

LAW AND RELIGIOUS EXPERIENCE: THE OLD TESTAMENT

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ABOUT A generation ago a sensitive student of religions, a specialist in the beliefs of the ancient Romans, W. Warde Fowler, could speak of psalm 119 as a high-water mark of religious poetry. It is an idea most of us would find hard to understand now. For us the psalm is more likely to seem a laboured exercise in ingenuity, seeking to find every possible synonym for law and fitting the whole into an artificial framework. We may admire the industry and the ingenuity which was needed to produce a work of the sort, but it tends to be something of the feeling we extend to the person who builds model cathedrals from match-sticks. It would probably be difficult to find someone for whom this repetitious collections of praises of the law, without a truly organic structure, is a favourite psalm.

A good deal of history has contributed to the change of attitudes illustrated by diverse evaluations of the psalm. The specialist in ancient roman religion was dealing with something where the native gods were at once without number and without personality; the punctilious observance of a ritual, often grown unintelligible and quite without moral significance, was the essence of religious observance. In the circumstances, admiration for a psalm which honours divine concern for morality and justice is understandable enough. Further, Warde Fowler was living in a time when the phrase 'ethical monotheism' could be held to express all that was good and true in religion, and psalm 119 certainly does express ethical monotheism. However, the phrase has long since lost its lustre. For us true religion must somehow be a personal encounter with a Person come to us in Christ. All too often law has been presented to us as an absolute in its own right. Follow the law, keep the usages, do as one is told: this was religion; and of course it was impersonal, mechanical and empty. It is not the subject we choose for hymns we want to write. And yet, quite apart from the fact that

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no religion has existed without some rules of conduct, if not moral directives, law is central to the bible and to the religious life and experience based on it. If we are to integrate the total biblical view of religion and not merely select tit-bits which happen to please us, we must come to terms with law.

Perhaps we can begin with the law-giver, or, more accurately, with the mediator of law. For while there is no doubt that Israel actually picked up the details of its law from many sources, the final formulations of the legal traditions in Deuteronomy (seventh century B.C.) and the priestly writings (sixth to fifth centuries B.C.) made all law the direct gift of God through one exceptional man, to whom the law was revealed for the people. Even in earlier formulation, when the people hear some of the law directly, at their own urgent request Moses must face God alone and receive the bulk of the law for them.¹

The mediator of the law must approach the 'wholly other', the Person who is entirely awesome and entirely fascinating. There may be a danger of our losing sight of this. The God who comes to give his law is accompanied by fire, smoke, clouds and roaring. It is not the way we would picture the nearness of God in ordinary circumstances, and it gives scholars a field day. They can argue whether this is a representation borrowed from the attributes of a storm god or the god of a volcano. It is fairly clear that elements of both descriptions have contributed to the picture as drawn.² It is the preoccupation with such questions which marks the concentration on the minutiae of historical reconstruction characteristic of so much of our scholarship. The question asked tends to be: what lay behind the present biblical picture, what kind of god was Yahweh originally and whence came the language used to describe him. These are doubtless important questions, but overriding interest in them tends to obscure the message itself. Approaching God is awful in the root meaning, an experience like fear and yet not terrorizing, not to be undertaken lightly nor without due preparation. The book of Exodus is no treatise on higher prayer or the degrees of mysticism, but it is an old testament statement of the fact that one approaches God only through the night.

However, there is one great difference. Here the approach is not

¹ Exod 20, 18-21.

² Exod 19, 9-20.

simply that of the individual coming to meet the person, but of the representative of the community coming to hear his will. Or is the difference so great? How often does the experience of the divine include demands which are quite startling in their unexpectedness? Here the difference would simply be that the demands were not unexpected. In any event, the will expressed by God on the mountain was the law. Perhaps somewhat to our disappointment this is not a simple and lofty set of ideals. That had already been given the people.³ What Moses alone amid the terrors of the mountain receives is an elaborate collection filled with minutiae which to us often seem anticlimactic. It tells us how to deal with vicious oxen, who is liable to military service, how one is to construct a variety of liturgical paraphernalia. Later, in revelation given no longer on the mountain but still in a sacred place of mystery, the Tent of Meeting, this law is expanded: we are given the details of various bloody sacrificial rites, of tithing, of priestly privilege; in sum, law in just the form we have come to suspect. It is an absolute which enters into every nook and cranny of life, an object which seems to stand between the people and the Person, whose directives were supposed to express a direct response to himself.

