NEW APPROACHES TO OLD TESTAMENT ETHICS

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More than fifteen years ago R. E. Clements asserted that "the subject of Old Testament ethics has proved to be a most difficult one to deal with. . . . The literature devoted to it has been surprisingly sparse. . . . It has been difficult to avoid the merely superficial."[1] Until quite recently my own work has been the single complete English contribution in the twentieth century.[2] The only other major treatments of the subject were the German volume by Johannes Hempel and the English survey by Hinckley G. Mitchell.[3]

Even if one were to add key chapters in the Biblical theologies of the OT, collections of essays in *Festschriften*, and all the articles in the major journals over the past thirty years, the total output in the area of OT ethics would not be much over 175 items. Surely this is not an impressive showing given the critical importance of the topic for our contemporary culture.

What are some of the reasons for this vacuum? Certainly OT studies have not suffered from a lack of industry and adequate personnel in this century. There must be certain fundamental issues that have had a bridling effect on the discipline. These issues need to be examined briefly before we turn to some of the new approaches now appearing.

I. KEY ISSUES

Is Scripture the foundation for ethics and morality in modern life? If so, why do we not find the great ethical questions of modern man being answered by referring to it? Where do we turn for answers to the ethical implications of war, abortion, polygamy, genetic engineering, *in vitro* fertilization, multinational corporations, worldwide political alliances? Behind such questions lurks a fundamental decision on the following key issues.

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[1] R. E. Clements, *One Hundred Years of Old Testament Study* (Philadelphia: Westminster, 1976) 107.

[2] W. C. Kaiser, Jr., *Toward Old Testament Ethics* (Grand Rapids: Zondervan, 1983). See now, *inter alia*, C. J. H. Wright, *God's People in God's Land: Family, Land and Property in the Old Testament* (Grand Rapids: Eerdmans, 1990); B. C. Birch, *Let Justice Roll Down: The Old Testament, Ethics, and Christian Life* (Louisville: Westminster/John Knox, 1991).

[3] J. Hempel, *Das Ethos des alten Testaments* (2d ed.; Berlin: Alfred Töpelmann, 1964 [1938]); H. G. Mitchell. *Ethics of the Old Testament* (Chicago: University of Chicago, 1923).

1. *Modern uneasiness with an underlying rationale for ethical princi-ples*. The problems raised by OT ethics are much the same as those raised in OT theology. The very titles of both disciplines imply that there exists a core or unifying principle for each around which one may organize a unity of approach.

Prior to the last third of the twentieth century it was taken as a given that there was an OT ethic. Walther Eichrodt wrote of *"the tendency toward unification of the ethical norms."*[4] Johannes Hempel argued that in spite of all the diversity in ethical norms at the level of popular morality in the OT there was an underlying unity that constituted the ethics of the OT.[5]

John Barton,[6] however, believed that we must distinguish three differ-ent types of assertions about ethics in the OT: (1) All or most Israelites held that x was the norm, (2) certain OT writers held that x was the norm, and (3) the OT taken as a whole held that x was the norm. Unlike Eichrodt and Hempel, who held that the rationale for OT ethics was to be found in obedience to the declared will of God, Barton approached the discipline from a descriptive and anthropological point of view. He opted for reflect-ing the diversity of answers given by all individuals and social groups. The average Israelite's attitude on these matters should have as much a right in shaping our ideas of norms as any claim based on the declared will or nature of God. Barton recognized that the OT indeed presents obedience to God's revealed will as one of the types of principles in OT ethics, but he quickly added: "I do not believe that this should be regarded as 'normative.'"[7] Therein lies the major distinction between the approaches of the past (and my own approach) and the recent preference for pluralism and a denial of any underlying unity or rationale in OT ethics.

Barton has not made the mistake of concealing evidences for harmony and of only exposing evidences for diversity in OT ethics (a mistake many other scholars make). He allows for both. Instead his mistake, to my way of thinking, is to fail to represent the internal claims for unity and coher-ence of an OT ethic that the text thinks it is observing even when it pre-sents responses from mortals that do not measure up to that standard.

2. *The problem of the particularity and specificity of OT laws.* One of the key issues in constructing an OT ethic is the fact that relatively few Scriptural pericopes have the teaching of morals and ethical principles as their primary focus. There are moral commands, prohibitions, laws, para-bles, allegories, paraenetic instructions, proverbial sayings, community tra-ditions, and examples of persons and narratives of actions that either reflect or deny God's moral will. But with all of their specificity and particularity, how are we to draw out any moral absolutes designed to be applicable to specific situations in totally different times, cultures and complexities?

