

Concepts of Law in the Sciences, Legal Studies, and Theology

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Mohr Siebeck

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Michael Welker and Gregor Etzelmüller

Introduction

God's Laws and Human Laws in Biblical Traditions

Michael Welker

The biblical talk about “law” is no less complicated than the use of the term in the natural sciences. In some Christian communities, the whole Hebrew Bible can be named “the Law.” In Jewish thought, the Torah, the five books of Moses, are called “the Law.” Within the Torah, we find three substantial legal corpora: the “Book of the Covenant” (Exod 20:22–23,33), the law in Deuteronomy (Deut 4–26, 29f) and the Priestly law (Exod 25–23, Lev 1–7, 11–26, Num 1–3). We have two versions of the so-called “Ten Commandments” (Exod 20:2–17, Deut 5:6–21) that have been presented as “the Law” in general in systematic and practical theology and in Christian piety. Finally, there are texts in the Psalms and in the Wisdom traditions that have also been associated with “The Law.” On all these levels the emphatic singular “law” (Torah) “means the one and complete, normative, literally codified will of God ... the one and only way to a successful life and an adequate relationship to God” (Konrad Schmid).

The second part of this book offers differentiated perspectives on the biblical traditions and their formative impact on talk and reflections about law in Jewish thought, Christian theology and faith, and many traditions that have been shaped by these religious and normative sources. Konrad Schmid argues that the loss of royal legislative authority was one of the main historical developments that stimulated the development of “Canonical Law” in the Hebrew Bible. He also shows that the Law serves as a medium of God’s presence in the world. This combination of the highest normative-legal and theological weight generated a history of legal and theological hermeneutics, which had a global impact on societies and cultures across the ages and far beyond communities of faith and so-called Christian nations.

Several contributions in this part of the book (Patrick Miller, Gregor Etzel-müller, Michael Welker) reflect on the inner structure and the “substantive concerns” of the three legal corpora that deal with the worship of God, with justice, with compassion and the leadership of the community. Patrick

Miller investigates the book of Deuteronomy, which he calls "the book of the law par excellence in the Bible." An enormous concern about teaching and learning drives this pedagogical and catechetical book. Miller shows how the notion of the covenant, the spatial images of way or path, and the emphasis on the presence of God in God's word are crucial for the establishment of the authority of the book. Deuteronomy sees the law "not only as the way to love; it is also the way to life." The interplay of the concerns for worship, justice and compassion provides a "revealed" normative pattern or grid, without which "the world falls apart and life disintegrates."

Gregor Etzelmüller offers further reflections on the interconnectedness of regulations concerning cult, justice and mercy in the biblical law. He focuses on the so-called "Altar Law" in the Book of the Covenant (Exod 20:22–26) and shows how it became a framework for Christian liturgical history. He then observes important dynamics in the theological interpretation, which ties in with perspectives on the worship of God from the other law codes (Deuteronomy and the Priestly traditions). The burning interest to connect the worship of God with the edification of the community and a strong concern for justice is stimulated and strengthened by this multidimensional interpretation. Etzelmüller also shows how the differentiation between different confessional traditions is correlated with the difference in weight placed on different biblical law traditions and their views on the appropriate worship of God. He gives an impression of the enormous historical shaping powers of these texts and the "elementary structures of unity of law and ritual" that they reflect.

Two New Testament traditions, the epistles of Paul and the Gospel of Matthew, are reflected in the contribution by Matthias Konradt. He unfolds the richness of both perspectives on the law. Different topics and nuances in dealing with the law characterize the different epistles of the apostle. Although Paul is very clear in stating that "the Torah does not contribute anything to receiving salvation," it is still helpful in orienting social life. It is a valid formulation of the will of God, which, however, can become corrupted by the power of sin. By referring to the risen Christ and the power of the Spirit, Paul sensitizes for a broader guiding context, also for a broader context of the social identity of the community whose life is in need of orientation. Matthew, in contrast, still sees a rich "orientation of the social formation of human communal life" in the Old Testament Torah traditions, particularly in those regulations that concentrate on the centrality of mercy and love, not only for the weak, the poor and the outcast, but also for one's enemies. The most important differentiation between the good law, which cares for justice and mercy, and the right worship of God, and the fact that the good law under the power of sin becomes a very dangerous and even deceiving force, can be learned from this illuminating contrast between Paul and Matthew.

In the first part of his contribution, Michael Welker concentrates on "the legal, the mercy, and the cultic code of the law." Looking at the Book of the Covenant, he analyzes powerful systematic dynamics in the interplay of these codes. The combination of justice with mercy regulates the development toward a righteous and humane law. The combination of mercy with justice aims at the establishment of social routines and institutions, a culture of expectable social help. The cultic dimensions establish social sensitivities, the readiness to care for weaker beyond the realm of family and friends. Before God, the community understands itself as those who have been slaves in Egypt and have been freed – and this forbids them to understand their slaves as "speaking tools" and to ignore those who are helpless and who suffer.

In the second part, Welker observes structural differences between the Book of the Covenant and the Deuteronomic law. He sees a stronger rhetoric of deterrence in the midst of a stronger sensitivity for the endangerment of the community by mighty political and foreign religious powers. The centralization of the cult and a stronger emphasis on the concept of (a contractual) covenant between God and his people become shaping powers in the law. Welker tries to illuminate the ambivalence and even the counterproductivity of these and other attempts to strengthen the normative weight of the law. The comparison teaches clearly that legal, moral, religious and political dynamics interact in the biblical law traditions. These traditions offer constant interpretation and transformation under different circumstances. They are still challenging the following generations to appreciate the law as a complex normative power in need of constant critical and self-critical re-interpretation and transformation in order to keep and treasure its guiding orientations.