

# OLD TESTAMENT SURVEY

## Lesson 17

### The Pentateuch<sup>1</sup> Laws

Several years ago, a number of my friends were reading *The Year of Living Biblically* by A. J. Jacobs. After Jacobs wrote his bestseller *The Know-It-All*, a memoir of his year spent reading all 32 volumes of the *Encyclopedia Britannica*, he was looking for his next project. He decided that he would live a year following all the instructions in the Bible as literally as possible.

Jacobs was not a religious man; he was an agnostic. He had grown up in a household that was genetically Jewish, but with no real religious practice. As he grappled with his decision to live “Biblically” and as he chronicled the experience for his book, he considered many issues that arise in our examination of the laws of Moses in this class. Jacobs spent significant time trying just to understand what the laws were. Then, he carefully tried to follow them as literally as he could. He even abstained from mentioning tennis player Venus Williams, “since she’s named for the Roman goddess of love, and it would violate Exodus 23:13 (make no mention of other gods).”<sup>2</sup>

Some of the laws made sense to Jacobs – he understood the importance of not committing murder – while some made no sense at all. He did not understand, for example, why Deuteronomy 21:4 commanded breaking a cow’s neck at the site of a murder. Realizing that over history, some of the Bible was applied in what now seem unusual ways, Jacobs decided he would “try to find the original intent of the biblical rule or teaching and follow that to the letter.”<sup>3</sup> One passage that pushed him to that point was Genesis 3:16, “I will greatly multiply your pain in childbearing; in pain you shall bring forth children.” He recognized that the fuss in the mid-1800’s over whether anesthesia was acceptable for women in labor missed the point of the passage!<sup>4</sup>

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<sup>1</sup> The “Pentateuch” refers to the first five books of the Old Testament. This lesson involves those laws found in Exodus through Deuteronomy. Many study the pre-Mosaic law as well, and while it is in the Pentateuch and so technically falls under this title, it is not in this lesson.

<sup>2</sup> Jacobs, A. J., *The Year of Living Biblically: One Man’s Humble Quest to Follow the Bible as Literally as Possible*, (Simon and Schuster 2007) at 17.

<sup>3</sup> *Ibid.* at 10.

<sup>4</sup> One wonders whether he decided this on his own, especially as one learns his wife was pregnant with twins during this yearlong experience!

We will frequently reference Jacobs as we consider the laws of Moses. Our discussion in this lesson is the law as given to Moses, both in general as well as a few “problem laws” brought up by class members for discussion. We will save the full focus on what changes Christianity brought about to the law for another lesson, as well as what role the law plays for believers today.<sup>5</sup>

### WHAT IS THE LAW?

One of the first tasks before Jacobs was learning what was the actual law. Jacobs had never fully read a Bible (Jewish or Christian), so he began there. For four weeks, five hours a day, he read through the Bible making notes of each law, precept or instruction as he came across them. His final list was 72 pages long and included everything from “No lying. No coveting. No stealing. Love your neighbor. Honor your parents” to “Don’t eat fruit from a tree planted less than five years ago.”

Jacobs stopped with the law as written in the Bible, much to the chagrin of a distant relative. This orthodox lady informed Jacobs, “You need the oral law. You can’t just obey the written law. It doesn’t make sense without the oral law.”<sup>6</sup> This view arises from a belief that in addition to the written law, there was an oral law given to Moses and passed down through the ages, finally finding written expression in the debates of the *Mishnah* written around 200AD. It is as if the Bible were a shorthand rendition of God’s commands, but the longer instructions were verbally given to Moses over his 40-day stretch on Sinai. So, in the written instructions (the Bible), we are told to “keep the Sabbath,” but the oral teaching explained in excruciating detail what that meant (how far one could walk, what one could do, *etc.*).

Most scholars recognize that there were supplemental oral teachings the Pharisees held as authoritative at the time of Jesus and before, but the Sadducees saw these as traditions, not “law”, and rejected them.<sup>7</sup> The likely date of these supplemental rules dates from the last two centuries before Christ.<sup>8</sup>

Is it an easy question: What is the Law? If we narrow our question to the first five books of the Bible, can we simply say the law is where God instructed his people to do something? Do we think one part of the law is more important than

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<sup>5</sup> Those interested might seek out our third lesson on Paul and the Law in the series on Paul’s Theology available at the class website [www.Biblical-Literacy.com](http://www.Biblical-Literacy.com).

