

Is God's Law For Everyone?

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We have already seen the significance of Israel and Mount Sinai within biblical law. However, there was law *apart* from Israel and that there was law *before* Mount Sinai. As soon as we tackle this question we are beginning to think about the ways in which biblical law might potentially be known or accessible by all peoples. This subject is the traditional preserve of what has become known as 'natural law' and it raises the question of whether there is any such thing as a 'natural law' theory in the biblical materials.

BIBLICAL LAW AND NATURAL LAW

The study of natural law – like the study of law in general – addresses one of the mysteries of human consciousness, namely the origin of our sense of obligation. Why do human beings feel that they *ought* to behave in such and such a way? *Natural law asserts continuity between, on the one hand, acts of human law-making and legal judgment and, on the other, that which is required of human beings (either by virtue of their nature, or the world in which they exist, or 'things as they are', including God).* This sense of obligation may in turn be mediated in various ways, for example, by express command or through nature. Natural law is a broad tradition that can refer to a multiplicity of theses. There is no reason why the same might not also be true of 'natural law' in the Bible. We should not, therefore, try to reduce the entire tradition of natural law to a single idea such as 'law according to nature' or 'universal law' and ask whether this is present in the biblical materials. We could be looking for a number of different things, including the following:

- (1) Continuity between the divine and creation;**
- (2) Continuity between the created world and human behaviour;**
- (3) Universal knowledge of certain norms;**
- (4) Continuity between different forms of revelation;**
- (5) Continuity between divine and human acts of judgement.**

The early chapters of *Genesis* are far more foundational to our understanding of biblical law than is often recognised. Certain moral norms seem to be implicit in the Creation narratives which later materials show God expects all human beings to know and respect. In this sense, there is nothing 'new' about the Decalogue. Its commands and prohibitions do not appear 'out of the blue', on the contrary, there is a sense in which they have always been commands and prohibitions. Something can be commended, not because God has explicitly said so but because it recognises what God has already done in creating the universe. By the same token, something can be forbidden, not because God has given a specific commandment, but because it is not consistent with what God has done in creation.

(1) CONTINUITY BETWEEN THE DIVINE AND CREATION

One of the ways in which we might find a connection between divine activity and human activity in the realm of normativity is the existence of continuity between the divine and creation, which includes humanity. See the story of universal creation (Genesis 1:1-2:3)

- (a) **The so-called ‘nature Psalms’** (e.g. Psalms 19, 119 and 147) which confirm that *Torah* is intimately connected with God’s activity in creation. Cf. also Proverbs 8:27 and rabbinic commentaries (e.g. Rabbi Oshaya, Genesis Rabbah 1:1). Biblical law reflects nature in that it is “the most perfect expression of law that is in accordance with creation rightly understood” (Bockmuehl 2000:97);
- (b) **The establishing of *shabbat*** (‘sabbath’; Genesis 2:2-4). The commandments to keep *shabbat* invite and permit Israel to imitate God’s activity in creation (e.g. Exodus 21:8-11). *Shabbat* is also an example of the way in which the Decalogue is not, in a sense, declaring anything ‘new’ because, from a canonical perspective, the obligation to observe *shabbat* pre-dates Mount Sinai. The sabbath commandments are a good example of the relationship between the particular and the universal in biblical law: on the one hand, the commandments are specifically given to Israel at Sinai, but on the other hand the sabbath is also held out as God’s gift to humanity as a whole;
- (c) **The mandate to “be fertile and increase”** (Genesis 1:28). This proclamation is similar to the sabbath laws inasmuch as it enjoins the imitation of God’s activity in creation.

This has several implications for traditional natural law theory:

- It challenges the way in which much natural law thinking has got caught up in an assumed dualism between nature and revelation;
- It challenges the tendency among legal philosophers to distinguish physical laws of nature (such as the law of gravity) from ‘ought’ norms (such as ‘you should not kill’). Natural law in the Bible breaks down the philosophical distinction between ‘fact’ and ‘value’ – a distinction that, of course, only arises because nature is assumed to be non-normative. This is a key respect in which biblical jurisprudence differs from modern jurisprudence.

