

The Law of Moses

An Overview

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During the last week of his life, Christ was confronted by a group of Jewish authorities who asked him, “Master, which is the great commandment in the law?” (Matthew 22:36). Christ’s answer, that one should love God with all one’s heart, soul, and might (Deuteronomy 6:5), as well as one’s neighbor as oneself (Leviticus 19:18), was then followed by the assertion “On these two commandments hang all the law and the prophets” (Matthew 22:40). Clearly, in Christ’s day the law of Moses was regarded as providing crucial instruction regarding one’s behavior both with one’s fellow man and with God, and as such was a subject of much interest. In fact, references to the law can be found throughout the New Testament, not only in the teachings of Christ but also in the Pauline writings where there is considerable engagement with it.

For many modern readers of the New Testament, what constituted the law and what it exactly was is not altogether clear. For example, the law is periodically associated with the “tradition of the elders” (Matthew 15:2; Mark 7:3, 5) even though Christ separates the two, and this association can create some confusion.¹ Moreover, because the law was “fulfilled” with the resurrection of Christ (3 Nephi 15:4–5), there is the assumption that the law no longer has any significance or meaning and therefore does not need to be understood. While there might be some merit to these claims, complete ignorance of the law almost certainly ensures that one will not be able to fully appreciate, or even comprehend, most of the Old Testament and a large portion of the New Testament. With that in mind, this opening chapter seeks to provide an introduction and overview of the law of Moses so that one may more

fully appreciate its significance and be better equipped to understand its use in the New Testament. Furthermore, even though the law has been superseded by the law of the gospel, since it served as a “schoolmaster” (Galatians 3:24), a knowledge of the law can still offer insights into the manner by which God interacts with his children.

The Law of Moses and Biblical Redaction

Perhaps the single most significant insight about the law at the time of the New Testament is that it was not a monolithic, unified text or system but rather a cobbling together of a number of older legal and cultic traditions. The law had its origin in the Exodus tradition of ancient Israel and is spread across the books of Exodus, Leviticus, Numbers, and Deuteronomy. Though one can find reference to God’s law prior to this event (see Genesis 26:5), the first mention of the law associated with Moses is found in Exodus 13:9. The events surrounding this reference recount the first Passover with both Exodus 12 and 13 providing instructions as to how and when it was to be performed. The parallel but distinct set of instructions highlights one of the challenges to Old Testament study: redaction (the process of editing multiple sources) and multiple authors.²

Like the Book of Mormon, the Bible in its current form is best understood to consist of original authorial writing as well as redacted text, the latter being earlier biblical text that has been edited or commented on by later editors. But unlike the Book of Mormon, it is not clear who exactly these later editors were. Moreover, we are even unsure who some of the original authors were. The first five books of the Old Testament, for instance, are ascribed to the hand of Moses himself, yet the Deuteronomy epilogue describes Moses in the third person and speaks of him being a prophet unparalleled in all of Israelite history: “And there arose not a prophet since in Israel like unto Moses” (Deuteronomy 34:10). This verse is a clear example that, at the very least, part of Deuteronomy has been edited/redacted at some point, presumably with a fair amount of Israelite history having passed to make such an observation. Since the early twentieth century, biblical scholarship has suggested that there are four primary “schools” that authored the first five biblical books.³

The earliest of these sources is designated as “J” because of the prominent use of the divine epithet *Jehovah* (*YHWH* in Hebrew). This source is primarily understood to be narrative in nature, meaning that J recounts the early biblical narratives, highlighting those associated with the covenant.⁴ The second source is designated as “E” because of its use of the divine epithet *Elohim* (most often rendered as “God” in the KJV). Like J, E is also narrative in nature, the difference between the two being their supposed origin, with J associated with the southern kingdom of Judah and E associated with the northern kingdom of Israel.⁵ The third source is “D,” or the Deuteronomist. This source is believed to make up most of the historical texts of the Bible from Deuteronomy through Kings. The dating for this source is later, perhaps around the sixth century BC, and a hallmark of this source is that it tends to emphasize God’s sovereignty and is highly skeptical of human kingship; consequently, in this source the law plays a fundamental role in Israel’s relationship with God. The final, and

supposedly latest source, is “P” or the Priestly source. As the designation for this source suggests, it is presumed to have been written from the priestly point of view and is concerned with those issues and subjects associated with priestly duties. Thus, P is believed to be the source behind Leviticus as well as the other instruction having to do with the temple practice in the early books of the Old Testament.

Of course, the assigning of biblical text to one of the presumed sources is by no means as clear-cut as some have supposed. The book of Genesis for instance, because of its narrative structure, is presumed to have primarily J material, but some of the narratives are thought to be from E while Genesis 1 is supposedly a P addition. Similarly, Numbers is mostly J but overlaid with a P redactor. This type of overlapping of sources has led some to go even so far as to dissect a single verse, assigning individual clauses to the different schools, thus resulting in one verse supposedly evidencing authorship and redaction by three or more of the schools.⁶ More recently, some have suggested that E should no longer be considered a source, but merely another J tradition,⁷ with others saying that the whole process of transmission reveals the hand of a Book of Mormon-like single redactor and therefore one cannot know for sure what is original to a particular school and what is redaction.⁸

To the casual reader, this parsing of traditions may seem like nothing more than an academic exercise, and there is some merit to this observation, particularly since there is no actual text that demonstrates these hypothetical schools existed. Yet the value of the approach is that it reveals places where the Old Testament clearly did have multiple traditions. Moreover, it provides a general chronology to the text and can help in determining which of the various traditions is older. So even if the actual schools are not correct, meaning there really is not a J or an E, it is clear that there was an older text and that somebody somewhere and sometime worked on that text and redacted it. Consequently, this can help us to better understand the formation of the law that is scattered across the texts of Exodus, Leviticus, Numbers, and Deuteronomy and preserves three similar but distinctive law codes: the Covenant Code, the Holiness Code, and the Deuteronomic Code.

