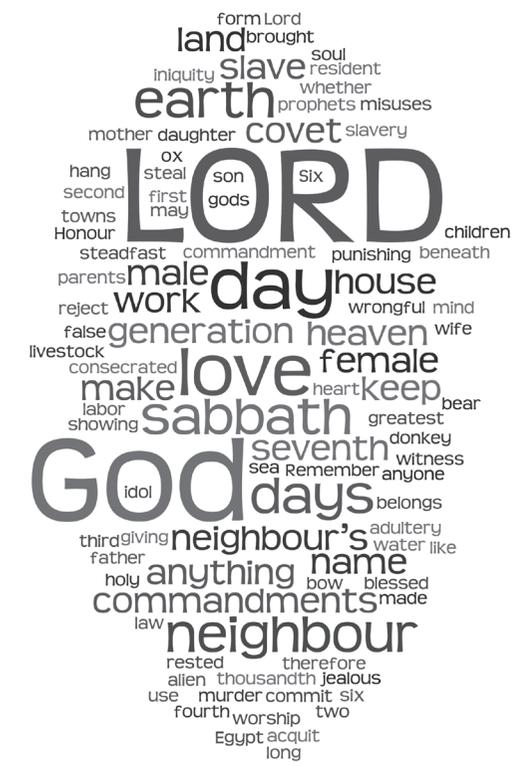


How to Interpret Old Testament Law

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In recent times the laws of the Old Testament have been criticised as irrelevant, arbitrary, primitive or offensive. Christian readers have sometimes tried to distinguish ceremonial, civil and moral law, but this is not what the Old Testament does, and in important places the New Testament affirms the continuing validity of the whole law.

This study offers a new approach that interrelates different levels of law and suggests how law can play an important role in spirituality, doctrine and ethics.



The Revd Dr Philip Jenson is an ordained Anglican Minister and teaches Old Testament at Ridley Hall, Cambridge. He maintains a wide range of interests, including biblical theology, worship and preaching.

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1

Why Bother with the Law?

If a Christian was asked what part of the Old Testament excited them, it is unlikely that they would reply 'the law.' The laws God revealed to Moses in Exodus, Leviticus and Deuteronomy have had a difficult press in recent years, variously dismissed as arbitrary, primitive, outdated, irrelevant, unrealistic, unchristian, legalistic, impersonal and unjust. They have attracted the scorn of the despisers of Christianity and have become an embarrassment or irrelevance to believers. A recent collection of articles on Christian ethics does not even mention law in the index.¹

What could be more arbitrary or primitive than the commandment not to make clothes with a mixture of wool and linen (Leviticus 19.19)? Or more unrealistic than the prohibition of usury, the lending out of money at interest (Deuteronomy 23.19)? Nor is it easy to think of a relevant situation where the command not to build an altar of hewn stones might apply (Exodus 20.25). Injustice seems inbuilt into the laws of slavery (Exodus 21.4, 20-21). What, too, are we to make of the death penalty for certain crimes such as adultery (Leviticus 20.10) or for the instruction for the men of a town to stone a rebellious son to death (Deuteronomy 21.18-21)? Did not Jesus tell us not to judge (Matthew 7.1)?

The easiest way to solve these difficulties is to dismiss the law, and no doubt much of the Old Testament along with it, as if the law stems from a past era with a defective view of God and deluded ideas about what he required. But easy solutions are rarely the right ones. This particular approach echoes one of the earliest challenges to Christianity. In the second century the early heretic Marcion suggested that the Old Testament portrayed a different god from the God of the New Testament, a god of law who was fickle, ignorant, despotic and cruel. But Marcion then had to reject much of the New Testament, which cites again and again the Old Testament Scriptures as divinely inspired (2 Timothy 3.16). His approach was decisively rejected by the early church as a dangerous heresy.

The New Testament cites again and again the Old Testament Scriptures as divinely inspired

The law continues to have a strongly negative role in the Lutheran tradition.

For Luther, the first and primary use of the law is to show people how sinful they are, and so lead them to discover a completely new way of life in Christ

(Galatians 3.24). So the story of Israel, like the story of our lives, reveals the bankruptcy of our own ability to live as God wishes (Romans 7). A second use is the political, where the law is necessary to restrict the wicked and protect society (Romans 13.1–4). The prophets explain the breakdown of Israelite society as the unrestrained breaking of the law (Hosea 4.2), and we may reflect on the plight of lawless nations such as Somalia. But when it comes to salvation, the gospel brings freedom from the law. Christians are now not under law but under grace (Romans 6.14), for the law was the means by which the Jews sought to gain favour with God. In this tradition, any appeal to the law is regarded as a falling back into the legalism from which Christ has saved us.

There are, however, serious difficulties with merely emphasizing the negative. Jesus himself affirmed the full, ongoing, divinely-inspired nature of the law, which he came to fulfil, not destroy (Matthew 5.17–20). Paul is rather similar: the New Perspective is persuasive in arguing that the apostle did not criticize the law *per se*, but its misuse as the basis for justification (Galatians 2.16).² For the law was regarded by some Jews as the mark of membership of the people of God. But Paul points out that the law was ineffective in enabling people

The difference between Old Testament law and New Testament grace is a difference of era

to behave as God wished because of sin (Romans 2). Salvation comes through faith in the crucified and risen Christ. This is now the basis for belonging to the people of God. The difference between Old Testament law and New Testament grace is not a different God

or a different vision of the obedient life, but a difference of era. Paul saw the gospel as bringing about the obedience of faith and he expected Christians to fulfil the law through the Spirit of Christ (Romans 1.5; 8.3–4). In line with this Calvin emphasized a third use of the law, the didactic, which he regarded as its principal and proper use.³ The law is a gift of God's grace and teaches Christians how to think and behave with the help of the Spirit.

What, then, do we do about those laws that appear to be past their sell-by date? A traditional approach is to distinguish between the ceremonial, civil and moral law. Article seven of the Church of England Prayer Book puts it thus: 'Although the Law given from God by Moses, as touching Ceremonies and Rites, do not bind Christian men, nor the Civil precepts thereof ought of necessity to be received in any commonwealth; yet, notwithstanding, no Christian man whatsoever is free from the obedience of the Commandments which are called Moral.' Christ made the sacrificial system obsolete when he became the perfect sacrifice (Hebrews 9–10) and declared that moral not ritual impurity was significant (Mark 7.19). The civil law is no longer authoritative because Christ's death led to the birth of a church that was no longer bound

to a government or a land. What abides is the moral law, summed up by the Ten Commandments.

