



University of
St Andrews

St Andrews Encyclopaedia of Theology
Law in the Old Testament

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First published: 25 April 2024

<https://www.saet.ac.uk/Christianity/LawintheOldTestament>

Citation

Morrow, William S. 2024. 'Law in the Old Testament', *St Andrews Encyclopaedia of Theology*. Edited by Brendan N. Wolfe et al. <https://www.saet.ac.uk/Christianity/LawintheOldTestament> Accessed: 5 June 2026

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ISSN 2753-3492

Law in the Old Testament

William S. Morrow

In the Bible, legal discourse is often employed for theological purposes. It contributes to the search for an ordered life in the presence of God. While many factors are involved in such a quest, this essay focuses on four primary concepts: divine presence, holiness, righteousness, and the covenantal community. After introducing these concerns, the claim that law was divinely revealed to Israel is examined. Discussion of the method of biblical law is illustrated by a description of the theology of four major bodies of instructions in the Pentateuch: the Book of the Covenant, Priestly writings, the Holiness source, and the laws of Deuteronomy. Examples from other biblical texts are also used. On that basis, the article considers the appropriation of biblical law within Christian traditions.

Keywords: Christianity, Covenant, Law, Moses, Old Testament, Pentateuch, Scripture, Theophany, Torah

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1 Introduction

Ancient Israel's biblical patrimony was written in order to create and sustain its identity as the people of God – by its very nature, a theological task. This statement, however, does not determine what kind of theological investigation to engage in: does one assume that these texts, which appear in what Jews call the Tanakh, find their logical extensions in the oral Torah codified in the Mishnah and developed in other rabbinic documents? Or is it the case that these same texts, which appear in what Christians call the Old Testament, find their fulfilment in the Christ event? Or, against either tendency, is it possible to describe the theology of these writings without resorting to the interpretative interests of either the synagogue or the church? All three of these perspectives can be found in modern biblical theologies (e.g. the extensive survey in Barr 1999).

This essay combines the second and third perspectives. While it is certainly possible to produce a theological account of biblical law from a Jewish perspective, the conditions for doing so demand that one take into consideration the traditions of both the oral and written Torah (Sommer 2004: 127). Such an enterprise requires its own study. Moreover, the present writer is best equipped to approach the question from within his own confessional location, namely the Christian church. Nevertheless, this article begins with the assumption that the writings that make up the Tanakh or Old Testament are expressions of a Hebraic monotheism that was prior to the emergence of normative Judaism or early Christianity (Novak 2019: 30). Unlike either movement, the thinkers that generated this literature were by and large untouched by Hellenistic culture (Walton and Walton 2019: 128). Instead, they interacted with and reflected many of the cultural mores of the ancient Near East. When using this last-mentioned interpretative lens, this article adopts the relatively neutral term 'the Hebrew scriptures'.

The Hebrew scriptures make assumptions about how God was present to the community. Given that divine presence, it was necessary to regulate human behaviour with respect to two essential characteristics of YHWH, the deity of ancient Israel: holiness and righteousness. On that basis, models for living together as a nation under the rule of God (i.e. the covenantal community) were proposed. These four interests – divine presence, holiness, righteousness, and covenantal community – constitute the framework for this article (for other approaches see Brueggemann 1997: 578–599; Collin 2005). Although the goal of this article is to illustrate the imbrication of these theological motifs and legal discourse, it is by no means exhaustive. Partly out of the need to delimit a large topic, this article will focus on major instructional texts found in the Pentateuch, while also using examples from other biblical books. One important text, however, will not be given due space. Compared to other bodies of biblical law, the Ten Commandments has had a

disproportionate influence in Christian theology. A separate article in this encyclopaedia is devoted to the Decalogue and its reception in Christianity.

2 Divine law/human law

How should the term 'law' be defined? In the Hebrew scriptures this term refers to an array of obligations and requirements – not all of which were equally enforceable. Therefore, it is advisable to use concepts such as 'instruction' and 'obligation' as synonyms for 'law'. This fluidity is captured in the name Jewish tradition has used to designate the five books of Moses: Torah. Originally *torah* referred to proverbial teaching that was given by parents to children and ritual instructions given by priests. The fact that it came to connote the totality of the Pentateuch indicates the range of materials that are comprehended by the idea of 'biblical law'. More was at stake in the generation of instructions (*torot*) than rulings understood narrowly as the concerns of judicial institutions.

From whence does pentateuchal law get its authority? This question is especially pointed when one considers the biblical claim that the laws of the Pentateuch were directly revealed by God and his chosen mediator, Moses. The consensus of critical scholarship, however, is that the books of the Pentateuch had an extensive history of composition (see Biblical Criticism and Modern Science). They only reached their canonical forms centuries after the seminal events to which they refer. Such conclusions appear to undermine scriptural claims that their instructional materials originated with YHWH: how is it possible that these human literary works can be understood as 'the word of God'? There are two important and related concepts that contributed to this theological development: theophany and covenant. They are discussed below.

An influential contemporary explanation holds that Israel's legal traditions first became regarded as divine in the later monarchical period (c. 720–587 BCE). According to this view, Israel's legal patrimony would originally have been articulated by various social institutions including the family/clan, the cult, and the palace. After the collapse of the nation of Israel, however; and as the kingdom of Judah began to show the strains of social disintegration, it became important to characterize laws stemming from a variety of social spheres as having their origins in divine authorship. This theological development gave legal norms a greater degree of authority for preserving the integrity of the nation (Schmid 2021: 274–280).

While this theory is attractive, it minimizes accounts for the origins of biblical law in a much earlier time. The present author is sceptical about attempts to vitiate the tradition that Israel once constituted itself under the charismatic leadership of a person called Moses – even if his contributions to the development of Israelite polity can no longer be identified. This observation has implications for source critical approaches to the history of biblical law. They will not figure prominently in this article, because early traditions may

be found in late sources and late traditions may be inserted in texts that originated earlier. Although the consensus of critical scholarship is that the books of the Pentateuch reached something close to their canonical forms during the Persian era (c. 540–333 BCE), only a few major developments will be mentioned in this article and each of them is capable of being nuanced in ways that cannot be addressed here.

2.1 Theophany and vocation

In the biblical record a common result of an encounter with the divine – a theophany – is that those who experience it receive instructions and/or a new vocation. For example, in Gen 17:1 YHWH reveals himself to Abram and says: ‘I am God Almighty; walk before me, and be blameless’. Notice the close connection between divine encounter and ethical demand. Similar stories are told of Jacob, Moses, Joshua, Gideon, Samuel, Isaiah, Jeremiah, and Ezekiel (Savran 2003). In other words, a meeting with the divine necessitates a response which imposes obligations on the human partner.

From the perspective of the Pentateuch, the quintessential encounter between Israel and God took place at Mount Sinai (Heschel 1976: 167). Although it is virtually impossible to reconstruct the historical events at its core, the exodus story had an immense effect on the religious imagination of ancient Israel (Levenson 1985: 15–16). In fact, what scriptural tradition has bequeathed is not simply a bare account of that revelatory experience, but extensive interpretations built upon it.

In this regard it is helpful to view the concept of revelation as a ‘saturated’ phenomenon. One class of saturated phenomena is historical events experienced as theophanies. They involve intuitive experiences which escape full comprehension and therefore demand interpretation (Marion 1996: 121). Applied to biblical law, this idea helps to explain how the development of scripture responds to Israel’s archetypal encounter with the divine at Sinai. The fact that the major collections of biblical law all show evidence of multiple stages of composition has a theological significance. Their growth reflects the dynamic nature of Israel’s encounter with YHWH. As a saturated event, it demanded (and still demands) multiple efforts at exposition.

