

## **A Theology of the Law: The Form and unction of Torah in the Pentateuch**

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“Of making many books there is no end” (Ecc 12:2).<sup>1</sup> These ancient words prophetically speak to the massive amounts of literature that have been produced in order to interpret various aspects of the law in the Bible. In fact, the author of yet another study must face head-on the charge leveled by the second part of this verse and ask the question: is my work “a weariness of the flesh”? Amidst century-long debates, denominational polemics, and a sea of literature, why is another study on the law necessary?

The tides of biblical scholarship are forever changing, and the theologian must stake his place on firm ground, or else perhaps look up from his activities and explorations and find that they no longer recognize where he is or from whence he came. D. A. Carson comments on the necessity of new theological studies for each generation stating:

There is constant need for fresh inductive work on the biblical corpora, and for fresh work on certain topics of great importance that exercise the minds of theologians in most generations: Christology, Holy Spirit, covenant, ecclesiology, and many more. If the work must constantly be redone, it is not necessarily because we are expressing dissatisfaction with what has already been done but because every generation must produce theologians who work from the primary sources, not merely people who repeat the received interpretations.<sup>2</sup>

In the last three decades increased discussion has swirled about the function and purpose of the law in the Bible. Scholars such as E. P. Sanders, James Dunn, and N. T. Wright—proponents of the New Perspective on Paul—have called for a re-evaluation of so-called Reformation-driven exegesis in Paul’s understanding of the law. This re-evaluation must do justice to a biblical and theological understanding of the law from the Pentateuch to Paul. Such an understanding must begin where the Bible does and move forward. Thus, the scope of the present work will be limited to analyzing the theology of the law in the Pentateuch. In essence, the goal of this paper is to clarify the

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<sup>1</sup> Unless otherwise noted, all biblical translations are taken from the English Standard Version.

<sup>2</sup> D. A. Carson, “Current Issues in Biblical Theology: A New Testament Perspective,” *BBR* 5 (1995): 36.

religious, ethical, and legal function of the law within the religious formation of ancient Israel as described in the Pentateuch.<sup>3</sup> This will be achieved by seeking to answer two questions: (1) What was form of the law recorded in the Pentateuch? (2) What was the intended function of the law for Israel?

## THE FORM OF THE LAW

As is demonstrated by the tripartite division of the Hebrew canon—Law, Prophets, and Writings—the term “law” (*torah*) eventually was used to describe the entire Pentateuch within the Jewish Tradition.<sup>4</sup> In Leviticus and Numbers, *torah* frequently refers to specific commands (e.g., Lev 7:1; Num 5:29), but in Deuteronomy the term becomes broader and somewhat of a collective singular referring to all of the commands of Yahweh (e.g., Deut 4:8, “And what great nation is there, that has statutes and rules so righteous as all this law [*torah*] that I set before you today?”). This broader meaning also alludes to the idea of *torah* as that which should be taught. “Exodus concentrates more on the idea that *tôrâ* is designed to be taught. Exodus 24:12 even portrays God in the role as a teacher of *tôrâ*, as in the phrase, ‘the law and commandment that I [i.e. God] have written to teach them’ (Ex 24:12).”<sup>5</sup> This identification of the entire Pentateuch with the “law of Moses” is also seen in the teaching of Jesus (Lk 24:44). Other words used to describe laws in the Pentateuch include: “commandments” (*mitswoth*), “statutes” (*hukim*), and “judgments” (*mishpatim*).<sup>6</sup> These words, along with *torah*, are incorporated into distinct law codes found within the Pentateuch, such as: the Decalogue (Ex 20: 1 - 17; Deut 6 - 21), the Covenant Code (Ex 20:22 - 23:33), the Holiness Code (Lev 17 - 26), and the Deuteronomic Code (Deut 12 - 26).<sup>7</sup> Debate exists surrounding the delimitation of such codes, but general consensus remains that specific legal documents are incorporated into the Pentateuch.