One difficulty with this view is partly that such a threefold classification is not found in either the Old or the New Testament. On the contrary, the Old Testament often juxtaposes very different kinds of law. Within the one chapter of Leviticus 19 we find an interweaving of laws about sacrifice (ceremonial law), idolatry (religious law), false dealing (civil law) and love for neighbour (moral law). The Sabbath can be classified as civil, ceremonial and moral, and recent discussion about the special nature of Sunday shows that these aspects cannot be easily distinguished. Moreover, the Sabbath is not even Sunday, for the Jewish Sabbath takes place from Friday to Saturday evening. Another difficulty is that applying this threefold distinction makes it difficult to learn what the Old Testament law has to teach us about politics or ecology or worship—how leaders are to behave, how we are to treat the earth, and how we are to draw near to the presence of God. One of my discoveries when researching the laws in Leviticus was a way to interpret them that shed a great deal of light on contemporary Christian worship.⁴

Taking Old Testament law seriously requires a complex journey of interpretation

So what is going on? Taking Old Testament law seriously is generally not a simple matter of acceptance or rejection. It requires a more complex journey of understanding and interpretation. Some laws can be carried over and become common assumptions for both Jews and Christians (such as love for one's neighbour, or prohibition of murder). Others are left behind and become intriguing past customs that challenge us to understand their rationale as well as explore what they can teach us about our own different context. Yet others are adapted in accord with the changes that Christ has brought about, such as the Sabbath. Can we discover any overall logic or rationale for this varied response? The purpose of this booklet is to suggest a way in which we can understand more clearly what has been going on, and begin valuing the law in a fresh way.

2

Three Levels of Law

One of the typical ways in which critics seek to show that many of the laws in the Old Testament are irrational and unjust is to select a number of very different laws and simply list them as if they were modern laws. A well-known example is an anonymous email asking for advice about situations including the following:

- When I burn a bull on the altar as a sacrifice, I know it creates a pleasing odour for the Lord (Leviticus 1.9). The problem is my neighbours. They claim the odour is not pleasing to them. Should I smite them?
- I would like to sell my daughter into slavery, as sanctioned in Exodus 21.7. In this day and age, what do you think would be a fair price for her?
- I have a neighbour who insists on working on the Sabbath. Exodus 35.2 clearly states he should be put to death. Am I morally obligated to kill him myself?⁵

One assumption underlying these amusing questions is that laws are meant to be eternal and unchanging. Perhaps in the background there is a contrast with scientific 'laws,' which are expected to be equally true yesterday, today and forever. But this is to misjudge the character of human lawgiving. It is also to neglect one of the foundational rules of interpretation: context determines meaning. It is impossible to understand many laws and customs if we take them out of their specific social and historical context. It is like finding a fragmentary ancient inscription and expecting to read it just as we might a letter through the post. There is a complex task of reconstructions, translation and interpretation before we can begin to understand the content. What works in a modern democratic Western society may well not fit the very different social structure in Afghanistan or Africa. Anachronism is superficially amusing but does not engage with the challenge of interpreting a text that comes from another age.

It is also significant that the laws cited are not from the Ten Commandments, but from the more detailed law codes. For in both Old and New Testaments it is recognized that there are different levels of law. When Jesus was asked by a

scribe, 'Which commandment is the first of all?' (Mark 12.28), Jesus responds by citing a combination of Deuteronomy 6.4–5 ('You shall love the Lord your God...') and Leviticus 19.18 ('You shall love your neighbour as yourself'). He goes on to state, 'There is no other commandment greater than these' (12.31). In Matthew's version (22.40) Jesus adds, 'On these two commandments hang all the law and the prophets.'

Jesus is engaging in a kind of thinking which does not come naturally to a modern world that has equality as one of its foundational values. Yet we all know that we shall get into more trouble by robbing a bank than by exceeding the speed limit. Jesus uses some basic metaphors to emphasize the distinction. The two commandments are higher than others, which hang from them in a subordinate way. They are primary, numbers one and two, whereas the others are lower in number. And they are greater than the others, which are lesser in importance. What all these metaphors have in common is the idea of hierarchy, of different levels.

This approach is not only found in the New Testament. Indeed, the main argument of this booklet is that it is helpful to distinguish three levels of law when we seek to interpret law in the Old Testament. While this is not explicitly stated, I have found it an approach that has a good basis in the Old Testament texts and which helps us understand many of the difficulties people have in interpreting the law. A good starting point is Deuteronomy 6.1.

NIV These are the commands, decrees and laws...

NRSV Now this is the commandment—the statutes and the ordinances—...

In fact, the word for commandment in the original Hebrew is in the singular. The NIV has not picked up Deuteronomy's awareness that the law can be regarded as a unity, while also consisting of a multitude of individual laws. Indeed, the Hebrew word translated law, *torah*, is almost always in the singular, and probably better translated 'teaching' or 'instruction.' There is a unity and a coherence to what God requires. We may, indeed, go one stage further and suggest that this unity of the law can be summed up by the Shema, which comes just four verses later: 'Hear / obey (Hebrew *shema*), O Israel, the Lord our God, the Lord is one: and you shall love the Lord your God with all your heart, and with all of your soul and with all of your might.' Jewish tradition recognizes the centrality of this by making it the paradigmatic prayer, recited three times a day. The language of the Shema pervades Deuteronomy 5–11, especially at the end: 'If you will diligently observe this entire commandment that I am commanding you, loving the LORD your God, walking in all his ways, and holding fast to him...' (11.22). The entire section can be regarded as an

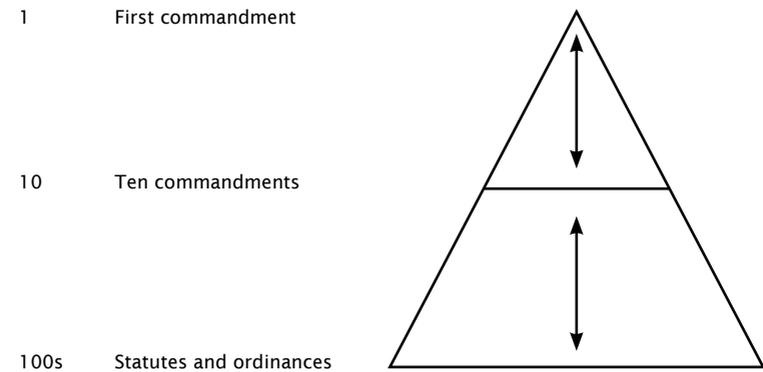
exposition of the Shema.⁶ It is an exhortation to love, hear and obey God at a level of generality that is a striking contrast to the more detailed ‘statutes and ordinances’ that are expounded in the next main section, Deuteronomy 12–26. Significantly this part of the book begins, ‘These are the statutes and ordinances that you must diligently observe’ (12.1).