(2) CONTINUITY BETWEEN THE CREATED WORLD AND HUMAN BEHAVIOUR

Another way in which we could find a connection between divine and human activity is by means of a connection between the created world and human behaviour. This is closely tied to the previous thesis. The biblical assertion of continuity between the divine and creation is consistent with the claim that there might also be a connection between the created world and human behaviour.

- (a) **The overthrow of the cities of Sodom and Gomorrah** (Genesis 19:23-27). The violence and inhospitality of the Plain's inhabitants is magnified by the violent convulsion of the Plain, "making it inhospitable to all life" (Bruckner 2001:202). Unethical behaviour and environmental disaster are intertwined. The result is poetic justice. There is an implied opposition between the "fire" that comes from heaven and the rain that normally falls. It is an example of 'natural law' because the consequences of human behaviour are expressed through, and have an effect upon, the natural world;
- (b) **Hosea's oracle** (Hosea 4:1-3). Bockmuehl characterises this as "a kind of reverse natural law argument [which] explicitly links the sins of Israel with the ecological disasters that have befallen the land" (2000:93).

(3) UNIVERSAL KNOWLEDGE OF CERTAIN NORMS

A third way in which natural law could exist in the Bible is through universal knowledge of certain norms. This is closely tied to the previous thesis. The biblical assertion of a connection between the created world and human behaviour is consistent with a claim to universality. If behaviour towards the physical world has certain universal consequences, this sort of knowledge can be universal and can entail universal knowledge of certain norms. We know that something is wrong because it has harmful consequences. This starting-point produces a range of epistemological questions. Who knows of God's requirements? What is known? How is it known?

- (a) **The story of universal creation.** As Barton summarises: "... the primary horizon of the Old Testament is not God's choice of Israel and the giving to them of the law, but the creation of the world and the moral order that derives from its created character. This implies that morality is first and foremost a matter of human beings recognising their finite created status and seeking a way of life which embodies their sense of belonging in the hierarchical universe whose head and origin is God" (1998:67);
- (b) **The story of Cain** (Genesis 4). On what basis is Cain judged? "Am I my brother's keeper (*hashomer*)?" (Genesis 4:9). We cannot be certain if Cain owed a duty to Abel that was analogous to that of a shepherd and his sheep; however, the use of *hashomer* in Genesis 4:9 suggests that some special responsibility was owed by the elder to the younger brother. Cain's question is thus an outright rejection of his fraternal duty. But it is not a defence to the charge. His behaviour is wrong, not because God has expressly forbidden it, but because it misunderstands humanity's mandate to replicate the image of God by creating human life, not destroying it (Genesis 1:28);
- (c) **The account of sexual relations between "the sons of God" and the "daughters of men"** (Genesis 5:2). The punishment – a restriction on humanity's lifespan (Genesis 6:3) – begs the epistemological question: how did the parties know it was wrong? It is wrong, not because God has specifically forbidden it, but because it misunderstands the limits that are

set to sexual expression in Genesis 1-2, that is, heterosexual monogamy between one man and one woman;

