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AN EMERGING ACCOUNT OF BIBLICAL LAW: COMMON-LAW TRADITION IN THE OLD AND NEW TESTAMENTS

Ryder Wishart
McMaster Divinity College, Hamilton, ON, Canada

Introduction

This paper will examine recent scholarship on the topic of biblical law in order to demonstrate that biblical law is best understood as a common-law tradition. After outlining long-standing questions in regard to the nature of law in the Hebrew Bible, I will argue for a complementarian rather than supersessionist view of law, following the work of Berman. The complementarian perspective entails a common-law account of the nature of the law tradition as opposed to the ubiquitous and presupposed statutory view. I will then further develop Berman's argument by appealing to Jackson's semiotic hermeneutic for interpreting biblical law. As supporting evidence, I will examine several biblical texts where scholars have demonstrated the explanatory power of non-statutory interpretation. To flesh out the implications of the common law approach, I will discuss the pivotal role of judges using distinctions described by Reaume. Finally, I will provide evidence for the claim that this common-law view is applicable not only to the Hebrew Bible but also to the New Testament. These texts and scholarly viewpoints together provide compelling evidence that the biblical law tradition is a common-law tradition that operates not by the force of codified legislation but rather through the agency of judges shaped by the values of the tradition that is maintained in both major corpora of biblical texts.

The Nature of Biblical Law

When it comes to biblical law, there are various views, not only on the nature of the texts involved—that is, what is biblical law?—but also on the interrelationships among these texts that compose the Pentateuch. According to Wells,

> The term "biblical law" is usually understood to mean the set of rules found in the texts of the Pentateuch that contain what appear to be legal provisions. The texts include the Book of the Covenant or Covenant Code (Exodus 21–23), the Priestly Code (found in parts of Exodus, 1–16, and in parts of Numbers), the Holiness Code (mainly in Lev 17–26), and the Deuteronomic Code (Deut 12–26).[1]

Wells describes five main views on the nature of the texts: (1) the codes constituted authoritative law, containing no contradictions and mediated to the Israelites by Moses in the Late Bronze Age. This view is generally held by religiously conservative scholars. A variant on this view is that all of the texts were compiled during the Persian period, at which time the codes became authoritative. (2) The codes are "competing sets of more or less authoritative law."[2] Later codes reinterpreted or superseded the earlier ones, and the codes, while not authoritative at first, may have been written in the hope that they would achieve the status of normative law among the scribes and priests. (3) The law codes were a set of theoretical exercises produced by scribes, "lists, motivated by academic interests and essentially unrelated to the world of practiced law."[3] (4) A variant of the previous view, the legal codes are viewed as descriptions of actual legal situations that occurred or seemed likely to occur, which the scribes and/or priests sought to treat consistently with known law. Or finally, (5) while the codes arose out of a scribal context, they are "essentially nonlegal in nature."[4] Some scholars claim

1. Wells, "Biblical Law: Hebrew Bible," 39. Cf. Berman, "Supersessionist or Complementary?" 201; Morrow, *Introduction to Biblical Law*, 14–32.
2. Wells, "Biblical Law: Hebrew Bible," 42.
3. Ibid., 42.
4. Ibid., 43.

that these nonlegal codes were intended to provide moral and religious advice, while others claim the codes were intended to foster anti-imperial sentiments.

Apart from the fact that all have been collected into the Pentateuch, though, the connections between these corpora are uncertain. Regarding the similarity of legal codes in the ancient Near East, Wells notes three prominent views: (1) all of the codes underwent similar stages of evolutionary development, and similarities in content reflect similar stages common to different codes; (2) similarities are the result of literary dependence; and (3) similarities are due to a common tradition. On this third view, the spread of writing throughout the Near East created a path for the diffusion of an intellectual tradition that led to a "common legal culture throughout the region."[5] The problem, in short, involves questions of continuity and discontinuity: the continuity between legal corpora consists of citations and references by a later corpus to a previous corpus, as well as the ultimate combination of these texts into the canonical Pentateuch; the discontinuity consists of additions and omissions by later corpora.[6]

Next, I will argue a particular construal of the nature of the biblical law tradition in dialogue with two key scholars in the field of biblical law. First, I review the distinction Joshua Berman has outlined between supersessionist and complementarian views of biblical law. Second, I will describe how Bernard Jackson's semiotic hermeneutic fits a complementarian view. Third, I will illustrate the discussion up until this point with two biblical examples, and then finally I will outline the role of judges in this complementarian view of biblical law.

Supersessionist and Complementarian Views of Biblical Law

As Berman explains, there are two major views on the evolution of these biblical law corpora, which he labels the supersessionist

5. Ibid., 48.

6. As well as legal contradictions, different sources are claimed to be evidenced by anachronism, shifting use of divine names, duplicate narratives, and shifts in style or vocabulary. See Baker, "Source Criticism," 801–4.

and the complementarian positions.[7] The supersessionist view assumes that the law codes are mutually exclusive. He argues that this view has not been able to account for the coexistence of these divergent traditions both within the Pentateuch and in later use of these texts. The complementarian view, by contrast, avoids the problem entirely by setting aside the modern statutory, legislative conception of law in favour of a common-law view that more closely corresponds to the ancient Israelite legal tradition. Berman further claims that there are five interconnected questions that can be used to evaluate these two camps: (1) How can we account for both the continuity and the discontinuity between the corpora in one coherent system?; (2) how does the final redaction of the texts into one collection, the Pentateuch, relate to the earlier stage of separate documents?; (3) why do later texts cite freely from multiple legal corpora?; (4) what is our model for understanding legal texts, and how does the use of anachronistic legal models skew our understanding of these texts?; and finally, (5) how can we explain the inter-referencing between different corpora?[8]

In regard to these five questions, the supersessionist account falls short. First, the supersessionist account does not coherently handle both the continuity and the discontinuity between the corpora. This camp, claims Berman, sees the later texts as attempts to subvert and supersede the earlier texts. This view claims, on the one hand, that the continuity between legal corpora can be explained as attempts to commandeer the authority of the previous, revered texts. Often these new "legislators," as they are understood, are said to garb their "subversive innovation in the mantle of the texts that they abrogate," explains Berman. They

7. Here I primarily draw on articles published by Berman (i.e. Berman, "Supersessionist or Complementary?" 201–22; Berman, "Law Code as Plot Template," 337–49; Berman, "Legal Blend in Biblical Narrative," 105–25; Berman, "History of Legal Theory," 19–39; Berman, "Histories Twice Told," 229–50; Berman, "Legal Structure," 22–38) which have also been incorporated into Berman, *Inconsistency in the Torah*.