In seeking to describe the laws found in the Pentateuch, a categorical scheme must be adopted. However, the number and diversity of law passages found within the

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<sup>3</sup> While issues of Pentateuchal composition will be discussed when necessary, this paper will address and describe the law from a canonical perspective focusing on the literary and theological unity of the Pentateuch. See, Brevard S. Childs, *Old Testament Theology in a Canonical Context* (Philadelphia, PA: Fortress, 1985), 6 - 15; R. N. Whybray, *The Making of the Pentateuch: A Methodological Study*, JSOTSup 53 (Sheffield, UK: Sheffield Academic Press, 1987), 235.

<sup>4</sup> See R. E. Clements insightful discussion on the complexity of *torah* in the Pentateuch. R. E. Clements, *Old Testament Theology: A Fresh Approach* (Atlanta, GA: John Knox, 1978), 105 - 20.

<sup>5</sup> Martin J. Selman, “Law,” in *Dictionary of the Old Testament: Pentateuch*, ed. T. Desmond Alexander and David W. Baker (Downers Grove, IL: InterVarsity, 2003), 499.

<sup>6</sup> These three terms are used together frequently in Deuteronomy. See Deut 4:40; 6:2; 8:11; 10:13; 11:1; 26:17; 27:10; 28:15, 45; 30:10, 16.

<sup>7</sup> Hector Avalos, “Legal and Social Institutions in Canaan and Ancient Israel,” in *Civilizations of the Ancient Near East*, ed. Jack M. Sasson, vol. 1 (New York: Charles Scribner’s Sons, 1995), 616.

Pentateuch make such categories difficult to ascertain. Also, the OT makes no categorical distinctions between any of the laws recorded in the Pentateuch, and therefore, all organizational categories must be recognized as superficial at best, and anachronistically misleading at worst.<sup>8</sup> Recognizing that the following categories are more necessary for us than ancient Israel, we will continue by examining the literary form and literary content of the law.

### **Casuistic and Apodeictic Law**

Albrecht Alt, in his seminal article, “The Origins of Israelite Law,” articulated the difference between what he termed “casuistic law” and “apodeictic law.”<sup>9</sup> According to Alt, casuistic law’s “distinctive formal characteristic is that it is invariably introduced by an objective conditional clause beginning ‘If. . .’”<sup>10</sup> Often, the conditional clause is introduced by a temporal clause providing the case-context for the condition. For example:

When men quarrel and one strikes the other with a stone or with his fist and the man does not die but takes to his bed, then if the man rises again and walks outdoors with his staff, he who struck him shall be clear; only he shall pay for the loss of his time, and shall have him thoroughly healed. (Ex 21:18 - 19)

Alt goes on to argue that apodeictic laws are unconditional and prohibitive in nature, such as, “You shall not spread a false report. You shall not join hands with a wicked man to be a malicious witness” (Ex 23:1).<sup>11</sup> He rightly recognizes the theocentric character of apodeictic laws, but wrongly separates them from casuistic laws. “[T]he laws in apodeictic form deal to an overwhelming degree with matters which the casuistic law never mentions, and with which from its secular nature it could have no concern. They deal in part with the sacral realm of man’s relations with the divine.”<sup>12</sup> Alt’s form-critical delineation has proved foundational to OT studies on the law, despite numerous proposals trying to reduce Alt’s over-simplification of the text.

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<sup>8</sup> See Elmer Martens, “How is the Christian to Construe Old Testament Laws,” *BBR* 12 (2002): 201. Cf. Walter C. Kaiser Jr., *Toward an Old Testament Theology* (Grand Rapids, MI: Zondervan, 1978), 114 – 18.

<sup>9</sup> Albrecht Alt, “The Origins of Israelite Law,” in *Essays on Old Testament History and Religion*, trans. R. A. Wilson (Oxford: Basil Blackwell, 1966), 81 – 132.

<sup>10</sup> *Ibid.*, 89.

<sup>11</sup> *Ibid.*, 116.

<sup>12</sup> *Ibid.*, 113. Alt’s differentiation between casuistic and apodeictic law is grounded in his thesis that casuistic law grew out of a secular environment in Canaan, and Israel’s apodeictic tradition evolved from this early secular source. Alt’s literary analysis is much more helpful than his historical reconstruction.