So far I have distinguished two levels. At the highest level the Shema seeks to address the underlying attitude of those who are being called to confirm the covenant that is being renewed. At the lowest level there are the multitude of commandments in Deuteronomy 12–26 which deal with more specific cases and circumstances. There is, however, another set of commandments that sits between the one and the many—the Ten Commandments.⁷ These are distinctive in form, being mostly negatively stated, terse, inclusive, foundational and in list form. Both Exodus and Deuteronomy give the Ten Commandments (or more accurately the ‘ten words,’ Exod 34.28; Deut 4.13; 10.4), a special role and authority. They are the only words spoken by God directly to the people from Mount Sinai, whereas Moses mediates the other laws (Deuteronomy 5.24–27). In Deuteronomy 4.13–14 Moses makes a significant distinction between the Decalogue and the statutes and ordinances.

He declared to you his covenant, which he charged you to observe, that is, the ten commandments; and he wrote them on two stone tablets. And the LORD charged me at that time to teach you statutes and ordinances for you to observe in the land that you are about to cross into and occupy. (NRSV)

The Decalogue is here given an abiding authority and scope, while the statutes and ordinances are more tied to the immediate context. We can compare the notion of ‘middle axioms’ in Christian social ethics, which were intended to sit between norms and situations and provide a bridge between the two. The specific laws may be understood as exploring how the Ten Commandments can be applied to Israel’s behaviour in the land that they are about to possess.

I find it helpful to imagine the one, the ten and the many as comprising three levels in a triangle of graded number, generality and importance. The relationship between the levels is analogous. As one scholar has suggested, ‘The Shema is to the Decalogue what the Decalogue is to the full *corpus* of covenant stipulations.’⁸



Although I have emphasized the difference between the levels, I would like to suggest that their similarity is even more significant. First, every level of law comes with divine authority. Although God speaks the Decalogue, while Moses mediates the rest of the laws, this is a distinction of mode of delivery, not ultimate authority. In Deuteronomy 26.16 it is the Lord who commands the statutes and ordinances. It is not possible to dismiss certain kinds of law as having a human rather than a divine origin. The revelation of the law is a miraculous coalescence of divine and human, comparable to the two natures of Jesus Christ.

Secondly, each level affirms the priority of the grace of God. Obeying the law is not the condition for salvation. It is the means by which the people respond in gratitude to the God who has saved them and made them his covenant people. Both the Shema and the Decalogue begin with the declaration of the name of God, the Lord (‘Hear, O Israel, the LORD our God...’ [Deuteronomy 6.4]; ‘I am the LORD your God...’ [Exodus 20.2]). This name was revealed to Moses as the name of the God who above all would save his people through the Exodus (Exodus 3.13–17). The Exodus is the essential gracious foundation for the law that Israel receives at Mount Sinai. Similarly, Deuteronomy 12–26 builds on the story of God’s salvation that is retold in chapters 1–4 and is referred to time and again in chapters 5–11. Although the laws are clearly oriented towards the future occupation of the land, this is grounded in continuity with God’s past covenants of grace. Thus at the beginning of the section there is reference to the patriarchs: ‘These are the statutes and ordinances that you must diligently observe in the land that the LORD, the God of your ancestors, has given you to occupy all the days that you live on the earth’ (12.1). Elsewhere the motive clauses refer back to the Exodus. For example, in 16.1 we read, ‘Observe the month of Abib by keeping the passover for the LORD your God, for in the month of Abib the LORD your God brought you out of Egypt by night’ (cf 13.5, 10).

Thirdly, there is continuity and even overlap between the content of the different levels of law as well as their authority and basis. The Shema can be described as a positive formulation of, or commentary on, the first of the Ten Commandments, 'You shall have no other gods before me' (Deut 5.7). To deny all other gods is essential in order to love the LORD God with all of one's heart, soul and might. There is no third way such as agnosticism or atheism. Israel is presented with a stark choice: either to deny the LORD; or to attend to

Israel is presented with a stark choice: either deny the Lord, or attend to all he commanded

all that he commanded in obedience and love. The content of the statutes and ordinances of Deuteronomy 12–26 can also be related to the Ten Commandments.⁹ There is first of all a general division reflecting the traditional understanding of the two

tablets of the Ten Commandments: the God-oriented ones (12–14); and those oriented to relations between neighbours (15–25). It is even possible to draw up an even more detailed set of correspondences, although not all the correspondences are persuasive. Later writers felt free to work out the basic idea more fully. Calvin's discussion of the laws of Exodus, Leviticus, Numbers and Deuteronomy is organized around the Ten Commandments.

Thus, while there are higher and lower laws, this does not allow us to pick and choose between them, for they all have the same authority, motivation and essential content. Interpreting law requires the skill of moving appropriately between these levels, and to this we now turn.

Moving Between the Levels

Rather than a triangle, William Webb has proposed that these different levels reflect a ladder of abstraction.¹⁰ At the top of the ladder are abstract and general principles that refer to the ultimate basis for ethical behaviour, the character and will of God, and the value of people created in God's image. These are relatively stable across time, space and culture. Webb calls them transcultural principles. At the bottom of the ladder are highly specific laws that are embedded within a particular culture. They are pragmatic responses to that context and may not transfer to another social context. Good interpretation depends on the ability to move up and down the ladder in a way that is appropriate to context. It is what preachers are constantly doing in expounding a biblical text, illuminating the original context in a way that allows them to address people's lives in the present.