It is partly the sheer mass of law attributed to Moses which gives one this feeling. There is so much of it that it would hardly seem to leave time for other concerns. Then, we have been given certain ideas about how law was used which point in the same direction. We are told that a hair-splitting legalism did become the essence of old testament religion. However, the mass really *is* the accumulation of centuries during which the law was a living thing, developing and changing, and the supposed pettifogging was a late development, whose intention at least was to adapt the mass of the law to the realities of changing human life. If we miss these points and only pay attention to the sheer quantity of old testament law and the extravagancies of detailed application, we miss a central point of old testament theology. This is the experience of the mediator who brought law to the people. He was able to do this precisely because he was in communion with God on the mountain and in the Tent. He experienced a personal encounter with the Lord because he had faced the terrors of the mountain theophany and so won through to the presence of the living God, the God for whom

³ Exod 20, 1-17.

Israel longed, so that he came to know the counsel of God which is the unique assurance of life.⁴

For the law was wisdom: 'the book of the covenant of the most high God, the law which Moses commanded . . . filling men with wisdom'.⁵ Indeed, the very name, *torah*, which we translate 'law', means 'teaching', and so is dependent on wisdom: dependent, because in the ancient world wisdom was accumulated experience, and one went to the priest or the elder because he was the reliable custodian of the wisdom of clan or class, all that experience had shown to be proper in dealing with God or man.

But whence came wisdom ultimately?⁶ How did a mind arrive at that first insight, that first wise decision which contributed to the accumulated tradition of wisdom? Who preserved the tradition? For the Old Testament only one answer was conceivable. God was the source of all teaching, all wisdom,⁷ as he was of all good things.

In later times this was given vivid expression. Wisdom was personified:

The Lord created me at the beginning of his work, the first of his acts of old.

Ages ago I was set up, at the first, before the beginning of the earth . . .

When he established the heavens I was there . . .

when he marked out the foundations of the earth,

then I was beside him, like a master workman.⁸

This does not speak of a being distinct from God; it is rather a striking affirmation that wisdom is in God and governs all his creation. It is but a step from this to the identification of this divine wisdom with the form in which it was best known among the chosen people:

From eternity, in the beginning, he created me, and for eternity I shall not cease to exist.

⁴ Cf Psalms 42 and 1.

⁵ Sir 24, 23, 25.

⁶ Note 'ultimately', for the Israelite was well aware that wisdom was to be learned from the elders (Prov 6, 20), not divinely infused. Further, from the aspect of historical sources, it is clear that most of israelite wisdom was originally taken from ancient near eastern traditions which parallel it closely. This was once thought to be a major problem because the wisdom was not 'revealed' and was even secular in character. We know now that divine direction was highly thought of even in non-israelite wisdom, but in any case the to-do we make about historical sources meant nothing to Old Testament thought. It leapt to first causes.

⁷ Job 28.

⁸ Prov 8, 22-23; 27, 30-31.

In the holy tabernacle I ministered before him, and so was I established in Zion . . .

All this is the book of the covenant of the most high God, the law which Moses commanded us . . .⁹

Thus when Moses received the law he was in closest touch with wisdom, with God himself. The consequences are manifold.

For one, there is the effect on the mediator himself. One cannot come so close to the divine and remain unchanged. After Moses' unique experience he was touched by the very holiness of God. The later description puts this most vividly: holiness literally shone forth from him so strongly that the people could not face him.¹⁰ One might expect more attention to have been given to this remarkable figure. In its way it is the closest thing to an 'incarnation' in the Old Testament, though, of course, an incarnation in a very old testament manner. It is the otherness, the awesomeness of God, which shines forth in the one who has been closest to him; not the fascination, but love. Even so, the basic fact is striking. To approach true wisdom, God himself, was an experience so awesome that it changed Moses so that his very presence communicated the divine majesty. For old testament theology, mediating the law and the most intimate experience of God are one.

However, this is far from the end of the matter. There is also the effect on those who receive the law so mediated. They were, of course, over-awed, but at the same time, precisely because they shared the experience of the divine, they were put in touch with wisdom itself, wisdom expressed as law, but still wisdom, the very source of life.¹¹ Thus the law could be presented as life itself.¹² This is not the language of rigid conformism to an impersonal set of rules. In Deuteronomy this is a cry from the love which has chosen and saved a people, calling for the expression of love in return. And this was a cry regularly repeated, for the speaker in Deuteronomy 30 is not really Moses himself but his representative in the ever-renewed liturgical services, urging the people to respond to God's offer of union with him which was worked by following his will, the law.