Dale Patrick helpfully notes that Alt's categories must be refined in two respects.<sup>13</sup> First, Patrick divides apodictic law into two categories distinguishing as separate laws dealing with capital crimes. Second, he argues that casuistic law must be further defined as either remedial or primary. In remedial casuistic laws the case is described in the protasis and the penalty for violation is included in the apodosis (e.g., Lev 20:6, "If a person turns to medium and necromancers, whoring after them, I will set my face against that person and will cut him off from among his people."). However, primary casuistic laws describe a legal relationship in the protasis and then relays certain rights and duties that must be upheld in order to stay punishment (e.g., Ex 22:25, "If you lend money to any of my people with you who is poor, you shall not be to him a creditor, and you shall not exact interest from him.") The major distinction between primary and remedial casuistic law is that the former is quite often used in personal address, as somewhat of an amalgamation of apodictic and casuistic law. As in the given example of Ex 22:25, there is a specific case disclosed, yet the subject is no longer in the impersonal third person. Instead, we read "if *you* lend money,"—a direct address from the law giver.

Others, such as Christopher Wright and Anthony Phillips, have argued that apodictic law is better understood as "criminal" law.<sup>14</sup> Wright describes the distinctions between criminal and civil laws as follows:

A "crime" is any offence a particular state regards as contrary to the best interests of the whole community. . . . Accordingly, a "criminal" is punished on behalf of the whole community in the name of the heighest authority within the state. Criminal law is therefore distinct from civil law. Civil law is concerned with private disputes between citizens, in which the public authoritieis may be appealed to for adjudication, or may even judicially intervene. But in civil cases the state or national community is not itself the offended party. So there can be many civil cases where no crime has been committed.<sup>15</sup>

While it is true that such distinctions are clearly observed within modern legal systems, Wright's differentiation between criminal law and civil law is assuming a division between moral, civil, and cultic laws that he himself dislikes.<sup>16</sup> A "crime" is a moral infraction committed against the common good enforced by the state (the only grounds for morality within a secular government). This could be applied to Israel easily enough as long the community is not viewed as the authoritative source. However, in the Pentateuch, civil violations between citizens are in fact crimes committed against Yahweh. The people of Israel were Yahweh's people, and therefore, any violation committed against an individual in covenant relationship with Yahweh was a direct

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<sup>13</sup> Dale Patrick, *Old Testament Law* (Atlanta, GA: John Knox, 1985), 23 – 24.

<sup>14</sup> See, Christopher J. H. Wright, *Old Testament Ethics for the People of God* (Downers Grove, IL: InterVarsity, 2004); Anthony J. Phillips, *Ancient Israel's Criminal Law: A New Approach to the Decalogue* (Oxford: Basil Blackwell, 1970).

<sup>15</sup> Wright, *Old Testament Ethics*, 289.

<sup>16</sup> *Ibid.*, 288.

violation against him—the “highest authority within the state.” Patrick’s category of primary casuistic law discussed above, demonstrates that the divine command frequently deals with civil issues. Wright’s distinction between criminal law and civil law could be maintained if he held that the Pentateuch contained no civil laws, thereby defining all legal material recorded in the OT as criminal since it seen as a violation against Yahweh. However, he speaks about civil laws under the heading of case laws within the OT, thus this distinction proves less helpful than Alt’s.