<sup>6</sup> *Ibid.* at 12.

<sup>7</sup> Josephus, *Antiquities of the Jews*, 13.10.6 section 297.

<sup>8</sup> See generally, *Anchor Bible Dictionary*, (Doubleday 1992), Vol. 4 at 258-9.

another? Are the Ten Commandments some kind or level of “law” superior to another? How are the laws written? Are the most important ones given first? Do they march through some logical order, whether alphabetical or by subject matter?

When we consider the written law of Moses, it can seem like a hodge-podge of laws thrown together in no clear order. Some of the laws are in Exodus or Leviticus in one form, then repeated later in Deuteronomy with added information or details. The Ten Commandments, for example, are found in Exodus 20. Moses repeats them with some supplemental information in Deuteronomy 5. One can find sections of laws grouped together or individual laws separated by narrative passages unrelated to anything legal!

### **Breakdown of the Law**

After the Jews left Egypt, they arrive at Mount Sinai in Exodus 19, and Moses ascends to receive the law from Yahweh God. In classic style (by that, we mean similar to what would have been done in that day among nearby cultures), God offers a covenant to the Israelites. The core of the covenant is then set out:

1. The history that led up to the covenant is emphasized as **God’s acts of divine grace**. “You yourselves have seen what I did to the Egyptians, and how I bore you on eagles’ wings and brought you to myself” (Ex. 19:4). This was a selection of Israel by God, not at all based on Israel’s merit.
2. Israel’s **response is to be one of obedience** to God as Lord. “Now therefore, if you will indeed obey my voice and keep my covenant...” (Ex. 19:5).
3. This **response will produce blessing to and a special relationship for** Israel. “If you will indeed obey my voice...you shall be my treasured possession among all peoples...you shall be to me a kingdom of priests and a holy nation.” (Ex. 19:5-6). The word for “treasured possession” is *segulla*; it references a King’s private money that he can use however he wishes, apart from the national treasury.<sup>9</sup> As Waltke puts it, “Israel will be the King’s ‘private property,’ personally owned for his personal use.”<sup>10</sup>
4. There are also **curse for violations** of this covenant. Should the law not be obeyed, Israel will suffer. Before striking the Jews with a plague because of their sin making the golden calf, God tells Moses, “When the time comes for me to punish, I will punish them for their sin” (Ex. 32:30-35 (NIV)).

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<sup>9</sup> These were the sources David set aside for Solomon’s building of the temple (1 Chron. 29:1-5). Similarly, see the use of the word as Solomon describes his personal fortune amassed in Eccles. 2:4-11.

<sup>10</sup> Waltke, Bruce, *An Old Testament Theology: An Exegetical, Canonical, and Thematic Approach* (Zondervan 2007) at 407.

It is into this framework of a covenant based on God's grace that the law is given. The law was not given so that the Jews might merit God's favor. Rather the laws were part of God's favor shown to the Jews by calling them into covenant. It was part of God's bounty giving the Jews a blessing.<sup>11</sup> As Vanhoozer puts it,

The law is not seen as a means of gaining God's favor: his favor is shown in the redemption of Israel and in his giving them the law. The law shows them how "to be holy, for I am holy" (Lev. 11:45).<sup>12</sup>

Into the framework of this covenant, we have God setting out laws for the Israelites. These laws contain Ten Commandments that stand out from the others as ones written by the very finger of God onto stone tablets (Ex. 20:1-17; 31:18). The Ten Commandments themselves follow, in a nutshell, the same covenant structure as the overall covenant between God and the Israelites:

1. The history that led up to the covenant is emphasized as **God's acts of divine grace**. "I am the LORD your God, who brought you out of the land of Egypt, out of the house of slavery" (Ex. 20:2). God selected Israel, and it was not based on Israel's merit.
2. Israel's **response is to be one of obedience** to God as Lord. "You shall have no other gods before me...You shall not make for yourself a carved image...You shall not take the name of the LORD your God in vain...Remember the Sabbath day, to keep it holy... Honor your father and your mother...You shall not murder...You shall not commit adultery...You shall not steal...You shall not bear false witness...You shall not covet" (Ex. 20:1-17).
3. This **response will produce blessing**, "Showing steadfast love to thousands of those who love me and keep my commandments...that your days may be long in the land" (Ex. 20:6, 12).
4. There are also **curses for violations** of this covenant. "I the LORD your God am a jealous God, visiting the iniquity of the fathers on the children...the LORD will not hold anyone guiltless who misuses his name..." (Ex. 20:5, 7).<sup>13</sup>

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<sup>11</sup> Vanhoozer, Kevin, Dictionary for Theological Interpretation of the Bible, (Baker 2005) at 443.

<sup>12</sup> *Ibid.* at 444.

<sup>13</sup> This pattern of divine grace, covenant obligation, covenant blessing, and covenant curse is one primary element in the representative work of Jesus for our salvation. On behalf of all who will finally be saved, God initiated grace through Christ; Christ accepted man's covenant obligations; meriting the covenant blessings, and bearing man's covenant curses. The curses given in the Old

Following the giving of these Ten Commandments, Exodus gives some additional moral principles and instructions in Exodus 20-23. Following that, instructions are given for worship, including the construction of the tabernacle in Exodus 25-40.

The disobedience of the Israelites is shown almost immediately in the recounting of the creation and worshipping of the golden calf (Ex. 32-34).

The Pentateuch then returns to issues and instructions related to worship in Leviticus and Numbers. Sacrificing instructions are given in Leviticus 1-7. The establishment and activities of the priesthood take center stage in Leviticus 8-16 and 21-22. Next, the instructions for worship regarding holy days and rules for holy years are detailed in Leviticus 23-25. Worship is further the subject of instruction in Numbers 2-10 and 15.

Deuteronomy gives us an exposition by Moses on the instructions God has already imparted. In chapters 12-26, Moses expands on the Ten Commandments giving greater details on worship, idolatry, blasphemy, and the Sabbath. He also goes into greater detail on observing feasts and celebration days, as well as sacrifices.

### **Divisions of the Law**

As scholars seek to better understand the laws, many seek to divide the laws into various classifications. A German Protestant theologian named Albrecht Alt (1883-1956) wrote a famous essay classifying the laws as those that are commands (“Thou shalt not...”), which he called “apodictic” and those that are more “If you do...then...will happen” called “casuistic” laws.<sup>14</sup> Alt considered the distinction important because he believed the casuistic laws were part of a common heritage Israel shared with its neighbors while the “Thus saith the Lord” laws were uniquely Israelite in origin. Not all scholars believe that Alt’s categories are so clear-cut or comprehensive.

Other approaches at dividing the law seek to classify some laws as “moral” or “ethical” while other laws were “ritual.” As with Alt’s classifications, this is not one that Scripture itself makes. That is not to say there is no merit to it, but it is not always a clear classification. For example, are the instructions about tying your tithe to your hand a ritual while paying the tithe is moral? Or, is paying the tithe also a ritual? If so, is it important that the tithe is first supposed to be paid from crops and yields of the field and only “turned into money” if you have to

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Testament closely parallel the scenes portrayed in Psalm 22, for example, which were fulfilled in Christ’s death.

<sup>14</sup> Alt, Albrecht, “The Origins of Israelite Law,” *Essays of Old Testament History and Religion*, (Oxford 1966) is an English translation. The original was written in Alt’s native German..

travel too far to take the produce?<sup>15</sup> Without a doubt, for some people, one instruction may be ritual while to another it is ethical. This distinction is important to those who believe that only moral law binds people today, not the ritual law.

Another way that scholars try to divide and classify the laws centers on whether the laws pertain to individual behavior before God, or whether they are akin to our governmental code. This stems from an understanding that the laws were meant to give structure to the culture and society of Israel as a theocracy (a government headed by God rather than by a human institution), as well as to guide individual behavior.<sup>16</sup>

One of my favorite approaches to classifying the laws is a Hebrew system based on the reason for the laws. Those laws that are rational with easily understood reasons are called *mishpatim*. A second category includes those laws that commemorate or represent something (like eating unleavened bread on Passover) called *edot*. Then, there is a third classification for those laws that make no rational sense at all. These are called *chukim*. This system recognizes that a number of Hebrew laws come with explanations, either in the text, or obvious on their own. However, there are a good number of laws that come with no explanation whatsoever. To some, the *chukim* are not as important to follow since they seem irrational. To others, that makes the *chukim* the most important ones to follow because you are doing it simply out of obedience, with no other reason attached.