2.2 The covenantal metaphor

Within the biblical thought-world, the result of Israel’s encounter with the divine at Sinai was formalized in the metaphor of ‘covenant’. In the context of the ancient Near East, the covenantal concept is associated with making political alliances (Heintz 2019). Here one finds a human experience being projected onto the realm of the divine. The most common term for a covenant in biblical Hebrew is *berit*. As with the term *berit*, in other ancient Near Eastern cultures the same vocabulary was used to describe binding agreements that governed inter-state relationships as well as instruments used to secure the loyalty of

officials and citizens to a ruler (Morrow 2019a: 320). These formal alliances were ratified under oath, as were Israel's covenants with YHWH (e.g. Exod 24:3-8; Deut 29–30). By analogy, the instructions found in pentateuchal legal collections can be described as 'the structures of covenant life' (Birch 2005: 127).

2.3 Natural law

Although this article concentrates on literature claiming to be divinely-revealed law, the Hebrew scriptures also know of natural law. This kind of legal thinking is closely connected with the concept of wisdom. It is manifested for example in the various series of instructions collected in the book of Proverbs. While the written Torah was equated with divine wisdom during the later Second Temple period (e.g. Sirach 24), the instructions of Proverbs do not show dependence on the Mosaic tradition. In fact, the wisdom tradition of Proverbs makes no pretence to claiming an origin in divine revelation or inspiration: God is never quoted or addressed (Fox 2008: 7). On the contrary, Proverbs reflects a commitment to articulating life skills based on careful observation of the natural and social worlds. Some of Proverbs' instructions echo those of neighbouring cultures, especially ancient Egypt (Fox 2009: 753–756).

While Israel's sages claimed to reach verifiable knowledge about the created order that God had called into being, their methodology remained open to new information. Emblematic in this regard is the book of Job. Yahweh's revelation in Job 38–41 effectively forces the reader to take into consideration insights based on careful observation of the natural world – ones that challenge a theology that explains suffering as punishment for sin (Morrow 2006: 144–145). Collections of pentateuchal law also display attributes of innovation and adaptation in the face of new evidence and new experiences.

3 The method of pentateuchal law

Instructional language does not articulate its social and theological presuppositions discursively. Instead, biblical law tends to conceptualize relationships by presenting concrete examples. This form of discourse can be described as 'analogical thinking' (Douglas 1999: 15–20). While discursive thinking likes its relationships to be set out in hierarchical lines that lead from first principles to secondary applications, analogical thinking represents a sort of 'horizontal' system of thought. So, rules regulating the behaviour of the community may assume concepts that are also important for conduct in sacred space and regulating bodily conditions. For example, the prohibition against eating blood (Lev 19:26) affects both cultic activity (the blood of a sacrificial animal must be ritually shed, Lev 17:2–7) and prohibitions against eating animals that shed blood (Lev 11; see also Nonhuman Animals in Christian Theology). Implicit in these restrictions is also an ethical commitment to avoid acts of gratuitous violence (Milgrom 2009: 704–706). This is an important consideration for doing theology based on biblical law. Overall, the nature

of the divine is assumed – it is not described. Often it must be deduced by studying the obligations that divine revelation has imposed on the human community (Gane 2017: 40–43).

One result of analogical thinking is that, although the Pentateuch contains several collections of biblical law, these are not necessarily related to each other in chronological order. Whatever their historical relationships, in the biblical canon they are regarded as complementary visions of the covenantal community, with which later interpreters interacted in complex and creative ways (Berman 2016: 220). This characteristic points to three important features of biblical law: plurality, adaptability, and stability.

3.1 Plurality, adaptability, and stability

One of the characteristics of rabbinic law, such as the Mishnah, is that it records minority opinions as well as the one reached by the majority. This reflects the fact that there is a certain plurality of opinion involved in reaching decisions about how the community should respond to a particular situation. This plurality needed to be preserved and respected, for one never knew when a minority opinion might carry additional weight if circumstances were to change. By the same token, pentateuchal law addresses a plurality of social visions. This lack of synthesis was intentional.

In part, the plurality of legal collections in the Pentateuch reflects a value placed on the need to preserve the community's capacity to adapt to various socio-historical situations (Morrow 2017: 8). This necessity would manifest itself time and again in the history of biblical interpretation. In fact, each collection of biblical law places a slightly different emphasis on the interpretation of the Sinai experience, depending on the social location that it imagines. The Book of the Covenant presupposes that Israel was organized as a set of agrarian villages with access to multiple cult-sites. By contrast, Priestly and Holiness materials assume that all of Israel had close access to a principal sanctuary. Deuteronomy, however, presumes that Israel lived in cities at some remove from the only legitimate place of worship. Of course, such distinctions can and should be nuanced. During their history of composition, these bodies of instructions interacted with each other in a variety of complex ways that cannot be described here.

It was also important to maintain a sense of continuing adherence to the Mosaic tradition. This feature of biblical law may be characterized as a concern for stability. Therefore, it is not surprising that all the collections of biblical law surveyed here insist that they are revelations of the divine will through Moses. The attribution of multiple works of biblical law to Moses reflects the dynamics of revelation described above. His memory was the inspiration and justification for various movements that used law to define Israel's relationship with YHWH (Milgrom 2008: 1368–1371). The Mosaic vocation was therefore

not only a metaphor but also a mandate: a requirement to wrestle with the meanings of Israel's obligations to its God through time.

3.2 Law as wisdom and as legislation

Scholars debate about when and how collections of instructions in the Hebrew scriptures were regarded as authoritative. On one hand, there is reason to think that some measures set out in biblical law did reflect legal practice (Wells 2008). On the other hand, it is evident that the collections of law in the Pentateuch are incomplete. For example, key legal problems such as adoption and land rental are not addressed. Evidently, the Pentateuch's instructional texts assume the presence of a large body of traditional or common law that was not written down (Berman 2016: 207–208). This lack of comprehensiveness suggests that collections of biblical law had a didactic quality to them. They were regarded as containing representative cases embodying legal principles that could be applied in various ways.

As a result of the canonical process, that is the transformation of pentateuchal texts into scripture (described e.g. in Carr 2011), biblical law received a degree of legislative authority (Vroom 2018: 211–212). This appears to have taken place by the time of Ezra and Nehemiah (c. 450–400 BCE; e.g. Neh 8:1–8). An older critical opinion described this development as a process of ossification, but the antisemitic implications of this thesis should not be overlooked. It enabled Christian biblical scholars to denigrate Second Temple Judaism as a hide-bound religion of law. Nothing could be further from the truth. In the hands of its tradents, biblical law was a place of extraordinary creativity and ongoing theological reflection. Its works attest to a dynamic that allowed for the crafting of new law, including the possibility of reforming past tradition (e.g. Weingreen 1976: 143–154; Levinson 2008). In time, it would lead to the development of new forms of community and legal literature as attested in the Dead Sea Scrolls (e.g. 1QS, Rule of the Community) and the flowering of rabbinic Judaism.

