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## **LAW AND RELIGION IN THE BIBLICAL CANON**

Law and religion “continue to cross-over and cross-fertilize each other.” Not only throughout history but still today, as John Witte (2015, in this volume) rightly states, have law and religion been related conceptually, methodologically and institutionally. They share hermeneutical, casuistic, systematic and pedagogical methods, and they are both deeply related to human morality (Fuller, 1969; Schweiker, 1998; Raz, 2009).

### *Law, Religion and Morality*

Human beings have to mutually attune their ways of thinking, acting and behaving. In a general way, they foster this attunement by moral communication. In moral communication, they influence each other by giving or withdrawing respect, by promising respect or by threatening to withdraw it (Luhmann, 1978; Welker 2015). The modes of respect come in a broad spectrum from a sharp, short view on each other to vibrant admiration. The communication of respect starts with teaching in earliest childhood and reaches to operations of the most elaborated global media systems today. The indispensability of moral communication to social life is the reason why a naïve perspective automatically links moral communication with a positive ethical orientation. But this is not necessarily the case. The quality of the moral communication is connected with the value systems that inform

and guide the processes of giving or withdrawing respect. And it is also connected with the stability of its orientation, with the “security of expectations,” which it provides (Welker, 1986). Here, the interconnections of law and religion with morality and morals come into play.

In a simplistic way it is possible to say that law and religion relate morality to God and to justice and that they thus guarantee the “goodness” of morals. But God and justice are complex realities and loaded terms. These terms can function as mere ciphers of pretense in order to protect self-righteous or even evil behavior and lust for dominion and oppression. It is therefore most important to unfold and examine what “law and religion” provide in concrete contexts of life and thinking. And it is also most important to explore and cultivate not only the mutually strengthening normative potentials of law, religion and morality, but also the powers of mutual control and mutual critique. In order to serve this purpose, the following contribution deals with the relation of law and religion in the biblical traditions. It helps to de-cipher the notion of “law” in canonical religious texts that are of the highest importance for religious and moral communication in Jewish and Christian communities of faith.

### *The Many Meanings of “Law” in the Bible*

Biblical talk of “law” is no less complicated than the use of the term “law” in legal studies or in the natural sciences (Welker and Etzelmüller, 2013; Welker, 2014). The biblical law can shed great light

on legal, moral and theological thinking. But it does not offer illumination in the form of a simple idea or a single clue.

In some Christian communities, all of the Old Testament is termed “the Law” – a whole book that has “grown” over a millennium. Some theologians see in the biblical law only “the divine demand or the divine imperative” – a mere figure of thought. In some Jewish and Christian thought, the five books of the Torah, that is the five books of Moses in the Hebrew Bible, are called “the Law.” Within this corpus of text we find three substantial legal corpora. They offer us the best clues to penetrate and understand the relation of “law and religion” according to the biblical traditions. These legal corpora are:

- (1) the Book of the Covenant (Ex 20:22-23:33),
- (2) the law in Deuteronomy (Deut 4-26; 29f) and
- (3) the so-called Priestly Law (Ex 25-23; Lev 1-7; 11-26; Num 1-3).

We also find texts in the Psalms (Ps 1; 19B; 119) and in the Wisdom traditions (for example, Eccl 24; cf. 1; 6; 9f; 15; 23; 51 and Bar 3f) that have been associated with “the law.”

Finally, the Torah respectively the Old Testament offers two versions of the “Ten Commandments” (Ex 20:2-17; Deut 5:6-21). In many outside perspectives and in many Christian catechisms, these Ten Commandments have been regarded as “the law” in general (cf. Smend and Luz, 1981).

What then is the biblical law? A whole canonical book that grew over a millennium? Selected texts from the five books of Moses? Further

selected texts from the Hebrew Bible? Or the so-called “Ten Words,” the Ten Commandments, which can be regarded as a great tutor in a combination of basic religious ethos and a neighborhood ethos? (Miller, 2009). Or is it just a moral figure of thought, comparable to the famous categorical imperative of Immanuel Kant?

According to Konrad Schmid on all these levels the emphatic term “law” (Torah) in the Hebrew Bible 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” (Schmid, 2013). But what exactly is it that God wills and what characterizes a successful life?

