sup>48</sup> M. J. Selman, "Law," in Dictionary of the Old Testament: Pentateuch, (Illinois: IVP InterVarsity Press, 2008), 509.

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