PATRICK D. MILLER

The Way of the Lord

Forschungen
zum Alten Testament
39

Mohr Siebeck

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The Way of the Lord

Essays
in Old Testament
Theology

Mohr Siebeck

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To

Wallace M. Alston, Jr.

Robert W. Jenson

and the members and staff of the

Center of Theological Inquiry

Foreword

The essays presented here are largely the product of the last decade, most of them published previously but several appearing here for the first time. They represent my endeavors to carry out an ongoing theological interpretation of Scripture, particularly the Old Testament, in three broad areas. In the course of teaching Old Testament ethics over a period of time, I realized I was taking up the pertinent issues and texts increasingly in relation to the Ten Commandments. I have pursued that line of direction more thoroughly through various lectures and essays seeking to uncover the rich complexity of the Commandments as they are elaborated in the whole of Scripture. The result, as represented in the first section of this book, is a broad rather than a narrow reading of the Commandments.

The Psalms provide the second area of focus. While the essays take up both individual psalms and wider themes, my interest is a theological reading and one that, like the study of the Commandments, opens a way of believing and acting that is compelling and rewarding. The possibility that the Commandments and the Psalms together can point the way of faith and life is suggested by the presence of a previously unpublished essay on the Psalms and the First Commandment.

The third group of essays is more wide-ranging. They take up topics and issues that have to do largely with theology and anthropology. Included here also are some modest efforts to think more methodologically about theological interpretation of Scripture, including listening to the Old Testament in the context of God's redemptive word in Jesus Christ.

There are many persons who have assisted in the writing and publishing of these essays, including those who have listened to their presentation and responded with helpful criticisms. In this context, however, I want particularly to thank Prof. Dr. Bernd Janowski and Prof. Dr. Hermann Spieckermann, the editors of the series Forschungen zum Alten Testament, and Dr. Henning Ziebritzki, editor of Mohr Siebeck, for their interest and support in bringing this volume into print. My special gratitude goes also to Amy Erickson, who has taken time from her doctoral studies to help prepare these essays for publication, and to J. P. Kang, who prepared the final form of the manuscript and the indices and without whose combination of scholarly and computer competence this project could not have been completed. On two separate occasions, I have had the opportunity to do my research and writing as a member of the Center of Theological Inquiry in Princeton. While most of the essays collected here have appeared elsewhere, a num-

ber of them, both published and unpublished, were prepared during my time at the Center. My gratitude to the Center and those who participate in its life and leadership is reflected in the dedication of this volume to all my friends there.

Princeton, New Jersey, 2004 Patrick D. Miller

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The Commandments

1. The Place of the Decalogue in the Old Testament and Its Law

A number of years ago a committee in the Presbyterian Church U.S.A. was charged with preparing a draft of a new confession of faith for that denomination. When it first sent out its draft for initial reaction, the responses were, as one would expect, many and varied. One of the strongest criticisms of the draft, both in terms of frequency and intensity, was that the proposed confession did not contain an exposition of the Ten Commandments. That response was in part a reflection of the particular tradition of that church, in which exposition of the Commandments has historically been a part of major confessional statements. Yet many of those who raised this objection, particularly lay people, were not that cognizant of the tradition but felt somehow that the Commandments are so central to the Bible's teaching and fundamental to life and faith that they must be included in any effort to say who and what we are as a community of faith. Whatever uncertainties and ambivalences we may have as Christians about the place of law in the Christian life, most of us understand that the Ten Commandments are basic and not abrogated in any final way by the Christ event. While we may not always know what they mean for our conduct or how literally or strictly they are to be obeyed, there is some sense that they transcend the normal limitations, restraints, and temporality of most of what we call law, within the Scriptures and beyond. That sensibility is certainly on target, not only in relation to the Reformed tradition, but in light of the place of the Decalogue in the Scriptures.

Within the Bible, the Ten Commandments are at one and the same time both the starting point of the law and of our thinking about the law and the one part of the legal material of the Old Testament that least resembles law as we are accustomed to understanding it. Both of these facts are important for understanding the place of the Decalogue. It stands at the beginning of all the legal material and as such occupies primary place in the divine instruction that comes through the laws or laws of Scripture. The contexts in which the Commandments appear give significant and obvious clues that these words are special.