4 The Book of the Covenant

The name 'Book of the Covenant' is derived from Exod 24:7. Scholars use it to refer to the laws recorded in Exod 20:22–23:33. Another term often employed for this body of instructions is the 'Covenant Code'. The fact that this body of instructions is introduced twice (Exod 20:22a; 21:1) indicates that it is a compilation of materials from various time periods. In its canonical form, it falls into two parts: a corpus of instructions in 20:22b–23:19 and a parenthesis anticipating Israel's occupation of the land of Canaan in 23:20–33.

4.1 Divine presence

According to the altar law in Exod 20:24, YHWH promises to bless the people 'in every place where I cause my name to be remembered'. Although this phrase implies a distinction between legitimate and illegitimate places of sacrifice (Levinson 2004: 311–315), it assumes that several places of worship could be legitimated by experiences of divine revelation. Underlying this multiplicity of cult-places are assumptions about what Benjamin Sommer calls divine 'fluidity'. YHWH could manifest himself in multiple ways (2004: 59). Experiences of divine fluidity also appear in biblical narratives (e.g. Gen 18:1–15; see Kugel 2003: 5–35)

4.2 Holiness

Fundamental to the concept of holiness is the idea of 'alterity': God is other than anything or anyone in the created order of being. In the Book of the Covenant, the imperative to recognize divine alterity is mainly expressed by the prohibition against constructing images (Exod 20:22–23) and the worship of other gods (23:13). These prohibitions are related. Not only was the worship of other gods prohibited, but the veneration of visual images of YHWH was considered tantamount to worshipping a foreign deity (Morrow 2017: 65). The polemic against idolatry is consistently pursued throughout biblical law. It was also important in the early church (e.g. 1 Cor 8; 10).

4.3 Righteousness

For the most part, the Book of the Covenant's laws are intended to protect the integrity of the ideal ethical actor in its society, namely a land-owning male who is the head of a family. Detailed analyses of these rules appear in works by Dale Patrick (1985) and Raymond Westbrook and Bruce Wells (2009). Especially in the casuistic laws governing physical injuries (Exod 21:18–32) and property losses (21:33–22:16), the emphasis is not on retributive justice but on restoring social balance. This is the principle embodied for example in the so-called 'talionic law' of an 'eye for an eye' in 21:23–25. Far from mandating excessive retribution, it was meant to ensure that penalties fit the crime. Moreover, this law did not necessarily require physical mutilation; it probably envisaged monetary compensation (Morrow 2017: 86–94).

Nevertheless, the Book of the Covenant also shows concerns for persons constrained by debt-servitude (Exod 21:2–6) or who had become landless, like the *ger* ('resident alien') mentioned in 22:21 and 23:9. YHWH's commitment to social solidarity is underscored by instructions prohibiting the ill-treatment of the poor and debt-ridden in 22:22–26. Echoing an epithet of the ancient Canaanite high god El, YHWH is described in v. 26 as 'compassionate' (*hannun*). This description also recalls the imagery of the ideal ancient Near Eastern monarch as defender of the indigent (Otto 1988: 40).

In the ancient Near East, case law was generally transmitted in instructions composed of an 'if/when-section' (the protasis, which describes a certain action) and a 'then-section' (the apodosis, which sets out the legal consequences of the action).

Consequently, scholars have often been interested in comparing the case laws set out in Exod 21:18–22:16 with parallels in Mesopotamian law. While the Laws of Hammurabi (LH) are the most well known, other ancient Near Eastern law collections are attested (Roth 1997). These comparisons raise important questions about the origins of the case laws in the Book of the Covenant and their relationship to legal thinking elsewhere in the ancient Near East.

In terms of form and their concerns, the Book of the Covenant's case laws reflect a common legal culture attested throughout the ancient Near East (Westbrook and Wells 2009: 23). Nevertheless, biblical law can go its own way. Two prominent examples involve rules for creditors and the death penalty. In the first case, while Mesopotamian law generally mediates between the rights of creditors and debtors, biblical law tends to take the side of debtors. For example, the demand in Exod 22:26–27 that a creditor return the debtor's coat at night, although it been taken as a guarantee of the loan, is clearly one-sided. It effectively limits the creditor's rights to enforce the loan when the debtor is in economic distress (Morrow 2017: 100–101).

In general, human life is accorded a greater value in biblical law than in Mesopotamian law. For example, the Book of the Covenant normally does not demand the death penalty for theft (cf. LH section 21 and Exod 22:1–3). In the case of the laws of the goring ox, it does not set a fixed price for the value of a free human being (cf. LH sections 250–252 and Exod 21:28–32). Moreover, only Exodus demands that the offending animal must be killed – even in cases of accidental death. This biblical perspective can be connected to the belief that human beings were made in the image of God (Greenberg 1960: 14–17).

Nor is it clear that the death penalty in biblical law is always to be taken literally. Sometimes it seems to have had a metaphorical function that was intended to underscore values of great importance (Morrow 2017: 152). For example, this may be the role of death penalty language connected to the abuse of parents (Exod 21:15, 17). Another case that has often attracted the attention of exegetes is the fate of the foetus which becomes collateral damage in a fight between men that inadvertently injures a pregnant woman (21:22). The way this law is written, however, does not allow one to arrive at a biblical ethic about the status of the foetus with respect to abortion (Sprinkle 2006: 88)

4.4 The covenantal community

The narrative framework in which the Book of the Covenant is now found (Exod 19 and 24) indicates that its contents were ratified in a covenantal ceremony. The rite of blood sprinkling in Exod 24:3–8 can be viewed as an imitation of priestly consecration (Schmidt

2001: 170–171). Through it, Israel takes on the holy task to represent YHWH before the world as a priestly nation by emulating his values, set down in instructional form. This is a vocation that would also be important for the early church (e.g. Matt 5:14–16). Theologically, therefore, the Book of the Covenant anticipates the Christian concept of the ‘priesthood of all believers’ (e.g. 1 Pet 2:9 recalls Exod 19:6).

5 Law in Priestly writings

Texts written in the Priestly style (P) appear in Exodus 25–30; Leviticus 1–16; 23; Numbers 5; 6; 19; 28–29 (Knohl 1995: 104–106). The book of Genesis also contains Priestly texts with legal implications including the canonical form of the flood narrative and the covenant of circumcision.

5.1 Divine presence

It is possible that P’s account of the tabernacle occludes memories of more than one cultic institution as the medium for a theophany. For example, there is debate about whether P’s tabernacle is basically a retrojection of the Jerusalem temple onto earlier times or if it remembers earlier traditions (see [The Temple in the Christian Bible](#); Haran 1985: 194–195). This article, however, will describe P’s account of the divine presence without reference to its tradition history.

While the Book of the Covenant claimed that YHWH could manifest himself equally in different locales, P is adamant that the divine presence was uniquely located in the tabernacle’s most sacred space. In the terms of Rudolph Otto (1950), the divine presence in the tabernacle was a *mysterium fascinans et tremendum* (Sommer 2009: 97–98). That is, there was something quite attractive (*fascinans*) about being near such a powerful and potentially beneficent divine being and something quite dangerous and fearful (*tremendum*) at the same time. For example, the danger of approaching YHWH in an inappropriate manner is illustrated in the story about the death of Aaron’s sons (Leviticus 10).

Within the image of the tabernacle, it is possible for Christians to discover a metaphor for the incarnation (Anderson 2017: 95–120). According to John 1:14, ‘the word became flesh and dwelt (literally ‘tabernacled’) among us and we have seen his glory [...]’. Likewise in the tabernacle, the glory of YHWH dwelt amid Israel. By participating in this concrete instantiation of divine presence, one could experience both communion and forgiveness.