8. Berman, "Supersessionist or Complementary?" 202–3. Cf. Berman, *Inconsistency in the Torah*, 173–74.

"[seek] to benefit from the prestige of the earlier source."[9] Yet scholars who make these claims, such as Jeffrey Stackert and Bernard Levinson, are forced to also assert that the Deuteronomic author did not intend for his audience to check his sources.[10]

Second, the supersessionist view does not offer the most plausible account of the Pentateuch. There are two attempts to explain the ultimate redaction that brought these legal corpora together into one collection, explains Berman. Some view the Pentateuch as a "compromise document," where "external pressure compelled competing factions within Israel to come together around its varying and competing traditions to produce a single document for the whole community."[11] But how, asks Berman, does the retention of mutually exclusive traditions constitute a compromise? Others claim the Pentateuch is a literary collection of systems that were thought to be equally legitimate. Berman points out, though, that the Pentateuch does not bear the marks of an anthology. The various corpora, rather, "are worked into an overall narrative of Israel's founding and early history."[12] Such an anthology, I would point out, is something an outsider, a non-participant collects; it is not the kind of collection factious rivals would produce.

Third, the supersessionist view cannot explain the use of these corpora throughout the rest of the Hebrew Bible. "What is striking," claims Berman, "is the degree to which these supposedly inimical traditions exist side by side elsewhere in the Hebrew Bible. There is not a single book of the Bible that may be termed a pure 'Deuteronomic school' book, or 'Holiness school' book."[13] Ezekiel draws on the Priestly tradition alongside of the Deuteronomy; Jeremiah draws mainly on Deuteronomy, but nevertheless references so-called Priestly material. "Many biblical authors," Berman explains, "deliberately sought to weave

9. Berman, "Supersessionist or Complementary?" 206.

10. Cf. Stackert, *Rewriting the Torah*; Levinson, *Hermeneutics of Legal Innovation*.

11. Berman, "Supersessionist or Complementary?" 216. Cf. Berman, *Inconsistency in the Torah*, 184.

12. Berman, "Supersessionist or Complementary?" 217.

13. Ibid., 212.

together supposedly contradictory iterations of the very same law reiterated and revised in the various Pentateuchal law corpora."[14] 1 Samuel 15:2, as just one example, invokes both Exod 17:14–16 and Deut 25:17–19 in describing Saul's campaign against Amalek. The law corpora are attributed to subversive legal schools, but Berman points out that any signs of a "fight for supremacy" among the various legal schools is "utterly absent from the extensive record of extra-pentateuchal biblical books."[15] Contrary, then, to the claims of the supersessionist tradition, Berman explains that "in wholesale fashion biblical authors felt free to draw from the various legal traditions in the composition of a text. They did not view the various corpora as inimical to one another but rather as complementary."[16]

Fourth, the supersessionist position relies on a statutory model of law, and thus imposes an anachronistic framework upon the Pentateuch, as if the Pentateuch were an internally inconsistent modern tax law. I will address this issue further below. However, fifth and finally, this camp does not offer a plausible explanation for Deuteronomy's references to the Covenant Code in Deut 12:21; 18:2; 24:8. These references to the authority of the Covenant Code cannot imply subversion on the part of the Deuteronomic author. One possible explanation is that the editor attempts to bolster the authority of the later text by demonstrating its consistency with the earlier text in a "rhetorical flourish" that brings both corpora together into one. As Berman puts it, "It is unclear however, why audiences would find this rhetorical flourish a compelling reason to discard the earlier text [in favour of the latter]."[17]

By contrast, the complementarian perspective does not find either the continuity or the discontinuity between legal corpora problematic. On this view, later legal texts constituted re-applications of the earlier texts to meet new challenges in a new context. This view corresponds to a common-law model of

14. Ibid., 213.
15. Ibid., 214.
16. Ibid., 215.
17. Ibid., 221.

law.[18] Berman explains that on this view, "Law organically changes over time in response to need and circumstance. Thus, even if a norm is expressed differently in one age than in a previous one, this is not seen as inconsistent or contradictory."[19] While a statutory system requires that law be circumscribed by a written legal code, a common law is coextensive with the ongoing judgements of the judges who decide the hard cases of application. "Judges," explains Berman, "address new needs and circumstances by reworking old laws, old decisions, old ideas. Texts form a system of *reasoning*."[20] Thus, judges play an important role in engaging and propagating a common-law tradition through rendering decisions on new cases in light of the tradition. I will engage more fully with the role of the legal corpora in forming a system of reasoning below.

This complementarian view, argues Berman, offers a reasonable account of both the continuity and discontinuity between the legal corpora, since new contexts demanded new reasoning about the legal tradition. This view also accounts for the final redaction of these corpora into one collection. The Pentateuch is, after all, an anthology, but it is an anthology of judgements and precedents, not legislation.[21] This view finds it unproblematic when later texts make reference to the numerous stages in the tradition's historical development, because the legal corpora *together* constitute a system of reasoning. Deuteronomy's references to the authority of the Covenant Code, on this view, should be expected, just as Jesus's and Paul's references to the authority of the Torah should also be expected. The narrative

18. This model is not anachronistic in the same way as the statutory model, as Berman ("History of Legal Theory," 19–39) argues, precisely because it provides a good fit for the data, while the statutory model does not. While there are no doubt counterexamples that might be furnished in support of a statutory view, a common-law model can account for all of the data coherently, whereas the statutory model can only account for some of the data—namely places where a later text seems to advocate a direct application of a former law's semantic content (itself a complex issue).