The Covenant Code

According to biblical tradition, the law of Moses was not given until Moses and the camp of Israel arrived at Sinai following the exodus from Egypt, at which point Moses ascended the mountain and received a promise that if Israel obeyed God’s voice and kept his covenant, they would be blessed and become a “kingdom of priests” (Exodus 19:6). Contingent upon Israel’s acceptance, they were told to prepare themselves for the space of three days, after which God would come down “in the sight of all the people” (Exodus 19:11). Three days later, the text describes an epiphany in which God descended on Sinai. Moses is again called to ascend the mountain a second time, receiving the instruction comprising Exodus 20–23. Referred to as the “Covenant Code” because of its relationship with the covenantal events of Exodus 19 and 24, as well as the specific reference to the *sēfer ha brit*, or “book (writing)

of the covenant,” this legal instruction is considered by many to be the oldest of the Israelite legal traditions.⁹

The collection itself is composed of three types of law: apodictic, casuistic, and participial.¹⁰ Apodictic laws may be characterized by their unconditionality, their use of the second person, and they often lack a penalty for violation of a said law. These laws may either be prescriptive, meaning that they indicate positive commandments (“thou shalt”), or prohibitive (“thou shalt not”). As such, the Ten Commandments are the most emblematic of this type of law. Because of their absolute nature, apodictic commandments are understood to be divine decrees, representing the voice of God directly. This is reinforced by the biblical tradition in which they were written down in stone by the finger of God (Exodus 31:18).

While the apodictic laws are, by their very nature, relatively straightforward, the casuistic and participial laws set out a general precept and then provide varying cases that determine whether the individual’s behavior is allowed or not.¹¹ These cases address two primary aspects of Israelite life: civic interaction and cultic participation. Regarding the first aspect, particular focus is placed on avoiding social conflict, such as interactions between household members (including male and female servants), accidental or intentional property damage (including damage to moveable property such as livestock), and legal procedures. The last of these, legal procedures, are given special consideration, as injunctions are given concerning false reports, false charges, the acceptance of bribes, and the like (Exodus 23:1, 6–8). It is within this context that we can place the famous *lex talionis*, or “eye for eye” formulation (Exodus 21:24, 26). The principle highlights the significance that just recompense should play if one causes harm or injury to another or their property.¹² As the astute reader will quickly note, there is no actual eye exchanged for an eye, but a series of recompenses based on whether the act was intentional or not. Thus, for instance, if one strikes the eye of one’s servant, then that servant is now free (Exodus 21:26–27).

The code also establishes protections for a number of marginalized groups, including the poor, families that have lost husbands and fathers, and the stranger, or those who were not a part of the house of Israel, whom Israel was told expressly not to “vex” or oppress. Though the text is not explicit concerning their economic states, the context of Israel’s instructions suggests that these groups were generally understood to be economically in need.¹³ Thus, the Covenant Code addressed their poverty; for example, the Sabbatical Year, established in Exodus 23, left all produce for the poor. Yet the law sought to do more than simply provide aid for the poor; it also sought to preserve the dignity of the marginalized groups. One intriguing instance is the legal precept found in Exodus 22:26–27, which relates what one did if another offered his “raiment” (cloak) as a pledge to repay: “If thou at all take thy neighbour’s raiment to pledge, thou shalt deliver it unto him by that the sun goeth down: For that is his covering only, it is his raiment for his skin: wherein shall he sleep?” The reason for doing so seems obvious—as the text states, the return of the cloak is required so that the individual has some means of warmth or protection while sleeping at night. Yet there is greater significance to the precept when one realizes that clothing plays an important social role as well, particularly as one of the primary ways in which individuals define themselves.¹⁴

Though many have noted the role of clothing in identification, such as priestly and royal costumes, the act of clothing, or investiture, is as significant in that it indicates the ability of an individual to make a definition. Thus, clothing specifies who we believe we are, while the act of clothing displays the power to define oneself and not be defined by others.¹⁵ For the poor, giving the cloak, the last possession one has, as a pledge must have been a humbling experience. Returning the cloak would have reinforced the worth of any such individual, both to the owner and the returner.¹⁶

As the above examples demonstrate, the precepts of the law were more than mere restrictions. Their emphasis on personal responsibility for the welfare of oneself and others suggests that they were grounded, at least originally, in an effort to teach Israel their divinely appointed obligations for both themselves and their fellow man, creating the conditions whereby they could fulfill the covenant established between them and God.¹⁷

The Holiness Code

The Holiness Code, the second code in terms of placement but not necessarily in terms of composition, may be understood as the legal instruction comprising Leviticus 17–27 and the sacrificial instructions that make up Leviticus 1–7.¹⁸ Though the sacrificial instruction is not the same type of instruction as the legal principles described later, its central place within Israel's worship highlights the importance of personal righteousness, as well as worthiness and holiness, and forms the basis of the later legal material. In light of this, understanding the sacrificial forms becomes important to better understand the powerful, even spiritual, relationship that Israel believed was possible with God and was reflected in the legal traditions.

Sacrifices fall into two primary categories: (1) freewill offerings and (2) reparation offerings. Within each category there were about three or four different sacrificial forms, or manners, by which sacrifice was performed. The first category, freewill offerings, included Leviticus 1 and 2, which are specifically about the *'olāh*, or an offering of flesh, and *minḥāh* sacrifices, or an offering of grain. That grain offerings would be so prominently discussed as viable sacrifices may be surprising for some, but in fact *minḥāh* offerings were integral parts of the sacrificial system overall, while also making it possible for all Israelites, regardless of their economic state, to make an offering. The following describes the three most significant sacrificial forms: the burnt offering, the sin offering, and the peace offering.