5.2 Holiness

No discussion of holiness in P can overlook the sacrificial system. Only a couple of observations will be made here, however, because this encyclopaedia contains an extensive discussion on the theology of biblical sacrifice. For the most part, P is concerned

with negotiating Israel's relationship to divine alterity through erecting a system of gradated holiness in which various cultic actors must locate themselves. While ritually pure lay people can access the outer court of the tabernacle, only priests can access the holy place containing the menorah and offering table, and only the high priest has access to the Holy of Holies (Jenson 1992: 89–93).

An important implication of the sacrificial system in P, in contrast to some forms of Christianity, is that there is no sense that human beings are constitutionally incapable of following the law. While humanity lost some experience of divine presence through expulsion from Eden, that divine presence was restored to the human community in the tabernacle complex described in Exodus. Unlike in Eden, however, divine reality has now communicated a comprehensive way of maintaining YHWH's presence amid the exigencies of human life (e.g. through sacrificial rituals). Consequently, priestly law communicates an optimism about the capacity of human beings both to receive and to do divine Torah.

5.3 Righteousness

Despite its emphasis on cultic purity, P is not devoid of moral considerations. This emerges for example in its rules for the sacrifice called the *'asham*. Though often translated as 'guilt sacrifice', the ritual is better understood as a 'reparation offering' (Milgrom 2009: 339–345). Among other things, this sacrifice was required for illegitimate oath-taking connected to charges of theft and fraud (Lev 6:1–7). Because the oath invoked the name of YHWH, using it to make a dishonest claim of innocence was considered an offence against the deity as well as the community. Moreover, the function of the Day of Atonement ritual was to expunge the tabernacle from the defiling effects of serious crimes as well as inadvertent sins (Lev 16:21).

Concern for righteousness also appears in biblical narratives associated with the Priestly source. A notable example can be found in the flood story, which in its canonical form is generally regarded as a combination of non-P and P-related motifs. Ancient Mesopotamia ascribed the occurrence of a world-wide flood to the arbitrary decisions of the gods, but this myth was reworked in order to portray the importance of divine justice in biblical thought. Noah is saved because he is deemed to be righteous and Yahweh's decision to bring about the flood is based on moral grounds (Norsker 2015).

5.4 The covenantal community

Although it appears more obliquely, covenant is an important concept in P. For example, covenantal motifs are explicit in the end of the flood narrative (Gen 9:1–17). Readers may be confused as to how this declaration of self-obligation on the part of YHWH amounts to a covenant because Genesis 9 does not set out requirements for both partners. In the ancient Near East, however, the covenantal concept was more fluid than this (Morrow

2021: 20–21). In the case of Genesis 9, a binding (royal) decree establishes the covenant. One of its important features is the establishment of a new world order marked by the imposition of law as a remedy for murder (verses 5–6). To this day, however, Christians continue to debate theological justifications for supporting or abolishing the extreme penalty, weighing this passage against other witnesses in the scriptures.

Another important P covenant appears in Genesis 17. As with Genesis 9, the covenant is accompanied by a sign, in this case male circumcision. Morally, circumcision has an important implication because it subordinates the male reproductive drive to the obligation to promote the interests of the people of God. Later, Christianity will transform circumcision into a metaphor through the practice of baptism, also conceived as a rite for entrance into the community.

6 Law in the Holiness source

Priestly writings were edited and expanded by a related form of theological discourse sometimes known as the ‘Holiness source’, (H). While H-materials can be found throughout Leviticus–Numbers (Knohl 1995: 104–106), this article will concentrate on Leviticus 17–26. Outside of the Pentateuch, the book of Ezekiel has some notable affinities with H.

6.1 Divine Presence

H contains a perspective on the supernatural world that warrants attention. According to Lev 17:7, one of the reasons for offering communion sacrifices at the entrance of the tabernacle is ‘so that they may no longer offer their sacrifices for goat-demons, to whom they prostitute themselves’. It is evident, therefore, that the pentateuchal writers had some idea of a shadowy supernatural realm that stood in opposition to YHWH. Yet, compared to the belief in the demonic which is prominent in the New Testament, their reticence on the subject is noteworthy. One reason is that H subordinated any concept of the demonic to the concern for right action by human beings. In the final analysis, for the writers of H it was human activity that had the potential to make life heaven or hell, not supernatural beings (Milgrom 2009: 42–43).

6.2 Holiness

One of the distinctive theological developments in H concerns its view of the land. For H, the land itself is holy (Achenbach 2019: 180). It deserves its sabbaths; if these are not extended to the land, divine punishment ensues (Lev 26:34–35). In fact, as part of the created order, the land was a creature with its own agency. According to the Hebrew scriptures, not only can the created order join in the praise of God (e.g. Ps 19:1–4; 93:3–4; 96:11–12; 98:7–9; 148), it can also express sorrow on YHWH’s behalf (e.g. Isa 24:4–

5; Jer 4:28; 12:4; Hos 4:3; Joel 1:10; Zech 12:12). In Leviticus, the land is more than an object that exists for human beings to do whatever they want with. Within this complex of ideas, one can find an implicit environmental ethic that deserves to be appropriated in contemporary Christian discourse.

The system of thought running through H can be described using binary categories. Among them are oppositions between clean and unclean, ritual purity and impurity, justice and injustice, life and death, order and chaos, Israel and the nations, and YHWH and other gods. Although it is tempting to reduce this system of binaries to a single over-arching category, such an effort stands at variance with the analogical thinking that generates different holiness regulations. It is better to imagine YHWH at the centre of a sphere of positive values (including holiness and righteousness) that give life to the community. Both P and H believe it is important to keep these positive values free of contamination from their opposites, because holiness can be dangerous as well as life-giving.

Theologically, the binary oppositions assumed in H stand in contrast to certain modes of thought found in Asian philosophies. In Levitical thinking, positive and negative do not balance each other, but clash in a potentially violent manner. Life therefore depends on ordered relationships with the pure realm of being that is God. For that reason, divine alterity is not simply a risk to be run by the people of God, it also presents an opportunity for *imitatio Dei* ('the imitation of God'). Two patterns of behaviour are especially important to the writers of H as means of identifying with Yahweh's holiness: inculcation of a strict sexual morality and sabbath observances. These regulations play a part in distinguishing Israel from the nations.

In comparison with other scriptural passages, the sexual regulations of Leviticus are notable for banning some relationships that other texts mention with no hint of disapproval. So, for example, the patriarch Jacob married two sisters (cf. Gen 29:15–30 and Lev 18:18), and Moses' father married his aunt (cf. Exod 6:20 and Lev 18:12). While P regards the price of sex with a menstruating woman as sharing her term of exclusion from sacred space (Lev 15:24), according to H the penalty is that both will be 'cut off' (likely by divine action) from the community (Lev 20:18). In general, H reflects a heightened concern to control the disordering potentials of sexual desire, particularly within the context of the family.

