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Law and Order in Crisis

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Text: John 8:2-11

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Early in the morning he came again to the temple, all the people came to him, and he sat down and taught them. The scribes and the pharisees brought a woman who had been caught in adultery, and placing her in the midst they said to him: "Teacher, this woman has been caught in the act of adultery. Now in the law Moses commanded us to stone such. What do you say about her?" This they said to test him, that they might have some charge to bring against him. Jesus bent down and wrote with his finger on the ground. As they continued to ask him, he stood up and said to them, "Let him who is without sin among you be the first to throw a stone at her." And once more he bent down and wrote with his finger on the ground. But when they heard it, they went away, one by one, beginning with the eldest, and Jesus was left alone with the woman, standing before him in the midst. Jesus looked up and said to her, "Woman, where are they? Has no one condemned you?" She said, "No one, Lord." And Jesus said, "Neither do I condemn you; go, and do not sin again."

Law and order—this phrase, dear sisters and brothers in Christ, may not necessarily have a positive meaning for many of us. Certainly we are aware of the necessity of legal and other systems to provide order in our societies. Yet many of us distrust those who are constantly appealing to law and order. We are afraid of the authoritarians, the agitators, the hard-liners who persecute and oppress in the name of law and order and spread an atmosphere of fear; we are in fact more afraid of them than of the threat of legal insecurity and the decay of order which they conjure up.

Our text seems to reinforce this basic attitude. It seems to say: Jesus is on your side. The representatives of law and order, the scribes and pharisees, are on the other side. They act in a way which today we may consider typically male and patriarchal; that is, they drag the adulteress before Jesus but not the adulterer. And, as we would expect of agitators, they want to impose the most extreme form of the death penalty, death by stoning.

Jesus, however, who thinks like most of us, directs their attention to their own malice. He tells them that they should mind their own business, that

they should first attend to the beam in their own eyes before they look for splinters in somebody else's. In short, Jesus stops the representatives of law and order with the moral: "Let him who is without sin among you be the first to throw a stone at her." Disconcerted, they leave the temple, and the adulteress gets off with a warning.

However, is this really the meaning of the text? Does it really present us with the simple alternative of choosing either law and order represented by the pharisees or the liberal moralism represented by Jesus who thus seems to approve the more open attitude to marriage and sex which we have adopted?

A closer look at the text reveals that it does not focus on the problem of adultery; it only addresses adultery indirectly. Its real concern, the problem it faces directly, however, is the crisis of law and order. It shows how people try to use God in this crisis and it shows how God acts in this crisis.

The scribes and pharisees provoke a situation of conflict. Their question, "What do you say about her?" presents Jesus with a dilemma. If he declares himself against the killing of the woman, he will contradict the Mosaic law which in Leviticus 20 and Deuteronomy 22 lays down the death penalty for adultery. If, however, he declares himself for the killing of the woman, he will violate the Romans' right of execution, the *ius gladii*. No matter how he answers, a fatal mistake seems unavoidable. Thus our negative image of the representatives of law and order seems to become even gloomier. They not only exercise a merciless severity towards the adulteress, but are also deceitful in dealing with Jesus, whom they confront with a seemingly insoluble conflict.

Our comfortable prejudices disappear when we consider the situation the pharisees have to face. The question they ask Jesus is not based on an imaginary problem. They themselves, the representatives of law and order, are confronted with the decay of the Mosaic law. They themselves have to deal with the problem of an alien system of law imposed upon them by the Romans. They find themselves in a conflict: On the one hand, they are to judge, to maintain law and order. On the other hand, they sense the limits of their power to dispense justice, limits

which the Romans have set up, thus making it impossible for them to fulfill their duty in the traditional way. As soon as we recognize this conflict, the standard but superficial images of the liberal Jesus and the malicious pharisees disappear.