19. Berman, "Supersessionist or Complementary?" 222.

20. Ibid., 207. Cf. Berman, "History of Legal Theory," 22.

21. Berman, "Supersessionist or Complementary?" 208–9.

and non-narrative portions alike constituted "the resources from which future norms could be worked out . . . the key was not the unchanging identity of [the text's] components but a steady continuity with the past."[22] Ultimately, Berman envisions a different kind of evolution within the biblical law tradition:

> The laws of the great kings of the ancient world were never considered immutable statutory law, and the same was true of God's law. The prescriptions in the various corpora are data from which to reason. Indeed, as authors revised the collections, they certainly intended to invalidate former normative practices. But that did not entail a rejection of the authority of that text. Rather the earlier prescription was seen to be fulfilled through its reapplication to meet a new challenge. This, for complementarians, is the reason that lemmatic citation and expansion are so ubiquitous throughout this legal literature. A revised legal text is a new formulation and new application of an old, revered norm.[23]

Statutory law demands a hermeneutic sometimes described as "strict construction." That is, "Statutory jurisprudence mandates that judges adhere to the exact words of the code because the code by definition is autonomous and exhaustive."[24] According to Berman, strict construction as the lens for interpreting biblical law is the cornerstone of the supersessionist view. However, if the statutory view constitutes an anachronistic imposition on the biblical law tradition, the hermeneutic of strict construction is also suspect. Is there another way to interpret biblical law that comports well with a common-law model? What is needed, in some sense, is a hermeneutic that enables us to examine the values that underlie the specific laws.

Jackson's Semiotic Hermeneutic for Interpreting Biblical Law

Bernard Jackson develops just such a hermeneutic. In 1990, Jackson argued for a structuralist view of biblical law. He says,

22. Ibid., 210.
23. Ibid., 211.
24. Ibid., 210.

> There are two ways in which one can look at legal systems. One, which is endorsed by a crude form of legal informatics, would see the legal system as no more than an accumulation of rules, the statute book being a reference book like a telephone directory where all one does is to look at the particular entry in which one is interested, regarding that as an isolated and self-sufficient unit. Some forms of positivism endorse this approach, even if they recognize the systemic characteristics of the law through rules of priority designed to eliminate contradictions (like the *lex posterior* rule). But there is a second approach, increasingly gaining momentum, inspired in part by structuralism. Here, one looks at the substantive interrelationships of rules, not merely at the level of their explicit statement and rationalization, but also at a deeper level, of which the authors may not necessarily be conscious . . . Indeed, the idea that there is more than one level of meaning to be attached to legal rules—even to the mundane rules of civil code—is a very old one . . . What goes into the deep structure of legal doctrine is none other than the unstated, implicit, but (by that very reason) basic, social evaluations of a particular society at a particular time.[25]

While the idea of a "deep structure" functioning beneath the surface of a legal system raises its own set of issues (How is it identified? In what sense is it universally accessible?), Jackson's grammatical perspective on law provides a mode for discussion of the ongoing significance of the biblical law tradition. At the heart of his argument lies the idea that biblical law ought to be viewed as a common law—not, as on a statutory view, a set of codes that circumscribes the entirety of the legal system. As Jackson argues, examining "the substantive interrelationships of rules" amounts to analyzing the grammar of the law, to determine what sort of system of rationality is inherent in the law. What Jackson thus describes as the "deep structure of legal doctrine" is a grammar of values, or as he says, "implicit . . . social evaluations of a particular society at a particular time." In other words, Jackson argues that historically-contingent social evaluations underlie all legal formulations in the biblical law tradition.

25. Jackson, "Legalism and Spirituality," 260–61.

More recently, Jackson has explained further that there are basically two ways to understand values in biblical law: either as postulates or semiotic narrative connotations.[26] The first view is evidenced in Moshe Greenberg's article, "Some Postulates of Biblical Criminal Law."[27] Greenberg argues that underlying biblical criminal law is the following postulate: life and property are incommensurable. To see the values of biblical law as a set of postulates underlying the laws, Jackson points out, the sources must be engaged synchronically. The values themselves are considered to be universal values inferred from the laws as abstractions. Jackson argues that this approach does not deal with the evolution in biblical legal corpora, since Greenberg attempts to treat his sources synchronically. As a result, Greenberg's study does not deal with legal texts that would seem to contradict his postulate.[28]

For analysis of the values of biblical law, Jackson advocates a semiotic approach.[29] He proposes a diachronic, non-synthetic interaction with the sources, a view of values not as inferred abstractions but as historically contingent connotations of narrative images, and identification of the institutional contexts that are assumed in the texts as opposed to the contexts we are faced with today. Greenberg's postulates, in theory, can be directly applied to any context, since they comprise universal values. Jackson's semiotic connotations, by contrast, are historically contingent, and require recontextualization when being applied to a new situation.

Jackson's semiotic approach examines three planes of meaning-making for laws which I will elaborate on:

1. Sense construction (either literal or narratival)
2. Literary arrangement (either motive clauses only or thematic arrangement as well)

26. Jackson, "Values of Biblical Law," 602–18.
27. Greenberg, "Postulates," 5–28.
28. For discussion, see Jackson, "Values of Biblical Law," 604–6.
29. Cf. Jackson, *Semiotics of Biblical Law*; Jackson, *Semiotics and Legal Theory*; Jackson, "Legalism and Spirituality," 243–61.

3. Pragmatic context (either modern "legal" or wisdom laws)

For each level of meaning-making, we can note that law can be understood as a common law or as a statutory law. When it comes to sense construction, the law can be read either literally or narratively. "A 'literal' approach to interpretation (and certainly a modern 'statutory' approach)," explains Jackson, "would at least begin with the assumption that general terms bear their full meaning unless exceptions are specifically stated."[30] The alternative that Jackson advocates is a narrative reading. "A narrative approach," he says, "would ask not what range of cases the language 'covered,' but rather what typical images it evoked. The more distant the situation in hand [is] from that typical image, the less the language would be regarded as applicable to the situation."[31] For example, the "eye-for-an-eye" law, when read literally, becomes nonsensical in the case of a one-eyed assailant. However, no one would consider this case typical, and thus a more "plain" or "obvious" meaning was sought in place of the literal.

Second, the modes of expressing the values of the text can be sought in motive clauses—explicit language describing the purpose of a law. However, Jackson's semiotic reading advocates consideration also of literary devices and thematic arrangement. The example of Ruth discussed below illustrates this interpretive strategy.