- (d) **God's decision to destroy "all flesh"** on account of the way in which the earth had been "filled with lawlessness [or 'violence'] (*chamas*)" (Genesis 6:11). Yet again, there is no indication that *chamas* had been specifically prohibited by God. It is, however, a reversal of the divine commandment to humankind to "fill the earth" with the image of God (Genesis 1:26-27);
- (e) **The so-called 'Noahide laws'** (Genesis 9:1-7). The biblical Noahide laws are not very extensive. In fact, apart from the warning about shedding blood, the laws really only contain one prohibition, which is against eating meat with its lifeblood (Genesis 9:4). Subsequent Jewish tradition added further commandments (Jubilees 7:20-21). Note that they are also a good example of how direct commands can be an example of 'natural law';
- (f) **Amos' oracles against the nations** (Amos 1-2). Here we find that the non-Israelite nations are charged with a number of 'war-crimes'. There is no indication that the non-Israelite nations had received any special revelation from God that their behaviour was wrong. Amos' rhetorical strategy only makes sense if we assume that his audience shared the following assumptions: (1) that the nations' behaviour was wrong; (2) that the peoples in question knew it was wrong and (3) that God was active in judging the affairs of non-Israelite nations. Again, the Bible asserts that human beings universally have knowledge of certain norms which are the basis of divine judgement. Amos does not indicate the source of this knowledge: perhaps they are condemned on the basis of "international customary law" (1980:44). Yet the fact that Amos' hearers expect God to avenge breaches in international conduct suggests that the source is not simply a matter of human moral consensus. The surprising thing about Amos' oracles is that universal norms have been made concrete in international consensus. This means that behind the oracles is also the belief that human beings are created to be moral reasoners who are both morally creative and connected to a God who has moral character. This development is an example of a particular creative moment in the expression of natural law in the Bible.

(4) CONTINUITY BETWEEN DIFFERENT FORMS OF REVELATION

A fourth way in which natural law could exist in the Bible is through continuity between different forms of revelation, that is to say, universal knowledge – which comes from being made in the image of God – and particular revelation. There is evidence in the Bible that innate knowledge and particular revelation go hand in hand, such that the latter is never surprising or tends to be confirmatory, rendering explicit that which is implicit. This is another example of the interconnection between human and divine activity. It is closely tied to the previous thesis which asserted the universal knowledge of certain norms.

It is fair to say that at Mount Sinai "the formula is revelatory, the mode of expression and the context are revelatory, but the basic legal content has nothing tremendously original about it" (Barr 1990:18). What, then, is the point of

revelation such as Sinai? For Spohn, “Scripture reminds us what it means to be human and calls us to live an integrated human life that our egotism would ignore” (1996:38; italics added). The purpose of revelation, including Sinai, is to be a “moral reminder” (1996:39). On this view, there is not a stark contrast between innate knowledge and particular revelation. Events such as that at Mount Sinai remind us of that which we already know, by virtue of being made in the image of God. As Fretheim writes: “in most respects, Sinai is simply *a regiving of the law implicitly or explicitly commanded in creation*” (1991:363; italics original).

Yet at the same time it equally remains the case that the Decalogue is uniquely addressed to a particular people in a particular time and place who have experienced a particular event. On this basis, we could not necessarily assume that this particular concrete expression of God’s requirements for this particular people at this particular time applies to all peoples in all times and in all places. The Ten Commandments are addressed to a group of people who have experienced a particular historical event in the form of the Exodus (Psalm 147:19-20). What the other nations do not know is the particularity of the revelation at Mount Sinai and their reception as part of a specific experience of deliverance in the form of the Exodus. At the same time, other peoples have also experienced manifestations of divine activity and so, once again, we are back to noting continuity between innate knowledge and particular revelation (e.g. Amos 9:7)

This continuity between general and specific revelation is captured in Israel’s vocation to be “a kingdom of priests” (Exodus 19:6). Israel has a universal calling and is normative for the rest of the world but, at the same time, she remains a concrete expression of true wisdom. She is morally attractive – paradigmatic even – but she is not in any straightforward sense universalisable. Her vocation is at once general and specific. The specificity of her calling means that the Sinaitic laws cannot be carried over automatically to a relational context other than that between God and Israel because outsiders are not part of the story. As Novak observes, the uniqueness of the covenant with Israel lies not so much in the content – much of which has analogues and antecedents elsewhere – but “in its overall Gestalt, which constitutes a full and abiding relationship between God and a people on earth” (1998:60). The priestly function of Israel is to invite non-Israelite nations to come and join in the national story; come and join us in our Exodus (e.g. Isaiah 2:2-3). As Novak concludes “... the normative content of the Sinai covenant need not be regarded as originally instituted at the event of the Sinai revelation” (1998:60). But Sinai does say it with greater clarity, precision and detail. Sinai is profoundly affirming of the emerging human sense of that which is right. “The Exodus does not bring a new ethic into being, as if all that follows in the law were new expectations for Israel and the world” (363). What is new about Sinai is that “God’s redemptive work in the Exodus does give Israel some new *motivations* for keeping the law (Exodus 22:21; 23:9), indeed empowers Israel to that end” (Fretheim 1991:363).