The close relationship between 'the commandment' and the statutes and ordinances suggests that keeping these in dialogue was vital

The close relationship in Deuteronomy between 'the commandment' and the statutes and ordinances suggests that keeping these levels in dialogue with each other was a vital task for the reader or hearer of the book. Individuals or people can only demonstrate their love for the Lord by keeping the commands in their detailed specificity. Conversely, the higher significance of the statutes and ordinances is only discerned as they are related to the master command of love. Wise travellers need to observe both wood and trees as they journey.

The ladder can have in principle any number of levels of generality, but my triangle works with three. The cultural anthropologist Charles Kraft similarly distinguishes the basic ideal ('Love the Lord your God with all your heart'), the general principle ('Worship no God but me') and the specific cultural form/symbol ('Do not bow down to any idol or worship it').¹¹ He emphasizes that there is no level of universal symbol or language that floats free from culture and language. Unless higher commandments are applied in culturally specific ways, they remain incomprehensible. The universal must be apprehended through the particular. This is an important point because of the superficial attraction of taking love as the only ethical principle. In practice this becomes

a matter of subjective choice that is guided more by the spirit of the age than a critical awareness of both Bible and the contemporary context.

A dynamic interaction between the levels means that elements of lower levels are already present in the higher ones. Earlier scholars were offended by the different lengths of the Ten Commandments, and tried to come up with an original, shorter form of the ten. But the present form already begins to expound the significance of the general in terms of a lower level. Kraft suggests that the second commandment about not making cult statues and images (Exodus 20.4–6) was a culturally specific exposition of the first. In the Jewish tradition it is regarded as part of the same commandment, the second

(the first is what is often called the Prologue; Exodus 20.2). The two different rationales for the Sabbath commandment given in Exodus and Deuteronomy again suggests an awareness that the commandments could and should be worked out in ways appropriate

Law in the Old Testament is not static, but consciously on the move

to the different contexts in which these two forms were transmitted. Law in the Old Testament is not static, but consciously on the move. The presence of three law codes in the Pentateuch (Exodus 21–23; Exodus 25—Numbers 11; Deuteronomy 12–26) shows this on a large scale. Those who study carefully how laws change according to context are then well equipped to develop fresh interpretations when their own context changes.

The Problems of Some Approaches

The mixing of levels avoids the problems that attend two approaches to law. Janzen points out the danger of reducing Old Testament ethics to abstract principles such as ‘selflessness, humility, truthfulness, liberality, or compassion,’ and above all ‘love.’ He points to the laws’ embeddedness in the Old Testament narrative as that which prevents them as being ‘understood as universally available and more or less self-interpreting truths.’¹² Augustine famously said, ‘Love God and do what you will,’ but this only works if love is understood within a specific understanding of what this meant in practice.¹³ Jesus in Luke expounds the command to love the neighbour through the parable of the Good Samaritan (Luke 10.25–37).

A second way of blunting the ethical significance of the law is by conflating or confusing the levels. This is a serious weakness in David Clines’ treatment of the Ten Commandments. He notes the specific targets of the commandments that have been expanded and expounded, and asks, ‘Who is the narratee supposed by the narrator?...it is an individual, a male, an Israelite, employed, a house-owner, married, old enough to have working children but young enough to have living parents, living in a “city,” wealthy enough...in short,

one might say, a balding Israelite urban male with a mid-life crisis and a weight problem in danger of losing his faith.’¹⁴ But by focusing on the more specific application of the commandments to those particularly affected by them, the clan elders and leaders, Clines neutralizes any abiding or transcultural authority. Significantly he cuts the text off from its narrative moorings in the Exodus story, since there it is quite clear that the commandments are at the heart of the covenant that God is making with the whole people. The present text of the longer commandments may well be directed particularly to those who most need to heed them, and who have most influence in their society, but this does not undermine a wider application. It is more likely that traditional interpreters understood correctly the comprehensive intention of the text.

Differences Between Exodus and Deuteronomy

The differences between the Exodus and Deuteronomy forms of the Ten Commandments can also be understood in the light of a more dynamic, contextual understanding of law. The two rationales for the Sabbath commandment reflect different contexts or traditions, identified by source critics as those of the Priestly and the Deuteronomic traditions respectively. Neither expansion compromises the overall intention of the commandment, but rather interprets it with a greater degree of detail.

The law code of Deuteronomy 12–26 requires its greater level of detail because there are hard cases where circumstances make the quality of the action unclear. The disputed translation of Deuteronomy 5.17 illustrates this well. Is it the comprehensive ‘Do not kill,’ or a more restricted ‘Do not murder’? The commandment was not intended to inhibit what the Old Testament regarded as necessary killing in war, where another verb (often translated ‘slay’) is generally used. Most cases will be black and white, but grey ones will appear from time to time and must be adjudicated. Deuteronomy 19.4 discusses the situation when someone kills another person unintentionally or accidentally and without any evidence of previous enmity. In this case they can flee to one of the cities of refuge. Even this is somewhat unspecific, so the chapter goes on to illustrate the point by citing the case of a person swinging an axe and killing someone when the handle accidentally flies off. On the other hand, 19.11 describes a clear case of premeditated murder: ‘But if someone at enmity with another lies in wait and attacks and takes the life of that person...’ In such a case there is no escape from suffering the due penalty of death. Today we would distinguish between murder and manslaughter of various degrees of seriousness. The reference

Most cases will be black and white, but grey ones will appear from time to time

point is the Ten Commandments, but wisdom is required in applying them to particular cases.

A number of laws refer to more general values, particularly in the motive clauses, as in 19.13: 'Show no pity; you shall purge the guilt of innocent blood from Israel, so that it may go well with you.' There are limits to human behaviour and even to the practice of mercy, and these are set by the priority of ensuring a right relationship between God and the covenant community that allows love for God to flourish.

4

Three Levels of Law

Let us look in more detail at the three levels I have distinguished, and see how this perspective corrects a number of common misunderstandings.

The Shema

Law is often regarded negatively because it is seen as external and impersonal. In its objectivity it cares little for the individual in his or her particularity. This is not helped by the translation of the Hebrew Torah as 'law,' for it is closely related to a verb meaning 'to teach,' and has a strong personal overtone. It is better rendered instruction or teaching. The Shema also emphasizes the emphatically personal character of biblical law. It does begin with an imperative: 'Hear O Israel, the LORD our God, the LORD One.' But this is more an identification of a relationship than a command. The starting point is the nature of Israel's God, who has shown himself to be a consistent, compassionate, gracious, strong saviour, especially in the Exodus. As such he is the one and only God for Israel among all the other alternatives, just as a beloved bride is the only one amongst women (Song of Songs 6.9).

