

Introducing Interpretation of Biblical Law

**(I) The primary purpose** of this introduction is to provide adequate setting for syntactic and discourse sensitivity when reading and interpreting biblical law using biblical Hebrew. Even though there are only 613 laws in Torah (see Table 1) over and against more than 800 commands in New Testament, the nature of the case includes several challenges.<sup>1</sup>

Table 1: Laws in Torah

**main collections**

- ten commandments (Exod 20; Deut 5)
- book of the covenant (Exod 21-23)
- holiness collection (Lev 17-26)
- torah collection (Deut 12-28)

**additional laws**

- ten commandments renewed (Exod 34:10-28); sacrifice and worship regulations (Lev 1-7, 10-17); vows (27); adultery (Num 5); nazirite vow (6); Levites' service (8); various regulations 7x (15); priests and Levites' portions (18); red heifer sacrifice (19); law of female inheritance (27:1-11; 36:1-12); worship calendar (28-29); vows (30); Levitical cities of refuge (35); ten commandments renewed (Deut 5); as well as other commands embedded in narratives along the way

Torah includes the same or similar laws multiple times in different contexts (see Table 2).<sup>2</sup>

Table 2: Laws of Torah Collection (Deut 12-25) based on Book of Covenant (Exod 21-23)

<b>Deut</b>	<b>Exod</b>	<b>Deut</b>	<b>Exod</b>
6:13	23:13	22:5, 6	(Lev 22:28)
14:3-21	22:31 (Lev 11)	22:9-11	(Lev 19:19)
14:21b	23:19b	22:28, 29	22:15-16 [16, 17 ET]
15:1-11	23:10-11 (Lev 25)	23:19-20	22:25 [24 ET] (Lev 25:35-38)
15:12-18	21:1-11	24:7	21:16
15:19-23	22:29f	24:10-13	22:26, 27
16:1-17	23:14-17 (Lev 23)	24:14, 15	(Lev 19:13)
16:18-20	23:2, 6-8	24:17, 18	22:20-23 [21-24; 23:9 ET] (Lev 19:33, 34)
19:1-13	21:12-14 (Num 35:6-34)	24:19-22	(Lev 19:9-10; 23:22)
19:14-21	23:1 (Lev 19:15, 16)	25:13-15	(Lev 19:35-36)
22:1-4	23:4, 5	26:2-10	23:19

Commands need to be interpreted in relation parallel commands, as well as additional adjustments by the prophets and apostles. For example, the regulation for rapists to marry their victims (Deut 22:28-29) should always be read with the parallel father/daughter right to compensation while refusing the marriage (Exod 22:16-17).<sup>3</sup> Or, tending to lost stock of neighbors (Deut 22:1-3) complements similar requirements for property of enemies and haters

<sup>1</sup> There are many other issues which need to be considered like biblical ethical standards, identity and context of ancient Israel, and Christian theological framework. The present purpose aims narrowly at beginning to study Torah laws themselves. For list of NT commands see [http://scriptureworkshop.com/bh/x/n/nt\\_commands\\_list.pdf](http://scriptureworkshop.com/bh/x/n/nt_commands_list.pdf) and for Torah commands see [http://scriptureworkshop.com/bh/x/n/613\\_laws.pdf](http://scriptureworkshop.com/bh/x/n/613_laws.pdf).

<sup>2</sup> Table 2 adapted from von Rad 1966, 13; Nelson 2002, introduction (but I made several adjustments).

<sup>3</sup> See Tigay 1996.

(Exod 23:4, 5). These cases demonstrate the enduring relevance of the book of the covenant (Exod 21-23) even while the torah collection (Deut 12-26) reinterprets many of its laws.

## **(II) Function of biblical law**

What is biblical law and how did it function? Some help has been offered by comparisons to many ancient Near East collections of law. These comparisons need to be regarded as partial and evaluated critically.