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[4] W. Eichrodt, *Theology of the Old Testament* (Philadelphia: Westminster, 1967) 2.320 (ital-ics his).

[5] As cited by J. Barton, "Understanding Old Testament Ethics," *JSOT* 9 (1978) 45.

[6] Ibid.

[7] Ibid. 59.

The charge that OT ethical commands are specific denies, of course, their universalizability. Karl Barth[8] made later irrelevance the inevitable price of OT specificity. The Bible contained no universal ethical commands for Barth since the command of God was always an individual command for a person at a particular moment in a particular situation.

But the fact that these commands were specific in a specific context did not exclude the possibility that they were the expression of universal principles. A universal rule is simply one that applies to every case of a certain class, no matter how particular and specific that class may be. As John Goldingay observed: "It is possible to overreact as a result of an awareness that cultural change is real, and to forget that cultural continuity is also real. God remains consistent and the conditions of life today are not totally discontinuous with those of the biblical cultures."[9]

Added to the preceding arguments against the alleged impossibility of seeking universal principles from specific commands is the fact that even though the Biblical commands are rarely systematized, as they are in the Ten Commandments, both the Law and the Prophets regularly suggest priorities and an order of enacting. Thus issues of the heart take precedence over issues of external acts of obedience. The cultic laws of Leviticus are based on the law of holiness: "Be holy as I the LORD your God am holy." The laws of Deuteronomy are best understood as illustrations of the Decalogue, arranged in the same order as the Ten Commandments and stretching from Deuteronomy 5 through Deuteronomy 26.[10]

The particularity of the Bible was not meant to prejudice our use of it but to help us in identifying with it by sensing that the same principles were capable of being worked out in all the concreteness and uniqueness of daily life. Once we realize how the theology and ethical principles of earlier or antecedent texts undergird, inform and supply the givens for the later specific actions, then we will be prepared to formulate what ethicists call "middle axioms," which operate between an overall principle (such as love, justice, or mercy) and a specific, concrete decision for action in the moral or ethical realm.

3. *The diversity of recalcitrant materials.* Even apart from the issue of specificity, what are we to do with the apparent contradictions in OT ethical material? Some will point to the way that the NT appears to conflict with what some would call the sub-Christian moral standards of the OT. Others will refer to the OT's contradictory stands on divorce, male domination, polygamy, levirate marriage, slavery, attitudes toward and treatments of foreigners, and an unhealthy type of nationalism.

Each of these issues deserves a major response, which I have attempted elsewhere,[11] but a few remarks are in order. The NT is not to be

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[8] As cited by J. Goldingay, *Approaches to Old Testament Interpretation* (rev. ed.; Downers Grove: InterVarsity, 1990) 53.

[9] Ibid.

[10] See the argument developed by S. A. Kaufman, "The Structure of the Deuteronomic Law," *Maarav* (1978–79) 105–158. Also see Kaiser, *Ethics* 127–137.

[11] Kaiser, *Ethics* 247–304.

used as an interpretive tool to unpack the meaning of the OT. This would be a form of eisegesis. And to restrict our source of moral and ethical directions to the NT would be to form a canon within the canon and to run squarely in the face of what the NT taught—namely, that the OT was "profitable" for just such moral and ethical instruction (2 Tim 3:15–16).

To construct a developmental approach to OT ethics that suggests that the earlier materials may be safely jettisoned in favor of the later teachings is to forget that the high points of OT ethics come as often at the beginning of the OT canon as toward its end. The teaching on marriage in Genesis 2, for example, is as high a peak of ethical teaching as one is likely to get in both Testaments—at least in a seminal form. Furthermore if there was any lowering of standards they came not as a result of God's devaluation of ethics but as a result of man's rebellion against God.

Much of the problem with diversity, then, is not a problem with an internal contradiction of the text or the divine mind. It is instead a matter of proper exegesis and sorting out the descriptive sections of poor human responses to the lofty claims and challenges of the divine.

II. CURRENT CONTRIBUTIONS

If the late Hans Frei will pardon our appropriation and remodeling of his 1974 book title,[12] we would summarize the recent developments in OT law under a proposed rubric: *The Eclipse of Biblical Law: A Study of Twentieth-Century Hermeneutics*.