*Justice – Mercy – Worship: “the Weightiest Matters of the Biblical Law”*

Matthew 23:23 describes the “weightiest,” the most important aspects of the law as “justice, mercy and faith.” These three elements are indeed present with differing degrees in all biblical law texts. In a particular clarity, the “Book of the Covenant” interrelates three clearly distinguishable groups of regulations:

- Regulations dealing with the juridical conflict solution and the legal maintenance and transformation of social life by the law (*the juridical code of the law*);
- Regulations that aim at the protection of the weak and the systematic safeguarding of their interests. I called these regulations ‘laws of mercy’ (*the mercy code of the law*);

- Regulations that deal with the cult, with the public and generally accessible relationship with God and the life of worship (*the cultic code of the law*).

a) *The juridical code of the law:*

The juridical regulations assume the existence of a community of equal persons and aim at regulating the restoration of this equality following situations of conflict. The laws of mercy, however, assume a common coexistence of persons of equal status with persons of unequal status. They regulate the *free and creative self-withdrawal of the strong for the benefit of the weak* (Welker, 2014). Finally, the code that deals with the cult regulates public contact with God and its religious and ethical impacts. Despite their differences, the three groups of regulations share numerous points of contact.

At its core, the Book of the Covenant contains a collection of juridical regulations that have been termed “archaic law” (Ex 21:12–22:19). This collection of legal regulations is bracketed on both sides by “laws of mercy,” namely “slavery laws” (Ex 21:1–21:11) and a collection of legal regulations for the benefit of the acutely and chronically weak — widows, orphans, the poor, the stranger — (Ex 22:20–23:12). In turn, at the beginning and end of the Book of the Covenant, the laws of mercy are framed by laws that deal with the cult (Ex 20:22–21:11 and 23:13ff) (cf. Schwienhorst-Schönberger, 1990; Welker and Etzelmüller, 2013, 205ff).

These early juridical rules consist of an initial phrase that provides a “*definition of the offense*” and is then followed by a second phrase, a “*determination of the legal consequence,*” both combined in an “*if-then*” formula. For example:

Ex 21:33f.: “***If*** someone leaves a pit open, or digs a pit and does not cover it, and an ox or a donkey falls into it, ***then*** the owner of the pit shall make restitution...”

Ex 21:35: “***If*** someone’s ox hurts the ox of another, so that it dies, ***then*** they shall sell the ox and divide the price of it; and the dead animal they shall also divide.”

Many scholars agree that this so-called “casuistic law” was originally a narrative of a legal conflict and its settlement (Boecker, 1980). Through complex processes of abstraction, a repeatedly tested and proven settlement is raised to the level of a legal regulation. In addition to proving the worthiness of the law by repeated public approval, there was also an interest in appropriate calibration, consistency and coherence among the differing laws. Thus, for example, a distinction was made between the theft of cattle and the concealed theft of cattle (by selling or eating the animal). These cases were distinguished by differing levels of compensation, which also likely served as a deterrent (cf. Ex 22:1 and 3). Following a similar logic, murder and manslaughter are distinguished and attract differing compensatory penalties (cf. Ex 21:12ff).

The leading legal ideas or legal principles become particularly clear when we look at the famous *talion formula* (Ex 21:23–25). In the case

of particular injuries in physical conflicts, the authority in charge of administering justice was instructed: “*If any harm follows, then you shall give life for life / eye for eye / tooth for tooth / hand for hand / foot for foot / burn for burn / wound for wound / stripe for stripe.*”

This often quoted “eye for eye, tooth for tooth” formula has been misunderstood as an expression of *retaliatory thinking*. However, the *talion* formula is precisely aimed at limiting the dynamics and escalation of revenge and retribution. “The point here is to limit that mechanism of vengeance triggered by a particular harm, and to allow for the survival of those concerned...The escalation of revenge... should be prevented through use of the talion. Therefore, one could paraphrase the talion formula as: Only *one* life for a life, only *one* eye for an eye, only *one* tooth for a tooth...” (Boecker, 1980; Schmid, 2014).

Yet the limitation and termination of conflict alone do not yet reach the level of a legal regulation (it could also be achieved by brutal measures of intimidation). The level of the law is attained when the (abstractly) thematized dispute and its consequences are observed and recorded in a form that can be applied to other forms of conflict and their consequences. Not only the theft of cattle (a, b, c, d), but also the theft of grain (a, b, c, d) and even the theft of persons or bodily harm become typified, calibrated and limited; they are considered from a leading point of view and are thus regulated: for example, in accordance with the principle of *compensation*. Across a range of abstractly composed “cases,” a principle is maintained (at a second

level of abstraction) that connects the definition of the elements of an offense from the most differing contexts. Thus, regulative legal ideas or principles now have an effect upon the determination, comprehension and limitation of legal cases (cf. Welker and Etzelmüller, 2013, 205ff).