The personal character is also highlighted by the 'You shall love.' But this is not to be understood in an individualistic or narrow way. The verb is in the singular, indicating that the people as a whole is being addressed as a corporate unity. Nor can 'love' be reduced to mere external compliance by analogy with similar expressions in covenant treaties.¹⁵ Deuteronomy reminds Israel again and again of how God has loved and cared for them, not just in the Exodus, but also through the long years of wandering in the wilderness (Deuteronomy 8).

Love for the Lord is meant to motivate and be worked out in every area of life

But this love is not without content. The singular becomes a plural: '...and you shall bind them as a sign on your hand...and you shall write them on the doorposts...' (6.8-9). Love for the Lord is meant to motivate and be worked out in every area of life, by each individual and by the nation as a whole. Love requires that the people are to be united in loving the Lord, but also that every person is called to fulfil the law in his or her own way. This comprehensive claim is reinforced by the triple sequence of heart/soul/might. This has often been interpreted as three different aspects of human being, implying the whole.

The expansion to four terms in Mark and Luke suggests that this was an early understanding.¹⁶ An alternative proposal is that each term builds on the previous in a climactic intensification. Heart and soul are both representations of the whole person, with the ‘muchness’ as the equivalent of a telescope multiplier lens, ‘and all the more so.’ Whichever interpretation is adopted, the whole person is directed to love God.

Inclusiveness and completeness continue to be a striking feature of the following verses, which make use of the Hebrew idiom that refers to everything through specifying the two extremes. ‘Talk about them when you are at home and when you are away’ (6.7) includes all of space, and ‘when you lie down and when you rise’ (6.7) encompasses all time. The next verses manifest a powerful social and spatial progression from the individual (‘bind them as a sign on your hand, fix them as an emblem on your forehead,’ 6.8), to the household (‘write them on the doorposts of your house’ 6.9) and to the city (‘and on your gates,’ 6.9).

The Ten Commandments

At the middle level the definitive and complete character of the Decalogue is communicated in various ways. Their delivery by God is followed by the significant comment in Deuteronomy that he ‘added no more’ (5.22). Various explanations of the number ten have been given, but a persuasive proposal is that ten is a round number, indicating completeness. Indeed, different traditions have different ways of numbering the ten, suggesting the significance

of the number rather than any particular division. The Ten Commandments are meant to cover the entire field of behaviour in outline.

Refining the triangle of levels developed above, it may be even better to imagine a

cone, with each level a circle rather than a line or a point. Such a representation would indicate a further suggestion I would like to make: each level of law comprises in principle a complete moral-religious field. They differ not so much in content or even scope as in their generality. The negative commandments provide boundary markers setting out the limits of behaviour and attitude.¹⁷ The positive commandments encourage the exploration of the life that is safely lived within the ‘fence of Torah.’¹⁸ Within the circle all may enjoy the flourishing of life that comes from God’s blessings on obedience (Deuteronomy 28.1–14). But those who transgress the commandments will find themselves in the realm of curse and death (28.15–68).

The Ten Commandments are meant to cover the entire field of behaviour in outline

Completeness is also implied by the different analyses of the structure of the ten. The standard twofold distinction is between the vertical dimension (relationship with God) and the horizontal (relationships with neighbours). These correspond to the traditional division of the commandments into two tablets. But it is difficult to make a sharp distinction between the God-oriented and the Israel-oriented laws, since the Sabbath and parents commandments act as a hinge. If we imagine the commandments as a circle defining (mainly negatively) the field of acceptable behaviour, then the tenth commandment fittingly closes the circle and points on to the first. Nine of the commandments point to particular actions that should or should not be carried out. The tenth indicates the issue of intentionality that implicitly underlies all of the others. In its limitless scope it echoes the first, which prohibits anything coming before God. Succumbing to inward human desires means that God is no longer supreme. The equation of idolatry and covetousness is made explicitly by Paul (Ephesians 5.5; Colossians 3.5). Putting it positively, love for God flows into love for neighbour, both of which are inconsistent with giving priority to the self.

The Ten Commandments do not cover the ethical field in an even manner

It remains the case that the ten do not cover the ethical field in an even manner. We can find other commandments that have a good case for inclusion. They are a selective sample of the kind of behaviour that is required in order to live well within the covenant. If ethics is pictured as a field, the commandments might be the fence posts that give some indication of specific limits. The posts are not evenly distributed, for no set of commandments is ever going to be comprehensive. When and where necessary, the boundary can be further defined through wise reflection on specific cases. Pointing out omissions (such as caring for the poor), while technically correct, misses the spirit of this summary of the law as a sufficient but not exhaustive statement at an intermediate level of generality.

The Statutes and Ordinances

The quantity and range of the laws in Deuteronomy 12–26 suggest that they are meant to cover the entire range of life. As in any law code there are gaps and omissions, and some areas are covered more fully than others. As with the Ten Commandments, this selectivity is an inevitable consequence of the finite concerns of the authors and their intended audience. In principle there is no aspect of the religious or moral life that is out of bounds. It is in this section that we have to gain a good grasp of the way in which the cultural context of Israel significantly shapes aspects of the laws.

One feature of the detailed laws that is often criticized is the system of sanctions or punishments. The death penalty (Exodus 21.12–17 and elsewhere) or

corporal punishment (Deuteronomy 25.2) strike the modern reader as harsh and extreme. But prison is an extremely expensive form of punishment, and basically did not exist in ancient Israel. Prisons are simply unaffordable in a subsistence economy that requires every member contributing fully to the production of food and other necessities if the community is to survive. Our condemnation of such punishments reflects assumptions based on being able to call upon the resources of a very wealthy culture.

In the context of the ancient world (and even the modern world until relatively recently) the death penalty was not controversial. In the laws of the Babylonian king Hammurabi (around 1760 BCE), it is a common punishment. For example, 'If any one receive into his house a runaway male or female slave of the court, or of a freedman, and does not bring it out at the public proclamation of the major *domus*, the master of the house shall be put to death' (Law 16).¹⁹ In comparison to these laws, the Israelites were relatively restrained. The death penalty was required mainly for idolatry, sexual sins and murder, which are also primary concerns of the Ten Commandments. These are so serious because they attacked the central values of the covenant community. These revolved around a common whole-hearted commitment to the Lord, and a way of life that supported the social structure, which was based around the extended family. The latter was (and is) impossible in a society that condoned violence and sexual unfaithfulness. While we may not carry over the specific sanctions to our culture, the values represented by the range of punishment are worth taking very seriously indeed. In particular, offences against persons are regarded as much more serious than crimes against property.