First offering type: The burnt offering

The burnt offering, or *'olāh* offering, was so named because following the slaughter of the animal and offering up of specific elements of the animal's corpse, all of the animal was then placed on the altar and consumed by fire, with the smoke of the offering ascending up (*'olāh*) to heaven (Leviticus 1:5–13). As for the meaning of the sacrifice itself, the text simply states that if it is done properly and willingly, then it will be accepted in order to “make atonement” for the individual (Leviticus 1:4). What “making atonement” means is

not explicitly explained. The Hebrew verb *kpr* has been translated as “to purify, to cleanse, to cover, to reconcile,” which spans a number of different meanings.¹⁹ This study will revisit the different uses of atonement later. For now it is enough to note that, at some level, atonement lies at the heart of the *’olāh* offerings.

Second offering type: The sin offering

The second sacrificial form, commonly known as the “sin offering,” may be further divided into two subforms, the *hatt’āt* and *’āshām*, or “uncleanliness” and “trespass” offerings (for the *hatt’āt*, see Leviticus 4:1–5:5; for the *’āshām*, see Leviticus 5:6–6:6). These offerings, as their names imply, reconcile or repair one’s spiritual state after having become unclean. Here sin may be understood as fitting within one of three categories: (1) intentional sins that may be recompensed only through the death of the individual; (2) unintentional sins; and (3) sins that one intended but can be recompensed through another means, that is, the *hatt’āt* and *’āshām* offerings. As for the offerings themselves, they may be noted by their unique use of the offering’s blood (as opposed to the burnt and peace offerings), as some of the blood was daubed on different items within the tabernacle or temple, particularly the altar (Leviticus 4:6–7, 17–18, 25; 5:9; 16:14–15, 18–19). As with burnt offerings, these offerings made atonement possible with forgiveness given to the individual of wrongdoing. The latter promise is unique to the *hatt’āt* offering and suggests that “making atonement” may be understood in more than one way, as burnt offerings did not lead to forgiveness but did effect atonement.

How these sacrifices effected atonement may be implied by the manipulation of the blood, as the blood covered the items in the sacred space. In the Holiness Code, Israel is commanded to never ingest blood—blood being the “life” of a being (Leviticus 10–14). If one assumes the same symbolic parameters for the blood of a sacrifice, then the life of the animal is being placed on the altar and transformed, becoming clean through this interface. If the animal can be understood as representing the offerer, then the animal’s blood may represent the offerer’s life, which has been transformed by the ritual experience. Part of this experience requires the priest to partake of some of the flesh of the animal to effect atonement, which may demonstrate that in the forgiving and cleansing process, the offerer is not alone, because the process is shared and experienced with the priest as well.²⁰

Third offering type: The peace offering

The third sacrificial form is the *shelāmim*, or “peace” offering, and it may be divided into two subforms as well: the *tôdāh* offering, also known as a “thanksgiving” offering, and the “vow” or “voluntary” offering, which completes or finishes the vow process and is given as an acknowledgement of the fulfilling or completing of the vow (Leviticus 3; 7:11–21). This sacrifice may be distinguished from the others by the consumption of the animal by the offerer. Unlike the *’olāh* and *hatt’āt/’āshām* sacrifices, once the priest has offered the portion of the animal dedicated to God (namely, the blood and some of the internal viscera such as the fat), the offerer then takes the rest of the animal home to consume there. There is a

time restriction to the consumption: the animal has to be consumed within one or two days depending on whether it is a thanksgiving or vow offering (Leviticus 7:15–17). Nothing may be preserved or saved; thus the *shelāmîm* offering was a shared experience with friends, family, or neighbors who often helped in the consumption of the sacrifice. Of the three sacrificial forms, the peace offering is perhaps the most intriguing because it is not intended to overcome a negative condition. Instead, it acts to enhance a positive event, whether that was the completion of a project (e.g., the construction of the temple) or the fulfilling of a vow. The communal nature of this sacrificial form, in light of its function, suggests that the peace offering was the highest offering that could be offered.²¹

All of the sacrificial forms can have christological interpretations, the *hatt'at/ 'āshām* offerings being the most readily interpreted in this manner. The Book of Mormon makes it quite clear that recognizing Christ's supernal act of atonement was an essential part of the rituals of the law of Moses. In his discourse to the priests, the prophet Abinadi declared that the purpose of the law and rituals was to facilitate Israel's remembrance of God and their duty to him: "Therefore there was a law given them, yea, a law of performances and of ordinances, a law which they were to observe strictly from day to day, to keep them in remembrance of God and their duty towards him" (Mosiah 13:30). Earlier, Nephi made it clear that the law directed one toward Christ (2 Nephi 25:23–30). Nephi's father, Lehi, explained in particular the relationship between the Atonement and rituals of Moses, calling Christ's act a "sacrifice for sin," that is, a sin offering.

Christ's supernal act is certainly reflected in the sin offering, of which the explicit purpose is to bring about forgiveness through the individual's offering. Just as the blood of the sin offering covers the items of the tabernacle, thereby reconciling the individual represented by the offering, Christ's blood covers us, reconciling us to his Father. Similarly, the burnt offering represents all that he offered to bring about reconciliation as well as what we are expected to offer for this reconciliation. It may also highlight another important part of the atonement process, namely, our need to offer all in order to receive that salvation. As for the peace offering, its function to enhance the positive events of ancient Israel suggests an aspect of the Atonement that is often not recognized, that being the joy of God and Christ when positive events happen—perhaps even their desire to share that joy.

The precepts

The Holiness Code, following the sacrificial instruction, can best be understood as consisting of precepts that governed Israel's cultic behavior. While it contains many of the same moral and ethical commandments as the Covenant Code, it also emphasizes cultic regulations such as the eating of the *shelāmîm* offerings, the prohibition against consuming blood, and the proper (and only) place to offer burnt offerings. Associated with the direct cultic regulations are repeated injunctions to not engage in any way with foreign worship systems (Leviticus 19:4). Similarly, mourning rites for the dead such as tattooing, cutting, shaving, and the cutting of hair are prohibited (Leviticus 19:27–28). Divinatory specialists such as

those who associate or seek guidance from “familiar spirits” are specifically highlighted as improper (Leviticus 19:31; 20:27). While not directly cultic, the Holiness Code is the first law code to designate clean and unclean animals, further stating that only animals that have been slaughtered are acceptable for consumption (Leviticus 20:25). While these precepts may seem somewhat arbitrary, they indicate that Israel was expected to maintain a certain set of behaviors that would allow them to participate in tabernacle service.