The provisions of ancient Near East law collections are statements of “legal norms.”<sup>4</sup> In the Hellenistic and Roman periods legal evidence, manifold citations of laws, points to laws functioning as fixed and authoritative. Conversely, in archaic Near East jurisprudence law functioned as “customary.”<sup>5</sup> Ancient Near East law codes presented collections of customary law. “They [law codes] concretized experience in the form of individual but objectivized cases, extended its scope by analogy and extrapolation (a method still used by jurists today, especially in the Common Law tradition), and thus created a critical mass of paradigms which, collected in sequences, could infer, if they could not express, underlying principles of law and justice.”<sup>6</sup>

One recent approach, working with the analogy between descriptive customary law collections and older English Common law tradition, proposes that Torah houses what should function as “common law” but is treated like “statutory law” by religious traditions. The latter is defined as codified law from a sovereign which stand as a fixed and complete system. The former views laws as summarizing previous non-binding legal decisions, which can never be consider a final formulation, and serve as aggregate to guide administration of justice, which itself adds to ever-growing system of reasoning.<sup>7</sup> The sharp contrast helps to highlight the difficulty of multiple versions of biblical laws on the same thing, as well as a series of legal adjustments along the way. However, categorical contrast meant to favor the common law model for biblical law does not adequately handle the biblical evidence.

Ancient Near East casuistic law collections, typified by the Code of Hammurabi, are made up of descriptive not prescriptive “everyday law” which line up well with biblical law (*Mishpatim*).<sup>8</sup> Yet, everyday laws of scripture are said to be given by God.<sup>9</sup> As biblical texts began to be “canonized” the laws function as “*normative legislation*.”<sup>10</sup> The Hebrew scriptures testify to an early shift from archaic Near East jurisprudence with customary law to authoritative divine law. The Hebrew prophets speak of obeying commandments as an embodiment of God’s will. The

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<sup>4</sup> Westbrook 2003, 1: 17. For explanation of biblical law as collected legally descriptive treatises based on comparison to ancient Near East collections of analogous casuistic laws, see Bruce Wells, “What Is Biblical Law?: A Look at Pentateuchal Rules and Near Eastern Practices,” *Catholic Biblical Quarterly* 70 (2008): 223-243. Also see accessible discussion in Westbrook and Wells 2009.

<sup>5</sup> See Westbrook 2003, 1: 21.

<sup>6</sup> Ibid.

<sup>7</sup> See Joshua Berman, “The History of Legal Theory and the Study of Biblical Law,” *Catholic Biblical Quarterly* 76 (2014): 19-39.

<sup>8</sup> See Westbrook 2009, 2: 319-20.

<sup>9</sup> See *ibid.*, 2: 321.

<sup>10</sup> *Ibid.*, 1: 129 emphasis original. Westbrook explains that one outcome of canonization which regards casuistic law collection as “comprehensive” naturally leads extreme extrapolations. “For the orgy of legalism that characterizes the writings of both the Rabbinical and Roman jurists may be traced to a method that on one hand reveres the text as the most just lawgiver of all, and on the other strives to make an inadequate text cover (in theory) every possible contingency” (1: 131). “The jurists, faced with the practical problems of their own day, adopted a teleological rather than an historical interpretation of the canonized text” (1: 132).

“autonomy of law” extends to an extreme with testimony to the unchangeable declarations of the Medes and the Persians, even by the king himself (Dan 6:8 [9]).<sup>11</sup> Biblical law seems to function in between these extremes. It carries authority of its divine origin, yet it develops along the lines of the dynamic covenantal relationship between God and his people.

Before turning to the significance of the divine origin of the law, it is worth accenting developments of law within the Pentateuch. In a series of precedent setting cases, Moses seeks out God’s judgment (see Lev 24:12ff; Num 9:8ff; 15:34ff). Perhaps the most remarkable case involves the Lord’s ruling upon inheritance for Zelophehad’s exclusively female offspring (see Num 27:5-11). When the ruling is challenged based upon tribal inheritance, the Lord adjusts the ruling limiting females who inherit marriage within their own tribe to protect the tribal allotment (36:5-9).<sup>12</sup> The interactive legal revelations resemble a series of divine saving acts which also were the outcome of relational dynamics (agreement for glory to remain, Num 33:12-16 cf. 33:1-3; prophet like Moses, Deut 5:23-29;<sup>13</sup> 18:16-17; judges to assist Moses, 1:9-9-14; cf. Num 11:11-17). Sometimes the Lord did not respond as desired (see Num 14:20-25; Deut 3:23-28). A significant example of the function of the law comes from the advice of Moses’ father-in-law. He encouraged Moses to teach law to Israel rather than the burden of individually representing each case to the Lord (see Exod 18:19-20). This instructional function, in part, helps to explain the complementary roles of law and wisdom in the Hebrew Bible.