The first clue is in the very fact that there are two accounts of the presentation of the Decalogue. Exod 20 tells of their initial transmission to Israel, and in Deut 5 Moses restates them to the people, reminding them, at the boundary of the Promised Land, that these words are the basic charter

of their life together in the land that the Lord is giving. The foundational character of the Commandments as the essential obligations of the community of faith is thus reinforced at a critical moment in history.[1] Deuteronomy calls attention to this understanding of the Commandments when, in chapter 4, Moses alludes to Sinai and states: "He declared to you his *covenant*, which he commanded you to perform, that is, the *ten words*" (Deut 4:13). To the extent that the covenant provides the framework for the relation of the people to God and to each other, its contents or requirements as far as the people are concerned are to be found in these ten words or commandments.

A second clue to their special place is found in the fact that the narrative around the giving of the Commandments clearly presents their transmission as something that happened directly between God and the people. It is only after the Commandments have been given that the people explicitly ask Moses to stand in their stead and receive the rest of the law. The Decalogue is thus perceived as direct revelation of God to the people, while the rest of the law is mediated through Moses. That does not mean that the rest of Old Testament law is unimportant. It is all God-given; but the story wants to single out the Decalogue as the starting point, separating it and lifting it to a higher level by distinguishing between the modes of transmission of the Commandments and the rest of the laws.

A third indicator of the significance of the Decalogue as the starting point for the understanding of law is the fact that the two presentations of the Decalogue in Exod 20 and Deut 5 are essentially the same. They perdure unchanged.[2] However the rest of the laws that are presented by Moses at Sinai (Exodus and Leviticus) and on the plains of Moab (Deut 12–26) form two quite different collections. They do deal with common subjects at various points, but even then they handle them differently. Deuteronomy picks up some of the matters that appear in the Book of the Covenant (Exod 21–23) but seems to reflect a different economic and social situation, the circumstances of a later time in Israel.

All of this suggests that there is something going on with the Decalogue that is akin to what we encounter in constitutional law. The foundations are laid for the order of the community. Those foundations do not change. They continue in perpetuity to be the touchstone for all actions on the part of the people as they seek to live in community and order their lives. The

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[1] The moment is critical whether one has in mind the stated setting of the Commandments, that is, the early history when Israel was coming into the land, or the likely actual setting at the time of Josiah or the Exile.

[2] There are some differences, particularly in the form of the Sabbath commandment, but the differences are slight compared to other laws that are present in more than one tradition.

specifics of those basic guidelines, however, need to be spelled out again and again in changing circumstances and as new matters come up in the community. So a body of precedents or cases is built that is based upon the directions laid out in the foundational law. With regard to the Commandments, the link between the basic guidelines and the body of precedents is most strongly indicated in Deuteronomy, where a number of interpreters have seen in the Deuteronomic Code of chapters 12–26 a structure that is based upon the Decalogue.[3]

While the analogy to the Constitution of the United States should not be carried too far, that analogy is nevertheless further suggested by the fact that neither the Constitution nor the Ten Commandments is strictly law. The former sets forth basic principles and rules in a broad sense. The Commandments do the same thing. The main terms for referring to them are not words that really have to do with legislation and community regulations in the usual sense and do not arise out of the activities of legislating or administering justice. The specific terms used for the Decalogue are, of course, "command/commandment" and also "word." In both cases we are told something about these entities that points primarily to their origin. They are the "words" of God, and they are imperative and commanding in nature. One receives them, therefore, not as a body of law that has been worked up to cover all sorts of situations and matters that may arise, but as direct address from God about the most basic things in life. They are, like the Constitution, the fundamental principles. They do not, however, simply sit out there like a body of law to which one can refer as one would to a manual or a textbook. They are connected. Their source is always in view. They are the word and command of God. Their direction is also always indicated: "*You* shall not . . . ." The continuing force and power of these commandments is not unrelated to these facts. They are not heard or read simply as a body of Canaanite or Israelite case law, precedents arising out of Palestinian tribal or urban judicial activity in the Late Bronze Age and Iron Age. They are properly, that is, by every intention of the text, identified as God's word addressed directly to the individual who hears or reads them. In the Commandments, therefore, we encounter law that is *personal.* It does not assume an unidentified amorphous body, either as the originators or the recipients, but a relationship between two parties – no, more accurately, between God and "you" – in which these words or commands make sense and construct or maintain the relationship. Neutrality, indifference, or objectivity are difficult responses to the Commandments. Because