This is especially true regarding the moral and ethical elements of the Holiness Code. While many of the precepts are similar to the proper social behavior exemplified in the Covenant Code, the specific and explicit association of these with holiness suggests a completely new understanding. The term *holy* is actually translated from two related Hebrew terms: *qodesh* and *qādōsh*. Unlike Indo-European languages, Hebrew does not have vowel letters, but derivations of the root, with subsequent nuances to the general meaning of the term, are demonstrated through the use of prefixes, suffixes, and the vowel sounds. Thus, even though *qodesh* and *qādōsh* stem from the same root, *qdsh*, the different vowel sounds suggest different nuances between the two.²²

Of the two, *qādōsh* is much more common, being used 468 times in the Hebrew Bible (Old Testament), and is used to describe a number of things such as the clothing of the priests, the animals offered for sacrifice, and the instruments used in the tabernacle. The term *qādōsh*, on the other hand, is used only 106 times, and the items considered *qādōsh* are much more limited. Chief among them is God, “the Holy One” (*qādōsh*). Certain locations where God may be present are also *qādōsh*, though the sanctuary itself is *qodesh*. In Numbers 5:17, the running water used in the rite to discern whether a woman has been committing adultery is referred to as *qādōsh*. However, the second most common usage of *qādōsh* describes the potential state of mortals.

Though both terms stem from the same root, for the most part there is no overlap in usage. Instead, those things that are considered *qādōsh* are differentiated from those things that are *qodesh* in that *qādōsh* items possess a dynamic quality, or the “ability to move things (or people) into, or at least toward, the realm of the divine.”²³ It is for this reason that God is *qādōsh*. As Moses clarifies elsewhere, God’s primary responsibility is to “bring to pass the immortality and eternal life of man,” a process of movement from a lesser state into the ultimate divine state (Moses 1:39). This dynamic quality lies at the heart of the use of *qādōsh* in the law of Moses, for throughout Leviticus the precepts are established with the injunction that Israel be holy (*qādōsh*), “for I the Lord your God am holy (*qādōsh*).”²⁴ In other words, Israel was expected to be made up of individuals who moved others toward the divine state, as God himself did.²⁵

In this context, the specific instruction to avoid gossip, not harbor hidden enmity (a precept that Christ himself emphasizes in the Sermon on the Mount), and not exact vengeance (Leviticus 19:16–18) suggests that the Holiness Code sought to encourage moral behavior above and beyond the other law codes, which, for instance, allowed for absolute justice. Perhaps even more striking are the similarities between these precepts and the characteristics of those who may “abide in the [Lord’s] tabernacle” and who shall dwell in the “holy hill” of

the Lord as noted in Psalm 15:1. There a righteous person is described as one who “speaketh the truth in his heart, . . . that backbiteth not with his tongue” (Psalm 15:2–3), does not engage in usury, and keeps his oaths. Perhaps, then, it is not surprising that it is in the Holiness Code that the commandment to “love thy neighbour as thyself” is found (Leviticus 19:18). Likewise, of equal significance is the commandment to recognize the stranger as “one born among you, and thou shalt love him as thyself” (Leviticus 19:34). These two injunctions, perhaps the defining characteristics of those God had chosen to be “holy,” will also become primary injunctions of Christ himself.

The Holiness Code also includes a section of precepts specifically for the priests. Among other things, these include injunctions regarding the type of woman a priest can marry, the physical requirements that may restrict priesthood service, and restrictions regarding contact with corpses (Leviticus 21–22). While these rulings may seem particularly restrictive and out of step with modern mores, they highlight the extraordinary responsibility that the priest had with the rest of Israel. They were to be held to a higher standard, representing a divine purity and thus necessitating their need to be in that state of purity.²⁶

Deuteronomic Code

The last of the three codes, in terms of placement within the canon, is the Deuteronomic Code that comprises the book of Deuteronomy.²⁷ The biblical text itself states that Deuteronomy was understood to be the last set of instructions given by Moses to Israel before their entrance into the promised land (Deuteronomy 1:1; 31:1–2; 34:1–5). Though some have questioned the historical accuracy of this, it does suggest that the Old Testament compilers recognized that Deuteronomy was a later text. A close review of the laws provided in Deuteronomy suggests familiarity with both the Covenant Code and elements of the Holiness Code, with the Deuteronomic Code revising or modifying the earlier legal and cultic precepts.²⁸

With that said, Deuteronomy contains a number of differences with the other two law codes. First, the deuteronomic text shows a striking similarity to ancient Near Eastern treaty texts. These texts defined the relationship between greater political entities, such as the Egyptian, Hittite, or Assyrian polities, and the lesser kingdoms that were their vassal states. These relationships were established through assigning specific responsibilities to the two, oftentimes a brief history of the two parties and their interaction with one another, curses and blessings detailing the consequences of improper and proper behavior, and instruction by which the treaty was to be periodically read in order to remind the parties that the relationship was still in force. The appearance of all these characteristics in Deuteronomy suggests that this law code could be understood as the “treaty” between Israel and God, which needed to be reiterated as Israel entered into the promised land.²⁹