### **(III) Implications of divine origin of biblical law**

Whereas Mesopotamian tradition accents both divine granting of law and Hammurabi’s own initiative in writing law, the scriptures strongly emphasize the divine origin of law.<sup>14</sup>

Hammurabi: “When Marduk commissioned me to guide the people aright, to direct the land, I established law and justice in the language of the land, thereby promoting the welfare of the people. At that time” then follows the 282 laws (prologue Code of Hammurabi, *ANET*, 165; cf. *COS* 2.131).

“If that man heeded my words which I wrote on my stela, and did not rescind my law, has not distorted my words, did not alter my statutes” (reverse 26.2-10, in *ANET*, 178).

Hammurabi acknowledges the divine gifting by Shamash: “I, Hammurabi, am the king of justice, to whom Shamash committed law” (reverse 25.97-99, in *ANET*, 178).

The laws are an important part of Hammurabi fulfilling the purpose for which the gods had chosen him: “[I am] Hammurabi, the pious prince, who venerates the gods, to make justice to prevail in the land, to abolish the wicked and the evil, to prevent the strong from oppressing the weak, to rise like the sun-god Shamash over all humankind, to illuminate the land” (prologue, 30-39, in *COS*, 2:336).

Moses came and told the people all the words of the Lord and all the ordinances; and all the people answered with one voice, and said, “All the words that the Lord has spoken we will do.” And Moses wrote down all the words of the Lord (Exod 24:3, 4a; cf. 31:18).

The divine origin of law leads to several implications.<sup>15</sup> (1) The purpose of the law is sanctification. While biblical law recognizes that obedience may be related to wellbeing and

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<sup>11</sup> See Westbrook 2003, 1: 20.

<sup>12</sup> Philo discusses this series interactive legal revelations, see Moses 2, xxxvi-xliv (nos. 192-245; LCL, 6:545-73).

<sup>13</sup> The Lord’s deliberation not presented in Exod 20:18-21.

<sup>14</sup> See Greenberg 1960 on Hammurabi himself as author of the laws, 39-40, nos. 7, 8, 10.

<sup>15</sup> My treatment here is indebted to, based upon, and often summarized from esp. Greenberg 1960; and see Hayes 2012, chap 9; Sarna 1996, chap 8. Also, see criticism of Greenberg in Bernard S. Jackson, “Reflections on Biblical Criminal Law,” in *Essays in Jewish and Comparative Legal History* (Leiden: E. J. Brill, 2975), 25-63 (previously

prosperity, it is more than this, the purpose is about holiness and righteousness (see Exod 19:5f; Lev 19; Deut 6:25).

(2) Biblical laws are not simply legal matters but are matters of morality, and to break any law is to sin against God. Typically ancient legal codes kept separate moral values and social responsibilities (like in modern law). In biblical law these are bound together. Divine authorship of the law signifies something more than a legal matter. To violate biblical law is to sin against God (see Num 15:30).

(3) Biblical law tends to have different values and limitations than ancient Mesopotamian counterparts. Because biblical law is an expression of God’s will violation of capital crimes cannot be pardoned by human courts (versus cases where it can be in Code of Hammurabi, §129). In Mesopotamian law breaking and entering and theft are capital crimes (§§6, 22). Conversely, crimes against property in the scriptures are not punishable by death (though killing intruders in self-defense is permitted, Exod 22:2). The leniency relative to property cases and severity in cases involving human life and the opposite situation in typical ancient law signifies the basic economic standard of typical legal codes versus the moral basis of biblical standards (see Table 3). Also, note contrast of relative leniency cutting off child’s hand who strikes father (Code of Hammurabi §129) versus death penalty (Deut 21:18-21).

Table 3: Economic versus Human Value in Scriptural Law and versus Ancient Counterparts

<i>Law Collection</i>	<i>Financial Penalty</i>	<i>Death Penalty</i>	<i>Other</i>
<b>Hittite Law</b>	homicide, assault/battery causing miscarriage	theft, bestiality	no punishment for justified homicide
<b>Middle Assyrian Law</b>	homicide	theft	literal corporal punishment; legalized violence, multiple punishment
<b>Code of Hammurabi</b>	bodily injury, accidental homicide	theft/cheating, adultery (choice of offended party)	literal punishment; equal measure ( <i>talion</i> ) only for social equals*
<b>Bible</b>	property crimes	intentional homicide; sexual crimes; and religious crimes against God	no literal punishment (financial equivalent); equal measure ( <i>talion</i> ) for all free persons (not for slaves)