An important implication of H's sexual morality is to the need to preserve clean lines of descent between generations. A related concern appears in biblical narratives. In the patriarchal stories, for example, purity rules are used to distinguish the rights of Israel to the land of promise from the Canaanites, the Ammonites, and the Moabites. While the exact nature of Canaan's offence in Gen 9:22 remains unclear, the motif of the 'nakedness of the father' has resonances with the incest laws in Lev 18:7 and 20:11 (Wenham 1982:

201). Incest also casts in doubt the claims of both the Ammonites and the Moabites to the promises of Abraham (cf. Gen 19:30–38). Anxiety about proper family lineage also comes into play in the relationship between Jacob and Esau. One of the reasons for the opprobrium cast on Edom is his parents' disapproval of his Hittite wives. Esau thereby abandoned the principle of endogamy within the clan. Such concerns are reflected in the post-exilic period, when purity rules became operative as a way of drawing boundaries between Israelite and non-Israelite in the interests of preserving a threatened social solidarity in Persian-era Yehud (Smith-Christopher 2002: 145–146).

Several aspects of sex-related rules in P and H call for further reflection. For example, the burden of cultic impurity falls harder on women than on men in P, because of the time frames connected to birth and menstruation. Such rules assume a binary opposition between male and female (Morrow 2017: 168). Additionally, while bestiality is prohibited throughout biblical law (Exod 22:19; Lev 18:23; 20:15–16; Deut 27:21), only H proscribes same-sex relationships between males (Lev 18:22; 20:13) – but not between females. These are indications of a situation attested elsewhere in biblical writings. An integrated theological vision of sexuality and gender appears to be unfinished business in the Hebrew scriptures (Frymer-Kensky 1992: 202).

6.3 Righteousness

One of the most well-known Old Testament laws is found in Lev 19:18, 'you shall love your neighbour as yourself'. This dictum caps a series of instructions about the treatment of the disadvantaged and esteem for fair practices that communicate a concern for social solidarity (verses 9–17). However, the same chapter deals with an array of concerns that touch on illegitimate cultic practices (verses 4, 26–28, 31), deference to parents and the aged (verses 3, 32), illegitimate mixtures (verse 19), unlawful sexual relationships (verses 20–22, 29), sabbath regulations (verses 3, 30), concern for non-resident aliens (verses 33–34), and honest weights and measures (verses 35–36). What holds these disparate topics together is that they assume the set of binary oppositions that H operates with. In Leviticus 19, the binary opposition of 'justice vs injustice' often comes to the fore, particularly in terms of protecting the community against exploitation (verses 11–17). The same concern will explain why the command to love the neighbour (verse 18) is balanced by the demand 'you shall love the alien as yourself' (verse 34). Balancing love of the neighbour with love for the immigrant or stranger remains an important matter of concern for the Christian community (e.g. Vos 2022).

6.4 The covenantal community

While H shows awareness of YHWH's covenants with the patriarchs and at Sinai (Milgrom 2008: 1394–1397), Sabbath observance also became a mark of covenantal fidelity. Sabbatical theology reaches a climax in Leviticus 25's legislation for a cycle of forty-nine-

year periods in which land alienated from its traditional owners must be returned and debt-slavery incurred in the interim cancelled (the Jubilee). While the Jubilee was probably never put into practice, sabbath observances have been a mark of Jewish distinctiveness for millennia. According to the theology shared by P and H, Sabbath observance allowed human beings to participate in the divine rest that culminated the creative process. Sabbath therefore also operates as a kind of *imitatio Dei*. It recalls the fact that God is other than the world of nature and of work (Heschel 2005: 200–208).

In addition, sabbath thinking reflects a revolutionary concept about time. Throughout the ancient world, there was no sense that the future could be fundamentally different from the past. That idea was uniquely challenged in the Hebrew scriptures (Cahill 1998: 131). Hope for the future is implicit in observing the seventh day distinctly from the other six. Therefore, as early Jewish theology developed, the sabbath became a sign of a messianic era still to come. From this perspective, the use of Jubilee imagery in the teaching of Jesus is significant. It marks his ministry as a fulfilment of the messianic hope (Morrow 2017: 189–190).

7 Law in Deuteronomy

Deuteronomy (D) both remembers Israel's covenant at Sinai and narrates a renewed covenant ratification ceremony on the verge of Israel's entry into the land of promise. From a canonical perspective, Deuteronomy was composed in several stages. A late pre-exilic version was rewritten for an exilic and then for a post-exilic audience (Otto 2012: 239–240). Both the Deuteronomistic History, spanning Joshua–2 Kings, and the book of Jeremiah have affinities with the thought of Deuteronomy.

7.1 Divine presence

Whereas P describes the tabernacle as the residence of YHWH's *kavod* ('glory'), D describes the central sanctuary as 'the place which YHWH, your God will choose as a dwelling for his name' (e.g. Deut 12:11; 14:23; 16:2; 26:2). A common explanation for this difference perceives a shift in theology: while P assumes the embodied presence of YHWH in his earthly shrine, D believes that God remains in the heavenly realm; only his name is to be found in the temple. Recently, this stark differentiation between P and D has been called into question (Hundley 2009). Nevertheless, there is a significant difference between the thought of D and P. The latter conceives of all Israel as living near the central shrine, but this is not true for D. According to D, Israelites typically live in cities at some remove from the 'place YHWH will choose'. Their lack of immediate access to the central shrine created theological problems, but D assured Israel that YHWH remained accessible by invoking his name – even at a distance.

Historically, D's vision of a single and unified cult-place is most easily located in the late monarchical period. Textual and archaeological evidence indicate that for most of Israel's and Judah's history, a plurality of legitimate cult places existed. Only two monarchs are credited with attempts to reduce these shrines to a single destination: Hezekiah (died c. 690 BCE) and Josiah (died 609). Although it is uncertain whether the original version of Deuteronomy corresponds completely to the policies of either king, the innovations it is willing to make to promulgate a policy of complete cult-centralization are breathtaking. For example, previous understandings of purity law are abrogated. In light of Israel's distance from the central shrine, non-cultic slaughter of animals for food is permitted (Deut 12:20–27; cf. Lev 17:2–7) and first-born animals no longer must be offered to on the eighth day (Deut 15:19–23; cf. Exod 22:30). The system of tithes is revised (14:22–29), in part because they can now be used to support indigent persons. In fact, Deuteronomy perceives that most priests will be reduced to the same status as landless widows, orphans, and resident aliens (e.g. 16:11, 14). Moreover, Passover is taken out of the family milieu and turned into a sacrifice that must be offered and eaten at the central shrine (16:1–8). In these and related cases, the need to ensure national unity and the proper worship of YHWH was sufficient to override venerable practices of the past.

7.2 Holiness

According to Deut 4:5–8, the purpose of the exodus was to create a nation that would reflect YHWH's values like no other. In other words, Israel was elected for a special divine purpose. Election and holiness are closely associated in 7:6, as both concepts are linked to possession of the land of Canaan, but the reverse side of D's theology of election is a forceful polemic against Canaanite culture (Lohr 2009: 174–176). The erstwhile inhabitants of Canaan had to be driven out or exterminated, and the material culture or their polytheistic culture destroyed.

From a contemporary perspective, a passage such as Deuteronomy 7 reads as a mandate for colonialism and religious intolerance. Nevertheless, the situation is complicated by the fact that, when Deuteronomy 7 was composed (likely in the exilic era), the Canaanite peoples listed in 7:1 had long disappeared or been assimilated, which raises the question of why Deuteronomy would call for the extermination of ethnic populations that no longer existed. As Louis Stuhlman (1990) points out, Deuteronomy's polemic against bad outsiders is linked with a polemic against bad insiders. This appears in several texts, notably in Deuteronomy 13, which depicts prophets, family members, and whole cities as able to lure Israel into apostasy. This deep anxiety reflects the fact that, in its canonical form, D recalls experiences of exile and destruction that Judah and Jerusalem underwent at the hands of the Neo-Babylonian empire. As with related prophetic literature (e.g. Jeremiah and Ezekiel), this national and religious disaster was blamed on the citizens

of Judah, who were accused of engaging in idolatrous activity as well betraying their commitment to social solidarity.