Third, the legal and institutional pragmatic contexts which are assumed by these texts must be considered, especially as they contrast the contexts facing interpreters of those laws today. Fundamentally, this means that characterizing biblical law as a codified collection of laws is a modern imposition. As Berman explains, "the association of 'law' with written, codified law is an anachronistic imposition of our own culture."[32] However, this point is likely to cause some confusion, for no other reason than that our modern conception of law is so pervasive, and tends to

30. Jackson, "Values of Biblical Law," 607.
31. Ibid., 607.
32. Berman, "Supersessionist or Complementary?" 208.

be imported into every biblical term that we translate as "law" (such as νόμος or תורה). Jackson's claim is confirmed by Berman, who notes the notion of "customary law" (i.e. common law) more accurately approximates the ancient conception. Within the domain of customary law,

> A judge would determine the law at the moment of adjudication by drawing on an extensive reservoir of custom and accepted norms. It would continually vary from locale to locale. One could not point to an accepted text of the law . . . as the final word on what the law was or prescriptively should be.[33]

In biblical law, Jackson furthermore claims, the institutional context actually aimed at minimizing the need for third-party adjudication. Wherever such adjudication was necessary, it would have been sought not from a textual expert or lawyer, but rather from a divinely guided, charismatic authority.[34]

Summarizing Jackson's semiotic view, values should be understood as semiotic connotations that constitute a grammar of law. Laws are evocative of typical cases, not propositions that apply only to those cases explicitly "covered" by the semantic content of the law. Also, the institutional context of biblical law is not statutory law, with a codified text, but wisdom law within particular communities, with an anthology of judgements providing a resource for reasoning according to the law.[35] Ultimately, the common-law model, interpreted narratively and literarily as part of a customary law tradition provides a better fit for biblical law than the statutory model implicitly anchoring supersessionist views of biblical law.

33. Ibid., 208.

34. Jackson, "Values of Biblical Law," 610. Cf. 615 n. 55.

35. Another possible institutional context was mentioned above: the law codes may comprise "scholarly treatises meant primarily for training scribes in legal reasoning," or perhaps they are "forms of royal propaganda intended to enhance the reputation of a king" (Morrow, *Introduction to Biblical Law*, 38). However, Morrow (*Introduction to Biblical Law*, 39) notes that although "some biblical law seems to exist more in the area of theory than practicality," and "the collections of biblical law have their own propaganda value," nevertheless "It would be surprising if there were no connection between the collections of biblical law and ancient Israelite legal practices."

Examples of Non-Statutory Interpretation in the Bible

Three biblical examples will serve to illustrate the argument so far. First, consider Solomon. When challenged to render a just verdict about whom the living infant belonged to in 1 Kgs 3:16–28, he did not consult the book of the law, but rather formulated a wise judgement that addressed the needs of the particular situation. His pronouncement did not justify itself by referencing codified law; rather his pronouncement enacted the law. His notions of wisdom and justice were shaped by the law tradition, but he was not obligated to fit the current problem within the semantic bounds of previous legislation. The decision went beyond codified law because the problem and its circumstances fell outside the bounds of codified law.

A second example is from the book of Ruth. Berman argues in a 2007 article that Ruth is a homily unfolding according to the order of legal materials in Deut 24:16—25:10.[36] Ancient legal material, unlike modern, argues Berman, was typically not organized topically, but rather through association of word, theme, or motif, with a broader, thematic meaning arising from this literary structuring. The arrangement of laws in this section of Deuteronomy, he argues further, indicates the laws had a theme, a larger unit of meaning that is not readily apparent when the laws are taken in isolation. The author of Ruth reads these laws associatively. *Associative reading* corresponds to Jackson's semiotic reading, in that values can be expressed by various modes of textual meaning, including thematic arrangement. An associative reading of these laws, Berman argues, allows the broader theme of dignifying justice for the widow and orphan to become apparent. He argues that the plotline of Ruth is derived from the order of laws in this thematic unit of Deuteronomy as follows:[37]

36. Berman, "Legal Structure," 22–38.

37. All biblical quotations are from the New American Standard Bible (which orthographically represents Old Testament quotations in the New Testament using small capitals).

Law in Deuteronomy	Narrative Sequence in Ruth
16 Fathers shall not be put to death for *their* sons, nor shall sons be put to death for *their* fathers; everyone shall be put to death for his own sin.	Elimelech, Mahlon, and Chilion all die at the outset of the story, arguably due to divine judgement.[38]
17 You shall not pervert the justice due an alien *or* an orphan, nor take a widow's garment in pledge. **18** But you shall remember that you were a slave in Egypt, and that the Lord your God redeemed you from there; therefore I am commanding you to do this thing.	Ruth and Naomi are both widows, and Ruth is described like an orphan when she leaves her father and mother's land, to a land where she is also a stranger.
19 When you reap your harvest in your field and have forgotten a sheaf in the field, you shall not go back to get it; it shall be for the alien, for the orphan, and for the widow, in order that the Lord your God may bless you in all the work of your hands.	Ruth not only gleans from the stalks the reapers have gone over, but she also references sheaves herself (Ruth 2:7), and Boaz commands his reapers to leave some stalks for her to gather.
20 When you beat your olive tree, you shall not go over the boughs again; it shall be for the alien, for the orphan, and for the widow. **21** When you gather the grapes of your vineyard, you shall not go over it again; it shall be for the alien, for the orphan, and for the widow. **22** You shall remember that you were a slave in the land of Egypt; therefore I	The field laws at the beginning of the section in Deuteronomy 24 point to the preservation of the dignity of the poor—who are enabled to likewise work for their food in some sense. These laws have been traced throughout Ruth so far. Similarly, the laws about not beating a deserving man more than forty times is for the purpose

38. Considering Naomi attributes her distress to Yahweh (Ruth 1:20–21). Cf. Berman, "Legal Structure," 28.

am commanding you to do this thing. **25:1** If there is a dispute between men and they go to court, and the judges decide their case, and they justify the righteous and condemn the wicked, **2** then it shall be if the wicked man deserves to be beaten, the judge shall then make him lie down and be beaten in his presence with the number of stripes according to his guilt. **3** He may beat him forty times *but* no more, so that he does not beat him with many more stripes than these and your brother is not degraded in your eyes.	of not degrading him. Boaz commands his young men not to degrade or harass Ruth in the field (Ruth 2:15).
4 You shall not muzzle the ox while he is threshing.	Ruth is found by Boaz within intimate distance at night, but he is nevertheless restrained from having her, even in marriage, because of the kinsman redeemer.[39]
5–10 When brothers live together	Ruth is redeemed by Boaz

39. Berman admits that this connection is the most tenuous part of his argument, but goes to great length to demonstrate that it is not an implausible connection, especially in light of the connection drawn in *b. Yebamot* 4a between a widow who is not to be restrained from remarrying and fulfilling her sexual desire and Deut 25:4 ("do not muzzle the ox"). This connection is justified on the basis of the next verse, Deut 25:5 ("When brothers dwell together and one of them dies and leaves no son . . ."). As Berman ("Legal Structure," 36) explains, "we have before us a source [here he references the connection between vv. 4 and 5 made in the Talmud] that suggests that perhaps already from an earlier era the injunction against muzzling an ox had been understood as bearing sexual connotation, and from an early era the verse had been read together with the laws of levirate marriage through the exploitation of associative links and the possible meanings that emerge from them." It is worth noting that the remarkable correspondence to each of the other verses in the Deuteronomy passage is itself evidence in support of his reading.

and one of them dies and has no son, the wife of the deceased shall not be *married* outside *the family* to a strange man. Her husband's brother shall go in to her and take her to himself as wife and perform the duty of a husband's brother to her . . .	according to the laws of levirate marriage described in the final section of the passage in Deuteronomy 25.