Increasing specificity is of course characteristic of Jesus’ application of *Torah* in the Christian New Testament. Like Sinai itself, Jesus’ teaching of the law is

presented as a fuller, greater and more complete account of that which was already emerging, or that which was implicit. Indeed, Jesus himself is presented as *Torah* in the most specific way imaginable: the Word-made-flesh is the ultimate embodiment of *Torah* (1 John 1:1). And just as the Exodus gives Israel new motives for obedience, so too the 'new Exodus' gives the followers of Jesus new motivations for 'living as the people of God' (e.g. Galatians 2:20).

(5) CONTINUITY BETWEEN DIVINE AND HUMAN ACTS OF JUDGEMENT

A final way in which 'natural law' could be said to exist in the Bible is in the form of continuity between divine and human acts of judgement. This is another example of the interconnection between human and divine activity in the realm of normativity.

- (a) **The delegation of judgment from God to humanity in the primeval history** (Genesis 1-9). Steinmetz (1994) finds a structural parallel between three key stories in the primeval history, namely, Adam and Eve (Genesis 3:8-24), Cain and Abel (Genesis 4:9-16) and Noah and Ham (Genesis 9:18-27). God administers direct divine justice in Genesis 3:9-24 and Genesis 4:9-16 but not in Genesis 9:18-27 where the curse is performed by a human being (Genesis 9:24-25). It seems to be the case that as we move from the 'ante-diluvian' world to the 'post-diluvian' world, God devolves an increased responsibility to secure justice upon human beings.
- (b) **The involvement of God and humanity in the 'reckoning for human life'** (Genesis 9:5-6); This is rather ambiguous: verse 5 states that God will hold animals and humanity accountable for human bloodshed ("I require a reckoning") whilst verse 6 apparently states that humankind will hold killers to account ("By man shall his blood be shed"). On this reading, both God and humanity are involved in the "reckoning for human life" (9:5). Genesis 9:5-6 does not support a straightforward 'either/or' in terms of who is involved in the divine 'reckoning for human life'. As far as the text is concerned it is neither 'all down to God' nor 'all down to humanity'.
- (c) **God's personal tutoring of Abraham in "the way" of "righteousness and justice"** (Genesis 18). Abraham expresses concern for the following (Bruckner 2001:132-134): (1) That the innocent should not be punished for the actions of the guilty (e.g. Genesis 18:23); (2) Detailed discovery of the facts, combined with a thorough procedure (e.g. Genesis 18:32); (3) A reprieve for the guilty majority (e.g. Genesis 18:32). Abraham participates in an act of divine adjudication (Genesis 18:22, 33).
- (d) **The expansion of human reality in the Sinai story.** The allocation of sacral, judicial roles to ordinary people in Exodus 18 anticipates the larger story of Exodus 19-40 in which God moves from the top of Mount Sinai to dwell among the people. Ordinary human reality becomes the place of "sacred action performed by human subjects" (Hague 2001:258). One point where the separation between divine and human seems particularly blurred is in the story of Moses' shining skin (Exodus 34:29; Hague 2001). The choice of *qaran* for the verb (which can mean, in certain contexts, to

be horned) “can hardly be understood as anything but a deliberate allusion to the other horned being of the context, namely the Golden Calf” (Hauge 2001:168). The description of Moses’ skin should thus be understood as “an indication of the divine character of Moses’ presence” (Hauge 2001:168).