\* *ANET* translation gets at this by using French feudalistic terms “senior” for aristocrat (at least when it is juxtaposed against other social status terms for ordinary citizen or slave).<sup>16</sup>

(4) The scope of biblical law collections is much broader and holistic than ancient counterparts. It is holistic. Biblical law treats moral, civil, and ceremonial spheres all as regulated within God’s will. Israel’s law concerns all of life. It both goes beyond what is enforceable by the courts, and all of life is understood as within God’s sovereign rule. Biblical law legislates

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published as *Journal of Jewish Studies* 24.1 [spr 1973]: 8-38); and rebuttal in Moshe Greenberg, “More Reflections on Biblical Criminal Law,” in *Studies in the Bible*, ed. Sara Japhet, vol. 31, *Scripta Hierosolymitana* (Jerusalem: Magnes Press, 1986), 7-17.

<sup>16</sup> Chart adapted from Hayes, <https://www.youtube.com/watch?v=IGUu-5FQvzk> (25:39) (accessed 3.1.15). Social statuses in Code of Hammurabi: *amelu*, citizen, land-owner, aristocrat; *muskinu*, free, not a land-owner; *ardu*, slave.

compassion, respect, and charity in matters that cannot be legislated (see Exod 23:4; Lev 19:10, 14, 32, 33, 34; Deut 22:6). Many laws which fall outside the state’s power to enforce are not too subtly punctuated by “I am Yhwh” or “I, Yhwh, am your God.”<sup>17</sup>

#### (IV) Law forms

There are two basic forms of commands: **Apodictic or absolute law**, You shall (not) X; **Casuistic or case law**, If a person does X or if a person is responsible for Y, then the legal consequence is Z. These two basic forms have diversity and flexible shape. The term apodictic means “clear demonstration, established on incontrovertible evidence”<sup>18</sup> which exaggerates the category. In common usage, “apodictic laws” of Torah refer to categorical laws versus case laws which deal with particular situations. Because of the flexibility in framing laws, the student would do well to of apodictic and casuistic as two broad categories.

**Apodictic laws** of prohibition may be 2nd singular “thou shall not,” 2nd plural “you shall not,” or 3rd person “he shall not,”<sup>19</sup> and use both אִלְּ and לֹא prohibitives.<sup>20</sup>

**Casuistic or case laws** include a **protasis** which presents the hypothetical features of the case under consideration. The main case normally begins with וְ and subordinate cases, or subcategories, may begin with מִן. The apodosis refers to the legal **consequences** of the case described.<sup>21</sup> In some case laws the consequences are remedial prescribing punishment (e.g., a fine Exod 21:22) and others establishes rights and responsibilities (e.g., buyer of slave has right to six years of labor and debt slave has right to freedom when term in completed, 21:2-6).<sup>22</sup>

Table 4 provides a summary of some of disguising literary signals for analyzing the structure of law. These are flexible categories and the variety and specific presentation and context needs to be considered carefully in each case. The purpose of attending to these details in not to place them in a category or figure out what label fits. These syntactical features are intermediate observations for theological interpretation.

Table 4: Syntactic Analysis of Law Forms<sup>23</sup>

case laws

<sup>17</sup> See Hayes 2015, chap 1, discourse 1, sec IV

<sup>18</sup> Cited in Sonsino 1992, 4:253

<sup>19</sup> Bright, 186

<sup>20</sup> Soncino, 4: 253. Bright presents biblical tendencies for אִלְּ prohibitions to be stronger than לֹא prohibitions, and that אִלְּ prohibitions are more often from God and his spokespersons (197). While he seeks to locate אִלְּ prohibitions more in law and לֹא prohibitions in wisdom (200-202), there are exceptions and the suggested difference in force is not always evident (Soncino 4: 253).

<sup>21</sup> Patrick, 180

<sup>22</sup> Ibid., 180-181

<sup>23</sup> Adapted from Sonsino 1992, 4: 253; also see Soncino 1980, chap 1. Although Longacre suggested wcp verbs function in certain way in biblical laws, Muraoka definitively critiques and dismisses the set of suggestions. See Robert Longacre “*Weqatal* Forms in Biblical Hebrew Prose: A Discourse-modular Approach,” in Robert D. Bergen, ed., *Biblical Hebrew and Discourse Linguistics* (Eisenbrauns, 1994), 91-95; Takamitsu Muraoka, “Workshop: Notes on the Use of Hebrew Tenses in Exodus 19-24,” in Ellen van Wolde, ed., *Narrative Syntax and the Hebrew Bible* (Brill, 2002), 246-47.