## Law and Narrative

In trying to determine the shape and form of *Torah*, many have acknowledged the peculiar, yet significant, relationship between law and narrative in the Pentateuch.<sup>17</sup> John Barton explains that the Jewish community has historically read narratives as law: “In ancient Judaism there is a clear foregrounding of law over narrative. . . . The narrative texts are read with halakhic interest, so that they become in effect exemplifications of principles of conduct taught.”<sup>18</sup> However, such exegesis struggles through the ethical blunders observed in the narratives recounting Abraham’s faithless half-truths in Egypt and Jacob’s blessing stealing from Esau. John Sailhamer argues that literary difference between narrative and law is intended to communicate a theological distinction between faith and law and “that the issue of ‘faith versus works of the law’ was, indeed, central to the theological purpose of the Pentateuch.”<sup>19</sup> Similar to Sailhamer, R. W. L. Moberly identifies a dispensational break between the religion of the Patriarchs recorded in Genesis and the post-exodus religion of the Pentateuch, coining the former the “Old Testament of the Old Testament.”<sup>20</sup> Assnat Bartor provides a fourth alternative in reading casuistic legal texts as narrative. She writes: “Only a narrative reading, not the legal reading can reveal the essential characteristics of the casuistic laws of the Pentateuch.”<sup>21</sup> The question must be asked of this relationship between narrative and law, are we to read narrative as law, law as narrative, or read them against one another?

In order to arrive at a proper understanding the law, the interpreter must not divorce it from its narrative context. The problem with each of the above views is that each

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<sup>17</sup> See Assnat Bartor, *Reading Law as Narrative: A Study in the Casuistic Laws of the Pentateuch* (Atlanta, GA: Society of Biblical Literature, 2010); Gordon J. Wenham, *Story as Torah: Reading the Old Testament Ethically* (Grand Rapids, MI: Baker Academic, 2000); Calum M. Carmichael, *Law and Narrative in the Bible: The Evidence of the Deuteronomistic Laws and the Decalogue* (Ithaca, NY: Cornell University Press, 1985); John Barton, “Law and Narrative in the Pentateuch,” *Communio Viatorum* 51 (2009): 126 – 40.

<sup>18</sup> Barton, “Law and Narrative in the Pentateuch,” 128.

<sup>19</sup> John H. Sailhamer, “The Mosaic Law and the Theology of the Pentateuch,” *WTJ* 53 (1991): 243.

<sup>20</sup> R. W. L. Moberly, *The Old Testament of the Old Testament: Patriarchal Narratives and Mosaic Yahwism* (Minneapolis, MN: Fortress, 1992), 140 – 46.

<sup>21</sup> Bartor, *Reading Law as Narrative*, 183.

produces a bifurcation between law texts and narratives that then must be explained and understood. This is primarily the result of the pressure of source criticism and the Documentary Hypothesis, which claims that separate sources are behind the Genesis narratives, the Sinai tradition, and the deuteronomic laws. Thus, these distinct sources have distinct theologies.<sup>22</sup> By embracing this source-critical assumption, the interpreter of the text is left simply with the previous options—pick one as your paradigm or accept them as divergent traditions. The present study cannot address at length the shortcomings of the Documentary Hypothesis and its effects upon deriving a biblical theology. However, in the last two decades, the foundation of source criticism is beginning to erode, and OT scholars are looking for a new paradigm for reading the Pentateuch.<sup>23</sup>

When the legal codes of the Pentateuch are interpreted alongside the narrative that surrounds it, a clearer picture of the law emerges. Moses Segal writes: “The Pentateuch is both a story of the past and a legislation for the future. The two are intimately combined to form one whole. The laws of the Pentateuch are dependent on the story and spring from it, and are thus an essential part of the story.”<sup>24</sup> Beginning at creation, the Pentateuch records ordinances that lay a universal foundation to the understanding of law. The original couple was required to observe the negative prescription “you shall not eat of it” in order to maintain their intimacy and relationship with God. Once this intimacy was broken by rebellion and disobedience, only a divinely initiated event could restore that which was broken.

In Genesis 12:1 – 3 the narrative shifts, and restoration is promised to the entire world but mediated through one man and his offspring—Abram. The promises given to the Patriarchs of progeny, land, and blessing becomes the narrative thread woven throughout the Pentateuch—so much so—that D. J. A. Clines has convincingly argued that the central theme of the Pentateuch is “the partial fulfillment—which implies also the partial non-fulfillment—of the promise to or blessing of the patriarchs.”<sup>25</sup> It is this promise of blessing that prompts Yahweh to lead *his* people out of the bondage of Egypt to worship him in the wilderness. The law was given after Israel’s election, after the divine promise of blessing, and after redemption from slavery. Thus, the following literary and theological progression may be observed: election, promise, redemption,

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<sup>22</sup> See Moses Segal’s exegesis of Ex 3:13 – 14 supporting continuity between the religion of the Patriarchs and that of Moses. Moses H. Segal, *The Pentateuch: Its Composition and Its Authorship and Other Biblical Studies* (Jerusalem: The Hebrew University, Magnes Press, 1967), 5.