When comparing the laws of Moses to those of contemporary cultures, a unique factor stands out. Only in Israel do we find deity giving the law.<sup>17</sup> This radically changes the effect of transgressing the law. Instead of being a “civil law breaker,” one who breaks the law God gave is not simply a “law breaker;” that person is a sinner! It is this aspect of the law that brings out the importance of the questions about whether the law is binding today, and if it is, what parts.

## THE LAWS ANALYZED

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<sup>15</sup> Dt. 14:22-26.

<sup>16</sup> We should note that while the laws given in the Pentateuch functioned as the legal code for Israel, it is equally clear from Scripture that these laws were not the total legal code for the nation. For example, Jer. 32:11 states “Then I took the sealed deed of purchase, containing the terms and conditions and the open copy. And I gave the deed of purchase to Baruch.” There is no instruction or legal reference in the laws of the Old Testament to a “sealed deed of purchase.”

<sup>17</sup> *Anchor Bible Dictionary* at 245.

There are laws covering a number of different areas of life. Laws pertaining to:

- Sorcery (Ex. 22:17)
- Kidnapping (Ex. 21:6)
- Perjury (Ex. 20:16)
- Bribery (Ex. 23:8)
- Cheating in business (Lev. 19:36; Dt. 25:13-15)
- Property rights (Dt. 19:14; 27:17)
- Damage caused by animals or fire (Ex. 22:4-5)
- Return of lost property (Dt. 2:1)
- Sexual taboos, including adultery and rape (Lev 18; Dt. 22)
- Personal injuries and torts, including assessment of punitive damages (Ex. 21)
- Assault and battery (Ex. 21:24-25; Lev. 24:19-20; Dt. 19:21)
- Homicide (Ex. 20; Dt. 21)
- Theft (Ex. 22)
- Debts (Ex. 22:25-27; Dt. 24; Lev. 25; Dt. 23:15-16)

These laws gave core instructions and principles that defined and provided a basis for other laws to follow. Most of these laws fit the Hebrew classification of *mishpatim* – they make rational sense. There are some, however, that are not so easily understood. Consider first the food laws.

**Food Laws**

The Laws of Moses ban eating pork, shrimp, rabbit, and eagle.<sup>18</sup> Now under United States law, it is illegal to kill much less eat an eagle, but pork and shrimp are staples of the American diet. Why did God forbid these foods?

Scholars and students of the Bible have advanced several theories for this instruction, but we note that all the explanations are *theories*, because God does not tell us the reasons! God just gives the rules: For edible meat, the animal must

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<sup>18</sup> The main passages setting out the clean and unclean animals are in Leviticus 11 and Deuteronomy 14.

both chew its cud and have a cloven hoof. Water creatures must have fins and scales to be considered “clean” and edible.

Among the theories advanced are variations of two main ideas:

- There were hygienic issues involved in the killing and eating of the forbidden animals. This view has had more attention in the literature since Dr. David Macht published a study in 1953 where he measured toxicity levels in the meats of the animals declared unclean in Deut. 14.<sup>19</sup> Macht found no toxicity in the “clean animals” of ox, calf, sheep, goat, and deer. The unclean animals of swine, rabbit, guinea pig (which he used as a relative of the coney), camel, and horse all produced noted levels of toxicity. These same results were consistently found with the other animals, birds, and fish tested as clean and unclean.
- God always put limits on humanity in eating and consuming. It was in the Garden of Eden with the forbidden fruit. After the flood, Noah was told to eat meat, but abstain from eating blood. Similarly Israel was given eating instructions and taboos, albeit more specific and limiting than before. This functioned to separate Israel from others in the world. Israel honored God as director and provider of food by honoring God’s dietary instructions.<sup>20</sup>

## Clothing

Another area where there are frequent questions about the reasons for the law centers on clothing fibers! Consider these two verses:

You shall not sow your field with two kinds of seed, nor shall you wear a garment of cloth made of two kinds of material (Lev. 19:19).