The values represented by the range of punishment are worth taking very seriously indeed

economic or debt slavery. If a person was not able to earn their living or met extreme misfortune, the main alternative to death by starvation was to become the slave of someone who would be able to provide for him or her. Even then, a Hebrew slave would go free after seven years (Exodus 21.2). It is also striking that Deuteronomy 23.15–16, in contrast to the Hammurabi law cited above, prohibits returning escaped slaves to their master. Although this probably refers to slaves who have escaped from other countries, it reflects assumptions of human worth that are distinctive. We assume that slavery necessarily implies oppression and cruelty, for this is what we are familiar with from the slave trade. But the slavery laws in the Pentateuch are intended as practical ways to deal with an inescapable problem.²⁰

The laws of slavery are notorious in having been used to defend the slave trade. But a closer look at them shows how important it is to take the different cultural context into account. The slavery envisioned in the laws is primarily

But what about the law that if a master gives a male slave a wife, then the wife and children remain with the master if the slave leaves (Exodus 21.4)? There are likely to be economic reasons for the law, in that looking after a family rather than a single person is much more costly. It would be sensible if the slave waited until his wife was released too after her seven years. This would allow the master to recoup his investment. Being a permanent slave (perhaps 'dependent' would be a helpful gloss) could be an attractive option, and this is the topic of the following law (21.6–7). An alternative approach to this and other laws is to acknowledge that they are not ideal. Israel by and large adopted the laws of its neighbours, while seeking to adapt them according to its own understanding of how God has dealt with them. But working this out took time, for laws at this level are by no means timeless truths. They are attempts to do justice to complex situations where there may be no best solution. As we look at the complex and varied views on a particular topic, we can sometimes see a trajectory of interpretation that sheds a clearer light on the issue. The New Testament also assumes the presence of slavery in the Roman Empire. It would be foolish and unrealistic for a small movement to attempt to overthrow such a central institution. When Paul urges a slave owner to accept back a slave 'no longer as a slave but more than a slave, a beloved brother' (Philemon 16), then it strikes a blow at the heart of the ideology of slavery—even if it will take many centuries to work this out in practice. In fact, the common humanity of both slave and free is already asserted in Genesis 1, where humanity as a whole is created in the image of God. The church continues to struggle to do justice to the tension between the ideal and the realistic.²¹

Understanding Law in Context

Some of the laws do appear to be completely baffling, yet this is probably an indication of our ignorance of the context, rather than a proof of irrationality. Indeed, frequently several plausible explanations can be given. The classic example of this is the law prohibiting the mixing of two kinds of seed in a field, two animals in a yoke and two materials in a garment (Leviticus 19.19; Deuteronomy 22.9–11). One explanation is that these symbolize the prohibition of Israelites marrying other nations. Another is that these represent a violation of the order of creation, which included a clear separation of species (Genesis 1). Yet another possibility (which I think is the best guess) is that such mixtures were regarded as belonging to the realm of the holy, and so were forbidden for activities outside the sanctuary. The curtain at the entrance of the holiest part of the Tabernacle is a mixture of linen and wool, as are certain garments of the high priest (Exodus 26.1; 28.6). Respecting the differences between the realms of the holy and of the profane was an aspect of obedience to the God of Israel, and can even be seen as an outworking of the first commandment.

Following the death of Christ and the birth of the church it is no longer simple or desirable to impose such laws on an entire nation. But the principle of showing that we love God by how we behave (even how we dress) is worthy of reflection. The simple wearing of a cross can be a powerful witness that highlights the different values adopted by Christians.

The principle of showing that we love the Lord by how we behave is worthy of reflection

A whole host of other laws concerning purity and impurity can also be related to a God-oriented way of seeing the universe. It is important to note that sin is not the same as impurity, although impurity became a powerful metaphor for sin (Psalm 51.7). Above all, impurity prevented a person approaching the holy God in his sanctuary. The reasons underlying the purity laws are complex, but most probably derive either from associations with death or with disorder. Touching a corpse led to the most extreme form of impurity (Numbers 19.11). It was often necessary, but had consequences with regard to access to the living God. A number of unclean animals appear to be so defined because they did not conform to the ideal order of things in creation. It was a recognition that there are things wrong in the world that are not simply a result of sin, a principle that remains the case today. The system served to relate the whole of life to the character of God, and obedience to the laws was an outworking of love for God. Such a holistic vision of life is one that could be an inspiration today in a world that often seeks to confine Christian comment to the private, and resists Christian engagement with economics, politics and public morality.

A law with significant contemporary relevance is the command not to take a mother bird along with the eggs or fledglings (Deuteronomy 22.6). This appears to be a wise rule that recognizes the need to safeguard the ongoing viability of the land and its creatures, from which the well-being of neighbour (present and future) cannot be separated. It is a positive working out of the tenth commandment, not to covet. Nor is such a law valid only for God's people. Chris Wright has suggested that the relationship between God, Israel and the land is a paradigm indicating how God, humanity and the earth should be ordered.²² The folly of disregarding the general principle of conservation is all too evident today as we reflect, for example, on indiscriminate and unrestrained fishing methods. These are just a few examples about how the detailed laws can be taken seriously, and related to the present day in a way that seeks to respect their original context, but also to reflect how underlying values may inform our understanding of life and law today. The two great commandments and the Ten Commandments are valuable interpretive lenses that can help us do this.

Law and Christian Life

How might this approach shed light on other areas of the Christian life and belief?

Law and the New Testament

The model developed here emphasizes the continuity between law in the Old and New Testaments. Both recognize the need to adapt the law in new circumstances. In the gospels Jesus comes proclaiming a new radical stage in God's rule over Israel which gives the two great commandments a new priority and intensity. No longer is measured obedience sufficient but the inner attitude and the ultimate goals of the law are reasserted over the minutiae (Matthew 23.23). 'Do not commit adultery' is applied even to illicit gazing at a woman (Matthew 5.27–28). Note that that this formulation is directed to Jesus' main audience, men. Its generalization to include women looking on men is an example of moving up to the general and down again to the particular. This kind of interpretation is soundly based on the affirmation that all who believe belong to the renewed people of God.