In light of this sequential correspondence, Berman therefore argues that an "associative" reading of the law is undertaken in the book of Ruth. This interpretation supports Jackson's claim that the literary arrangement of laws needs to be considered in order to recognize the tacit social evaluations—the values—that motivate the laws.

One final biblical example, food laws in Lev 11:3–23 and Deut 14:3–20, will serve not only to illustrate Jackson's semiotic hermeneutic, but also the "grammar-constructing" function of law.[40] Burnside advocates Jackson's narrative approach to biblical law as opposed to a literal one. He demonstrates that biblical food laws serve to establish a paradigm—not simply categories—of clean and unclean. This paradigm uses typical or paradigmatic cases to impart a complex body of knowledge in a practical way, much like wisdom literature. The laws build on one another so that less and less information is required to understand the application of cleanness and uncleanness to new domains. The land animals, in other words, are described in detail, with analytic criteria used to set up a positive picture (cleaving the hoof and chewing the cud), which is then negated in the case of uncleanness using hard cases such as camels and swine, who fulfill only one of the two criteria. Aquatic life also is described with analytic criteria (fins and scales), but no hard cases are necessary, because the listener/reader knows that both criteria must be fulfilled. Birds are only described through negative examples. Burnside argues that this list is meant to establish a typical image of the unclean bird as one that eats what humans eat (fish and

40. Burnside, "At Wisdom's Table," 223–45.

animals), which implies the opposite is the case with clean birds —they eat what humans do not eat.[41] Rather than being a closed list of unclean birds, as is typically assumed, the implicit paradigm allows one to evaluate birds not mentioned on the basis of how closely they fit the typical image of an unclean bird. Thus, the paradigm of clean and unclean birds is more like a rule of thumb than a casuistic list of arbitrary rules. According to Burnside, "the list exists *because* there is a paradigm."[42] By the time the author reaches the final case, insects, the positive criterion only is listed (insects that walk on all fours [sixes?] are unclean). However, because the implicit paradigm of clean and unclean has been developed enough, the audience is apparently able to handle an exception for leaping insects with segmented legs.

What Burnside demonstrates is that laws can not only evoke typical cases—in agreement with Jackson—but move beyond that to constructing paradigms, or means of reasoning about choices. The textual organization of the food laws offers a clear example of how less information is required as the paradigm comes together, because the laws constitute a way of reasoning about food.[43] Who, then, engaged in this process of reasoning? For Burnside the paradigm was especially useful for resolution of dispute between non-judicial agents (the paradigm providing the means of discerning like a judge would). Because these paradigms would have been useful for everyone, it is all the more important to consider the way the law functioned as a system of reasoning for judges—third party agents in disputes.

41. Ibid., 232–33.

42. Ibid., 233.

43. One doubts whether the goal of these laws, as Burnside claims, is indeed nutritional education. While this claim no doubt reflects an attempt to recontextualize the food laws for modern society by outlining their social utility, why wouldn't the text have included laws about clean and unclean plants? I suspect that there are sociological issues at play here regarding the construction of group identity. Nevertheless, the mechanism of paradigm construction that Burnside describes is a valuable contribution.

The Role of Judges

The nature of the legal tradition in the Hebrew Bible offers insight into the way the tradition likely functioned within the communities that preserved and revered the textual witness to that tradition. If the tradition more closely resembled a common law than a statutory model, then judgments were not lawful because they applied the law, but rather, because they enacted the law.

According to Jackson, "the conventional view that judges exist to apply general rules laid down by higher authority—whether by the legislature or by superior courts in a system of precedents—is no more than a culturally contingent claim that has become typical of the Western conception of law."[44] Jackson also advocates the more specific historical argument advanced by Berman that a statutory view of law "was not the dominant conception of the relationship between legislator and judge in the Bible and early Judaism."[45] Judges, he argues, did not have the role of *applying* Torah, and certainly not of appealing to an authoritative written code in the pre-exilic period.[46] Judges were instead to be guided by the "norms of practical wisdom."[47] Elsewhere, he describes how judgement was "for the most part (probably until the time of Ezra) *not* based on application of written texts, but rather on a sense of divinely-guided intuitions of justice."[48]

Consider the example of Moses in Exod 18:17–27. His father-in-law Jethro tells him that he is taking on too much by attempting to adjudicate all disputes personally. Instead, Jethro advises the following:

44. Jackson, "Legalism and Spirituality," 244.

45. Ibid., 244.

46. Ibid., 244–45.

47. Ibid., 245. Cf. 2 Chron 19, where Jehoshaphat appoints judges to go throughout the land, but instructs them only to be impartial and fear Yahweh, as opposed to 2 Chron 17, where people are sent throughout the land, and they take the book of the law of the Lord with them. However, in the latter case they do not judge, but teach. Cf. Fitzpatrick-McKinley, *Transformation of Torah*, 144, 87. Jackson elsewhere offers a sustained discussion of the concept of 'wisdom-laws' (*Semiotics of Biblical Law*, 70–92).

48. Jackson, "Values of Biblical Law," 610.

> **19** . . . You be the people's representative before God, and you bring the disputes to God, **20** then teach them the statutes and the laws, and make known to them the way in which they are to walk and the work they are to do. **21** Furthermore, you shall select out of all the people able men who fear God, men of truth, those who hate dishonest gain; and you shall place *these* over them *as* leaders of thousands, of hundreds, of fifties and of tens. **22** Let them judge the people at all times; and let it be that every major dispute they will bring to you, but every minor dispute they themselves will judge. So it will be easier for you, and they will bear *the burden* with you.