- (e) **Solomon’s famous judgment** concerning the disputed son (1 Kings 3:16-28). Solomon’s adjudication is presented as the immediate outworking of a dream revelation in which Solomon asks God for “an understanding mind to judge Your people, to distinguish between good and bad” (1 Kings 3:9). The revelation takes place whilst the king is at Gibeah – Israel’s premier “high place” (1 Kings 3:4) which thus has strong cultic associations. For these reasons, then, there is strong continuity between divine and human acts of judgment. In the end, Solomon does not ‘judge’ the two women: they ‘judge’ themselves. He resorts to a “psychological ordeal” (Jackson 2000b:449) which reveals the underlying attitudes of the parties. Each woman ‘gives herself away’ by her spontaneous response. This enables Solomon to look upon their hearts (Zipor 1998:89 note 16). He sees past the stereotypical prostitute to the mother underneath (Bird 1999:110). It is wisdom in action because he sees to the heart of things which is, of course, God’s prerogative.

RETHINKING NATURAL LAW

Most modern natural lawyers would be willing to accept the idea that human beings are morally creative and that they develop different expressions of natural law over time, such as international consensus. However, they might struggle with a number of aspects of natural law in the Bible, including the idea that there is a correspondence between law and nature because both proceed from the same God; that everyone shares a basic moral code based on the imitation of God and his relationship with creation; and that God works through nature to bring about certain ends. The Bible also has a more nuanced approach to universalism than the Western natural law tradition which disjoins ethics and calling.

One of the problems with the Western natural law tradition is its tendency to reduce ethics into things which are universal to all. For example, John Finnis’ modern natural law theory lays claim to a number of ‘basic goods’ all of which are universal and none of which can be regarded as more important than the other (Finnis 2001). Against this background the misreading of Acts 15 (for example) is perfectly understandable. It simply reflects the tendency, when looking for natural law in the Bible, to find uniform norms that apply to everyone. However, the biblical claim to universality is more complex than this:

- There appears to be some sense of hierarchy within the Bible. The identification and repetition of certain offences such as idolatry, violence, eating blood and sexual immorality suggests that these things were regarded more seriously than other natural law offences (cf. b. Sanhedrin 74a);
- Moral truth is presented as a matter of personal relationship with God

- (e.g. Proverbs 1:33; John 18:37);
- Tension between universal norms and personal circumstances (e.g. Romans 1:18-32 and Romans 2:12-16);
 - Ways in which the New Testament relativises universal norms. For example, Jesus' teaching on marriage and the family for example is, on the one hand, firmly supportive of creational norms and, on the other hand, highly revolutionary, because biological family ties are relativised in the face of primary allegiance to Jesus; compare Matthew 19:4-8 with Matthew 12:48-50; Luke 14:26). Note also that John the Baptist issues different ethical imperatives for different social groups, whether they be crowds, tax collectors or soldiers. The general ethical requirement might well be to "produce fruit in keeping with repentance" (Luke 3:8 NIV) but there is considerable allowance and variation as to what that might be (Luke 3:11, 14). The continuity towards calling and ethics tends towards a version of moral pluralism which depends upon the *experiential* reality of displaying particular moral virtues in one's own life and committing to them. It is plausible to suggest that the expression of moral virtues consistent with a particular call and commitment varies from one person to the next. If this is the case then we are, once again, a long way from the assumption that natural law in the Bible involves a straightforward commitment to universalism.

CONCLUSION

As a result, there are a number of ways in which natural law in the Bible differs from the natural law tradition in both its classical and modern forms and presents it with a challenge. In that sense the Bible has a multifaceted approach to questions of natural law – as multifaceted, indeed, as the tradition of natural law itself.