This eclipse has also been referred to as the "collapse of biblical authority" by Birch and Rasmussen.[13] Whereas previous generations held to a "Scripture principle,"[14] in which Scripture was regarded as containing a unique deposit of divine revelation, critical theories of inspiration eroded that confidence. With its passing has also gone most of the authority that the text once held for decision-making and ethical construction.

Even more influential in the eclipse and collapse of Biblical law for modernity have been the twin developments of critical methods of Bible study and liberation/feminist theologies and hermeneutical systems. As a result of literary criticism, the application of secular literary criticism to Biblical texts (e.g. structuralism, source criticism, semiotics), and the use of sociological factors thought to be influential in shaping the Biblical text, many judged that it was no longer possible to maintain a view that Scripture contained revealed truth ready to be applied to teach how we were to live, behave and believe.

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[12] H. Frei, *The Eclipse of Biblical Narrative: A Study of Eighteenth and Nineteenth Century Hermeneutics* (New Haven: Yale, 1974).

[13] B. C. Birch and L. L. Rasmussen, *Bible and Ethics in the Christian Life* (Minneapolis: Augsburg, 1989) 145–149.

[14] E. Farley and P. C. Hodgson, "Scripture and Tradition," *Christian Theology* (ed. P. C. Hodgson and R. A. King; Philadelphia: Fortress, 1985) 62. For a fuller treatment see E. Farley, *Ecclesial Reflection: An Anatomy of Theological Method* (Philadelphia: Fortress, 1982).

No less influential were the feminist and liberation hermeneutics and theologies. Forced to occupy what most in such groups regarded as the marginalized areas of life, in large measure because of the controlling biases of the powerful, rich, white, or male culture, the response was to strike back by suspecting that the Bible was being read through social lenses that saw to it that none in these oppressed groups escaped. The Bible could be read just as well, countered the feminist and liberation theologians, with another set of lenses. Scripture could now serve another sociopolitical agenda. The truth was in the eye of the reader of Scripture, not in the deposit of revelation. It was clear by now that a title transfer had occurred and that the hermeneutical bases for deriving ethics from Scripture had seriously shifted.

1. *A paradigm shift has taken place in the last half of the twentieth century.* For the first nineteen-and-a-half centuries of the Jewish and Christian movements, what was thought to be morally significant was to be discerned by a careful study of Scripture, the reliable guide for matters of faith and conduct.

Even more important was the way that the Scriptures were used to gain moral and ethical understanding. The meaning of the text of Scripture as intended by the writer of Scripture was thought to be the most decisive evidence in drafting responses to the ethical questions that were brought to the text.

But a paradigm shift had occurred—for many somewhere around the middle of the twentieth century, but certainly for most by 1975. The reader of the text, the community in which that text was read, and the formative impulses of the culture of modern readers now contributed as much to the meaning, understanding and usefulness of the ancient texts of Scripture as formerly the original writers of those texts had intended. The Christian community was itself altering the text as much as (it was hoped) the text was altering the alleged Christian readers. In other words, the horizon of the original author of Scripture had merged (it was hoped) with the horizon of modern readers in such a way that it was now difficult to say where the one set of meanings began and the other set left off. Though the terminology of "merging of horizons" was that of Hans-Georg Gadamer,[15] the thought structure was that of Hegel. There had been little advance beyond the thesis-antithesis-synthesis construct. What was this "merging" except a disguised way of referring to a compromised synthesis?

2. *The social context of ethics now became the controlling factor in shaping morality.* This was what Alasdair MacIntyre called "the social embodiment of ethics."[16] The search for modern Christian ethics, according to this line of thought, would begin by describing the ethos of the

[15] H.-G. Gadamer, *Truth and Method* (New York: Crossroad, 1982).

[16] A. MacIntyre, *After Virtue: A Study in Moral Theory* (2d ed.; Notre Dame: University of Notre Dame, 1984).

larger culture in which the communities of the Biblical texts lived. The traditions resident in the corpora of literature, such as those of the wisdom tradition or those of the early Church as represented in the gospels, would be supplemented by the popular morality found in the culture where the texts were being written.