Outside of Deuteronomy, the rhetoric of election interfaces with genealogical concerns in both Ruth and Nehemiah, but with competing interests. In the case of Nehemiah, a proven genealogy was necessary to be accepted as a full member of the group permitted to participate in the Second Temple community (Neh 7:61–65), and intermarriage was forbidden (Neh 13:23–27; see also Ezra 9–10). Ironically, Ruth a woman of Moabite descent, became an ancestor of David. It is likely that one of the interests of the book of Ruth was to challenge rules of ethnic exclusion like those expressed in Deut 23:3 (Braulik 1999).

7.3 Righteousness

Social solidarity was an important concern to Deuteronomy. One indication of this is that D prefers to use the term ‘your brother’ to refer to fellow Israelites. Deuteronomy’s preference for the term ‘brother’ probably reflects a time in late monarchical Judah when traditional kinship relationships were breaking down. According to Deuteronomic thought, however, Israel’s covenantal relationship with YHWH created a collective sense of kinship that was no longer dependent on a family’s land ownership (Morrow 2017: 246–247).

As Deuteronomy is the only pentateuchal law collection to mention or regulate royal behaviour (17:14–20), it is appropriate to consider the ideology of Israelite kingship more broadly. One of the most common theological claims made in the Hebrew scriptures is that God is just. As the creator of heaven and earth, YHWH is praised as the One who established equity and justice (Ps 99:1–4). In turn, the king was supposed to embody the attributes of divine justice and righteousness (Psalm 72) so that the nation would flourish. It is no surprise therefore that monarchical abuses are singled out for opprobrium by Israel’s prophets (e.g. 2 Sam 12; 1 Kgs 21; 2 Kgs 21; Jer 22). Moreover, when D subordinated the actions of the king to the requirements of the Torah, the claims of human monarchies to unconditional divine sanction were implicitly challenged (Berman 2008: 40–44).

As the divine king *par excellence*, YHWH was thought to embody the values that human kings only imperfectly reflected. Thus, the book of Psalms shows a keen interest in the fate of the righteous (*tsadiq*) and the wicked (*rasha’*). These terms connote both legal status and moral behaviour. In a legal process, a person vindicated in a court of law was *tsadiq*, while the guilty party was called *rasha’*. Ultimately, God intervenes to save the righteous while punishing and eliminating the wicked (e.g. Ps 1:6; 37:37–40; 58:10–11; 75:10; 97:10–11; 129:4). An important liturgical application of this concern can be found in the lament or complaint psalm genre. Theologically, underlying the practice of both individual and collective complaint was the assumption that YHWH was a powerful judge. It was

thought that his decisions could be swayed by descriptions of unjust suffering at the hands of the wicked (Morrow 2006: 47–48). As it has sought to develop liturgical practices to support victims of unjust suffering, contemporary Christianity has become quite interested in reviving the theology and practice of lament (2006: 47–48).

7.4 The covenantal community

Deuteronomy draws on a variety of ancient Near Eastern treaty traditions (Morrow 2019b: 143–145). From a literary perspective, however, this book is much more complex than any extant ancient Near Eastern treaty (Huddleston 2017). In this respect, D's elaborated covenantal rhetoric served several functions. First, it helped to organize the community in the face of unprecedented social developments; second it provided a template for Israel's future; finally, it helped to promote the scripturalization of Israel's religious heritage.

The writers of Deuteronomy had to address a complex urban culture: many members of the covenant community lived far from the religious and political centre of the nation. The multi-faceted treaty rhetoric that appears in the book may be intended to address this different social reality. In this respect, the book of Deuteronomy anticipates a constitutional approach to governance (McBride 1987: 229–230). Its extensive invocations of curses and blessings provide a comprehensive framework that helps to bind a population distributed over a large area.

The Deuteronomic covenant formulary was also intended to help Israel survive the prospect of exile. In this respect, the book has a positive theological bent. In the final analysis, even if Israel breaks the covenant, the decision to void its relationship with YHWH is ultimately not in its hands: only God has the right to abrogate his covenant with Israel (Krause 2020: 162–163). The hope of covenant renewal in D assumes that God will remain faithful to the covenant even if individual generations of Israel fail (Deut 30:1–5).

Finally, more than either the Book of the Covenant or Leviticus, Deuteronomy presents itself as written law. Not only was it to be written down, it was also designed to be read every seven years in the presence of all the people (31:9–13). The magnitude of this development cannot be minimized. Throughout the monarchical era, despite whatever evidence there may be for authoritative writings, there is no evidence that Israel's prophets or other religious leaders had a concept of holy scripture. For example, they never justified their messages to the people with a claim such as 'it is written'. In this respect, Deuteronomy anticipates one of the great innovations of the post-exilic era: the scripturalization of Israel's religious heritage.

8 Developments in Christianity

The interpretation of Old Testament law throughout Christian history has been documented in articles that go far beyond what can be attempted here (e.g. the articles in Strawn 2015). However, certain characteristics can be discerned by paying attention to the four categories used in the analysis above. It should be no surprise to observe along with Luke Timothy Johnson that ‘the nature of the early Christian experience made its stance towards law problematic’ (2015b: 212). Above, it was noted that there were two ways of understanding the authority of biblical law: one was didactic, and the other was legislative (see [section 3.2](#)). This same tension manifests itself in the history of biblical interpretation.

Another reason for different approaches to the appropriation of Old Testament law arises from the fact that, like those responsible for composing instructional collections in the Old Testament, Christian theology has always been open to movements from the larger culture. It was noted above, for example, that case law in the Book of the Covenant participated in the common legal culture of the ancient Near East and that the composition of Deuteronomy was influenced by treaty traditions originating beyond the confines of ancient Israel. Not surprisingly, the Christian exegetical enterprise has also been influenced by a variety of intellectual movements. To name but a few examples: classically both Platonism and Aristotelian thought affected the reception of scripture; latterly, both Marxism and feminism have been important influences on how the Bible has been read (see [Feminist Biblical Interpretation](#)). Each of these patterns of thought have affected the appropriation of biblical law in the history of Christianity. Although they are not addressed here, as Christianity continues to indigenize in South America, Africa, and Asia, social and intellectual perspectives native to those communities will no doubt also affect theological understandings of biblical law.

In general, one can discern three major trends in the treatment of biblical law in Christian theology: radical continuity; radical discontinuity; and approaches that recognize both continuity and discontinuity (Gane 2017: 163–195). Advocates of radical continuity espouse what is sometimes ‘Christian Reconstructionism’. On this view, Old Testament law ought to be used as the basis for the laws of the state, unless it has been explicitly set aside by the New Testament (see [Law in the New Testament](#)). This represents a kind of legislative understanding of the demands of scripture. The contrary position holds that the revelation in Christ has completely abrogated the body of pentateuchal law. According to this understanding, the letter of biblical law has been set aside by the ‘law of love’ in Christ. This perspective considers the works of biblical law as didactic at best. Overall, however, the approach of Christian theologians has been to attempt to distinguish between aspects of biblical law which remain relevant to the community of faith and those which no longer seem to apply. Though by no means exhaustive, the following sections will illustrate some examples of this dialogical approach.

