

The Law of Liberty: A Jewish-Christian Reflection on the Law

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Introduction: The Law, or the Jewish-Christian dichotomy

The law is what makes Christianity radically different from and even opposed to the Old Testament and Judaism. The truth of the Gospel is now viewed in contrast, in contradiction, to the Law and has therefore replaced it. Catholic theologian John Pawlikowski identified this theological trend especially in continental Protestantism where “the whole Jewish covenantal experience of the people’s union with God through faithful observance of the Torah precepts integral to the divine-human bonding forged at Sinai was displaced by the *immediate*, individual covenantal union between the individual believer and God through Christ.”¹

And, indeed, from Reformer Martin Luther to New Testament Protestant theologian Rudolf Bultmann, it is the same radical opposition between Law and the Gospel. For Luther, “the Law and the Gospel are two doctrines that are absolutely contrary.”² For him, “the Law is the Word of perdition, the Word of wrath, the Word of sadness, the Word of pain, the voice of the Judge,” while the Gospel “is the Word of salvation, the Word of grace, the Word of comfort, the Word of joy.”³ Likewise, in more modern and existential terms, Bultmann contrasts the “demand of the Law” and the “demand of God” and comments that “the Christian faith (*pistis*) is not obedience to God’s commandments, but obedience of faith to the way of salvation opened up

¹John Pawlikowski, *Jesus and the Theology of Israel* (Wilmington, Del.: Michael Glazier, 1989), 11.

²*What Luther Says, An Anthology*, vol. 2, comp. Ewald M. Plass (St. Louis, Mo.: Concordia, 1959), 733.

³*Ibid.*, 732–33.

in Christ.”⁴

Even in the more recent Christian sympathy toward the Old Testament, the old Marcionite prejudice remains tenaciously alive. Bright’s discussion of the Old Testament laws is revealing: “The Law, as law, is ancient, irrelevant, and without authority. But what of the theology of the law? . . . The Law we cannot obey; but we are enjoined in all our dealings ever to strive to make the theology of the law actual.”⁵

In order to appreciate the full impact of this Christian theology, it is also important to realize that this emphasis has produced a paradigm of thinking, a mentality which stands out versus the Jewish one. Emotions, sentimentality, and subjectivity now prevail over the reference of justice and the ethics and the value of practice. Significantly, Jewish philosopher Leo Baeck characterized Christianity as a “romantic religion” versus Judaism which he calls a “classical religion.”⁶ In traditional Christianity, the God of the New Testament, Jesus, has been described as the God of love, the God who forgives, over against the God of the Old Testament, *YHWH* who has been denounced as a jealous and demanding Judge. As a result, the powerful God of history has been superseded by an effeminate figure of Jesus, or the little cute Jesus of Christmas who does not threaten anyone. The theology of salvation has been affected by this frame of mind. Whereas the ancient Israelites were expecting a real objective action in history, the

⁴Rudolf K. Bultmann, *Jesus and the Word*, trans. Louise P. Smith and Erminie H. Lantero (New York: Scribner, 1958), 31–33.

⁵John Bright, *The Authority of the Old Testament* (Nashville, Tenn.: Abingdon, 1967), 152–53.

⁶See R. Travers Herford, “The Separation of Christianity from Judaism,” in *Jewish Studies in Memory of Israel Abrahams* (New York: Arno, 1980, 1927), 204.

Christians are rather interested in a spiritual, immediate, and subjective experience. On the human level, the hard requirements of ethics and the duty for righteous works have been replaced by an emphasis on “Christian charity.” The good sentiments are now more important than the effective actions. Christianity has become a religion of ethereal feelings and abstract thinking versus the concrete and historical religion of the Hebrews. The eminent historian of religion Joseph Kittagawa identifies Judaism with Asian religions in stark contrast to Christianity precisely on that observation: “If you ask Asians to describe their religion, they will tell you about their practices; if you ask Christians, they will tell you about their beliefs.” “Judaism,” concludes Kittagawa, “is in this respect more like an Asian religion than like Christianity.”⁷

This dissociation between the two revelations has thus produced two antithetic and irreconcilable religions. Christianity which was thought as a spiritual and otherworldly religion, the Israel of the Spirit was to replace Judaism which was then perceived as a carnal and historical religion, the Israel of the flesh. The original and uneasy position of the Jewish-Christian should be to rethink this opposition between the Law and the Gospel, and carrying both testimonies, to suggest new ways for the reconciliation between the two witnesses of the Word, between the Torah and the Logos. This is precisely the purpose of this paper, to revisit as a Christian the value and the power of the Law, while affirming the liberating force of the Gospel. Indeed, we do not understand the nature of law in the Bible as long as we reduce it to a set of enslaving chores, which stand on the way to the freedom of Christian life. In fact, the Law is liberating. On the text of Exodus (32:16) which tells that the law has been “engraved,” *haruth*, an old Jewish interpretation recommends: “do not read *haruth* (engraved) but *heruth* (liberty).” Through this