Another significant difference between the Deuteronomic Code and the others is its recognition of the Israelite community as a city.³⁰ While the Covenant Code appears to address a population primarily rural in nature, Deuteronomy alludes to urban concerns as

well. For instance, in Deuteronomy 17:1–5, the city’s social structure is explicitly mentioned in a law explaining what one should do if reports of potential false worship in a given city emerge. Other instruction concerns what to do if a city is captured in a military conflict (see 18:10–20). This code also reflects the political structure of kingship by explicitly stating that the king must have a copy of the law with him at all times and know it well (Deuteronomy 17:14–20). While cities of refuge, so designated to avoid improper blood revenge, appear in Numbers, their placement within both the geography of Israel and its social structure are fleshed out in Deuteronomy 19. Deuteronomy also incorporates the duties of judges and elders into the civic regulations, suggesting the greater social complexity of urban life. While the appointment of judges was noted in the Covenant Code, in Deuteronomy the political class of the “elders” is explicitly mentioned and takes a prominent role in the juridical duties (Deuteronomy 19:12; 21:2–6, 19–20; 22:15–18; 25:7–9).³¹ Finally, cultic restrictions in Deuteronomy emphasize that Israel was to worship in only one place, presumably the temple in Jerusalem, an emphasis known within biblical studies as “cultic centralization” (Deuteronomy 12:1–14, 26–27; 18:1–8).³²

In terms of legal instruction, like the Covenant and Holiness Codes, the Deuteronomic Code makes it clear that Israel was not to engage in foreign worship, including alternative divinatory practices. The Deuteronomic Code also emphasized the importance of caring for the marginalized, again expanding on earlier, more generalized principles. Thus, Deuteronomy establishes that the third-year tithe was expressly for the Levites, strangers, fatherless, and widowed (14:28–29) and that the festivals that Israel was to celebrate were to be occasions in which all individuals could rejoice alongside the Israelites by virtue of Israelite hospitality. These responsibilities were to reflect divine characteristics, God himself declaring in Deuteronomy 10:17–18 that he watched over the fatherless and the widowed and loved the stranger, and that therefore Israel too was “to love” the stranger, a principle found in the Holiness Code.

These social obligations are also foundational for a number of Christ’s teachings, as well as the characteristics of one who is seeking the “kingdom of God” according to Jacob (Jacob 2:18–19). James summed up Christian discipleship as visiting the “fatherless and widows in their affliction” (James 1:27), suggesting that the Mosaic precepts simply reflect the law of God regardless of the manner in which that law may be found. It is in this context that one can place one of the more unique precepts in Deuteronomy, namely that one could take young birds or even nests, but not the mother (Deuteronomy 22:6–7). Though ostensibly about birds, the law suggests that one should always provide the opportunity for the return and regrowth of all creatures.

Like the Holiness Code, the Deuteronomic Code was concerned with cultic matters, demonstrating particular concern for improper mixing. The list of clean and unclean animals is expanded and associated by type, while elsewhere Israel was told not to mix different seed types in the same field, or plow the field with different types of animals, or wear clothing made of different types of cloth (Deuteronomy 14:3–20; 22:9–11). Making sure that one ate only slaughtered meat and that one did not boil a kid in its mother’s milk may be

included in this concern (Deuteronomy 14:21). Such specifications may seem arbitrary, but they appear to have emphasized the role of assigning things to a proper order, perhaps even reflecting the initial creation process in which objects and entities were delineated from one another and assigned their proper place within creation as a whole.³³ If this is the case, then the separation laws provided a way for Israel to engage in the creation process. This concern may influence one of the more difficult precepts of Deuteronomy, namely, the injunction to “smite them, and utterly destroy them,” meaning the communities inhabiting the land before Israel’s arrival (Deuteronomy 7:1–2; 9:3; 20:16–18).

While many of the injunctions in the law codes are understandable, perhaps even reflecting our own moral and ethical sensibilities, the injunction requiring the annihilation of entire communities is hard to reconcile. Because of the extreme nature of the commandment, some have suggested that it represents a later addition, reflecting an Israel that “could have been”—that is, strong, unwavering, and powerful in the face of adversity. Israel’s actual experience was less than this, as noted by the Assyrian and Babylonian captivities. Moreover, the actual archaeological evidence suggests that Israel did not truly engage in this behavior all the time but appears to have often lived more or less in harmony with their Canaanite neighbors. Yet it is also possible that the injunction was original, at least to the earliest version of Deuteronomy. If this is the case, then the injunction represents a continuation of the creative process.

In this cosmology, the creation is the work of God instituting order and meaning using unorganized elements. Forces that would seek to upend or tear down that order and structure would therefore be going against the will of God. In this perspective, if the Canaanite and other native populations did not recognize the sovereignty of Israel’s God and instead actively sought to emphasize their own deities, thereby leading Israel to fall, then it would be better to wipe them out, just as God did to the inhabitants before the Flood.³⁴ Christ himself would teach a similar principle when he declared that if the “right hand offend thee, cut it off” (Matthew 5:30). While this is not a direct comparison, similarity in principle may be recognized. Finally, the reader would do well to remember that this injunction does not stand isolated but appears in a code that also explicitly repeats again and again the importance of treating the stranger with respect. Thus, it appears to represent an extreme measure. Regardless, the injunction remains one of the more difficult laws to understand and comprehend for the modern reader.

Again, as with the two other law codes, Deuteronomy also addresses the legal aspects of Israelite interaction, noting the importance of fair and impartial judgments. The concern for legal fairness is found throughout the code. Deuteronomy 19:15–21 presents a series of precepts about the importance of accurate witnessing, noting that there must be at least two witnesses and that if a false witness is discovered then that individual shall have done to him what he had hoped would have been done to the falsely accused (this is the context of Deuteronomy’s use of the talionic “eye for an eye”). As noted earlier, Deuteronomy gave greater judicial authority to other entities beyond the aggrieved parties. But with that said, Israel was still expected to overcome differences without resorting to the authorities, with

Deuteronomy 17:8–13 enjoining aggravated parties to reach out to authorities only as a last resort. More significantly, Deuteronomy makes it explicit that one was not held accountable for another's actions: "The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers; every man shall be put to death for his own sin" (Deuteronomy 24:16). Thus, the legal environment of the deuteronomic law may be understood as one in which individuals were to be fair, impartial, and held accountable for themselves while seeking the welfare of those around them.