- (A) “When/if” form: protasis describing case introduced by כִּי (“when” or “in the case that”). Subordinate cases introduced by אִם “if,” או “or,” אֲדָאָם “but if,” וְהִיָּה אִם “and if.” subgroups: (1) “When he” typically with 3rd person imperfect verbs (singular or plural) (e.g., Exod 21:37); a variation: protasis introduced by כִּי אִישׁ “when a person” (e.g., Lev 24:17). (2) “When you” typically protasis and apodosis contain 2nd person verbs (singular or plural) (e.g., Deut 24:10). (3) Mixed forms: protasis in 3rd person and apodosis in 2nd person or vice versa (e.g., Deut 22:23-24; Exod 21:2).
- (B) Relative form: protasis introduced by subject and אֲשֶׁר “who” or simply אֲשֶׁר.  
subgroups: (1) “A person who” אִישׁ אֲשֶׁר, and (2) Mixed forms: a few case where protasis verb in 3rd person imperfect and apodosis 1st or 2nd person perfect (e.g., Lev 17:10; 20:16).
- (C) Participle form: protasis introduced by participle and apodosis in 3rd person (e.g., Exod 21:12).

#### apodictic laws

- (A) Direct address.  
(1) Positive commands: In 2nd person imperfect (e.g., Exod 20:24); Imperative (e.g., 20:12); Infinitive absolute (e.g., 20:8). (2) Negative commands: לֹא plus imperfect (e.g., 20:14) or לֹא plus jussive (e.g., Lev 19:29).
- (B) 3rd person jussive.  
(1) Positive commands (e.g., Lev 7:2). (2) Negative commands (e.g., Lev 21:5).

Presenting case law in 2nd versus 3rd person language tends to personalize law and, thus, increase motivation.<sup>24</sup>

Wee uses Numbers 27:8-11 as a sort of textbook kind of example illustrating a main case and subordinate cases.<sup>25</sup> Table 5 presents an adaptation of the organizational levels of a case law with literary signals noted above in Table 4 spelled out. In Table 5, notice that the series of wcp forms in the subcases continue the sense of impf in the main case.

Table 5: Organization of levels of cases laws with syntactic markers

[introductory frame] 27:8 You shall speak to the Israelites, saying,  
[protasis, 3rd person, main case] “If (כִּי) a man dies (מֹת Q impf 3ms), and has no son,  
[apodosis, 2nd person] then you shall pass (עָבַר Hif wcp 2mp) his inheritance on to his daughter.  
[protasis, 3rd person, subordinate case] 27:9 And if (אִם) he has no daughter,  
[apodosis, 2nd person] then you shall give (נָתַן Q wcp 2mp) his inheritance to his brothers.  
[protasis, 3rd person, subordinate case] 27:10 And if (אִם) he has no brothers,

<sup>24</sup> See Nelson 2002, Introduction, “Shapes and Structures,” kindle ed.

<sup>25</sup> Wee 524-25

[apodosis, 2nd person] then you shall give (נתן Q wcp 2mp) his inheritance to the brothers of his father.

[protasis, 3rd person, subordinate case] 27:11 And if (אם) his father has no brothers,

[apodosis, 2nd person] then you shall give (נתן Q wcp 2mp) his inheritance to the nearest relation [lit. flesh] of his clan, and he shall possess (ירש Q wcp 3ms) it.

[concluding frame] It shall be (היה Q wcp 3fs) for the Israelites a statute of judgment, as the Lord commanded (צוה Piel pf 3ms) Moses.”