The juridical regulations seek to redress the conflicts, to restore the state of events to what it was before the conflict or, when this is not possible, to limit the conflict by concentrating on compensation. In this way not only past but also future conflicts can be treated as *isolated and in principle closed, limited cases; they are standardized*. This is an enormous achievement. By legally typifying and standardizing concrete conflicts, their beginnings and ends are made foreseeable. Due to the abstraction and objectification of the law, present conflicts can be treated in the same way as past conflicts. Understood from a legal perspective, conflicts become identifiable as something in principle *already gone by*. Their solution is not only familiar, but as good as already carried out. In this way the law provides normativity and “security of expectations.”

*b) The mercy code of the law:*

The juridical regulations in the Book of the Covenant are preceded by so-called “slavery laws,” which start with the sentence: (Ex 21:2): “*If you buy a Hebrew slave, he is to serve you for six years. But in the seventh year, he shall go free, without paying anything.*” And they are followed in Ex 22:20ff by a series of such regulations that deal with



the protection of the *stranger* (Ex 22:20 and Ex 23:9), of *widows and orphans* (Ex 22:21ff), the *poor* (Ex 22:24ff; 23:6ff and 10ff), those who are *powerless, lack influence* or are otherwise *isolated* (Ex 23:1ff), and even deal with behavior over against an *enemy* or opponent (Ex 23:4f).

These regulations, generally formulated as (appellative) so-called “apodictic laws” (Weinfeld, 1973; Boecker, 1980), are clearly distinguishable from cultic and conflict-solving legal regulations. On the other hand, in individual cases they are tightly related to and interwoven into those laws, representing a type of hybrid. (For example, the cultic regulations that cover the Sabbath and the Sabbath year expect positive impacts upon slaves and foreigners.) By making mercy and compassion themes of the law, behavior over against the weaker is removed from the capricious, random inclinations of the individual and their bondedness to a particular situation. *There should also be a particular security of expectation for merciful acts.* Behavior toward the acutely or chronically weak is placed under the pressure of public expectation and directed toward compensatory legal relationships.

The laws of mercy go hand in hand with *the discovery of new formative possibilities in the evolution of the law.* This already becomes clear in the first, elementary regulations of the slavery laws (see above). The law formally brings the circumstances of slavery, completely natural in the societies of the ancient Near East and indispensable for their economic and social order, onto the same level

as regulated conflicts. This means that the law not only aims at dealing with acute and short-term cases, but also with *long-term transformational processes* that altered the relationship between unequals into a relationship between equals. Besides being an instrument of short-term dealing with individual and social conflicts, the law thus becomes an instrument of long-term social transformation.

This transformation had revolutionary consequences for ancient slaveholder societies. For the slaves, at least for the “Hebrew slaves,” this meant that they were to be viewed as potentially free persons and treated accordingly. The law presents this as a conclusion in various regulations, e.g., Ex 21:20: “*When a man strikes his slave, male or female, with a rod and the slave dies under his hand, he shall be avenged.*” Thus, slaves could no longer be viewed simply as “speaking tools” with which the owner could do as he or she pleases and only in accordance with their own exploitative interests.

The systematic connection between justice and mercy in the law has been extremely formative in two respects: *it provides the evolution of the law with a developmental direction toward a “just and humane law.”* The “humane” development of the law is characterized by its compatibility with the protection of the weak and a corresponding context sensitivity. On the other hand, by connecting the protection of the weak with the juridical law, the way was prepared for its pluriform institutionalization, from leaving the land to lie fallow for the benefit of the poor and stranger, to regular contributions for widows and

orphans, to modern institutions for social welfare and diaconal aid as well as state efforts to provide dependable universal health care and education. The law aims at the institutionalization and routinization of mercy in order to free and ennoble people and to maximize equality and reciprocity among them.

| *c) The cultic code of the law:*

The cultic code of the law serves the constitution of a religiously active public. According to the Book of the Covenant this public only refers to free (non-enslaved) males. Yet within this demographic there is no hierarchical structure: Ex 23:17: *“Three times in the year all your males shall appear before the Lord God”* (cf. Deut 16:16).