Later Developments and Consolidation

Outside these three more or less intact codes, one can find further legal instruction. Numbers, in particular, contains portions of both Deuteronomic and Holiness Codes.³⁵ When exactly these three early law codes were canonized and understood as the singular "law" is difficult to ascertain. Certainly one can see the attempt to consolidate, as the final redaction of these texts claims Moses as the voice for all three of them, even though all three show earlier revisions. A possible early consolidation may be noted by reference to the "book of law" found in Deuteronomy and later deuteronomic texts. Second Kings 22 recounts the reconstruction of the temple following a period of misuse and disuse. In the cleanup efforts, a "book of the law" was found in the temple, whereupon Josiah had the book read to all of Judah³⁶—many believe this book to be Deuteronomy. If so, then reconciliation of these different traditions had begun, or at least was believed to have begun, before the Babylonian exile.³⁷

Yet it is in the exile that consolidation and canonization appears to have truly made progress. The book of Ezra recounts the priest Ezra's return to Jerusalem and the rebuilding of the temple. According to the text, Ezra was a "scribe in the law of Moses" (Ezra 7:6), suggesting that at the time when Ezra was written, ca. 400–350 BC, the legal texts were comprehensively known as "the law of Moses." This would indicate that the consolidation process had reached a formative stage by which the law of Moses was conceived as an entirety; by the time the Septuagint was compiled around 280 BC, the five books of Moses appear to have become a "canon." While the centuries immediately preceding Christ's ministry continued to evidence redaction, by the time of his ministry the law of Moses was now understood as the combined legal texts found within the books of Exodus, Numbers, Leviticus, and Deuteronomy.

Conclusion

Following the death and resurrection of Christ, Paul, writing to the saints in Galatia, declared that the law had been a "schoolmaster" to Israel (Galatians 3:24), bringing them to Christ. While it may be tempting, as modern readers, to understand this solely as reflecting the sacrificial practices, it no doubt included the moral and ethical teachings as well. Adherence to those principles, expressly meant to lead the Israelite to holiness, taught the Israelite how to be like God himself. This may explain why Christ rarely condemned practice of the

law, but merely the traditions that had arisen around it. In fact, time and time again, it appears that Christ referred to the principles of the law, restoring the law to its place as divine schoolmaster.

From the Sermon on the Mount to his sermons during the last week of his ministry, Christ frequently demonstrated that the principles in the Mosaic law regarding conduct with one's neighbor were simply the law of God—and that may in fact be the most appropriate way to understand the law of Moses. Regardless of the dispensation or the tradition, the law of God is the law of God. While we no longer need to keep all aspects of the law of Moses, the principles of hospitality, holiness, and social responsibility endure and continue to define what it means to be a Saint.



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Further Reading

- Boecker, Hans Jocham. *Law and Administration of Justice in the Old Testament and Ancient East*. Minneapolis: Augsburg, 1980.
- Carmichael, Calum M. *The Origin of Biblical Law: The Decalogue and the Book of the Covenant*. Ithaca, NY: Cornell University Press, 1992.
- Hiers, Richard H. *Justice and Compassion in Biblical Law*. New York: Continuum, 2009.
- Morrow, William S. *An Introduction to Biblical Law*. Grand Rapids, MI: Eerdmans, 2017.
- Thielman, Frank. *The Law and the New Testament: The Question of Continuity*. New York: Crossroad, 1999.
- Westbrook, Raymond. *Everyday Law in Biblical Israel: An Introduction*. Louisville, KY: Westminster John Knox, 2009.

Notes

1. Found in the New Testament narrative concerning the eating with unwashed hands, the phrase references the Jewish oral traditions that had accumulated around the written law. Though not a part of the written law, these traditions had been given legitimacy by presenting them as instruction passed on orally through the preceding generations. Codified and written in the Jewish Mishnah around the third century AD, these traditions included a history of their formation (see m. Avot 1:1: “Moses received the Torah at Sinai, and transmitted it to Joshua, and Joshua transmitted to the Elders, and the Elders to the Prophets, and the Prophets to the members of the Great Assembly. They said three things: be deliberate in judgment, raise up many disciples, and make a fence for the Torah”). Christ’s criticism is that already by the New Testament era, these traditions, which were meant to preserve and protect the law (i.e., the fence), had been elevated to the status of the law itself, thus creating tensions in the performance of both the law and the tradition. For more on these particular New Testament passages, see John Nolland, *The Gospel of Matthew*, The New International Greek Testament Commentary (Grand Rapids, MI: Eerdmans, 2005), 609–15; also Adela Yarbo Collins, *Mark*, Hermenia Commentary Series, ed. Harold W. Attridge (Minneapolis: Fortress, 2007), 344–49.
2. William Johnstone, “The Two Theological Versions of the Passover Pericope in Exodus,” in *Text as Pretext: Essays in Honour of Robert Davidson*, ed. Robert P. Carroll (Sheffield, England: JSOT, 1992), 160–78.