We suddenly recognize the anxiety in the question: "What do you say about her?" We recognize their anxiety, and we can recognize it also in ourselves and our fellows: it is the fear that the prevailing system of law and order may disintegrate. In the majority of the important conflicts in our societies—not only in the conflict about whether peace is best preserved by disarmament or deterrence—we have to take into account both rational and irrational fears of a decomposition of the prevailing system of law and order. I will not characterize these current fears in detail. Rather, I would like to give one example which taught me to appreciate the depths of these fears.

The Turkish producer Yilmaz Güney, who recently died in French exile, shows in his films how even today people in his country, mainly women, are lynched after committing adultery—and even by their own relatives. He describes the unspeakable suffering of those who carry out this lynching. By consciously accepting their suffering, however, they reinforce this order

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which we find barbarous, and they do so because our legal solutions for such conflicts appear to them as a state of lawlessness, of chaos, of hell. So they destroy the lives of their loved ones, and their own lives are destroyed by their immeasurable suffering; for them and their social environment any other way of dealing with the case would seem to bring chaos, the absolute collapse of the order they depend on.

I found this portrayal of the fate of these people, caught between the so-called archaic and the so-called modern legal and social orders, most impressive. What can one say to this?

Jesus gives a clear answer to the pharisees who approach him with their own conflicts, their own fears that the prevailing system of law and order would dissolve. He does not treat violations of the law and of marriage as matters of indifference—on the grounds, for example, that most of us,

"Jesus bent down and wrote with his finger on the ground."

in our hearts at least, are law-breakers and adulterers; or even on the grounds that the authority of the Mosaic law is broken anyway. He does not support an attitude of *laissez-faire*. He does not reinforce our fears of a decay of law and order. But what then is his answer to the scribes and the pharisees when they ask, "What do you say about her?"

Jesus bent down and wrote with his finger on the ground. After he had said, "Let him who is without sin among you be the first to throw a stone at her," he once more bent down and wrote with his finger on the ground. What is going on here? In what way is this a clear answer to the scribes and the pharisees? How is it an answer which not only speaks to the legal case, but also to their own fears and problems? Why does this answer make them, the representatives of law and order, leave the temple?

A few verses from Jeremiah 17 shed light upon the behavior of Jesus which to us seems rather strange. In a monologue of Jeremiah the prophet prays: "O Lord, the hope of Israel, all who forsake thee shall be put to shame, those who turn away from thee shall be written in the earth" (v. 13). The names of those who turn away from God are written in the earth. They are written on the ground, in the dust, where they quickly become effaced

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and vanish. But who are those who forsake God, who are put to shame, who are written on the ground?

Jeremiah 17 continues: "Behold, they say to me: 'Where is the word of the Lord? Let it come!'" (v. 15). We see

that those who turn away from God, who are written on the ground, ask for God's word and its coming into force. Here the scribes and pharisees of our story come into view: They ask for God's word. They refer to the Mosaic law, and they ask Jesus, "What do you say about her?" They ask for God's word to overcome a conflict of competence in which they find themselves.

But why is that a reason to regard them as ones who forsake God, who are

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put to shame, who are written in the sand? Why are they not considered to be zealous for God's word, possibly over-zealous, but still zealous?

Jeremiah 17 continues, finally illuminating our text: "I have not pressed thee to send evil, nor have I desired the day of disaster, thou knowest . . . Be not a terror to me; thou art my refuge in the day of evil" (v. 16f.). Those who forsake God, those who are written on the ground, ask for God's word and its arrival. But they ask for it pressing God to send evil, desiring the day of disaster. Now this is exactly the behavior of the scribes and pharisees. They ask for God's word—apparently so they can pass judgment in a legal case. But in fact they use the clear case to pass their unsolved conflict on, to present Jesus with an insoluble conflict, to lead him into a situation of disaster.