According to Deuteronomy and later traditions, the festivity of the public “before God” should also include women and children, even slaves and foreigners residing with the people (cf. Deut 12:7.18; 14:27; 15:20; 16:11.14f; 26:11). We might even speak of a long and slow development toward a nonhierarchical constitution of the worshipping public, including all segments of the population. There are clear interdependencies between this constitution of a religious public of equals and a legal and moral culture aimed at equality. As with other intra-legal constellations, the texts indicate reciprocal relations and co-evolutions.

The cultic public was ascribed to the nation (the people), to that community that God “with a mighty hand” led out of slavery from

Egypt. A so-called motive clause, “*You yourselves were strangers in Egypt,*” or the express addition “*you yourselves know how it feels to be aliens*” (Ex 20:2; Ex 23:9; cf. Ex 22:20) can be found in all biblical legal corpora (Deut 4:34; 5:15; 7:19; 11:7; 26:8; as well as Lev 19:34; 26:13; cf. also Deut 5:6 and 15).

The self-understanding of the community “before God” is determined by God’s historical interventions into the social relations and affairs of life. These historical experiences extend beyond the concrete experiences and possibilities for experience of the cultic public. Even those who were never personally in Egypt allow themselves to be addressed as those who were slaves in Egypt and were liberated by God’s hand. This process is highly consequential. As with the free constitution of a public that tends toward egalitarianism, it stands in a reciprocal relationship with the development and binding power of the juridical and the mercy code of the law.

This preparedness to take hold of particular foreign experiences and experiential connections and to allow them to be binding under particular conditions is indispensable for the legal culture and the mercy code of the law. Why is the double identity “You were strangers, now you are free!” not rejected as either disconcerting or ironic? Why are the legal-moral demands of the mercy laws not simply rejected with Nietzschean disgust? It is a broad temporal perspective on human life that generates a sensitivity for the endangerment and frailness of all human life (the child, the sick, the frail aging in each of us). And this sensitivity helps us to appreciate

the co-evolution of religious, legal and mercy-moral aspects as we encounter them in the biblical law. The “motive clause” transposes the sensibilities of a familial, mutually supportive community into a historical-sociopolitical dimension.

*Covenant, Sacrifice and Atonements: Further Formative Elements in the Biblical Law Traditions*

There are many significant differences among the law corpora in Exodus, Deuteronomy and the so-called Priestly Law. Above all, there are major expansions of those regulations dealing with the performance and maintenance of the cult, regulations for the role and support of the priests, but also regulations dealing with war and the army (Deut 20; 23:10ff), and regulations regarding the king, who has to live in relatively modest ways and under the rule of the law (Deut 17:14ff). Deuteronomy is clearly interested in the administration of justice in general as properly belonging in the law of God: “*You shall appoint judges and officials throughout your tribes, in all your towns that the Lord your God is giving you, and they shall render just decisions for the people*” (Deut 16:18). Several juridical regulations are found in almost identical forms in the Book of the Covenant and in the Deuteronomic Law (cf. Deut 20-25). But compared with the Book of the Covenant, instead of the formative power of a block of legal regulations, a strong rhetoric of deterrence becomes more obvious in Deuteronomy.

The law names numerous cases of the death penalty: Not only the murderer and the “stubborn and rebellious son” have to be killed (Deut 19:11ff; 21:18ff). “False prophets and dreamers of dreams,” relatives and friends who secretly seduce someone to “serve other gods,” those who do not obey the authorized priest or the judge, and adulterous persons in various constellations (Deut 13:1ff; cf. 18:20; 13:6ff; 17:12ff; 22:21.22.23) all receive the death penalty. A frequent topic is not only the destruction of the idols and places of worship of the conquered nations and cities (Deut 7:5.15; 12:2), but also the elimination and extinction of whole populations (Deut 7:2.15.16.20.22ff; 9:3; 12:29; 13:15ff; 20:10ff). “Take heed to yourselves!” (Deut 4:23; 8:11 and often) and “all Israel shall hear, and fear...” (Deut 13:12 and often) are typical phrases in the rhetoric of “educational” deterrence.