8.1 Divine presence

The most significant factor that has affected the appropriation of biblical law in Christian theology has been the need to negotiate between competing interpretative authorities. This dynamic was set in motion by the Christ event – itself a complex experience of theophany. Not only did it involve memories of Jesus of Nazareth as the incarnate wisdom of God, it also comprehended encounters with the risen Christ. As with other biblical theophanies, an encounter with God in Christ entailed acceptance of a vocation as the people of God and its attendant obligations.

Given differing perspectives on divine presence in collections of biblical law, it is not surprising that the early church had to grapple with divine characteristics of fluidity and fixity. On one hand, the incarnation of the spirit of Christ in Jesus of Nazareth gave a new, fixed point for knowing God (e.g. John 1:17–18). On the other, the promise of ongoing guidance through the Holy Spirit meant that that revelation was fluid (e.g. John 16:12–13). These same dynamics would affect the interpretation of the biblical law: to what extent did the Old Testament fix the cultic, ethical, and legal obligations of the followers of Christ, and to what extent did it not?

The relationship of the new revelation in Christ to the revelation at Sinai was further complicated by several factors. One of these was the expectation of the ‘new covenant’, a concept which finds several expressions in the Old Testament (Markl 2016: 326–328; e.g. Jer 31:31–34; Ezek 36:22–32). The second was conditioned by an observable lack of completeness in collections of biblical law themselves. These two features communicated a certain open-endedness to the formulation of law in post-biblical communities. Finally, the Christ event is a saturated phenomenon. As a revelatory archetype, it has continued to generate and demand interpretation up to the present day.

A significant problem implicated in Christian doctrines of revelation is the concept of supersessionism. For most of its history, the Christian church has claimed that the theophany manifested in Christ has superseded Judaism, often with destructive results (e.g. Parkes 1977). In fact, supersessionist theologies have also been operative within Christianity itself. The persecution of the Cathars in the Middle Ages and battles between Protestants and Catholics for control of the state during the early modern period both exemplify this trend.

There is a biblical basis for supersessionism, as the Mosaic revelation carries within itself the seeds this concept (Novak 2019: 28). Its superiority to the religions of Israel’s neighbours is expressed in various ways (e.g. Deut 4:5–8; Ps 115:3–8; 147:19–20; Isa 44:9–20). It should not be surprising, therefore, that the rhetoric of supersessionism was taken up by monotheistic movements that built themselves on the heritage of the Mosaic tradition. In terms of resolving the impasse between synagogue and church, a useful tactic

is to adopt a 'soft supersessionism'. Both church and synagogue ought to recognize that they make some mutually incompatible claims that must await final adjudication in a world-yet-to-come. Until then, one needs to respect the other and the covenant commitments that guide them (Novak 2019: 30–31).

8.2 Holiness

As with holiness thinking in the Old Testament, the generation and implementation of binary categories of thought is prominent in Christian theology. In the New Testament, members of the early church are frequently called *hagioi* ('holy people', i.e. 'saints'). Moreover, as in the Old Testament, being holy is equated with being chosen or elected by God (e.g. Rom 1:7; 1 Cor 1:2; Col 3:12). Left somewhat undefined, however, is what holiness means for disciples of Jesus.

In general, Christianity has had a mixed response to concepts of cultic purity as they appear in the Old Testament. For example, what is the relationship between holiness and the concept of cultic purity? Certain holiness practices mandated by the Old Testament, such as observance of the sabbath and fast days (cf. Rom 14:5–6) or food taboos (cf. Rom 14:13–23), could be put in abeyance, according to the Apostle Paul.

A significant departure from biblical categories appears in the Church's reversal of the Old Testament's vehement rejection of divine images. The ambiguity inherent in the claim that Jesus Christ is 'the word made flesh' (John 1:14) erupted into a strenuous debate about the validity of making images of Jesus in the eighth and ninth century CE. This is known as the 'iconoclastic controversy'. Although the side that favoured icons and statues of Christ prevailed in the Middle Ages, during the Protestant Reformation this debate was revisited. While Reformed Christianity has often viewed pictures of the divine with suspicion (Boonstra 1997), large numbers of observant Christians feel free to use statues and icons of Jesus, Mary, and the saints as objects to channel their devotion to God.

With respect to sacrificial ideologies, holiness concepts received an ambiguous interpretation in New Testament and early Christian theology. On the one, the cross was supposed to have brought about the end of sacrificial rituals; on the other hand, it was regarded as fulfilling them. The concept of fulfilment would lead to new articulations of sacrificial theology – above all in connection to the celebration of the Eucharist (Holy Communion, the Lord's Supper). Not only would some branches of the church affirm the presence of priestly hierarchies, but concomitant binaries would also reassert themselves. So, for example, certain Christian theologies forbade menstruating women from taking communion, and, until the last century, the custom of 'churching women', i.e. formally readmitting them to the church after childbirth, was often practiced (Morrow 2017: 169).

As the paragraph above indicates, a significant holiness problem that Christian theologians have had to struggle with over the centuries is the binary opposition between men and women. While the New Testament appears to call certain holiness categories into question, most notably the opposition between a 'clean' Israel and 'unclean' Gentiles (e.g. Acts 10), other binary oppositions such those between master and slave and husband and wife were not fundamentally challenged. However, believers could ask themselves if there was a trajectory implicated in the Christ event (e.g. Gal 3:28) that demanded that such social binaries be challenged in later expressions of the faith. In recent times, a positive answer to this question provided a significant impetus for the ordination of women in various Christian denominations.

In addition, certain forms of Christianity have generated new forms of binary oppositions on analogy with those which already existed in Levitical thought. One of these was based on the concept of the 'great chain of being', an idea which wed ideas found in Greek philosophy onto the Christian symbol system. The chain of being justified the hierarchical ordering of society during the Middle Ages and into the early modern period. It supported the establishment of higher orders of clergy over lower orders and of both over the laity. The same concept would also be invoked by Christian thinkers to justify institutions of serfdom and chattel slavery (Scanzoni 1976: 14).

Binary categories were also important in Christian theologies that supported the colonial enterprise. This concern was augmented by theologies that worked with the biblical concept of election. The potent distinction between the 'saved and the unsaved' has often been mapped on to the opposition between the civilized and the savage, or Christian and 'heathen' culture. This in turn sanctioned many expressions of the colonial enterprise. For example, the 'Doctrine of Discovery' propounded by papal bulls effectively undercut the claim of indigenous peoples to their own lands (Greenberg 2016). In the case of the Canadian Indian Act, for example, legislation that promoted the colonial enterprise forbade the practice of many Indigenous religious ceremonies including the potlatch (1884) and the sun dance (1895). It was actively supported by Christian churches of the time. These prohibitions stayed in force until the Indian Act was revised in 1951 (Parrot 2022).

8.3 Righteousness

Concern for righteous behaviours has been a hallmark of Christian ethical teachings. Not only are individual believers admonished to live righteously (e.g. 1 Tim 6:11; 1 Pet 2:24), but the state was thought to have a role in administering justice (Rom 13:1–7). As in biblical law, Christian thinkers have struggled to affirm models of social solidarity, while also recognizing and legitimating existing social hierarchies. Here again one finds tensions emerging between reading the body of biblical law as wisdom or as legislation. While earlier ages tended to find legitimation for the subordination of serfs to lords, or

women to men, other readings can be defended. To this day, theologians debate whether hermeneutical lenses such as those provided by Marxism or feminism are foreign to scripture or are deeply faithful to the ethical visions imbedded in biblical law.