3. Biblical scholarship refers to this approach to the Bible as the documentary hypothesis within the larger methodological approach known as source criticism. Discussion on this approach can be found in any introductory study to the Bible. For an excellent introduction to source criticism, see Pauline A. Viviano, "Source Criticism," in *To Each Its Own Meaning: An Introduction to Biblical Criticisms and Their Application*, ed. Steven L. McKenzie and Stephen R. Davis (Louisville: Westminster John Knox, 1999), 35–57. For a Latter-day Saint approach, see David Bokovoy, *Authoring the Old Testament: Genesis–Deuteronomy* (Salt Lake City: Greg Kofford Books, 2014). For excellent summaries of biblical criticism topics in general, see Richard N. Soulen, *Handbook of Biblical Criticism* (Louisville: John Knox, 2011).
4. See Albert de Pury, "Yahwist ("J") Source," in *Anchor Bible Dictionary*, ed. David Noel Freedman (New York: Doubleday, 1992), 6:1012–20, for more on the nature of this source. For more detail see John Van Seters, *The Yahwist: A Historian of Israelite Origins* (Winona Lake, IN: Eisenbrauns, 2013).
5. De Pury, "Yahwist ("J") Source," 6:1012–20.
6. This type of dissection was more common in the early to mid-twentieth century. For a critique of this type of hyper parsing, see Joel S. Baden, "Why Is the Pentateuch Unreadable?," in *The Formation of the Pentateuch*, ed. Jan C. Gertz, Bernard M. Levinson, Dalit Rom-Shiloni, and Konrad Schmid, *Forschungen zum Alten Testament* 11 (Tubingen, Germany: Mohr Siebeck, 2016), 243–51, esp. 245–47.
7. This is the stance of most European pentateuchal scholarship. Joel Baden, a scholar from the United States, has rebutted this, suggesting that E should in fact still be understood as a viable source; see Joel S. Baden, "Continuity between the Gaps: The Pentateuch and the Kirta Epic," in *Formation of the Pentateuch*, 283–92.
8. This particular approach is known as redaction criticism and arises from the "gaps" within a given pentateuchal narrative, meaning that the lack of certain elements within a biblical narrative (such as the period of time between Isaac and Rebekah's marriage and the birth of the sons) suggests that there were not coherent, complete sources but fragments or pieces of given traditions and that, therefore, one can only trace the text to a redactor. For a rebuttal see Baden, "Continuity between the Gaps."
9. While this is the consensus, like much of biblical studies, it is not accepted by all. For a contrasting position, see John Van Seters, *A Law Book for the Diaspora: Revision in the Study of the Covenant Code* (New York: Oxford University Press, 2003).
10. William S. Morrow, *An Introduction to Biblical Law* (Grand Rapids, MI: Eerdmans, 2017), 74–76.
11. Casuistic laws often demonstrate an "if-then" structure and reflect case-by-case precepts. Participial laws use a participial to refer to the participants and may be understood as hybrids of casuistic and apodictic laws (see Morrow, *Introduction to Biblical Law*, 73–74).
12. Zeev W. Falk, *Hebrew Law in Biblical Times: An Introduction* (Provo, UT: Brigham Young University Press and Eisenbrauns, 2001), 73–77.
13. See David L. Baker, *Tight Fists or Open Hands? Wealth and Poverty in Old Testament Law* (Grand Rapids, MI: Eerdmans, 2009), 136–93.
14. Susan B. Kaiser, *The Social Psychology of Clothing and Personal Adornment* (New York: Macmillan, 1985), 216–17: "There are two important functions to clothes in nonverbal communication. First, they help us to negotiate identities, as we present our situated identities or roles, moods, values, and attitudes to one another. Second, they help us to define situations, that is, to socially construct the basis for our interactions."
15. Malcolm Bernard, *Fashion as Communication* (London: Routledge, 2002), 39: "Clothing and fashion, as communication, are cultural phenomena in that culture may itself be understood as a signifying system, as the ways in which a society's beliefs, values, ideas and experiences are communicated through practices, artefacts, and institutions; . . . fashion, clothing and dress are the artefacts, practices, and institutions that constitute a society's beliefs, values, ideas and experiences. According to this view, fashion, dress and clothing are ways in which people communicate, not only things like feeling and mood, but also the values, hopes and beliefs of the social groups of which they are members. They are, then, the ways in which society is produced and reproduced."