⁷From a private conversation reported by Jon D. Levenson, *The Hebrew Bible, The Old*

play on words, the ancient sages related the “law to liberty.” The apostle James in the New Testament echoes this association: ‘He who looks into the perfect law of liberty and continues in it, and is not a forgetful hearer but a doer of the work, this one will be blessed in what he does’ (James 1:25; cf. 2:12).

From this positive appreciation of the Law of Liberty this reflection paper will move to suggest the following characteristics of the Law: Biblical law was given by God as an act of His grace, to serve human beings and help them to find their real identity and to blossom fully. The law of God was then different from human laws and was designed to be universal and therefore to be always relevant.

The Grace of the Law

God’s first word to man is a commandment. This is first time that the word “command” is used. From the Hebrew word *tsawah* (צוה= “command”) is derived the word *mitswah* “commandment.” This word concerns more than just ethical duties or ritual observances. God “commanded” the creation of the world (Ps 33:9; Isa 45:12). God’s commandments are not just requests, in the form of imperative orders, things we should do or prohibitions, things we should not do. God’s commandments are God’s gifts to humans (Ex 24:12; Neh 9:13) for their own happiness and wisdom (Ps 19:8 [Heb. 9]; Deut 4:5-6). As the Psalmist sings, “Give me the grace of your law” (Ps 119:29, our literal translation) God’s commandments are the expression of His grace. Grace is not incompatible to the Law. The first commandment exemplifies this identification of God’s commandment as grace. Significantly it starts with the gift of all the trees:

“of every tree you may freely eat” (Gen 2:16). Grace is not only in the gift; it is even contained in the prohibition that follows, which ensures life. For the eating of the fruit will provoke death. It is noteworthy that the form of the verb expressing God’s positive grace to eat from all the trees, *‘akhol to’khel* (אָכַל תֹּאכַל= “you shall surely eat”) is the same as the form of the verb expressing the negative prospect of death if man eats from the forbidden tree, *mot tamut* (מָוֶת תָּמוּת= “you shall surely die”). Both verbs are in the infinitive absolute, expressing the certainty of both actions. This echo between these two forms suggests that God’s grace, His generous gift of life is as certain as the prospect of death, the privation of life.

A Different Law

When God revealed Himself He did not use His own divine language. According to the ancient rabbis, the *Torah* although coming from heaven is not *in* heaven. It speaks a human language. It is, therefore, expected that biblical laws share common points with the laws of their neighbors. The Babylonian Code of Hammurabi of the 18th century (B.C.E.) and the Hittite laws of the 15th century (B.C.E.), to mention only a few, often deal with the same topics, and most of them are written in the same casuistic (case-law) style which characterizes a good number of biblical laws. For a long time, critical scholars have underlined this connection and deduced from it the dependence of Israel on her cultural environment. More recent research in that domain, however, has showed many surprising differences between the two systems of laws.

The first important difference concerns the biblical emphasis on the value of the human person over objects and society. In Babylon the death penalty is required for some thefts, while the Bible requires only a financial compensation. In Israel human life prevails over material

values. Also in the Israelite society, the law is the same for everyone. Contrary to the other societies of the ancient Middle East (especially in Babylon and in Egypt), the Bible does not know a privileged class which would escape the rigor of the law.

Biblical laws differ from the other laws in that they always refer to God. While in the Middle Eastern legal documents the reference to God is rare and formal, generally in the introduction and sometimes in the conclusion, biblical laws are imbued with this reference which is used as a leitmotif throughout the text: “for I am your God.” The law is here understood as the manifestation of the covenant with God (Hosea 8:1). It is the very place of religious life. The law is not perceived as the result of a human consultation. The law is instead *received* as a gift, a revelation from above. The importance in the Bible of the so-called “apodictic” laws, that is, laws which are absolutely normative, is significant. Biblical law speaks with authority, and this language is all the more striking as the legal literature of the ancient Near East is dominated by casuistic laws. The commandment “thou shalt not kill” or “thou shall not commit adultery” falls absolute and sharp. It is enough that it comes from above to be taken seriously. This is the particular style of the Decalogue. The law of God is not justified on the basis of a logical process: only the experience of obedience will allow us to check its rightness. In casuistic law, we know why the law is right *before* having experienced it; while in the apodictic law, we know it afterwards. Israel’s response to the gift of the law accounts for this approach: *na‘aseh wanishma* ‘ (“we shall do, then we shall understand” (בַּעֲשֵׂה וְנִשְׁמָע = Exod 24:7, literal translation).