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[3] For example, Stephen A. Kaufman, "The Structure of the Deuteronomic Law," *MAARAV* 1 (April 1979), 105–158.

they have been addressed to "you," "you" must do something about them, that is, obey them.

Their dissimilarity from precedent law and other forms of legislation is reflected also in the general absence of sanctions and punishments, that is, indications of the consequences of failure to keep the Commandments. Although sanctions may be implied, the focus is not on the penalty. Where the consequences of obedience or disobedience are in view, as in the commandments prohibiting images and the misuse of the name, they are there in terms of relationships (loving and hating).

In addition to their being characterized as "commandment" and "word," the Commandments do belong to the body of material commonly called *torah*. That is the word most often translated as "law," but it, too, does not strictly mean that. It actually means "instruction," which is what the Commandments are, instruction for life, the teaching of God about what is necessary to do in order for the community to live according to God's way and in harmony with one another. That understanding of the commandments has implications for the way in which we receive them. To perceive the Commandments as instruction rather than law, or to comprehend the law as instruction that enhances and provides for life and harmony, is to view them quite positively. Teaching is meant to guide us and enable us in some fashion to be better, and better off than we would be without it, not to undo us. To the extent, therefore, that the Ten Commandments have become law or are to be understood under that rubric, it is law in this sense, as the instruction of God.

The foundational character of the Decalogue as the basic principles and norms shaping and undergirding the rest of the legal material of the Old Testament is seen also in the *order* or *structure* of the Decalogue. It is careful and comprehensive, clearly meant to bring together all that is important for Israel's life – religious, familial, social. It moves from the fundamental requirements of Israel's relation to God to the basic guidelines for life in community. Thus like the Great Commandment, the Decalogue deals with responsibility to God and neighbor and in the same order. Yet that distinction or division in the Decalogue must be understood in the context of the form and character of the Decalogue as *covenantal*, which is the biblical language for the definitive relationship of human existence, the binding together of God and human community on the basis of the prior redeeming grace of God and in the expectation of a human response that will order life as God wills it. That means that the two parts of the Decalogue have to be held together as the one word of God. That is, the relation to the neighbor is both a divine command and explicitly a matter of the relationship with God by being set as a part of the covenant with *God*, not simply a matter of what is good for the community. Keeping this teaching

does bring harmony in the human community, but it is also essential for harmony with God. So the Decalogue begins at what is in fact the starting point of the law, the grounding of the relationship and the identification of the covenantal parties, especially the identification of the One who by delivering Israel from oppression claims its response.

The fundamental stipulation of that response and of the covenants is the exclusive worship of the Lord commanded in the first two commandments and carried further in the third and fourth. The Sabbath commandment, particularly in the Deuteronomic formulation, is the *bridge* from God to neighbor, in that it deals in some sense with relations to God and responsibilities in the human sphere, and also the *center* of the Decalogue. The Fifth Commandment is also transitional in that it moves into the human community by dealing first with the closest community, that is, family, and with persons who, like God, are authority figures. The remaining commandments also manifest an order, moving from the taking of life to the taking of spouse and the taking of property. From there the commandments move from act against the neighbor to word against the neighbor (false witness) that can accomplish the same kinds of harm as the preceding commandments seek to prevent and, finally, to internal attitudes (covetousness) that may – and do – come out in action, such as killing, adultery, stealing, and false witness.