Deuteronomy offers most of the slave law and its rationalities, which are present in the Book of the Covenant (Deut 15:12ff). It promotes the tithe not only for the support of the Levites and priests, but also for the poor, the widows and the orphans (Deut 14:28f; 15:4ff; 16:11; 18:1ff; 24:10ff; 26:12ff; cf. 10:14ff). The strong emphasis on education might also be seen as a merciful institution by God and among the Israelites to keep the people in the “ways of the Lord” (Deut 4:36; 5:2.6ff; 6:6.20; 8:5; 11:2ff.18ff). It is hard to abstract from the constant tone of deterrence and threat in Deuteronomy, which is closer to much – even contemporary – religious rhetoric and praxis of

fanatic persecution of “the infidels” than to a “hortatory” care for the right religious and moral behavior.

Norbert Lohfink, following Moshe Weinfeld’s work (Lohfink, 1979; Weinfeld 1972), has offered a historically and systematically consistent proposal for understanding the processes that lead to the strong rhetoric of deterrence and threat. The Deuteronomic text says that the law code was discovered in the temple during the reign of the Judaic king Josiah (626–621). This discovery prompted Josiah to introduce far-reaching cultic and state reforms. This reform program sought to lead Israel out of a long dependence on Assyrian rule (since 733). This long-suffered, repeatedly (and unsuccessfully) combated rule by a foreign culture explains numerous changes that occurred in the law. “We would not be far off the mark if we understood the encounter with this hegemonic, completely new, and (in every respect) superior Assyrian culture to which Judah was suddenly subjected as a culture shock which had to be overcome. The Assyrian culture was the more attractive one. It imported itself together with that security which characterized the conqueror and colonizer. The plausibility of the traditional, Yahwistic world-view must have suffered a correspondingly great shock” (Lohfink, 1979, 38f). The political and normative presence of the superior power leads to all sorts of processes of adaptation and rejection, and this again turns into moral confusion and relativism. In the words of Deuteronomy (Deut 12:8): *“You shall not act as we are acting here today, every man doing whatever is right in his own eyes.”*

The centralization of the sacrificial cult (as commanded in Deut 12) is often named as Josiah's most impressive act of reform. While the Book of the Covenant in principle envisions an unlimited number of locations for the practice of the cult (in accordance with Yahweh's freedom to promote and commemorate his name), now in light of the fear of actual and fabricated syncretism only a single cultic location is allowed. All other locations for cultic worship are destroyed, and any attempt to revive syncretism between Israel's religion and other religions is to be punished by death. The law provides a strong sensitivity to the dangers of apostasy. In Deut 13:6ff, we read: *"If anyone secretly entices you — even if it is your brother, your father's son or your mother's son, or your own son or daughter, or the wife you embrace, or your most intimate friend — saying, 'Let us go down and serve other gods,'"* then the law commands (13:9ff): *"you must not yield to or heed any such persons. Show them no pity or compassion and do not shield them. But you shall surely kill them; your own hand shall be first against them to execute them, and afterwards the hand of all the people. Stone them to death for trying to turn you away from the Lord your God, who brought you out of the land of Egypt, out of the house of slavery. Then all Israel shall hear and be afraid, and never again do any such wickedness"* (cf. Levinson, 2008, 112ff and 166ff). This gives the impression that the centralization of the cult could only be achieved and maintained through the threat of such drastic deterrents.



On the conceptional level, a new framework is superimposed upon the law, a concept of covenant understood in terms of contract theory, explicitly presented in Deut 26:16–19 at the conclusion of the actual legal text. Here, in a speech by Moses, we find written:

*“This very day the Lord your God is commanding you to observe these statutes and ordinances; so observe them diligently with all your heart and with all your soul.*

*- You have declared this day concerning the Lord (obtained the Lord’s agreement), that he is your God, and that you will walk in his ways, and keep his statutes and his commandments and his ordinances, and will obey his voice.*

*- and the Lord has declared this day concerning you (the Lord has obtained your agreement) that you wanted to be his people in accordance with all he has promised you, and that you are to keep all his commandments,*

*- that he will set you high above all nations that he has made, in praise and in fame and in honor, and that you shall be a people holy to the Lord your God, as he has promised.”*

An impressive conception of reciprocal self-commitment of Yahweh and Israel is envisioned: Yahweh stands before Israel and Israel purposefully comes to stand before Yahweh. Deuteronomy’s contractually conceived concept of covenant follows the model of vassal contracts made with the Assyrian emperors. This raises the question: Does Yahweh (as Israel’s contractual partner) stand in the

same series of emperors and potentates as Egypt, Assyria, etc.? It is due to this contractually conceived understanding of the covenant that the impression arises that the covenantal relationship is, on the one hand, dependent upon Israel's behavior and, on the other hand, that God's actions and behavior are limited by this relationship. On the one hand, we seem to have the openness and even instability of the existence and continuance of the covenantal relationship due to its dependence upon the future behavior of Israel; on the other hand, we seem to have a predictable divine reaction to Israel's behavior.