Accordingly it was no longer the linguistic structures of the Biblical texts or the meanings intended by their authors that were of concern for the ethicist. Instead it was the whole interactive world that the prophet or apostle shared with his ancient, and now modern, readers. Only in the fusion of these disparate cultures, worlds, communities and meanings could a "community of moral discernment"[17] arise.

The older form of ethical statement was found to be much too "cognitivist(ic)." What was needed was a new lifestyle with a polymorphous pattern. To admit that previous patterns had too much cognitive content, however, was to let the cat out of the bag. The object of modernity, it would seem, was to jettison truth claims and shift more to the subjective side of the scale without saying it too boldly, at least at first. And how could the community function as the standard or the conscience of morality? It too needed to be judged by a norm that stood apart from and over it instead of being the judge of what judged it.

Krister Stendahl's famous 1962 article entitled "Biblical Theology"[18] had distinguished between what the text "meant" and what it "means." Thus the division between the "then" and the "now" became so institutionalized that two contrary ways of reading Biblical texts arose. Those who worked most with what a text meant usually were in the "cognitivist" model. The current darling, however, would be the "symbolic-expressive" model, which interpreted doctrines and ethical standards as noninformative symbols of inner feelings, attitudes, or orientations.[19] This model prevailed among the heirs of Schleiermacher.

But more recently a third model has arisen, the "cultural-linguistic,"[20] to challenge the former standoff between the two competing models. In this system emphasis is placed on the "intertextuality" of meaning. No longer is the search for "what really happened" as objective reality. What the text meant is no longer continuous with what it means, at least not according to this theory. What a text meant originally now would be the result of a fusion between the text and the cultural-linguistic world of the hearers. Likewise what a text means, according to the third model, would be found in the formation of a community having forms of life corresponding to the symbolic universe approximately signaled by the text.

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[17] A. Verhey, *The Great Reversal: Ethics and the New Testament* (Grand Rapids: Eerdmans, 1984), as cited in W. A. Meeks, "Understanding Early Christian Ethics," *JBL* 105 (1986) 6.

[18] K. Stendahl, "Biblical Theology," *IDB* 1.418–432.

[19] W. A. Meeks, "A Hermeneutics of Social Embodiment," *HTR* 79 (1986) 177.

[20] G. Lindbeck, *The Nature of Doctrine: Religion and Theology in a Postliberal Age* (Philadelphia: Westminster, 1984). Lindbeck coined the name for the model as well as the term "intertextuality."

More and more the Bible functions in modern thought as a catalyst suggesting ways in which former communities faced problems but imposing no categories, no norms, no principles of its own—especially not in an objective, cognitive, or regulative way. The seeds of humanism contained in the enlightenment have finally usurped the entire landscape and forced divine revelation totally out of the picture.

3. *The search for the relevance of OT ethics to Christian faith continues.* As the approaches and methods noted in the title shift described above continue to threaten to eclipse Biblical law and spell its total collapse for modern society, some are still working with at least aspects of the older paradigms.

Almost all are quick to disavow a legalistic use of the OT. But the older Calvinistic approach known as "creation ethics,"[21] in which God's will is disclosed for his creation, is felt to be too narrow for most—and indeed it may be. But what most object to is the aspect of a revealed corpus of directions on morality and behavior.

And even if the OT has some residual force left in it, there still is the objection that not all of it should be incorporated into a modern statement of ethics. Usually this means that one is left with a decision to use the OT selectively. We are told that the materials are just too disparate to yield a unified and consistent rationale that can be sustained throughout the whole canon.

Such selectivity is worked out in different ways. J. W. Rogerson[22] posits the notion of "natural morality," a concept also found in N. H. G. Robinson.[23] Not the same as natural law, natural morality is more like the moral consensus shared by thoughtful people who are either religious or nonreligious. Yet there is an attempt to relate natural morality to the OT by noting how many of the OT's laws are shared with the culture in which it arose, as judged for example by the discovery of ancient Assyrian and Babylonian law codes. Given their commonalities at several points it is argued that that is enough to suggest that a moral consensus existed for many of the laws. They were expressions of human moral sensitivities. Many of the OT laws, it is conceded on this view, observe a natural morality. Since morality can change as deepening sensitivities in moral matters change, the obligation for believers changes. The point once again, it must be observed, is that the OT cannot lay down timeless laws or principles that express God's blueprint for creation. What the OT teaches us is that God approves what moral sensitivity—at its best—can hold to be right and good.