<sup>23</sup> Moshe Weinfeld, *The Place of the Law in the Religion of Ancient Israel* (Leiden: Brill, 2004), 3 – 33; Gordon J. Wenham, “Pondering the Pentateuch: The Search for a New Paradigm,” in *The Face of Old Testament Studies: A Survey of Contemporary Approaches*, ed. David W. Baker and Bill T. Arnold (Grand Rapids, MI: Baker Academic, 1999), 116 – 44.

<sup>24</sup> Segal, *The Pentateuch*, 22.

<sup>25</sup> D. J. A. Clines, *The Theme of the Pentateuch*, 2<sup>nd</sup> ed. (London: Continuum, 2001), 30.

and obedience. The danger of reading the entire Pentateuch as law, or ethical instruction, is the risk of glossing over such a progression and rendering the sole message of the Pentateuch as obedience to *torah*.<sup>26</sup> The law existed within a literary-narrative context of promise, but also within a theological context of covenant. In answering the question of the function of the law, we will examine this relationship between the law and covenant.

## THE FUNCTION OF THE LAW

The function of the law in the Pentateuch must be discussed within the context of Israel's covenant with Yahweh. Samuel Greengus speaks to the importance of covenant in understanding the law stating:

Covenant is central to the presentation of the pentateuchal laws and commandments. . . . The covenant also carried with it important theological ideas: the divine authority to command; the obligation of Israel to obey; the meting out of reward and punishment for keeping or disobeying the laws; the concept of an awesome but still intimate relationship between God and his people. . . .<sup>27</sup>

Israel's law codes are not anomalous in the ancient world, and scholars have long recognized the similarities observed between Israel's ancient legal codes and those of her ancient Near Eastern neighbors, particularly the Babylonian Code of Hammurabi and Hittite suzerain-vassal treaties.<sup>28</sup> "The Covenant between Yahweh and his people had to be sealed by a treaty, and between God and men this could only be a treaty of vassalage. The ancient legal codes of Israel do in fact read like the clauses of such treaties."<sup>29</sup> Few in the scholarly community would question the homogeneity and propinquity observed between ancient law codes and the Pentateuch. However, immense debate has arisen regarding the function of secular law codes within ancient society. Jean-Louis Ska, in his article "The Law of Israel in the Old Testament," provides a helpful summary of the current positions argued regarding Mesopotamian law

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<sup>26</sup> See Segal's Jewish interpretation of the theme of the Pentateuch: "[T]he real Theme of the Pentateuch is the selection of Israel from the Nations and its Consecration to the Service of God and His Laws." Segal, *The Pentateuch*, 23.

<sup>27</sup> Samuel Greengus, "Biblical and ANE Law," in *ABD*, ed. David Noel Freedman (New York: Doubleday, 1992), 4:245

<sup>28</sup> "The major law collections of the ANE are the Codes of Urnammu (CU, see *ANET*, 523 – 25), Lipit-Ishtar (LI, see *ANET*, 159 – 61), and Hammurabi (CH, see *ANET*, 163 – 80); the Laws of Eshunna (LE, see *ANET*, 161 – 63); the Middle Assyrian Laws (AL, see *ANET*, 180 – 88); and the Hittite Laws (HL, see *ANET* 188 – 97)." Greengus, "Biblical and ANE Law," 4:242.