In this example, Moses represents the people to God. His judgement, in return, represents God's judgement. However, Jethro claims that it is not necessary for Moses to judge in each case; rather, Moses should teach the people the laws, with the aim that the laws would "make known to [the people] the way in which they are to walk and the work they are to do." The function of the law in this case was to minimize the need for adjudication. However, Jethro also advised Moses to delegate his adjudicating task even further. Ideally each person would be able to determine the right course of action on their own. However, in case of disputes judges would be sought. These judges, however, cannot simply be meant to have recourse directly to the laws since judgement was required when the laws—which were directed at the entire assembly—failed to address a new challenge. In such a case, the judges were to be truthful, fearing God and rejecting bribes. Their qualifications were not their exactness in applying a written code, but rather their ability to emulate key values of God's law.

Not only was this the case with ancient Israelite law, however, but also with Mesopotamian law.[49] The Code of Hammurabi, for example, was meant to be a monument rather than a widely available legal code, Jackson argues, for "There can be no widespread dissemination of laws in the medium of large, engraved stelae. Such stelae have a quite different purpose, they

49. Cf. Taylor, "Form Criticism," 339. Fitzpatrick-McKinley (*Transformation of Torah*, 118–19) argues for a "common Ancient Near Eastern wisdom-moral tradition."

are public monuments."[50] The Torah's function, he continues, was not to provide "statutory rules" for judges to apply (consistent with the entirety of the biblical law tradition, as argued above). For example, consider Deut 16:18–20:

> **18** You shall appoint for yourself judges and officers in all your towns which the Lord your God is giving you, according to your tribes, and they shall judge the people with righteous judgment. **19** You shall not distort justice; you shall not be partial, and you shall not take a bribe, for a bribe blinds the eyes of the wise and perverts the words of the righteous. **20** Justice, *and only* justice, you shall pursue, that you may live and possess the land which the Lord your God is giving you.

According to this passage in Deuteronomy, judges should be appointed, but they are not directed to follow the law—though this is by no means discouraged—but rather to pursue justice.[51] In other words, Jackson envisions ancient Israelite law as a system embodying values such as justice; the judges who administer the law, on this view, ought to embody the values of the law.[52] The spiritual authority by which judges operated was supposedly a line of unbroken succession through laying on of hands directly back to Moses, whom God appointed (i.e. Deut 34:9).[53] Thus the authority of judges was, by derivation, the authority of God.

Denise Reaume makes a theoretical distinction between top-down and bottom-up legislation that is helpful for describing the relationship between the biblical law tradition and ongoing judicial pronouncement. There are, she argues, two ends of a spectrum of approaches to lawmaking. "The first model operates in a top-down fashion, and is associated with the legislative approach

50. Jackson, "Legalism and Spirituality," 249.

51. Ibid., 245. Cf. Fitzpatrick-McKinley, *Transformation of Torah*, 86. Debate about this issue also is discussed in depth by Jackson (*Semiotics of Biblical Law*, 146–64, esp. 153 and 164)

52. There are obvious overlaps in this discussion with virtue ethics, though in this case a concrete goal (living in the land) motivates virtue rather than (or at least more specifically than) an implied abstract notion of the good. Cf. Porter, "Virtue Ethics," 87–109; Tousley and Kallenberg, "Virtue Ethics," 814–19.

53. Jackson, "Legalism and Spirituality," 254.

to norm creation. The second exemplifies a bottom-up methodology, and is based on the common-law process."[54] Because the top-down approach begins with a general theory, Reaume explains, "theorizing is mostly the job of the legislature. If the legislature properly fulfills its function of working out a comprehensive moral theory and drafting the specific rules necessary to deal with all possible fact situations, there should be little need for adjudicators to engage with the large moral principles underlying the rules."[55]

On a bottom-up model of legislation, the process is reversed. She explains, "This model holds that although we may agree on and be deeply committed to certain abstract values or principles, we cannot anticipate all the fact situations in which they may be implicated, nor can we fully map out a comprehensive view of the concrete consequences implicated by those values."[56] The bottom-up model, she explains, is the legislative process of a common law legal system. This model seeks to determine what it means to uphold certain values in particular cases.

The theoretical distinction Berman, Jackson, and Burnside outline between common-law and statutory models is analogous to Reaume's distinction between bottom-up and top-down legislation. Biblical law, because it is a common-law tradition, requires the authoritative pronouncements of judges in order to function in new circumstances. The law is essentially inoperative apart from the interpretive application of judges. However, because the pronouncements of judges have the force of law, the law tradition is actually extended through judgements. If the biblical law tradition is indeed better described as a common-law tradition than a statutory system, then by analogy it is accurate to say that biblical law is not autonomous, but functions through the agency of judges.[57] Accepting these premises, I would argue

54. Reaume, "Of Pigeonholes and Principles," 116.

55. Ibid., 119.

56. Ibid., 117.

57. The term *judge* here may refer to a judge in a court of law, or the monarch whose word is law, or to an elder respected in a community—what is critical is that someone holds authority within a community and exercises that authority in the interpretation of the community's law tradition, and does so as

that the biblical law tradition is, therefore, coextensive with the ongoing interpretation of judges who make pronouncements about the ongoing significance and enactment of the law.

To summarize the argument thus far, a complementarian approach offers a more coherent account of both the continuities and discontinuities between the biblical law corpora. The complementarian approach rejects the statutory model of law in favour of a common-law model, and accordingly adopts a suitable "semiotic" hermeneutic as articulated by Jackson and applied by Burnside in regard to food laws and Berman in regard to the book of Ruth. This hermeneutic seeks to identify the typical cases and contexts implied by biblical laws, and also seeks to propagate this tradition in a way that reflects the similarity or dissimilarity from those typical cases. Moving forward, we can ask whether this biblical law tradition is propagated in the New Testament, and what we would expect to see if it were.

Biblical Law in the New Testament

The preceding discussion has focused on the nature of the legal tradition evidenced in the Hebrew Bible, and one of the central ideas that I have pursued is the notion of the law tradition as a common-law, rather than statutory model. However, it is important to consider the issue of the New Testament authors' (and the historical figures they depict, insofar as a reasonable historical picture can be inferred from the texts) engagement with the biblical law tradition. Is the biblical law tradition, understood as a common-law tradition, propagated in the New Testament? If it appears to be so, then the common-law construal of law in the Hebrew Bible is rendered even more plausible. In this section I will examine some of the evidence and arguments that this is indeed the case.

Jackson has extended his discussion about the role of law in ancient Israel into Second Temple Judaism and the New

a third party in a dispute. As examples consider the accounts of Solomon and of Moses and Jethro above.