[21] See O. Barclay, "The Nature of Christian Morality," *Law, Morality and the Bible* (ed. B. N. Kaye and G. J. Wenham; Leicester: InterVarsity, 1978) 125–150.

[22] J. W. Rogerson, "The Old Testament and Social and Moral Questions," *The Modern Churchman* 25 (1982) 28–35, esp. 30.

[23] N. H. G. Robinson, *The Groundwork of Christian Ethics* (Grand Rapids: Eerdmans, 1971) 31–54, 193–205.

One recent approach to OT ethics that came closer to my own view than most was the view of R. E. Clements.[24] Even Clements, however, decides that the OT does not set out formal ethical principles that may be applied to a wide variety of social situations and circumstances. There is, he concedes, a matrix of ethical insight and understanding from which rich moral teaching may be drawn. But concerning how that is to be managed and drawn from the text he has few suggestions. The OT, in his view, does not present a set of absolute ethical principles. The closest the text comes to a moral absolute is "You shall be holy, for I the LORD your God am holy" (Lev 19:2). But even this quasi-absolute lies in a context of partially physical and psychological taboos.

III. CONCLUSION

It is clear that much remains to be done in the area of OT ethics. If anything, the field is either in a state of total disarray or on the brink of total eclipse and collapse because of the pressures of modernity.

This is not to suggest that the issues involved in developing a proper approach to the field are simple or clearly in hand. Nevertheless, because many current interpreters have acquiesced either to a reader-response hermeneutic (instead of an authorial-intention hermeneutic as suggested by E. D. Hirsch) or to the conclusion that the OT has been eclipsed by critical studies or liberation/feminist theologies of suspicion, little patience remains for listening to what the OT has to contribute to modern questions on decision-making.

In a recent *Festschrift* for Brevard S. Childs, Robert R. Wilson[25] briefly reviewed my *Toward Old Testament Ethics*. What troubled Wilson was that my solution to the problem of selectivity was solved by arguing that a distinction between moral law on the one hand and ceremonial and civil law on the other was an ancient one found in the text of Scripture itself. Wilson complained that it was not always clear why some laws were in the category of moral law and others were not. He thought that I explained away some of the narrative stories that did not fit the moral principles found in didactic passages. Briefly stated, Wilson said that my interpretive guidelines were too complex, even though he seemed to exhibit a certain amount of appreciation for my view and a hesitancy to critique it.

A more helpful approach, it seems to me, would have been to join the argument over specifics. The data may indeed embody a complex set of interpretive guidelines. Surely that is what those who practice law in our contemporary society have learned as simple principles take on great complexity in the midst of increasingly complicated lifestyles.

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[24] R. E. Clements, "Christian Ethics and the Old Testament," *The Modern Churchman* 26 (1984) 13–26.

[25] R. R. Wilson, "Approaches to Old Testament Ethics," *Canon, Theology and Old Testament Interpretation* (ed. G. M. Tucker, D. L. Peterson and R. R. Wilson; Philadelphia: Fortress, 1988) 66–67.

Two issues must be faced before further progress can be made in the realm of OT ethics. The new methods of hermeneutics must be the first order of business, for without some progress here the text will be subjected to a plethora of equally useful meanings but without the possibility of validating them or granting them any authority.

The other issue will be the alleged collapse and eclipse of Biblical norms due to the results of critical studies of the Bible and theologies of suspicion such as liberation or feminist readings of the text.

While these two issues are the initial roadblocks, the last and in many ways the greatest hurdle will come when the question is asked about an integrating, unifying, or single rationale for OT ethics that joins the several authors, books, literary genres and legal corpora. Modernity is almost unanimous that the whole OT canon cannot have such a high degree of unity, for either theology or ethics, that it will ever yield a center or unifying theme. Even those who have seen certain advantages in the canonical approach have been loath to have the stigma of such an albatross hung around their necks by modernity.

But that will be the final price that must be paid if the preservation of advance is to be made in the field of OT ethics. If the OT is not a book that tells how we ought to live, what is it? And if divine revelation cannot secure enough consistency in its theological and ethical themes to form a unified whole, what is the binding agent or force that holds the themes, instructions and descriptions together throughout a canon that ostensibly purports to come from the mind of God?

We urge that evangelicals take the leadership in addressing each of these three problems—hermeneutics, criticism, a center—that are prerequisites to producing moral and ethical direction for our desperately anxious generation.