<sup>29</sup> Roland de Vaux, *Ancient Israel: Its Life and Institutions*, trans. John Mchugh (London: Darton, Longman & Todd, 1961), 147.

codes.<sup>30</sup> (1) Ancient law codes functioned as “prescriptive” or “positive” law and were intended to be applied by the sovereign throughout his empire. The law was legally binding and meant to be observed. (2) Codes functioned as “royal propaganda” and were intended to serve primarily as a testimony to the glory and divine status of the monarch. The archiving and writing of legal codes in the ancient world testified to the endurance of the monarch reign. (3) Some have argued that ancient laws were characterized by a “theory of jurisprudence” or “applied law.” As a result, the legal codes became compilations of sentences passed by judges and making the judges the “authors” of the law codes. (4) Ancient law codes served as literary legal exercises for those training in justice administration within the monarch’s court.

Elements of these hypotheses can be observed in the biblical law in differing measure. However, scholarship has recently highlighted the second option arguing that both ANE law and biblical law were intended to function as royal propaganda and not possess any prescriptive legal function. Ska and Greengus, two proponents of this concept, argue that if these ancient law codes were intended to function within a legal context, why is there such scanty archaeological evidence referring back to these “authoritative” law codes? Ska writes, “[T]he relatively large number of trial procedures that have been found do not make any reference to the codes that we know, apart from a few very rare exceptions.”<sup>31</sup> Greengus notes that the laws communicated in the Pentateuch are incomplete and unable to truly guide a nation in any legal sense.<sup>32</sup> Sailhamer theologially develops this notion by arguing that the laws recorded in the Pentateuch were never intended to be carried out. The laws provided at Sinai are comparable to the instructions given to Noah when building the ark. “We read the instructions to Noah as given *for* the reader, and those to Moses as given *to* the reader. It is possible, however, that the two sets of instructions within the Pentateuch are intended to be read the same way.”<sup>33</sup> Such arguments prompt the question: Was the law intended to be obeyed? Did it possess a binding legal function for the nation of Israel?

The two main objections to the legal nature of pentateuchal laws are (1) the paucity of extant legal procedures referencing legal codes, and (2) the limited scope of the laws included in the Pentateuch. The first objection presents an argument from silence, and such arguments are notoriously weak within the realm of archaeological research. David Merling addresses such arguments from silence applied within archaeological reconstructions: “One of the curious features of archaeological theory is the use of nonevidence as supporting data. Such nonevidence is used as though it had the status of true data, even though it is what does not exist. . . . It may be a trite response, but I

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<sup>30</sup> Jean-Louis Ska, “The Law of Israel in the Old Testament,” in *The Exegesis of the Pentateuch: Exegetical Studies and Basic Questions* (Tübingen: Mohr Siebeck, 2009), 196 – 220.

<sup>31</sup> *Ibid.*, 202.

<sup>32</sup> Greengus, “Biblical and ANE Law,” 4:243.

<sup>33</sup> Sailhamer, “The Mosaic Law,” 245.



believe nothing is nothing. Nothing is not evidence.”<sup>34</sup> To follow Merling’s assessment, the first objection, at best, can only be described as “nonevidence.”

The second objection can be avoided by re-addressing the form of law recorded in the Bible. The apodeitic laws contained in the Pentateuch are negative, prohibitive, and universal. George Mendenhall comments, “It has been pointed out that prohibitions only are universal, since they define only the areas which are not permitted, leaving all other realms of action free. A positive command, on the other hand, immediately excludes all other alternatives.”<sup>35</sup> The nature of apodeitic law lends itself toward delimitation rather than prescription, and thus a smaller number of law’s is appropriate (e.g., the Decalogue). The problem present with most studies of casuistic law is that they refuse to interpret such laws within the narrative and theological context of the Pentateuch:

You yourselves have seen what I did to the Egyptians, and how I bore you on eagles’ wings and brought you to myself. Now therefore, if you will indeed obey my voice and keep my covenant, you shall be my treasured possession among all peoples, for all the earth is mine; and you shall be to me a kingdom of priests and a holy nation. (Ex 19:4 – 6)

The laws revealed in the Pentateuch were given to transform Israel into “kingdom of priests and a holy nation,” and were to set Israel apart from the surrounding nations. Deuteronomy, according to Brevard Childs, “makes it immediately clear that the purpose of Moses’ addressing the people is to ‘explain the Torah’ (Deut 1:5).”<sup>36</sup> In these settings the law has a prophetic aspect that seeks to accomplish future holiness and obedience. Consequently, the argument can be made that the casuistic laws included in the Pentateuch were those necessary to accomplish this end. The specific commands given in Israel’s legal codes were not exhaustive in applying to every area of daily life, but were sufficient in consecrating Israel to Yahweh in the future settlement of Canaan.