This is another important aspect of biblical law. If it came from God through a mediator who in the normative tradition was always Moses, it came to the people over the centuries and in varying

⁹ Sir 24, 9-10. 23.

¹⁰ Exod 34, 29-35.

¹¹ Prov 3, 16; contrast 1, 18.

¹² Deut 30, 19-20.

circumstances through the agency of those whose office it was to hand on the traditional wisdom. In fact, this made the torah the special responsibility of the priesthood,¹³ for the priests were the custodians of the shrines about which a large part of the life of the people, as the people of God, was centred. This meant that they were custodians of the traditions, stories, rituals and wisdom connected with the shrines, but it seems that they were responsible for more than merely preserving wisdom and law. They were to solve the people's problems as judges in difficult cases;¹⁴ and most important for our present concern, they were to make the law known, to proclaim it.¹⁵

To be sure, this would seem to provide a very different experience from the tremendous person-to-person meeting of Moses with the divine law giver. It sounds like equating the higher mystical elevations with the effects of a mediocre sermon; human nature being what it is, the presentation of the law by the priests doubtless often resembled a poor sermon. Still, this was not the ideal, the norm aimed at in the service. It was a falling away from what a true priestly mediation should be; it is the difference between successful and unsuccessful liturgy. What the effect could be is reflected in the poem in Sirach 45, 6-17, the reaction of a sensitive observer to the high priest in all his glory. It is not our style, perhaps, but rather than rush to apply our standards and cry 'Triumphalism!', we must try to understand what was expressed to the feeling of the era. All that gold, the precious stones, the costly stuffs were there to represent the glory of the Lord, just as similar materials have a similar function in the heavenly Jerusalem of the Apocalypse. The style and the effect can perhaps be compared with those of a truly fine byzantine mosaic. Further, whatever we may think of it, it worked on the poet, Jesus-ben-Sirach, and, in fiction which strives to represent reality, on an Esther fainting at the mere sight of the king, God's instrument, in all his splendour.¹⁶

¹³ Deut 33, 10.

¹⁴ Deut 17, 9; Isai 2, 3-4; Hag 2, 11.

¹⁵ Deut 31, 10-13. The actual directive, reading aloud the entire law during a service, is utopian, to say the least, but it is a theological application of a usage in which manageable summaries, something like the Decalogue, were actually proclaimed. Note too that law was not the exclusive concern of the shrines. Much traditional legal wisdom was preserved and applied by the 'elders at the gate' (cf Ruth 4, 1-12; Deut 25, 7-9). However, this is outside our purview because it was secular, no direct factor in religious experience. It could and did become such when and in so far as it was ultimately integrated into the body of law proclaimed as the will of God. ¹⁶ Est 15, 6-7 (LXX).

So we have one important aspect of the experience of the hearer of the law. It was proclaimed in shrine and liturgy: that is, in a holy place and a holy action; and the holy, the *mysterium tremendum et fascinans*, is the essence of the divine in human experience. In fact, in the liturgy, with its vestments, its incense, its music, the hearer of the law was supposed to experience something of that contact with the divine law-giver which the supreme mediator, Moses, had possessed amid the fire and smoke and turmoil on the mountain and in the darkness of the cloud which came over the Tent of Meeting.

However, the later Temple in Jerusalem was a unique place of worship, inaccessible to most of those who were to hear the law; and in earlier times it was but one of many shrines, which, as we have seen, did not necessarily guarantee an especially effective liturgical experience. One doubts whether many striking poems or fainting fits were inspired by it all. Nor was this the point in any case. The experience of the law was not present unless the immediate reactions which they represent so vividly could be made to endure. It was the lasting response of the hearer, his commitment to the God made known to him in his holy word, the law. This is what made it so important to impress on the participant that in meeting the law one was meeting the very wisdom of God.

Thus the law is not merely proclaimed with more or less effective formality, but urged on the hearer in such pressing terms. It is literally a matter of life and death, for God is the living God and apart from him there is really only the dusty realm of death. In the presentation of the law God was offering himself and therefore life. The primary response was not to learn the law and act out its details; it was to accept God and life through total response to the offering made by his mediators in the holy, liturgical gathering. Such a response meant the readiness to love and serve him with one's whole heart and one's whole strength, whatever particular form this loving service might take. The law was the way in which the commitment to the living God could be lived out in the concrete circumstances of life. It was, therefore, a gracious gift which defined life with God, so that even in the details of everyday life one could express and feel this union.