16. Note that in Exodus 22:27, one reason for returning the cloak is because the Lord is “gracious.” Interestingly, there is an extrabiblical text that describes a scenario where the individual’s cloak was not found. On an ostraca (pottery sherd with writing on it) from the area of Yavneh-Yam, Israel, the following text was found: “Let my lord, the governor, hear the word of his servant! Your servant is a reaper. Your servant was in Hazar Asam, and your servant reaped, and finished, and he has stored (the grain) during these days before the Sabbath. When your servant had finished the harvest, and had stored (the grain) during these days, Hoshavyahu came, the son of Shobi, and he seized the garment of your servant, when I had finished my harvest. It (is already now some) days (since) he took the garment of your servant. And all my companions can bear witness for me—they who reaped with me in the heat of the harvest—yes, my companions can bear witness for me. Amen! I am innocent from guilt. And he stole my garment! It is for the governor to give back the garment of his servant. So grant him mercy in that you return the garment of your servant and do not be displeased.” For more on this text, see J. H. Tigay, “A Talmudic Parallel to the Petition from Yavneh-Yam,” in *Minhah le-Nahum: Biblical and Other Studies Presented to Nahum M. Sarna in Honour of His 70th Birthday*, ed. Marc Zvi Brettler and Michael Fishbane (Sheffield: JSOT, 1993), 328–33; F. W. Dobbs-Allsopp, “The Genre of the Mešad Hashavyahu Ostrakon,” *BASOR* 295 (1994): 49–55.
17. John I. Durham, *Exodus*, Word Biblical Commentary 3, ed. Bruce M. Metzger (Waco, TX: Word, 1987), 337: “The Book of the Covenant is a kind of theological rule for life in the Presence of Yahweh. Its concern is how to serve Yahweh, and him alone; . . . it is a rule for life in Yahweh’s presence that links the narrative of Yahweh come to Israel with the narrative of Israel’s approach to Yahweh by providing the rule by which such an approach can be made by such a people to such a God.”
18. The dating for these two sections is complicated. See Morrow, *Introduction*, 110–17, for a brief summary.
19. B. Lang, “רפכ,” in *Theological Dictionary of the Old Testament*, ed. Gerhard Kittel and Gerhard Friedrich, trans. Geoffrey W. Bromiley (Grand Rapids, MI: Eerdmans, 1971), 7:288–303.
20. The unique use of the blood in the atoning process associated with the sin offering has been noted extensively. For more see Jacob Milgrom, *Leviticus 1–16*, Anchor Bible (New York: Doubleday, 1991), 3:226–307. A good review is Yitzhaq Feder, *Blood Expiation in Hittite and Biblical Ritual: Origins, Context and Meaning* (Atlanta: Society of Biblical Literature, 2011). See also Nicole J. Ruane, *Sacrifice and Gender in Biblical Law* (Cambridge: Cambridge University Press, 2013), 130–45.
21. Nobuyoshi Kiuchi, “Spirituality in Offering a Peace Offering,” *Tyndale Bulletin* 50, no. 1 (1999): 23–31.
22. Ringgren, “שדק,” in *Theological Dictionary of the Old Testament*, 12:521–45.
23. E. Jan Wilson, “Holiness” and “Purity” in Mesopotamia, *Alter Orient und Altes Testament* 237 (Neukirchen-Vluyn: Neukirchener, 1994), 87–88. For more discussion on the distinction of these terms, see Gaye Strathearn, “Holiness to the Lord’ and Personal Temple Worship,” in *The Gospel of Jesus Christ in the Old Testament*, ed. D. Kelly Ogden, Jared W. Ludlow, and Kerry Muhlestein (Provo, UT: Religious Studies Center, Brigham Young University; Salt Lake City: Deseret Book, 2009), 219–32.
24. Leviticus 19:2; see 11:44–45, 20:7, 21:8; Deuteronomy 7:6; 14:2; 28:9.
25. Biblical scholar Jonathan Klawans considers this in his article “Pure Violence: Sacrifice and Defilement in Ancient Israel,” *Harvard Theological Review* 94, no. 2 (2001): 135–57: “Jon D. Levenson . . . has argued that the biblical narrative of tabernacle (and temple) construction take on a cosmic significance. . . . In so doing, Levenson demonstrates that the priestly traditions understand tabernacle and temple construction as an act of *imitatio Dei*. If the building of the temple can be understood as an act of *imitatio Dei*, and if the process of preparation for the rituals that will take place there can be understood likewise, can this concept help us to better understand at least some aspects of ancient Israelite animal sacrifice?” (p. 145).
26. For more on the Holiness Code and its relationship to the rituals, see Leigh M. Trevaskis, *Holiness, Ethics and Ritual in Leviticus*, Hebrew Bible Monograph 29 (Sheffield, England: Sheffield Academic Press, 2011).
27. The title “Deuteronomy” is Greek, reflecting the usage of this Greek noun in the Septuagint of Deuteronomy 17:18, meaning “second law.”

28. See Morrow, *Introduction*, 200–206, for a brief summary concerning dating. The lack of land concern in the Holiness Code is one of the primary reasons for the later dating of P. See also Moshe Weinfeld, *The Place of the Law in the Religion of Ancient Israel* (Leiden, Netherlands: Brill, 2004), 77–80.
29. For more on the covenant-treaty pattern, see George E. Mendenhall, *Law and Covenant in Israel and the Ancient Near East* (Pittsburgh: Biblical Colloquium, 1955); and Dennis J. McCarthy, “Covenant in the Old Testament: The Present State of Inquiry,” *Catholic Bible Quarterly* 27, no. 3 (1965): 217–40. A more recent example is Kenneth A. Kitchen and Paul J. N. Lawrence, *Treaty, Law and Covenant in the Ancient Near East* (Wiesbaden, Germany: Harrassowitz, 2012).
30. Don C. Benjamin, *Deuteronomy and City Life: A Form Criticism of Texts with the Word City (‘ir) in Deuteronomy 4:41–26:19* (Lanham, MD: University Press of America, 1983).
31. Timothy M. Willis, *The Elders of the City: A Study of the Elders-Laws in Deuteronomy* (Atlanta: Society of Biblical Literature, 2001).
32. Rannfrid I. Thelle, *Approaches to the “Chosen Place”*: Accessing a Biblical Concept (London: T&T International, 2012). See also Bill T. Arnold, “Deuteronomy and the Law of the Central Sanctuary *noch einmal*,” *Vetus Testamentum* 64 (2014): 236–48.
33. Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (London: Routledge and Kegan Paul, 1978).
34. The Hebrew term for this utter annihilation is *herem*. For more on the relationship between *herem* and creation, see Philip D. Stern, *The Biblical Herem: A Window on Israel’s Religious Experience* (Atlanta: Scholars Press, 1991). See also Yair Hoffman, “The Deuteronomistic Concept of Herem,” *Zeitschrift für die alttestamentliche Wissenschaft* 111, no. 2 (1999): 196–210. Interestingly, the concept of *herem* appears in the Book of Mormon. Alma 16 describes the destruction of Ammonihah in language reminiscent of the utter destruction associated with *herem*. Helaman 6 describes a *herem* in which the Gadianton robbers are utterly destroyed out of Lamanite territory. In the latter case the utter destruction comes about through the preaching of the word of God.
35. See Numbers 5–6; 9:1–14; 19; 27; and 35.
36. Erik Eynikal, *The Reform of King Josiah and the Composition of the Deuteronomistic History* (Leiden, Netherlands: Brill, 1995).
37. One of the evidences used for this perspective is the Ketef Hinnom inscriptions. In 1979, during excavations of a series of tombs west of the City of David, two silver amulet scrolls were found that contained portions of what is known as the “priestly blessing” recorded in Numbers 6:23–27. The scrolls themselves have been dated to a preexilic origin (late seventh–early sixth century BC). For more on this inscription, see Gabriel Barkay, Andrew G. Vaughn, Marilyn J. Lundberg, and Bruce Zuckerman, “The Amulets from Ketef Hinnom: A New Edition and Evaluation,” *Bulletin of the American Schools of Oriental Research* 334 (2000): 41–70.