Testament.[58] He surmises, "the distinction between the role and functions of legislation and adjudication assists in understanding the thorny question of the relationship of Jesus to the law in the New Testament."[59] While some consider the Sermon on the Mount as a sort of "new Torah," replacing the old,[60] Jackson argues, "The famous introduction to the Sermon on the Mount may be taken as an affirmation of the integrity and stability of divine legislation."[61] Jackson, then, posits a continuity between the legal tradition of ancient Israel and that of Second Temple Judaism. He also describes "the charismatic authority of the biblical judge" as a feature of the biblical law tradition that was carried over into rabbinic Judaism, and thus was almost certainly an operative feature of the intervening era's legal tradition. As with the documents of the Pentateuch, New Testament use of the Old Testament legal tradition generates the same set of difficulties mentioned above (e.g. why do different texts exhibit apparently different implementations of the legal tradition?).[62] Jesus does expand Old Testament laws in the Sermon on the Mount.[63] However, it is too simplistic to simply claim that Jesus rejects or replaces the Old Testament legal tradition.[64]

58. Cf. Jackson, *Essays on Halakhah*, 13–31.

59. Jackson, "Legalism and Spirituality," 249.

60. E.g. Viljoen, "Jesus' Teaching on the Torah," 135.

61. Jackson, "Legalism and Spirituality," 250.

62. Law in the New Testament is a highly debated topic. Key issues typically revolve around Jesus and Paul's use of the law; however, James also generates discussion. For a summary of issues regarding Paul, see Das, "Paul and the Law." Cf. Wishart, "Paul and the Law," 153–77. The list of relevant works could easily be expanded but would not serve the purposes of this essay.

63. Sanders, "When Is a Law a Law?" 147.

64. A widely held view claims that Jesus and Paul opposed the law in some sense, whether aspects of the law or ways of performing the law, and that one or both of them advocated a "new law" in place of the old (Rosner, *Paul and the Law*; as this relates to both Old Testament law and ethics, see Selman, "Law," 513). Sanders ("When Is a Law a Law?" 140–41) summarizes this 'replacement' position: this view encompasses a number of claims, including (1) the law demands perfect obedience; (2) the law is not good; and (3) it has been replaced by something. This view deals with (A) the pro-law statements by saying they refer either to a new law, or to the demands lying behind the law, and (B) the anti-law statements by saying they refer to "the supposed

Jesus, he explains, claims authority to restate the law in the tradition of the eschatological prophetic role of one who is like Moses, much like the Teacher of Righteousness of Qumran.[65] The Rabbis, moreover, allowed that such a prophet may suspend the law in particular circumstances.[66] The Babylonian Talmud, he points out, also offers about thirty examples of adjudicating against the Old Testament law's stipulations, which highlights the fact that strict conformity to Old Testament law was not always the norm, even outside of the New Testament.[67]

In regard to plucking the heads of grain on the Sabbath, for example, Jesus does not quote a law, but a precedent.[68] In Matt 12:5–7, Jesus asks,

> **5** Or have you not read in the Law, that on the Sabbath the priests in the temple break the Sabbath and are innocent? **6** But I say to you that something greater than the temple is here. **7** But if you had known what this means, 'I desire compassion, and not a sacrifice,' you would not have condemned the innocent.

While the Pharisees were concerned that Jesus's disciples had not followed a rule, Jesus has a twofold response: on the one hand, he affirms the authority of the legal tradition by referring to a precedent from the law, and on the other hand, he indicates that a new circumstance—the arrival of one greater than the temple—requires that his disciples do otherwise than the literal meaning of a previous judgement or rule. This non-compliance, he claims, actually honours the legal tradition better than strictly "literal" obedience in this case.

Jewish legalistic way of doing the law," or else to the ritual aspects of the law (141). Moreover, (C) the further demands that Jesus and Paul make realize God's demand for perfect obedience.

65. Jackson, "Legalism and Spirituality," 250. This Teacher was a "prophet-like-Moses" who "reformulated many of the rules [of Torah]" (Jackson, *Essays on Halakhah*, 19).

66. Jackson, "Legalism and Spirituality," 250. Cf. Elijah's sacrificing on Mt. Carmel—not at the temple—is presented as implicitly justified deviance from the law's stipulations, whereas sacrifice at the high places was generally condemned.

67. Ibid., 251.

68. Ibid., 251.

A common-law tradition, for its part, not only allows for judgements that do not align with previous judgements, it actually requires new decisions in new contexts. This legal model, argues Jackson, explains how Jesus can go beyond codified Old Testament laws and yet claim his teaching is coextensive with that very tradition.[69]

A source of disagreement, however, is when and why new decisions should differ from old decisions. For example, Jesus's instruction to love God and neighbour is in some sense unambiguous as a norm for Christian ethics; people do not necessarily find it difficult to apply this abstract love rule to concrete situations. The difficulty, however, is getting everyone to agree on when and how certain applications, the hard cases, are legitimate. In this sense there is what Reaume calls a "latent legitimacy dilemma with the bottom-up method."[70] In other words, this kind of model raises the problem of authority—who has the authority to make judgements? "Adaptation to change keeps the law supple," she continues, "yet the more creative a new formulation of an old principle is, the more likely it is to provoke questions about the nature of the decision maker doing the reformulating."[71]

For this reason, a bottom-up method functions only when there is an authoritative decision maker, a judge, who can determine the nature of the new situation, its analogy to past situations, and the obligations to the law that are entailed by the situation. If we consider Paul's instructions, his letters exhibit for us occasions on which he exercised his authoritative voice as an apostle to determine the proper behaviour in specific circumstances. However, apostles are not always present to make decisions, and elders may disagree among one another about the obligations of the moment—how best to love God and others in a concrete situation. This reflection may illuminate for us why it

69. Sanders's, by contrast, claims that Matt 5:17–19 must be an interpolation. He tendentiously claims, "Jesus could not have said anything about the law as explicit as Matthew 5:17–20" (Sanders, "When Is a Law a Law?" 149).

70. Reaume, "Of Pigeonholes and Principles," 119.

71. Ibid., 119.

is that Paul desires so strongly for his readers to develop discernment: he wants them to be able to make these decisions with faithfulness—to be able to stand before the Lord Jesus on the judgement day with clear consciences. In Rom 12:2–3, Paul says,

> And do not be conformed to this world, but be transformed by the renewing of your mind, so that you may prove what the will of God is, that which is good and acceptable and perfect. For through the grace given to me I say to everyone among you not to think more highly of himself than he ought to think; but to think so as to have sound judgment, as God has allotted to each a measure of faith.