### (V) Parenetic form (motivation clauses)

Deuteronomy comes in both I-you style (1st person from the Lord and Moses intertwined) to you with singular and plural intermixed, and also impersonal 3rd person. Deuteronomy refers to itself as law “explained” or “interpreted” (באר in 1:5). Whereas the book of the covenant (Exod 21-23) reads like codified divine law, the torah collection (Deut 12-26) reads like preaching about commandments, with law and parenesis interspersed. The form of Deut 12-26 emphasizes exhortation and functions as homiletic instruction for the laity.<sup>26</sup>

Deuteronomy contains many conditional laws broken up by preaching style.<sup>27</sup> Within laws are personal divine direct addresses, like “Remember that you were a slave in Egypt.” The rhetorical force creates an immediacy of covenantal relationship resident in the law and also situates law within redemptive narrative context. Many conditional laws are interspersed with homiletical comments (e.g., death by hanging 21:22-23; taking birds’ nests 22:6-7; railing/barrier for roof 22:8; payment of vows 23:22-24 [21-23 EV]; eating in neighbor’s vineyard and field 23:25-26 [24-25 EV]; retaining a pledge 24:10-12; forgotten sheaves 24:19). Elsewhere Deuteronomy presents case laws with no parenesis (e.g., right of inheritance 21:15-17; disobedient child death penalty 21:18-22; sexual regulations 22:13-29; divorce 24:1-4; limits on judicial beating 25:1-3; levirate marriage 25:5-10).

Parenesis is “exhortation, advice, counsel” characterized by specific “intention and content.”<sup>28</sup> Whereas law prescribes “action” required or forbidden, parenesis “urges” compliance. Laws tend to protect the weaker party and regulate behavior, while parenesis appeals to the readership’s will. Parenesis appears in a “motive clause, which *encourages* the addressee to comply or *warns* against transgression. That motive clause must be distinguished from an explanatory clause, which explains the order itself.”<sup>29</sup> Parenesis is second person address which appeals to the will of addressee (individual or collective) urging obedience or discouraging transgression. Parenesis

<sup>26</sup> See von Rad 1953, 14-24; von Rad 1966, 19, 23.

<sup>27</sup> This discussion largely based on von Rad 1953, 21-22. Von Rad speculates that there are more parenetic passages earlier in Deut and diminishing toward the end of the torah code (22). Von Rad also catalogs differently extended laws on prophets (13:2-6 [1-5 EV]), king (17:14-20) idolatry (13:7-19 [6-18 EV]), prophet (18:9-22), and cities of refuge (19:1-13) (22), as well as numerous laws he considers older traditional material (23). For statistical comparisons between Torah law collections, see Soncino 1980, 102-3, and see discussion in chap 2.

<sup>28</sup> Tiffany 1978, 307.

<sup>29</sup> *Ibid.*, 307 emphasis original. Discussion here based on and adapted from Tiffany, 307-310. Also see interaction with Tiffany in DeRouchie 2007, 15-18, and *et passim*.

“conceptually presupposes” law or order and functions in a complementary though distinct manner (see Table 6).<sup>30</sup>

Table 6: Law versus Parenesis

Order	Parenesis
Command	Exhortation
Prohibition	Admonition

Like laws, parenesis typically is in 2nd person direct address.<sup>31</sup> There are several common forms of parenesis (see Table 7).<sup>32</sup>

Table 7: Typical Syntactically Subordinate Construction of Motive Clauses in Case Law

- וְאִם-clause esp. to provide warning regarding a prohibition (e.g., 12:19)
- וְלִמְעַן “so that” with motive clause (e.g., 16:20)
- כִּי “because” or “for the reason that” focusing on auditor (e.g., 7:4)
- an infinitive clause (e.g., more common re: obedience in general, e.g., 5:32; 6:3)

The key issue is that parenesis focuses on the auditor rather than the command/prohibition itself.<sup>33</sup> “[P]arenesis is not expressed in conditional forms, even though it is closely related to conditional promises and warnings, the conditional form, however, serves to *stipulate* the consequences of obedience or disobedience.”<sup>34</sup>

Several kinds of Deuteronomic motivation are used: humanitarian (e.g. 22:8; 25:3), based on divine election of Israel (e.g., 14:2), promise of benefit (e.g., 16:20), and instructional (e.g., 20:18).<sup>35</sup> Many Deuteronomic motivational clauses are stereotypical, e.g., “you shall sweep out the evil from among you” (13:6 [5 ET]; 17:7, 12; 19:19; 21:21; 22:21, 22, 24; 24:7) and “something repugnant to Yhwh (17:1; 18:12; 22:5; 23:19 [18 ET]; 25:16).<sup>36</sup> Deuteronomy often speaks about obedience leading to benefit in the land (11:22-23; 16:20; 23:21 [20 ET]; 25:15; 30:20).<sup>37</sup> “Motivations attached to laws include appeals to Israel’s special status (14:2, 21), the effectiveness of the prayers of the oppressed (15:9; 24:13, 15), Yahweh’s intention to bless (14:29; 15:6; 23:21 ET 20]; 24:19), and Israel’s previous experience in Egypt (15:15; 16:12; 23:8 [ET 7]; 24:18, 22).”<sup>38</sup>

## (VI) Learning to work with case law forms: a model for student exercises

<sup>30</sup> Tiffany, 309, 312-13.