The law of Israel is thus different from all the others for it implies a dimension that is absent elsewhere: the Jew obeys the law by faith.

A Universal Law

Essentially focusing on the human person and given by God, the biblical law is laden with a universal message. The law concerns all men and women and not only Israel. The universal intention of the Torah was emphasized in the words of the Mekhilta: “Why was the Torah not given in the Land of Israel? In order that the nations of the world shall not say: ‘Because it was given in Israel’s land, we do not accept it.’ Lest one group say: ‘In my territory, the Torah was given’; therefore, the Torah was given in the desert, publicly and openly, in a place belonging to no one” (Commentary on Exodus 20:2, in *Mekhilta de-Rabbi Ishmael*). It is true that in Jewish tradition we have two types of laws, those which apply to the nations (Noachic laws) and those which oblige only the Israelites. Nonetheless, throughout the Scriptures looms the hope of one day seeing all peoples walk and vibrate as one with Israel under the same law (Malachi 4:1, 2). One of the most eloquent signs of the universal invitation of this law is its reference to creation. Indeed the purpose of the event of the Exodus was not just limited to the national deliverance; it was specifically designed to bring the people “to serve God on this mountain” (Exod 3:12). The gift of the Law was the purpose of the Exodus and was therefore the ultimate purpose of Creation. It is in that respect no accident that the ten words of God in the Decalogue echo the ten words of God in the Creation story.⁸ This numeric parallel suggests that the two documents are responding to each other. The Law of God is put in the perspective of Creation to alert the reader of its universality. Prior to the giving of the Law Creation is expressly the reason given by God why Israel should respond to that covenant: “For all the earth is Mine” (Exod 19:5). Indeed,

⁸ In the creation story God speaks ten times, for the word *wayy'omer 'elohim* (וַיֹּאמֶר אֱלֹהִים = “God said”) occurs ten times, although the expression applies to the work of creation only nine times; see below).

God's covenant with Israel and the Law given to them in the desert of Sinai had universal claims; it concerned all humans. The Torah, the word of God for humankind, was the purpose of Creation. This is why for Rashi, the Pentateuch should have begun with Exodus 12:2 and not with Genesis 1 (see his commentary on Genesis 1:1 in *Miqraot Gedolot*). This reasoning has been explained as "a way of dramatizing an important theological statement: God creates for the sake of his commandments, for the sake of the Torah"⁹ It is noteworthy that the same line of thinking is reflected in the prologue of the Gospel of John, which relates the creation of Genesis to Jesus, the *Logos*, the Word of God made flesh (John 1:1-18). John goes even so far as to put in parallel (and not to oppose) this *Logos* Jesus Christ and the Law of Moses: "For the Law was given by Moses, Grace and Truth came by Jesus Christ." (John 1:17, *ESV*). This connection between Creation and the Law is also suggested in the Decalogue where the *Shabbat*, memorial of creation, is situated in its geometric and thematic center, that is, the very place where the seal was put in ancient covenant documents. This position of the *Shabbat* suggests that the awareness of God as the Creator lies in the heart of the Ten Commandments.

Likewise, the dietary laws of *kosher* which distinguish between clean and unclean meats remind of Genesis 1. Indeed, the language of Leviticus 11 which records these laws uses the same technical words and stylistic expressions (beasts of the earth, creeping animals, after its kind, etc.). Furthermore, the listing of the animals follows the same sequence as in Genesis 1:24-26 (the sixth day of creation). After the creation of the animals of the earth (Leviticus 11:2-8; cf. Genesis 1:24-25), the creation of man is related successively to that of the animals of water (Leviticus 11:9-12; cf. Genesis 1:26a), that of the animals of the air (Leviticus 11:13-23; cf. Genesis 1:26b), and that of the animals of the earth and of the reptiles (Leviticus 11:24-43; cf.

⁹ R. R. Reno, *Genesis*, Brazos Theological Commentary on the Bible; Grand Rapids, Mich.: Brazos, 2010), 30.

Genesis 1:26c). Lastly, in Leviticus 11 as in Genesis 1:24-26, the relation between humans and animals has its counterpart in the relation between humans and God. In Genesis 1:20, the duty of domination over the animals is associated with the fact that humans are created in the image of God. Likewise in Leviticus 11, the duty to distinguish between clean and unclean meats is associated with the fact that human holiness reflects divine holiness: “you shall be holy; for I am holy” (Leviticus 11:44, 45). It is also significant that the Noachic prohibition to consume blood is reminiscent of Creation, for it reminds of the sacredness of life, which is in the blood (Gen 9:4).