Paul desires for his assemblies to have renewed minds that engage wisely and with discernment, proving the will of God. This instruction introduces the letter's parenetic material, where Paul turns his focus from problems of humanity and theology to problems of appropriate behaviour.[72] However, does Paul consider the behaviour he advocates to be consistent with the biblical legal tradition? At this point I would like to suggest that Paul envisions the ethical norms of his communities to be consistent with the values and paradigms of the biblical law tradition. I will mention three points that seem to indicate this is so.

First, whatever his understanding of the biblical law tradition, Paul does respect the authority of that tradition and the texts that bear witness to it. While the case may be overstated at times, the recent Paul within Judaism movement has at least demonstrated that there is some sense in which Paul does consider the Torah as a normative legal–ethical tradition.[73] For example, when Paul exhorts the Romans to "Owe nothing to anyone except to love one another" in Rom 13:8, his rationale is not explicitly that Jesus commanded it, or that love is a superior virtue, but rather that "the one who loves his neighbour has fulfilled the law." In fact, all of the commandments, even commandments from the Decalogue such as "you shall not commit adultery," "you shall

72. Porter, *Letter to the Romans*, 229–34.

73. There are varying degrees of Torah-observance attributed to Paul. For the strongest claim, see Nanos, "Paul's Non-Jews," 26–53; Nanos, "Myth of the 'Law-Free' Paul," 1–21.

not murder," and "you shall not covet," Paul claims, are "summed up" in the law of Lev 19:18, "You shall love your neighbour as yourself."[74]

Second, Paul appears at least some of the time to interpret laws in a way similar to Jackson's semiotic hermeneutic. Consider 1 Cor 9:8–10. Paul claims that evangelists ought to be supported financially, and justifies this claim by saying,

> I am not speaking these things according to human judgment, am I? Or does not the Law also say these things? For it is written in the Law of Moses, "YOU SHALL NOT MUZZLE THE OX WHILE HE IS THRESHING." God is not concerned about oxen, is He? Or is he speaking altogether for our sake? Yes, for our sake it was written . . .

Paul explicitly rejects the idea that a literal reading of this law circumscribes all the ways the law should be applied. We have already seen one other instance where this law was not taken "literally," in terms of how it must be applied, but rather the literal meaning indicated a larger thematic meaning that arises from its original context as a whole.[75] The narrative image evoked by the oxen law is different enough from the context of the original formulation (though apparently still appropriately applied to the financial compensation of first-century elders in the assembly) that Paul was justified in reinterpreting the literal meaning's import for a new situation. Paul does not appeal to this original context, but his interpretation is nevertheless consistent with the broader ideas regarding human dignity and the right of the widow and orphan to work for a living, as Ruth did.

Third, the legal and institutional context of Paul's interpretation of the law tradition appears to remain that of wisdom laws. Recall that wisdom laws are aimed not at lawyers but at the entire community, with the aim that communities would not require third-party adjudication but would be able to resolve disputes among themselves. In one sense, there is novelty in what Paul

74. To this point we can add that here Paul does not distinguish between the Decalogue, appearing in Exodus and Deuteronomy, and the Holiness Code in Leviticus. However, the Torah was already a single collection by this point, so the significance of this point is limited.

75. See above, n. 39.

instructs, because he considers the saints (οἱ ἅγιοι) to be qualified adjudicators of disputes in light of the fact that they shall judge both the world and the angels in the eschaton. But in another sense, Paul maintains the tradition of wisdom law outlined above. In 1 Cor 5:12—6:9 he says,

> Do you not judge those who are within the church? But those who are outside, God judges. REMOVE THE WICKED MAN FROM AMONG YOURSELVES. Does any one of you, when he has a case against his neighbor, dare to go to law before the unrighteous and not before the saints? Or do you not know that the saints will judge the world? If the world is judged by you, are you not competent to constitute the smallest law courts? Do you not know that we will judge angels? How much more matters of this life? So if you have law courts dealing with matters of this life, do you appoint them as judges who are of no account in the church? I say this to your shame. Is it so, that there is not among you one wise man who will be able to decide between his brothers, but brother goes to law with brother, and that before unbelievers? Actually, then, it is already a defeat for you, that you have lawsuits with one another. Why not rather be wronged? Why not rather be defrauded? On the contrary, you yourselves wrong and defraud. You do this even to your brothers. Or do you not know that the unrighteous will not inherit the kingdom of God?

In this passage Paul references a formula found in Deut 17:7; 19:19; 22:21, 24; 24:7 (LXX 24:9). Paul in this passage both upholds the authority of the legal tradition by citing the paradigm of excising dangerous members of society, and also calls for the exercise of judgement on the part of the Corinthians. Interestingly, he claims (perhaps by way of rhetorical question—although it could be a statement) that they are competent to constitute a small legal court. The problem with the courts of the world is that their judges are of no account within the church. As Meeks puts it, "he [Paul] expects the Christians to find a mechanism within the community to settle the even more deplorable sin of *porneia*," that is, "a panel to arbitrate matters of everyday life among themselves."[76] This example, while not proving Paul conceives of law as wisdom law, nevertheless

76. Meeks, *First Urban Christians*, 129, 104.

points in the direction of the common-law tradition outlined in this paper.

This evidence may be circumstantial; there could be other plausible reasons Paul describes laws or legal situations in these ways. However, I find it unlikely that Paul invented a new conception of law as a statutory system (or perhaps borrowed the notion from the Romans).[77] Given that the evidence surveyed here fits the common-law model of the biblical law tradition, it is certainly plausible that Paul upheld this tradition. If evidence from both Paul and Jesus can be straightforwardly explained within the common-law paradigm in this way, then it is reasonable to assume as a working hypothesis that the biblical law tradition as evidenced in the Hebrew Bible is propagated in the New Testament without a substantial shift in the way law was understood to function.

Conclusion

Biblical law is better understood as a common-law tradition rather than a statutory system. As such, it does not consist of codified laws but rather a rich tradition of judgements, coextensive with and subject to ongoing judicial pronouncement. Critically, this common-law tradition is not restricted to the Hebrew Bible, but continues to be exploited by New Testament authors as a resource for moral and ethical reasoning in order to justify their decisions about how to resolve the conflicts and dilemmas of their situations. Not only do Jesus and Paul exploit this tradition, but in so doing they maintain it, bringing it to bear on new and challenging circumstances.

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