<sup>31</sup> Certain cases seem to use motivation clauses in 3rd person, like the commands for the king (Deut 17:20).

<sup>32</sup> See Tiffany, 20-21, 208; DeRouchie, 87; Doran 1978, 63. Sometimes כִּי functions to explain the order itself rather than motivate auditor (e.g., Deut 12:23; 14:27) (*contra* Doron who includes both functions of כִּי together, 63, n. 4). Some uses of כִּי are not clear cut. The uses of כִּי in the commands to exclude Ammonite and Moabites (23:5 [4 ET]) and include Edomites and Egyptians (23:8 [7 ET]) explain the orders in ways that relate to Israel personally. See GKC § 158 b.

<sup>33</sup> See Tiffany, 20-21.

<sup>34</sup> *Ibid.*, 310 emphasis original.

<sup>35</sup> See Doron, 72-77.

<sup>36</sup> From Nelson 2002, Introduction, “Shapes and Structures,” kindle ed.

<sup>37</sup> See *ibid.*

<sup>38</sup> *Ibid.*



The following is a suggested layout and associated steps to help students consciously think through formal elements of biblical law and how these relate to function. The point is not to create layouts. Studying formal syntax and discourse elements of law is only an intermediate step of interpretation.

[1] Show subordination in English translation with verbs parsed, using indentation and noting syntactical markers as applicable (indentation is flexible esp. for subordinate cases).

**Protasis** left margin (in parentheses: introductory particles, see Tables 4, 5; note: 2nd or 3rd person)

**Subordinate cases** indent 0.5 and/or 1 inch (in parentheses: introductory particles as applicable, see Tables 4, 5)

**Apodosis** indent 1.5 inches (in parentheses: 1st, 2nd, or 3rd person)

**Motive clause** indent 2 inches (in parentheses: introductory particles, if applicable, see Table 7)

[2] Summarize function of formal discourse elements: command versus prohibition; 2nd versus 3rd person; exhortation versus admonition motive clause (see Tables 4, 5, 6, and 7).

[3] Compare parallel law(s) in Pentateuch (see Table 2, and commentaries).

### **An example from Deut 22:6, 7 (with motive clause)**

[1] (כִּי, 2nd person) If a bird's nest happens to be (קרא Nif impf 3ms) before you in the road  
in any tree (א) or upon the ground  
young ones (א) or eggs

and the mother sitting (רביץ Q ptc fs) upon the young ones or upon the eggs

(2nd person) you shall (לא) not take (נקה Q impf 2ms) the mother upon  
the sons

(2nd person) you shall surely let the mother go (שלח Piel infa; impf 2ms)

(למען) in order that it may go well (יטב Q impf 3ms) for you

and that you may prolong (ארך Hif wcp 2ms) (your) days

[2] The case law Deut 22:6, 7, prohibition and command combination, limits what a person may take from the wild, and protects maternal animals. The case is presented in 2nd person making it personal along with an exhortation insinuating the Lord will hold the individual to account in this case which, typically, would fall outside the reach of the courts.

[3] There is no parallel biblical law, though the prohibitions against boiling young goats in their mother's milk (Exod 23:19; Deut 14:21) and slaughtering an animal and its young on the same day (see Lev 22:28; cf. 22:27) provide similar limitations and protections for animals. The motive clause may allude in reverse order to the motive clause for honoring parents in the Decalogue (5:16).<sup>39</sup> On the analogy of Paul's use of the prohibition against muzzling oxen while

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<sup>39</sup> See Tigay 1996. Nelson refers to this case as "proverbially callous," that is, exterminating mothers and their children as in total warfare where the phrase is also used, Gen 32:12; Hos 10:14 (see OTL).

they labor, as mandating responsibilities of congregants for those who minister to them (Deut 25:4; 1 Cor 9:9; 1 Tim 5:18), this law likewise may be extrapolated further than protecting maternal animals.

### **For further reading**

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