A Law Still Relevant

Because they are related to creation, the religious and moral laws of the Decalogue, as well as the dietary laws of *Kasheruth*, are universal and therefore still relevant to any human being. The so-called *ceremonial* laws which are related to the temple and the sacrifices were bound to disappear with it. As for the *circumstantial* laws which are mostly casuistic, they were also bound to lose their normative character as soon as the “circumstances” that generated them did not exist anymore. This is, for instance, the case for the laws concerning the slaves, the way to dress, to till the land, to organize and administer the city. These two last categories of laws (ceremonial and circumstantial) were not designed to be observed forever. On the other hand, the Decalogue and the dietary laws do not belong to the ceremonial laws or to the circumstantial laws. These laws have nothing to do with the sacrifices. This is obvious in regard to the Decalogue, and this is implied in the laws of clean meats which are given for eating purposes (see for instance, the fish). Also the Decalogue like the *Kasheruth* laws does not belong to the circumstantial laws because these depend on the event of creation, the impact of which is

universal and always relevant.

If the universal character of these two series of laws (Decalogue and *Kasheruth*) is intended through their reference to creation, the absence of this reference in other laws does not mean, however, that they are no more normative. In fact, any law that is neither ceremonial nor circumstantial maintains its status as an absolute law. This is the case for the laws of sexuality, of hygiene, relations with neighbors, etc; most of these laws extend and explicate the laws already contained in the Decalogue. The law of Israel knows then two laws, an absolute and universal law, and a relative law which depends on times and circumstances. This distinction is found again in the New Testament, where texts which speak about the abolition of the law are balanced with many other texts that exalt it. Not that these texts contradict each other; they, in fact, speak about two different laws. If the early Christians who were religious Jews were led to cancel the laws of sacrifices because they referred to the Messiah, they never questioned the law of the Decalogue of which Yeshua had even deepened and extended its application. It is the same for the dietary laws of *Kasheruth* which are alluded to in the apostolic recommendations “to abstain . . . from things strangled and from blood” (Acts 15:20; cf. Leviticus 17:14). From these observations, it follows that the principle of law in religious life remains valid for the Christian as well as for the Jew.

Conclusion: The Law, or the dream of God

The law, as the grace of God is different, universal, and always relevant because it is the very expression of God’s character. This is why the Decalogue begins with “I am the Lord your God” (Exodus 20:2). According to Rashi, the Ten Commandments were said in one divine

word. The lesson thereby taught is that the commandments derive from the same source and are laid on the same principle. The ethical laws “you shall not murder,” etc., are proclaimed in the same breath as the religious laws, “you shall have no other gods before me,” etc. Ancient Jewish tradition even correlates the ethical laws of the second part of the Decalogue to the religious laws of the first part of the Decalogue: “Murder is equivalent to an injury to God. For man is in the image of God; apostasy is equivalent to adultery; stealing leads to a false oath; the Sabbath breaker is equivalent to the one who covets his fellow’s wife, etc” (*Mekh, Yitro* 8).

In the Bible, the relation with God is not of a mystical order, a kind of ecstasy which would bring the human person out of reality. On the contrary, the religion of the prophets concerns the life of human beings in the warm flesh of their existence and their acts. Spirituality is bound to the ethical requirement which curves the will and forges the being according to the imperatives from above. And there is then more than a discipline. Being a gift from God, an expression of His love for mankind, the Law is therefore designed to be lived here below as an expression of our love for God. The prophet Jeremiah sees the law written in human hearts (Jeremiah 31:33). The psalmist sings of the love and the delight of the law (Psalms 119:92). Paul himself delights “in the law of God” (Romans 7:22). We should not obey the law out of fear because we are afraid to be punished, or out of interest in order to gain the favor and salvation from God. We should obey the law freely out of love for God because we are loved and saved by Him (see Exodus 19:4, 5; cf. Psalms 119:41-45). Moreover, we obey the law in order to fulfill our destiny, to be really ourselves, as humans, as Christians and as Jews. The Law of God was not designed to separate and oppose, and much less to put us in bondage, but instead to unite us in the same liberating adventure. Resonating with the prayer of Michel Quoist:

“Lord let me discover and live what You dreamed about me,” I would like to suggest that the Law of God, stemming in God, as the Logos, is the way to discover and live what He had dreamed for us.