Jesus' death is to bring about a new covenant (Luke 22.20). But this is not a radically new way to God that bypasses the law. 'New covenant' uses the language of Jeremiah, where the new covenant is a fresh and powerful way in which the one covenant between God and his people can be established. It leads to the Torah being written on the heart (Jeremiah 31.33). Paul builds on the Ten Commandments in his ethical teaching, relating them to the law of love (Romans 13.8–10), but he is also not afraid of discussing particular cases. For example, he carefully relates the question whether Christians should eat food sacrificed to idols to higher principles of love for neighbour as well as love for God (1 Corinthians 8).

The new covenant leads to the Torah being written on the heart

The cross and resurrection have brought about a new stage in God's history with his people, and this requires a fresh, in-depth rethinking of the law. An extraordinary indication of the overwhelming impact of Christ is the way that the Jewish Sabbath is eventually redefined, so that it becomes a celebration of the resurrection of Christ. The nationalistic definition of who belongs to God's people is also broken open, overthrowing the tradition of centuries. Now all

who have faith in Christ are God's people (Acts 10–11), although working out what this meant in practice in relation to the law remained a matter of dispute for some time until clarified by discussion (Acts 15; Galatians). The particular laws that related to the land and the temple no longer held the same kind of authority, as was also the case with the purity laws that largely symbolized Jewish distinctiveness (Mark 7.19). These new interpretations of law point in their own way to the conclusion that Jesus is far greater than Moses, or indeed any human being.

Law and Spirituality

The ideal relationship of the Christian and Jesus is often seen in terms of an intense inner commitment. Love requires a subjective emotional devotion. Spirituality is primarily the way an individual discovers what it is to love God. One difficulty with this emphasis is that there are Christians whose journey to God has come about primarily through an appreciation of the intellectual or moral truth of Christianity. There are also times when even for the most ardent an inner awareness of God evaporates. Mother Teresa is just one of many who have struggled with doubt, dryness, darkness and loneliness. The pain of this condition is increased by Western culture's emphasis on the individual and the internal.

The approach to law developed above provides an important corrective. Love for God and neighbour can be measured not only by what we feel but also by what we do. When feelings fail, then duties, responsibilities and fulfilling the law are adequate guidelines about how to live in accordance with God's will.

Love for God and neighbour can be measured not only by what we feel but also by what we do

There is a similar corrective in thinking about our sinfulness. Examination of the thoughts we have can lead to guilt, despair and an inability to receive forgiveness. But the biblical approach is generally more external. Only the tenth commandment highlights motive and intention ('You shall not covet'). The proclamations of innocence in the Psalms are not marks of self-deception, but an indication that it is possible to live in a way that is in conformity to what God wishes. While external action and inner attitude ideally match, this will only be perfectly achieved in the future, when Christ returns. Meanwhile our calling is to live faithfully in the sure hope that the Lord will complete what he has begun in us (Philippians 1.6).

Law and Conflict

Most of the conflicts between Christians focus on issues that take place at the third level. One of the reasons that the Qumran community separated itself

from Jerusalem was to keep the festivals on what they considered were the right days. Both sides vigorously defended their points of view as the correct way to love and obey God. The underlying issue is the extent to which various laws are abidingly true or contextually relative. Do the texts referring to homosexuality refer to specific aspects of such behaviour, or do they reflect a general prohibition in the area indicated by the seventh commandment ('Do not commit adultery')? Does the coming of Christ invite new patterns of leadership that include women? Those on both sides of these debates would affirm the importance of love worked out in a good ordering of life, but draw out the significance of that higher law in very different ways.²³

Conflict tends to make positions more rigid. Those who argue for the importance of cultural factors often adopt liberal positions that minimize the ongoing authority of any law. Those who have a more absolutist position tend to sit light to the way in which laws have developed and changed through the Bible and over the centuries. A starting point to a more fruitful conversation would be for both sides to recognize the absolute character of the higher laws, and the difficulty that Christians have found in drawing clear connections between those and their detailed working-out. We have seen how the Ten Commandments are embedded in their historical, social and religious setting. But this does not mean that idolatry or murder may be acceptable in another age. The church has often spent centuries working out the right way of seeing a doctrine (such as the Trinity) or an ethical stance (such as slavery). This approach encourages patience and humility as well as passion for those taking part in such debates.

The church has often spent centuries working out the right way of seeing an ethical stance

Law and Ethics

Ethicists often make a distinction between approaches to morality that highlight law or rules (deontological ethics), the results of actions (consequentialist ethics) or character (virtue ethics). Do we behave well because laws are inherently good to obey, or because sin has dire consequences, or because we have developed a good character? The approach developed here suggests that these three approaches are closely related to one another in the biblical concept of law. There are laws that are eternally valid, but their application needs an understanding that comes from the kind of person who desires to love God and neighbour. The limits set by the commandments indicate both the positive quality of life that flows from obeying the positive commandments, but also the deadly consequences of transgressing boundaries that are built into the way the world works.

Another ethical debate regards the role of overarching virtues such as love or justice. Some see Jesus' prioritizing of the two summary commandments as an interpretive rule. If it does not seem loving, we should reject this law or that. Other abstract principles or values (often with little biblical grounding) have also been chosen as criteria for evaluating which laws may or may not be acknowledged (sacredness of life, individual rights). But neither the rabbis nor Jesus take this path. According to Matthew, Jesus states, 'Do not think that I have come to abolish the law or the prophets; I have come not to abolish but to fulfil. For truly I tell you, until heaven and earth pass away, not one letter, not one stroke of a letter, will pass from the law until all is accomplished' (Mt 5.17–18). Rabbinic texts similarly stress that every single law remains

The love commandment is not contradicted but illuminated by the detailed outworking of the law

valid, at least in some sense. Rather than setting a more general value against a particular law, I am suggesting that the different levels of generality must complement and inform each other. The love commandment is not contradicted

but illuminated by the detailed outworking of the law in the statutes and commandments in a particular cultural context. More work may be necessary in making sense of the culturally-specific legal texts, but they remain an expression of God's will with an abiding value. Virtue, consequentialist and deontological ethical approaches are complementary.