Bruce Wells takes a different, yet helpful, approach in arguing for the legal nature of Israel’s laws.<sup>37</sup> Wells concedes that modern scholarship does not have access to documentation describing Israel’s legal procedures in the wilderness or Canaan. However, “if legal documents of practice from [ANE] societies reflect issues and rules similar to those in the pentateuchal codes, then a connection can be established between the codes and real-life law.”<sup>38</sup> Wells’ research seeks to establish such a relationship by demonstrating similar legal issues, similar legal reasoning, and similar legal remedies. He concludes that parallels do exist between legal documents of

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<sup>34</sup> David Merling, “The Relationship between Archaeology and the Bible: Expectations and Reality,” in *The Future of Biblical Archaeology: Reassessing Methodologies and Assumptions*, ed. James K. Hoffmeier and Allan Millard (Grand Rapids, MI: Eerdmans, 2004), 33.

<sup>35</sup> George F. Mendenhall, “Ancient Oriental Law and Biblical Law,” *BA* 17 (1954): 30.

<sup>36</sup> Childs, *Old Testament Theology*, 55.

<sup>37</sup> Bruce Wells, “What is Biblical Law? A Look at Pentateuchal Rule and Near Eastern Practice,” *CBQ* 70 (2008): 223 – 43.

<sup>38</sup> *Ibid.*, 232.

practice in ancient Near Eastern societies and the legal texts of the Pentateuch. “That some pentateuchal laws share similar legal issues, reasoning, and remedies with ancient Near Eastern documents of practice strengthens the likelihood that others, though not all, do as well.”<sup>39</sup> Although the definitive word awaits more archaeological data, the reasonable conclusion can be made that Israel’s law reflects the real-life systems of law present in the ancient Near East, substantiating the claim the Israel was supposed to observe the laws recorded in the Pentateuch.

Despite the intention of obedience and ensuing curses for disobedience (Deut 28: 1 – 68), the law is not portrayed negatively within the Pentateuch. The law is the revealed will of Yahweh for his covenant people that ushers in the life and blessing promised to the Patriarchs. “In the deuteronomic sense the law is thus not some partial ordinance, nor an entity in itself, but it is the opening up of a life of peace in relation to God.”<sup>40</sup> Such notions are apparent in the oft stated phrase, “You shall therefore keep my statutes and my rules; if a person does them, he shall live by them: I am the Lord,” (Lev 18:5). Deuteronomy 6:24 – 25 similarly describes Israel’s law as given “for [their] good always,” and the same law “will be righteousness for [them].”

## **Conclusion**

In summation, the law is presented in the Pentateuch as an integral part of a larger historical and redemptive narrative, and to interpret the entire Pentateuch as law tragically reduces the literary and theological complexity of text. Israel’s law held a legal function in Israel’s covenant relationship with Yahweh which was intended to mediate the promise of blessing but also entailed cursing for disobedience. The law functioned within the covenant and consecrated Israel to the Lord as a holy nation. Within the concept of law is the notion of sin, or disobedience, and Israel’s possession of the divine will would not ensure her ability or desire to live according to it. Such disobedience was foreseen (Deut 30:1 – 10) and ultimately fulfilled, thus rendering later generations of prophets who would preached the law to an unfaithful nation.

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<sup>39</sup> Ibid., 242.

<sup>40</sup> Harmut Gese, “The Law,” in *Essays on Biblical Theology*, trans. Keith Crim (Minneapolis, MN: Augsburg, 1981), 62.