Once more the law was essentially wisdom, since wisdom meant knowledge of how true life was to be had. When, as we have seen, later development saw true wisdom in its ultimate form as an attribute of God, the connection with true life was even more obvious.

This was the living God, so that he was literally the word of life.

However, we must be careful to understand just what this means. Late tradition tended to emphasize the law as a direct expression of the mind of God, his immutable wisdom solemnly and unalterably revealed as a whole to a chosen people. To be sure, it is the canonical word of God, but to take this as an absolute in isolation from its origins, its development, its applications, and to treat it as an undifferentiated whole, would be to falsify its origins, its constant use in old testament times, and its essential historical character as a developing tradition defining and directing one's basic commitment to God.

To avoid such falsification we can profitably look at the historical origins of the law. What has been gathered into the great mass of directives put into the mouth of God in Exodus through to Deuteronomy is essentially the collection of verified results of experience. Once again there is a direct connection with wisdom tradition, since ancient wisdom was simply codified experience. Experience came first. What did it mean to live as a devotee of Yahweh? Of course, it was not so difficult to conclude that one could not be faithful to Yahweh and at the same time a devotee of other gods, though, as a matter of fact, this conclusion was drawn with surprising rarity and difficulty. And what of others who were fellow members of the people of this God? Did one's commitment to him affect one's relations with them? Of course it did, though once again this was not an easy lesson to learn; according to the prophetic witness it was generally forgotten or scorned. Even so, one could not treat the other person as an outsider. He was a member of the same worshipping community, a brother. Hence, stealing, killing, lying, adultery, were obviously prohibited. Hence the more complex developments, where these generalities were applied to difficult cases, or where the wise decision of the prince became the norm for handling similar cases. Such procedures are in many ways common practices easily paralleled in non-biblical societies. They are simple necessities if a group is to live together, and Israel did not hesitate to borrow from the customs of the gentiles; all of which tells us that the principles and their development are the sifted experience of many societies, whose ideas had proved useful in guaranteeing some kind of order. They were the remembered wisdom of the clan, the town, the class.

But in the bible they became more than that. This is the record of no ordinary social grouping, but of the people of God. So we have

psalms 15 and 25, the torah psalms. That is to say they propound questions used by a priest to teach those who wanted to become active members of the group, participants in the cult which was the high point in the life of the people. Given such circumstances, one might well expect some rubrical demand, some liturgical nicety concerned solely with ritual purity. But no, the answers are that the one who can join the worshipping community is 'he who . . . speaks truth from his heart, who does not slander . . . and does not take a bribe against the innocent'. The merely practical norms for getting along in a group with a reasonable reduction of friction have been taken into the divine sphere. If one is to choose to remain with the people of God and so choose life, he must consider his neighbour, his fellow in the community devoted to Yahweh, for both are committed to the same God and hearers of the same law which expresses that commitment.

One consequence of this, surely, was the extraordinary development of concern for the weak and the poor. Again, the idea is not peculiar to Israel, but the lengthy development of laws on the proper treatment of the widow, the stranger, the simple labourer who often had to borrow – those without personal power to enforce rights – is striking. The passionate condemnation by the prophets of those who forgot these laws is equally remarkable.

Surely much of the reason for this is that the implications of the theology behind the law were being more sharply realized. The law, the whole law, was the means by which the people who had committed themselves to God expressed that commitment. It was their response to him, and the response had to be on his terms, in conformity with his will. Law is wisdom, and so closely related to God who is wisdom itself. The idea that law is not merely experience or convenience lay close at hand. It was felt more and more directly as revelation and so all the more a means of living out union with the Lord.