Deut 30:15–18 says: *“See, I have set before you this day life and good, death and evil [verse 19: “life and death, blessings and cursings”]. If you obey the commandments of the Lord your God which I command you this day, by loving the Lord your God, by walking in his ways, and by keeping his commandments and his statutes and his ordinances, then you shall live and multiply, and the Lord your God will bless you in the land which you are entering to take possession of it. But if your heart turns away, and you will not hear, but are drawn away to worship other gods and serve them, I declare to you this day, that you shall perish; you shall not live long in the land which you are going over the Jordan to enter and possess.”*

(A similar stress can be found in the introduction to Deuteronomy, in Deut 7:12; see also Deut 11:13ff, the promise of blessings and the threat of withdrawing rain dependent upon Israel's behavior.)

The securing of the covenant or the attempt to ensure the fulfillment of the law through blessings and curses reveals the theological

problems with this conception. If the law aims at serving the security and maintenance of good order in that sphere of life that Yahweh envisions for Israel (be it in the relationship to Yahweh or the preservation of interpersonal relations in justice and compassion), if the law expresses God's good will, then one would still have to describe and understand it as inherently beneficial. Yet it is precisely this aspect that is rendered opaque by the blessings and curses. It now becomes unclear whether following the law is an inherently positive thing, an issue that for humanity is good, charitable and even beneficial. It appears now as if obedience to the law is an odious duty or as if fulfilling the law is a neutral behavior that involves no reward and that needs to be honored in a second step. The striving for the blessings and the avoidance of the curses and threats replace the striving for the discovery of goodness in the nature of the law.

That Deuteronomy's covenantal conception provokes such conclusions and provides a theological justification for self-righteousness is by no means peculiar. Deuteronomy even foresees such self-righteousness and warns against it (Deut 9:1 ff and often). At first, the text speaks (as it so often does) as if the entry into the land is still a future event. It promises that Yahweh will drive out the peoples of the Promised Land before Israel, that he will subjugate them to Israel. But then Israel is forbidden to think that these divine actions mean that Israel is just or that they have earned God's beneficial intervention: *"When the Lord your God thrusts them out before you, do not say to yourself, 'It is because of my righteousness that the Lord*

*has brought me in to occupy this land'; it is rather because of the wickedness of these nations that the Lord is dispossessing them before you. It is not because you are in the right or the uprightness of your heart that you are going in to occupy their land; but because these nations are not in the right that the Lord your God is dispossessing them before you, in order to fulfill the promise that the Lord made on oath to your ancestors, to Abraham, to Isaac, and to Jacob" (Deut 9:4f).*

A contractual and symmetric relation between God and the human beings might appear to be plausible for political and legal imagination and thinking; theologically, however, such a figure of thought is devastating. The texts of the Priestly Law develop a very complicated alternative in the form of a system of sacrifices and atonement, a complex system of thought and action that is very hard to access – not only for contemporary minds.

It was the Tübingen Old Testament scholar Hartmut Gese who provided a new approach in his pioneering essay "The Atonement" (Gese, 1981; see also Janowski, 2002) and initiated a long and fruitful discussion that once again addressed the topics of sin, atonement and sacrifice in a constructive theological fashion. Gese views atonement in connection with the profound entanglement, opacity and hopelessness otherwise characterizing sin. Atonement intervenes in an assistive and salutary fashion in human life precisely where that life has been "forfeited." It intervenes where human beings themselves are unable, on their own initiative and power and despite even the best

moral, medical, legal and other human means, to thwart being “given over” or “falling prey” to death. Atonement intervenes in a person’s life where that person “stands in an irreparable plight, irreparable because it encompasses the limits of existence itself. Nothing can any longer be made good.” Atonement responds to the question: “Is there any possibility of release from this plight for a person who is so guilty as to reach the limit of existence, or for a nation in a similar situation? Is there any possibility for a new life beyond an irreparable event?” (Gese, 1981, 95).