As the Decalogue functions in the Old Testament as the basic guidelines for the life of Israel, three different but related developments may be said to characterize the way in which the Commandments are carried forward, explicated, and developed. There are indications that the Decalogue is in some ways capable of being *summarized*, so that the essential matter or matters are set forth in shorthand or succinct fashion. It is also, as we have already noticed, subject to *elaboration* and *specification* in the legal codes that appear elsewhere. Finally, one can discern a kind of *trajectory* for each commandment as it is carried forward, a trajectory that holds to the intention of the particular commandment but also creates a dynamic of new or broader meanings that are seen to grow out of its basic intent. This includes the elaboration in other laws but is not confined to that.

The Summarization of the Commandments

The clearest effort to *summarize* the Commandments is found in the Shema (Deut 6:4–5): Hear, O Israel, the Lord is our God, the Lord alone.[4] You

[4] This clause may also be read as: The Lord is one.

shall love the Lord your God with all your heart, and with all your soul, and with all your might. More specifically, the Shema is a summary of what Israel heard commanded of them in the Prologue and the First and Second Commandments, the exclusive and total commitment of one's whole being to the Lord alone, the one who had been seen to be their God powerfully in the Exodus from Egypt. The primacy of these parts of the Decalogue is indicated by the fact that they are embodied in the most enduring brief statement of Israel's covenantal obligation in the Old Testament and that they provide the main theme for the whole Book of Deuteronomy. These were the most important words that God gave the people, the touchstone for Israel's faith and life, one of the plumb lines by which the people were constantly being measured. Story after story in the Old Testament bears witness to the significance of the demand for Israel's exclusive and aniconic worship of the Lord. It is surely no accident that in Israel's memory the first act of covenantal disobedience on the part of the people was a violation of the primary commandments when they made and worshiped the golden calf (Exod 32). From Elijah's contest with the prophets of Baal through the extensive use of the image of harlotry in Hosea, Jeremiah, and Ezekiel to speak about the people's pursuit of other gods to Josiah's removal of the images and paraphernalia of the Canaanite and Assyrian gods from the temple, obedience to the First and Second Commandments was one of the fundamental tests of faith for the covenantal community, a test that seems often to have been failed.

Other summaries of the beginning of the Decalogue appear in Deuteronomy, for example, in 6:13 and 10:20, where the first three commandments are set forth in positive rather than negative form and in a context (vv. 12–15) that is filled with decalogical language.[5] The Prologue and the first two commandments appear together as a summary of the law also in Ps 81:8–10, a psalm that may have been a festival liturgy in which the people were admonished to obey the law as it was embodied in the opening address and injunctions of the Decalogue.

In some cases, one finds a summary or collection of other commandments, as in Lev 19:3–4, where the Fifth, Fourth, First, and Second Commandments are gathered together. Indeed, Lev 19 contains many of the commandments in some form or other. Its character as the chief statement of the requirement that Israel conform to the holiness of God brings the Commandments formally into the definition of what is meant by holiness as a way of characterizing the moral life. A similar perspective is discerned in the prophetic indictment of Ezek 22:1–12. The indictments of this chap-

[5] Cf. Deut 11:13–16; 13:4–6.

ter reflect some of the specification and extension talked about below, but all of them have some connection to the Decalogue, particularly as it is reflected in and spelled out in Lev 18–20; idolatry, dishonoring of parents, profaning the Sabbath, slander, adultery and the related sexual sins (see below), and theft by extortion.

Ps 81, which, like Ps 50, seems to be a liturgy for some sort of covenant renewal ceremony, castigates those who observe religious ritual and recite the Commandments with great ease but do not in fact keep them. In this case, the Decalogue is summarized or represented by reference to the Seventh, Eighth, and Ninth Commandments (Ps 50:18–20). The wicked are admonished for the casualness with which they treat adultery, theft, and slander. Such prophetic indictments on the basis of the Ten Commandments are found also in Hos 4:2, where the *absence* of the knowledge of God in the land is manifest in the *presence* of (false) swearing, lying (see below on this as an extension of the Ninth Commandment), murder, stealing, and committing adultery, and in Jer 7:9: "Will you steal, murder, commit adultery, swear falsely, burn incense to Baal, and go after other gods that you have not known?" The Ten Commandments therefore, could be called upon and set before the people for various reasons or purposes by citing the primary commandment as spelled out in the Prologue and the first two commandments or by referring to a group of any three to five commandments. When the latter is done, we may assume that the commandments referred to are at issue but not necessarily those alone.