It is here that misunderstanding becomes easy, and, in fact, some misdirection took place. When law begins to be treated as a collection of the immutable wisdom of God it is easy to begin thinking of pharisaism as it is ordinarily treated. The line is thin: on the one hand, law as a free response to a God who has granted wisdom so that his people can be close to him and to one another; on the other, law as something which exists for its own sake, rather than being the means to a personal response to God, is an end in itself. This latter idea is quite false when applied to the creative period of

old testament law. Because it was a living response to a person it was itself alive, adaptable and adapted as circumstances called for a new form of detailed response in line with the basic response. Early laws reflect some conditions of nomad society. They are inapplicable in a settled peasant society and they are abandoned, while the labourer needed in the new social constellation found his place in the legal system. There is increasing emphasis on care for the weak and the poor, as simple peasant farming tends to give way to the growth of large estates and dependent workers. One could multiply examples, but the fact is clear enough: law could be and was a vital, changing response to the needs of the religious community in its efforts to respond to its God.

But then conditions changed drastically. With the Exile the community was scattered, and the great need was to preserve its traditions if it were to maintain any identity at all. So we have the great codifications, canonized tradition, which could not grow and change as the old law had. The creative period is over. Yet, paradoxically, this new absolute, this unassailable text, could still be used to serve the needs of a community which could never be static. It did not necessarily become an object in itself, standing between the people and its Lord. On the contrary, when specifically israelite modes of worship became impossible with the loss of the Temple, fidelity to the law was an even clearer sign that one was committed to the God to whom the law belonged. Thus from the very beginnings of the formulation of the law as an absolute text, it was made to serve a real need; it firmly established the identity of the restored people. For example, they were the ones who stood resolutely by the sabbath rest when an easy and corrupting syncretism was a danger.¹⁷

It may be also that the following verses in Nehemiah, harsh though they sound especially in condemning mixed marriages, represent a necessary response to a real danger.

¹⁷ An interesting contrast arises here. In many ancient societies (Athens, Rome, for example) law was the property of a class because it was sacred. So it remained secret from the ordinary man, for only the noble could touch the holy. The weak won some measure of protection only when law was secularized and so made public. Even so they did not have the protection of a law like the biblical one, which was always public and sanctioned by the equality of all before the one divine source of law. Only in the christian era did stoicism introduce some ideas of universal brotherhood, and so give roman law the beginnings of the concern for the person as well as for property and institution, which characterized Old Testament law from its beginnings because it was the expression of response of a person to a person.

... all those who have broken with the natives of the countries to adhere to the Law of God; as also their wives, sons and daughters, all those who are old enough to understand, join with their kinsmen and leaders and undertake, under curse of oath, to walk according to the Law of God given through Moses, the servant of God, and to observe and practise all the commandments of Yahweh our Lord, his customs and his laws. In particular: we will not give our daughters to the natives of the land nor take daughters for our sons. If the natives of the land bring goods or foodstuffs whatever to sell on the sabbath day, we will buy nothing from them on sabbath or holy day.¹⁸

We also have to admit that this passage could be an example of the danger of over-stepping the line between the law as wise guidelines delineating the committed service of God and the law as an end in itself. Then it could come to stand between the people and its Lord rather than being a means of direct response to him; for the letter could appear to demand inhumane and divisive acts which were contrary to the original unifying genius of the law. But to repeat, this was not a necessary consequence of codifying the law. It was to substitute mechanical execution for wise application. It was to turn the law away from its sources in wisdom and its base in God, the fount of all wisdom.

This was certainly a danger, as there is danger in absolutizing any institution or usage, but it should not be thought of as inevitable or typical. The devoted hearer of the law continued to see it as the means of expressing a special union with God. This did not simply mean showing others that one belonged to the community, though it did include this so that the high moral character of later judaism became a source of attraction among pagans. Much more important was the fact that living the law was itself a response to God, the life promised by Deuteronomy.

Moreover, though the process of reforming law to meet changing needs had to stop with the fixing of a canonical legal text, the actual process of adaptation went on, so that one could continue to respond to the presence of God in an ever-changing world. This now had to be done by a process of interpretation of the fixed law. Thus the teachers, including the maligned scribes and pharisees, continued the ancient tradition in a new mode. They applied learning and wisdom to teach the people, the hearers of the law, the proper response in every circumstance. No doubt this was often overdone and the

¹⁸ Neh 10, 29-31.

spirit was lost in the minutiae of mechanical observance, but this was the failure of the system to function and not the nature of the system. The life of the law was not a life of mechanical observance; attached to true wisdom and revelation, it aimed at living out unswerving fidelity to the true God and constant regard for one's neighbour. It was life itself, an experience of response to and union with the Lord, who had chosen this community and made his will known. From this it is not a long step to the ultimate offer of divine life in union with wisdom incarnate.