The offerings examined by Gese and Janowski (the central text being Leviticus 16) consist in the ritual slaughter of domestic animals, animals kept for human nourishment and sustenance in the broadest sense. As such, they represent important elements of human property and capital in ancient Israel, and in an even more concrete sense, as potential nourishment and as various other means of subsistence they represent “bearers of the concrete possibility of life” in the context of trade, that is, those who offer up such a domestic animal are in fact surrendering part of their concrete possibilities for sustenance in the broader sense.

In this cultic offering, a concrete part or element of a person’s overall life sustenance is consciously surrendered, in effect part of the concrete foundation of that person’s future and continued existence, as well as, of course, part of the person’s wealth. Through the cultic sacrifice, this surrendering of an element of one’s *concrete or real-life possibilities* becomes an experience of the surrendering of *life realities*, of *real life*. The animal in my possession, one yet of various

potential uses, dies by means of a violent intervention in its life, experiencing thus totally and irretrievably what the offerant experiences partially and retrievably, namely, the surrendering of life. It is in the ritual slaughter and blood rite that the conscious experience of such surrender of life is now carried through.

Blood is viewed as *the inner bearer of life* (Lev 17:11; Deut 12:33), as the power of life, and the letting of blood is associated with *death* for the sacrificial animal and with an *experience of death* for the offerant. Although the restriction of one's own life possibilities by the animal sacrifice is experienced through the bleeding, expiring animal as the surrender of concrete life reality, this same experience of death is simultaneously associated with renewed *certainty of life*, albeit not such that is culpably acquired, but rather such *that is both willed and granted by God*. The blood, the bearer of life, is spilled not arbitrarily, but rather commensurate with the law, within the framework of the cult, and therefore such that it comes into contact with the sanctuary, indeed on the locus of God's very condescension.

This experience of life certainty and salvation is appropriated in the cultic offering in an evidentiary fashion that can hardly be eclipsed. It liberates the offerant from the uncertainty of an "existence between life and death." Such uncertainty obtains both with respect to one's own life reality and with respect to the presence of salvation, and it is precisely from this *double* situation of uncertainty that atonement now provides liberation.

God makes such cultic atonement possible. Leviticus 17:11, the “sum of cultic atonement theology,” follows immediately on the prohibition against consuming blood (“anyone...who...eats any blood, I will set my face against that person...and will cut that person off from the people”) and reads as follows: “For the life of the flesh is in the blood; and I [God] have given it to you for making atonement for your lives on the altar; for, as life, it is the blood that makes atonement.” God himself gives Israel this blood so that the life substance set free in the cult, commensurate with the law, can carry out, in a vicarious substitutionary fashion, the self-surrender of the offerant to the holy. This “offering of the life contained in blood makes it possible for the forfeited human life to be redeemed, in a figuratively or symbolically concrete fashion, through the vicarious substitutionary death of the sacrificial animal; that is, it makes atonement possible” (Gese, 1981).

### *Short Remarks on Law and Religion in New Testament Traditions*

Perspectives on the law in the New Testament traditions are extremely rich. The relations of law and gospel, law and Spirit can be brought into the light of discontinuity and conflict, but also in perspectives of continuity and contrast. Matthew, for example, sees a rich orientation of the social formation of human communal life in the Old Testament to Torah traditions, particularly in those regulations that concentrate on mercy and love, not only for the weak and the poor, but also for one’s enemies (Konradt, 2013; Smend and Luz, 1981, 58ff). Also for Paul the law is still helpful in orienting social life, but it can become

and indeed becomes corrupted by the power of sin and cannot contribute to receiving salvation. Only in the context of the power of the risen Christ and the working of the Holy Spirit can the role of the law be rightly calibrated. It is, however, remarkable that Paul can speak of the law of Christ, the law of faith and the law of the Spirit. A complicated relation and tension has to be observed and to be dealt with: between the good law, which cares for justice and mercy, and the right worship of God and the sensitivities for the fact that the good law under the power of sin becomes a very dangerous and deceiving force. A multitude of moral and spiritual challenges and a wealth of spiritual powers to deal with these challenges enter the relations of law and religion. In order to shed appropriate light on these topics, many other chapters—for example on law and spirit, law and love, and law and Christ—would have to be added.

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