The Elaboration and Specification of the Commandments

Elaboration and specification of the force of the Commandments in particular laws, whether apodictic or casuistic, takes place rather extensively. For example, the First and Second Commandments are reiterated in Exod 20:23; 23:24; 34:14, 17 and given specificity in the prohibition of sacrifice to another god (Exod 22:20). Other examples are the exclusion of any mentioning of the names of other gods (Exod 23:13); the requirement of execution of a false prophet, or a member of the family, or a base fellow who leads the people to go after other gods (Deut 13); the prohibition of divination (Lev 19:26; 20:6, 27, 31; Deut 18:10) and the burning of children (Lev 20:1–5; Deut 12:31; 18:10); the command to destroy all the cultic paraphernalia of the other gods (Deut 12:1–4); and the command to worship and sacrifice to God only at the divinely chosen place (Deut 12).

The force of the Third Commandment is clarified by those injunctions to swear only by God's name (Deut 6:13; 10:20) and not to do so falsely (Lev 19:12; cf. 6:5). Any misuse or empty use of God's name is prohibited,

and that is particularly likely to take place when that name is invoked in oaths to validate what is said. When that is done for evil purposes, that is, when the oath taker makes false statements and then claims they may be accepted because their truthfulness and integrity are a matter of relationship to God, then the Lord's name has been used vainly.

Specific laws governing the use of the Sabbath appear in Exod 23:12; 31:12–17; Lev 19:3; 23:3; and 26:2. In Exod 34:21 the prohibition of work on the Sabbath is spelled out in terms of plowing and harvesting, and in Exod 35:1–3 specific reference is made to kindling fires. Such activities were obviously seen as ones that people were likely to continue to do on the Sabbath and thus needed specific prohibition. The narratives of Exod 1:22–30 (harvesting) and Num 15:32–36 (gathering of sticks for a fire) indicate that lapse in these areas did in fact happen.

The commandment requiring the honoring of parents is spelled out in those laws that prohibit striking or cursing father or mother (Exod 21:15, 17; Lev 20:9; Deut 21:18–21; 27:16). The Sixth Commandment against killing is dealt with specifically a number of times (Exod 21:12; Lev 24:17, 21). In Num 35:30–34 and Deut 19:11–13, the commandment is modified to allow for some protection in cities of refuge for those who did not kill treacherously or with malice aforethought. Prohibitions against adultery appear in Lev 18:20; 20:10 and Deut 22:22. A body of legislation is created also that seeks to deal with some of the different situations that might come up relative to adultery, such as intercourse between a man and a betrothed virgin or one who is not betrothed (Deut 22:23–29) as well as a fairly extended presentation of what one is to do with a wife "under her husband's authority" who is suspected of adultery (Num 5:11–31).

Specifying and spelling out of the commandment against stealing is done in Exod 22:1–12, where various possibilities are envisioned and addressed, for example, the penalties if an ox is stolen and found dead or alive, or if a thief is killed during a burglary, or when an ox grazes in another's field or someone's fire consumes another's goods. This section is one of the clearest cases of the need to spell out the casuistry of the basic guidelines, that is, the great variety of possible things that could happen that would come under the general guideline of the commandment. The Ninth Commandment against false witness has its most detailed spelling out in Exod 23:1–3, 6–9 and Deut 19:16–19. It is clear from the specification that the particular concern of the community as it followed this command was to guard against false witness in the court with its obvious outcome of judicial murder.

The elaboration in specific instances of the force of each of the Commandments does, however, contribute to the opening up of each of them, to the creation of a kind of *trajectory* for each one, so that as they continue to

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