You shall not wear cloth of wool and linen mixed together (Dt. 22:11).

Modern Hebrew has a word, *shatnez*, which refers to this prohibited mixing of fibers. A Google search will reveal a number of *shatnez* testers who will come to your house to test your clothing for fiber mixture. There are labs where sample

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<sup>19</sup> Macht, David I., “An Experimental Pharmacological Appreciation of Leviticus XI and Deuteronomy XIV,” *Bulletin of the History of Medicine* 27 (1953), 444-450. This study can be downloaded and read on the Internet at:

<http://members.dslextreme.com/users/hollymick/Macht1953.pdf>

<sup>20</sup> See the Jewish Publication Society’s commentary for a further explanation and the arguments asserted against the health explanation. Tigay, Jeffrey H., *The JPS Torah Commentary Deuteronomy*, (JPS 1996) at 137ff.



fibers can be sent. All of this raises the question, “Why did God put this prohibition in place?”

Like the dietary laws, this fits the Hebrew classification of *chukim* – we do not know the reason(s). In his commentary on Deuteronomy, Professor Peter Craigie suggests several possible explanations might derive from the Egyptian associations of such dual fiber garments. Ultimately, though, Craigie notes the “reason for the prohibition is uncertain.”<sup>21</sup>

The first century Jewish historian Josephus wrote that this instruction was for the laity only. Knowing that the priests wore such garments, this was seen as a mark of distinction that set apart the priests.

“Let none of you wear raiment woven of wool and linen; for that is reserved for the priests alone.”<sup>22</sup>

As Jacobs worked to live the Bible literally for a year, he found one of the *shatnez* testers and had him come work through Jacobs’s closet. The interchange between the learning Jacobs and the aging orthodox tester is revealing:

Before Mr. Berkowitz leaves, I ask him the obvious staring-us-in-the-face question: Why? Why would God care if we wore mixed fibers?

The answer is: We don’t know.

There are theories. Some say it was to train the ancient Hebrews to keep things separate so they’d be less inclined to intermarry. Some say it’s an illusion to Cain and Abel’s sacrifice—Cain offered flax to God [linen], and Abel offered sheep [wool]. Some say that the heathens once wore the combination, and the Hebrews were trying to distinguish themselves from the pagans in any way they could.

Bottom line, though: We have no idea.

“This is a law that God gave us. We have to trust Him. He’s all-powerful. We’re like children. Sometimes parents have laws children don’t understand. Like when you tell a child not to touch fire, he doesn’t understand why, but it is good for him.”

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<sup>21</sup> Craigie, Peter C., *The Book of Deuteronomy, The New International Commentary on the Old Testament*, (Eerdmans 1976) at 290.

<sup>22</sup> Josephus, *Antiquities of the Jews*, 4.208, translation by Thackery and Marcus, Loeb Classical Library edition.

In Judaism, the biblical laws that come without explanation—and there are many—are called *chukim*. This is such a law. The point is, you can never know what is important in the long term; God might have a different measuring scale than us. In fact, some say it's *more* crucial to follow the inexplicable ones, because it shows you're committed, that you have great faith.<sup>23</sup>

### **Sexual Morality**

Leviticus 20:10-21 contain recitations about sexual immorality. This includes the instruction to put to death adulterers, the perversion of interfamilial sex, homosexual relations between men, bestiality, and a prohibition against sexual relations during a woman's monthly cycle. The only explanations given are not really "reasons" but more properly "labels" that apply to these prohibitions. These acts are called either "perversions," "abominations," or an "uncovering" of that which should be covered!

As with other passages we have looked at above, when the "reasons" for these prohibitions are not given, there are a number of ideas proffered by scholars and people. The safety aspect of genetic offspring of intermarriage is well known in this DNA age. Also of importance in the mind of scholars is the need to protect and encourage the family unit by keeping it pure and between men and women.

People who want fuller explanations are unfortunately left with more speculation than with solid answers.