Disaster for Jesus—but disaster for the woman also. "Has no one condemned you?" Jesus asks the woman. And she says, "No one, Lord." By not judging her, but using her for their own aims, the representatives of law and order turn the woman into a victim. The woman is used to lead Jesus into a situation of conflict. Her own conflict is not attended to by applying the rules of the law; instead it is made public, it is broadened and painfully reinforced. The pharisees act like our mass media today, which place the law-breakers in the center of public attention, claiming that they do so as a warning but really appealing to our self-righteousness and our perverse

lust for horror and danger at the expense of these fellow beings. In the same way the pharisees place her "in the midst," as our text says, although the Mosaic law expressly demands: "Take the evil out of your midst."

Disaster for Jesus, disaster for the woman, but disaster also for the pharisees themselves. Asking for God's word does not help them at all to end the conflict of competence. They rather keep it in suspense and prolong it. They do not do what they are obliged to do and what Jesus does not question—namely, pass judgment in cases of law and order.

"'Has no one condemned you?' She said, 'No one, Lord.' And Jesus said, 'Neither do I condemn you.'" Jesus refers explicitly to the function the representatives of law and order have, but do not exercise: "I do not condemn you either."

But first he turns to the pharisees and answers them clearly. Those who misuse the law and their official positions of jurisdiction, those who misuse their fellow beings and their conflicts to bring about disaster and evil, those who press God to send evil are sinners. Even if they seem to ask for God's word in order to act, they in fact forsake God, who is the refuge in the day of evil. They are the ones who lust for evil, who desire the day of evil, and are put to shame; they are written on the ground, in the sand and in the dust. That is Jesus' answer to the pharisees.

"The names of the sinners who in the crisis of law and order press God to send evil are written on the ground."

Those who ask for God's word and by so doing desire evil and long for the day of disaster—no matter for whom—are sinners. This is the clear answer which I suppose should give not only the pharisees in ourselves and among us something to think about, but also the apocalypticists in ourselves and among us. The pharisees, who know the text Jeremiah 17 and recognize the sign Jesus makes, understand the answer. They recognize themselves to be sinners and leave ashamed, one after the other, beginning with the eldest.

For the adulteress, however, Jesus becomes the refuge in the day of evil, on her day of disaster. This does

not mean that Jesus annuls the prevailing legal system of his time or interferes with it by limiting its power. Quite to the contrary, he takes the jurisdiction of the scribes and the pharisees into account and even respects it when he says: "Has no one condemned you?"; and he refers to it directly when he goes on: "Neither do I condemn you." Furthermore, he expressly states that the woman has sinned when he says: "Go, and do not sin again." So hardly anything speaks for the supposition that Jesus is an authority for laissez-faire, for weakening or dissolving the judicial system.

Rather, he is the advocate of those victimized by the law used to bring about evil, by a misused jurisdiction. The victims of this justice misused for evil find their refuge in God. The adulteress experiences this in her encounter with Jesus. She encounters the God who gives new life to sinners. "Go,

"God, you are my refuge in the day of evil."

and do not sin again." Thus Jesus opens a new future for the accused woman.

But the accusing scribes and pharisees also experience that God is a God who wants to rescue us. They receive a clear answer: God is a God of salvation. Whoever turns an accused person into a victim, a legal case into an event of disaster, the demand for God's word into the desire for evil is a sinner.

The sinners do not perceive that God, even in the crisis of law and order, acts to rescue us. They heighten the conflict and provoke disaster in order to solve the crisis, but in this process they fail to recognize the saving presence of God. The names of the sinners who in the crisis of law and order press God to send evil are written on the ground.

In our text, the pharisees do not achieve their aim. They do not succeed in placing Jesus in a situation of disaster with no way out. The woman is taken from their misused legal competence, and their own conflict of competence is ended, but in a way quite unforeseen by them. "Go, and do not sin again!"—this is not only intended for the accused adulteress, it is also aimed at the accusers. They, too, are to experience and to understand: God, you are my refuge in the day of evil.

Amen.