Christianity is often accused of bringing about some of the greatest moral crimes in history. This is partly because of misguided interpretations of war in the Bible.²⁴ But it is also a charge that does not recognize the untold good brought about by Jews and Christians doing their best to behave according to God's laws. On the other side, a high proportion of the pain and suffering in the world can be directly traced to the neglect or breaking of the commandments. Taking a striking specific case, the agnostic Jewish author, A J Jacobs, eccentrically decided to try and keep all the laws in the Bible as literally as possible.²⁵ His witty account of how he attempted to understand and apply the laws is an object lesson in the unavoidable task of interpretation. Further, he kept discovering wisdom in laws that he would previously have dismissed as harsh, anachronistic or bizarre. By the end he decided that, even while remaining an unbeliever, he had become a better person through committing himself to keeping the law.

Conclusion

I have attempted to set out a way of relating different kinds of law in the Bible.²⁶ The highest and most comprehensive law is the Shema, the call to love God, which also requires loving one's neighbour. However, its openness

and brevity makes supplementary guidance necessary. In Deuteronomy the Shema is closely related to the Decalogue, which primarily indicates the outer limits of allowed moral and religious behaviour. This middle level of law still does not address examples of hard cases and how the commands apply to specific cultural contexts. This is the role of the detailed law codes, which work out the implications of the covenant law in selected specific contexts. Not acknowledging the differences between these levels of law will lead to interpretations that are foolish or dangerously one-sided. Those wishing to use Old Testament law for ethical reflection will search for ways to relate the different levels. They will thereby learn from the wisdom of the biblical lawgivers, and find guidance for our own calling to work out the law of love in today's church and world.

Notes

- 1 S Hauerwas and S Wells (eds), *The Blackwell Companion to Christian Ethics* (Oxford: Blackwell, 2004).
- 2 For an introduction to the 'new perspective' see M B Thompson, *The New Perspective on Paul* (Grove Biblical booklet B 26).
- 3 Calvin, *Institutes of the Christian Religion* 2.7.12.
- 4 I hope to develop this in a future Grove booklet, based on P P Jenson, *Graded Holiness: A Key to the Priestly Conception of the World* (Sheffield: JSOT Press, 1992).
- 5 Reputedly by Kent Ashcraft (<http://www-users.cs.york.ac.uk/susan/joke/laura.htm>). It was the basis for a *West Wing* scene (Series 2, Episode 3).
- 6 P D Miller, *Deuteronomy* (Louisville, KY: Westminster John Knox Press, 1990) pp 97-104.
- 7 See M Killingray and J B Wells, *Using the Ten Commandments* (Grove Biblical booklet B 17) and P D Miller, *The Ten Commandments* (Louisville, KY: Westminster John Knox Press, 2009).
- 8 E H Merrill, *Deuteronomy* (Nashville: Broadman and Holman, 1994) p 164.
- 9 G Braulik, 'The Sequence of the Laws in Deuteronomy 12-26 and in the Decalogue' in D L Christensen (ed), *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy* (Sources for Biblical and Theological Study 3), (Winona Lake, IN: Eisenbrauns, 1993) pp 313-335.
- 10 W J Webb, *Slaves, Women and Homosexuals: Exploring the Hermeneutics of Cultural Analysis* (Downers Grove, Ill: InterVarsity Press, 2001) p 210.
- 11 C Kraft, 'Interpreting in Cultural Context,' *Journal of the Evangelical Theological Society* 21 (1979) pp 357-368.
- 12 W Janzen, *Old Testament Ethics: A Paradigmatic Approach* (Louisville, KY: Westminster John Knox, 1994) p 29; p 55.
- 13 Augustine, *Homily 7 on the First Epistle of John*.
- 14 D J A Clines, 'The Ten Commandments,' in *Interested Parties: The Ideology of Writers and Readers of the Hebrew Bible* (Sheffield: Sheffield Academic Press, 1995) pp 26-45 (p 34).
- 15 J E Lapsley, 'Feeling Our Way: Love for God in Deuteronomy,' *Catholic Biblical Quarterly* 65 (2003) pp 350-369.
- 16 All have 'heart' and 'soul' as the first two terms. Then Mark has 'mind,' 'strength'; Luke 'strength,' 'mind'; Matthew 'mind.'
- 17 C J H Wright, *Old Testament Ethics for the People of God* (Leicester: IVP, 2004) p 284.
- 18 Aboth 1.1, a saying from the *Mishnah*, the foundational Jewish collection of laws and beliefs.
- 19 The entire law is available at <http://avalon.law.yale.edu/ancient/hamframe.asp> Twenty-five offences receive the death penalty.
- 20 For a recent discussion of the laws of slavery see D L Baker, *Tight Fists or Open Hands? Wealth and Poverty in Old Testament Law* (Grand Rapids, Michigan; Cambridge: Eerdmans, 2009).
- 21 P Copan, *Is God a Moral Monster? Making Sense of the Old Testament God* (Grand Rapids, MI: Baker Publishing Group, 2011).
- 22 C J H Wright, *Old Testament Ethics for the People of God* (Leicester: IVP, 2004).
- 23 R T France, *A Slippery Slope? The Ordination of Women and Homosexual Practice: A Case Study in Biblical Interpretation* (Grove Biblical booklet B16).
- 24 P P Jenson, *The Problem of War in the Old Testament* (Grove Biblical booklet B 25).
- 25 A J Jacobs, *The Year of Living Biblically: One Man's Humble Quest to Follow the Bible as Literally as Possible* (London: Arrow, 2009).
- 26 For a more academic presentation of the basic thesis of this booklet see P P Jenson, 'Snakes and Ladders: Weighing and Ordering Biblical Law' in K Dell (ed), *Ethical and Unethical in the Old Testament: God and Humans in Dialogue* (LHBOTS 528) (New York/London: T and T Clark, 2010) pp 187-207.

In recent times the laws of the Old Testament have been criticized as irrelevant, arbitrary, primitive or offensive. Christian readers have sometimes tried to distinguish ceremonial, civil and moral law, but this is not what the Old Testament does, and in important places the New Testament affirms the continuing validity of the whole law.

This study offers a new approach that interrelates different levels of law and suggests how law can play an important role in spirituality, doctrine and ethics.

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