## **CONCLUSION**

A. J. Jacobs was quite impressive in his one-year quest to follow the Bible literally. He spent 8 months following the Old Testament and 4 months following the New Testament. As impressive as Jacobs is, he is not our model for understanding the laws of Moses. In fact, he followed through on his project, at least in part, because he was writing a book out of it. Jacobs was an agnostic both before and after his year of living.<sup>24</sup> Following the rules did not bring him to faith.

Jacobs thought his legalism would be his "visa to a spiritual world." He thought, "If I had what they call a God-shaped hole in my heart, this quest would allow me to fill it."<sup>25</sup> In that, he was wrong. Augustine's described "God-shaped hole" can

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<sup>23</sup> Jacobs at 25.

<sup>24</sup> *Ibid.* at 392 in the post-ward interview of Jacobs printed in the paperback edition of the book.

<sup>25</sup> *Ibid.* at 6.

only be filled with God, not with his law, rules or instructions. Living Bible rules as best as one can does not mean living in relationship with God. One can live by his/her parents' rules, but it does not mean he/she keeps a close relationship with them.

The goal has never been living the law for the law's sake. The goal has always been living in relationship with the Father. This comes from knowing God, not simply following his rules.

### POINTS FOR HOME

1. *"...you will recognize them by their fruits."* (Mat. 7:16).

Jesus told his followers that false prophets are recognizable by their fruits. Similarly, he added a "healthy tree bears good fruit" (Mt. 7:17), yet someone like Jacobs becomes an anomaly in this analogy. As an unbelieving agnostic, he worked and lived under the law as an experiment and as part of his economic pursuit of publishing. His time in the Scriptures was not void of effect. He noted in his post-book interview that he went from an agnostic to a "reverent agnostic," but that is not faith. In the fruit analogy of Jesus, Jacobs went into the year as an oak tree. He spent the year acquiring fruit and taping it on his branches. That did not make him a tree bearing fruit, though. It made him an oak tree with fruit taped on the branches. Jacobs was missing the relationship encounter with God that gives meaning to a life of obedience.

2. *"...if you will indeed obey my voice and keep my covenant."* (Ex. 19:5).

The law was part of a covenant between Israel and God. God reached out to Israel and offered a covenant of grace. After God's rescue from slavery in Egypt, Israel was offered the choice of following God or not. Israel made the choice to follow God and live by the instructions (law) he gave as part of the covenant. But the covenant instructions were never designed, nor placed as a means to make Israel right with God in an eternal sense. These instructions were to guide Israel in its relationship with God. The sin of Israel would always need a real sacrifice to redeem it into a new life. This is Paul's point in Romans, that God put forward Christ "as a propitiation by his blood, to be received by faith. This was to show God's righteousness, because *in his divine forbearance he had passed over former sins* (Rom. 3:25).

3. *"Behold the days are coming, declares the LORD, when I will make a new covenant."* (Jer. 31:31).

Jeremiah knew and prophesied that God would bring a new covenant to his people. He contrasted that covenant with the one the Israelites entered into on Sinai after leaving Egypt. The new covenant would be written on the hearts of God's people, rather than on stone. The writer of Hebrews tells us that the new covenant "makes the first one obsolete" (Heb. 8:13). Paul says that we are set free from the law of sin and death (Rom. 8:2). Does that mean we can read the laws simply as a history lesson? Do they have any relevance? Can we dismiss those we do not like? Heaven forbid! Paul makes it clear that while we are not under the power, control, and death of the law, we still treasure the Old Testament in its entirety as God's oracles (Rom. 3:2). Furthermore, we study it and ask how we can better live holy before God, even when the answers are not black and white because the Old Testament is the core of Paul's comment that "All Scripture is breathed out by God and profitable for teaching, for reproof, for correction and for training in righteousness" (2 Tim. 3:16). It is how we are able to be equipped for "every good work" (2 Tim. 3:17). We are honored to get to follow God's will. We seek it out with reverence and excitement!

### **WANT MORE?**

Next week, we work toward finishing the Pentateuch. If we have left out any aspect that you want covered, then email us at [wantmore@Biblical-Literacy.com](mailto:wantmore@Biblical-Literacy.com). We will see if we can put in your issue(s)!