By the Protestant Reformation, it became usual to distinguish between moral, ceremonial, and civil laws in the biblical canon (Ballor 2015: 228), but these distinctions are also useful for thinking of the treatment of biblical law throughout the Christian era. Matters of ritual behaviour have already been briefly touched on above. So far as ethics are concerned, a major point of reference has been and continues to be the Ten Commandments (e.g. Harrelson 2006; Gane 2017: 239–280; Averbeck 2022: 108–144). In the administration of criminal and civil law, however, Christian churches have tended to default to the conventions operative in the societies in which they established themselves. In part, this is due to the incompleteness of biblical law especially in terms of criminal and civil procedures.

Nevertheless, interactions with Old Testament thought did lead various Christian thinkers to put pressure on the law of the land. Examples include regulations about sex and marriage, banning illegitimate religions, and the abolition of slavery. Moreover, at times a Christian consensus has been instrumental in obliging the state to implement so-called ‘blue laws’, legislation that regulated commerce on Sundays. On the other hand, a fascinating example in which economic reality overtook biblical norms concerns legislation regarding loans for interest in the early modern period. These examples are set out in more detail below.

Christian teachings have often influenced legislation regarding marriage and divorce. Already in the ecumenical council of Nicaea, matters dealing with the regulation of sexuality were prominent (Johnson 2015a: 208). For example, although polygamy is permitted in biblical law, it has generally been proscribed by the church. To this day, polygamy remains prohibited in jurisdictions influenced by Christian teachings. Until recently this was also true with respect to same-sex relationships. Several modern nation states, however, have opted to remove same-sex relationships from the criminal law and also permitted civil marriages among gay and lesbian people. The theological legitimacy of these reversals remains a matter of contention within the Christian communion.

The case of homosexuality is informative because the debate in Christian circles involves not only appeal to scriptural precedent but also inferences purportedly drawn from natural law (Rom 1:18–27). Nor is this the only case in which natural law has figured prominently in Christian ethical teaching. Another current controversy involves the corporal punishment of children. Supporters of the practice commonly look to the book of Proverbs for justification, but they overlook the fact that the openness of the wisdom tradition can also call conventional understandings into account when new evidence becomes

available. Acting on the body of evidence that suggests spanking harms children is not necessarily contrary to the spirit of Proverbs, even if it opposes its letter (Morrow 2020).

In fact, there have been instances in which the letter of biblical law has been abrogated in the development of Christian societies. One example is the decision to forego a literal interpretation of biblical injunctions against lending money at interest (see Exod 22:25; Lev 25:35–37; Deut 23:19–20) during the early modern era. Up until the sixteenth and seventeenth centuries, Christians were generally forbidden from extending personal interest-bearing loans to other believers. Making loans, however, was an important desideratum for the emerging market economy. It was justified by re-reading biblical law in a way that understood its prohibitions as forbidding exorbitant interest rather than interest-bearing loans *per se* (Valeri 2011). This shift is a good example of the adaptability of biblical law. While attempting to preserve a stable relationship with the Mosaic tradition, the church in early modern Europe felt constrained to reinterpret biblical teachings to address an unprecedented economic situation.

Even more striking was the growing opposition to slavery in the eighteenth and nineteenth centuries. Again, Christians faced Christians in a battle over the meaning of scripture. In this debate advocates for slavery actually had the easier case, because they could point to passages in the Bible that regulated slavery (Noll 2006). Moreover, at the time the economics of slavery worked in favour of maintaining the institution (Stark 2003: 365). Here was a case where an application of biblical ethics ultimately trumped other interpretations of biblical law, but such a development should not be surprising given the dynamics of the biblical symbol system. Far from being static, the body of biblical law is flexible enough to allow re-interpretation as social and religious understandings change.

8.4 The covenantal community

Christians have had to grapple both with their internal organization and with the relationship between the church and the state. In the latter case, the discussion in section 4.3 noted considerable ambivalence towards the monarchical state. This ambivalence has been carried through in various parts of church history. While there has been biblical support proffered for such concepts of the divine right of kings and theocratic forms of government, Christians have also been sceptical of the claims of secular power. Events such as the Reformation, the American Revolution, the Solidarity Movement in Poland, and the dismantling of apartheid in South Africa are potent illustrations of the capacity of a biblically-informed populace to call political structures to account.

In terms of internal relationships, there are some striking resemblances between diverse forms of church organization and the models of community attested by different bodies of biblical law (Morrow 2017: 252). For example, the Book of the Covenant represents a community that tends to be decentralized: lay persons have important positions

of leadership and responsibility for right worship appears to fall on all full members of the community. In these respects, it seems to anticipate the congregationalism of the Anabaptist tradition. By contrast, Levitical law emphasizes priestly hierarchy, the real presence of God in the sanctuary, and the significance of sacrificial rituals. Here, associations with the more sacramentally-inclined forms of Christianity commend themselves. While scripture remains important, sacramentally-organized church hierarchies claim the right to interpret and even override biblical tradition (e.g. Newman 1878). Deuteronomy, on the other hand, with its emphasis on the covenantal formulary, has constitutional implications that resonate with the Reformed tradition, especially those influenced by Calvinism. Its influence can be seen in the adoption of written subordinate standards, such as the Westminster Confession of Faith, to ensure doctrinal orthodoxy and consistent church polity. Such confessional documents are accorded a quasi-covenantal authority to which all members of the church are bound, clergy and lay alike.

9 Concluding observations

Thematically, this article has focused on divine presence, holiness, righteousness, and the concept of the covenantal community. Of course, this is not the only template a thematic approach to the appropriation of biblical law in Christian circles could take. For example, another perspective can be found in the work of Walter Brueggemann, who emphasizes themes such as 'advocacy and dispute' and 'testimony and counter-testimony' (1997). Indeed, what one finds in works of biblical law is testimony to the core experience of Sinai with a degree of dispute of what it means for future generations, all the while advocating continuing engagement with the Mosaic tradition. The same can be said for the church's appropriation of Old Testament law through the ages.

Where the present approach has overlapped significantly with Brueggemann's perspective is with his esteem for the dialogical nature of the biblical witness. Works of biblical law show themselves to be in conversation with themselves, with other genres of scriptural literature, and with the historical conditions under which ancient Israel and its successor communities had to negotiate a relationship to the Mosaic tradition. Such pluriformity is to be expected because Old Testament law is not a static system of thought but a dynamic form of theological engagement, which reflects the force and fluidity of divine revelation. Focused on a paradigmatic encounter with the divine at Mount Sinai, YHWH's theophany mandated Israel's acceptance of a vocation as the people of God. However, given its saturated nature, there was a continual need to reinterpret the significance of that divine theophany and its attendant ramifications through time. From that perspective, there is an open-endedness to biblical law. This is a body of scripture that has shown itself capable of maintaining a dialogical relationship with various historical forces and new revelations. For Christians, above all this has entailed encounters with the risen Christ. Typically, such revelatory moments have not required the abandonment of biblical law. Rather they have

been occasions for creative reappropriations of a vibrant symbol system the force of which is still far from spent.

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