



The Torah and the Unity of God

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“JEWS AND CHRISTIANS WORSHIP THE SAME GOD,” ACCORDING TO *DABRU EMET*, a document in which representatives of American Judaism react to recent changes in Christian theology.² Faith in the one God, along with their mutual reference to the Scriptures of what is the first part of the Christian Bible, is regarded as the most important and unquestioned commonality in the dialogue between Christians and Jews. The Torah, on the other hand—the Old Testament law and its Jewish interpretation—is considered, along with a high christology on the part of Christians, as the most divisive factor.

Such division is understandable, given the severe devaluation of the Torah in most forms of Christian theology. These see the “gospel” as the specifically Christian thing—in contrast to the law; indeed, in recent theologies even as surmounting the law or abrogating it altogether. There is, in addition, a strong devaluation of much of the law’s content as pre-Christian, cruel, or incomprehensible. Claims (prejudices?) that Paul founded a “law-free” gentile Christianity or that Judaism attempted something like self-redemption through fulfilment of the law remain widespread.

Furthermore, Old Testament law remains that part of the Bible that Chris-

¹Translated by Frederick J. Gaiser.

²Editor’s note: *Dabru Emet: A Jewish Statement on Christians and Christianity* was written by Tikva Frymer-Kensky, David Novak, Peter Ochs, and Michael Signer for the National Jewish Scholars Project of the Institute for Christian and Jewish Studies. It was signed by more than 160 Jewish rabbis and scholars and released in September 2000. The text is available online at: <http://www.icjs.org/what/njsp/dabruemet.html> (cited 6 April 2001).

The Torah retains its essential validity for Christians because it is the fundamental biblical witness to the unity of God and because, like the entire word of God, it proclaims both law and gospel.

tians scarcely know or that is considered distant and irrelevant to them and their faith—unlike most other parts of the Old Testament, such as Genesis, Psalms, and much of the prophets. At the same time, however, it is important to note that particular elements of the Torah, such as the Decalogue or the command to love the neighbor, are regarded as foundational for all Christian ethics. Other regulations, too, retain their relevance despite their great historical distance and the different world from which they come—often in surprisingly new ways even in areas outside of church and theology: say, the necessity of debt release for third-world countries or an ethic of nature in the face of the ecological crisis.

The Christian-Jewish dialogue and questions of contemporary Christian ethics have shown in new ways the need for an appropriate Christian interaction with the Torah. Still, the issue cannot be decided on the basis of particular examples, no matter how important, but only on the basis of fundamental theological principles. The following considerations therefore investigate the relation of the Torah of Moses to the biblical understanding of God in both Old and New Testaments, under the umbrella of this fundamental twofold thesis:

Thesis 1: The Torah is not only the foundation of the Old Testament canon (both historically and materially)—and thereby of the Bible as a whole—but is also a necessary expression of the unity of God and, thus, an indispensable element of the identity of the God to whom the Bible bears witness. Its reception (like that of other parts of the Bible) is dependent upon a study of social history that pursues the intention of the texts in their original social context.

I. THE ONE GOD AND THE FULNESS OF REALITY

Thesis 2: Israel's path toward the unity or oneness of God ("monotheism") must be understood in the light of its redefinition of the entire reality of that time, including every realm of human life and human experience. That redefinition took place primarily in the Torah, which is, therefore, the most important medium for bringing together and holding together the unity of God and the diversity of the various realms of experience and reality.

In historical perspective, the formation of the Torah, its coming together from the several books of the law, parallels an ever clearer formulation of the unity of God; better, the Torah plays a central role in Israel's path toward monotheism. Although details in the reconstruction of both events (the formation of the Torah and the path toward monotheism) are hotly disputed by scholars, the bold outlines, which alone are required for the theological issue, are quite clearly recognizable. In what follows, I must limit myself to the most basic data and a few typical and important examples.³

³For more detail, see Frank Crüsemann, *The Torah: Theology and Social History of Old Testament Law*, trans. Allen W. Mahnke (Minneapolis: Fortress, 1996).

1. *The Book of the Covenant and the structure of Torah*

The oldest biblical law book is the so-called Book of the Covenant (Exod 20:22-23:33), which directly follows the Decalogue in the Sinai narrative and which provides the basis for the ratification of the covenant that follows in Exod 24. We can distinguish in the Book of the Covenant three groups of laws, which, to be sure, have a different pre-history, but which, when brought together in a single document as the common will of the one God, produce a combination otherwise unknown in ancient oriental legal texts and which I call Torah structure.

- The first group comprises the *central theological and religious precepts*—above all the first commandment, the prohibition against the worship of other gods, that marks and controls the entire composition (Exod 20:23; 22:20; 23:13, 24, 32-33). Other important themes in this category are the prohibition of images (20:23), with its fundamental distinction between God and world, and a religious demarcation of time through which Israel contrasted itself to the neighboring Canaanitic cultures. The latter includes the annual festivals (23:14-17) and, more important, the day of rest (the Sabbath) as well as the Sabbatical Year (23:10-13).
- The second group, connected with these basic religious commands, is a *collection of actual legal statutes*, similar in form and content to other ancient oriental legal codes, especially the Code of Hammurabi. These are true laws, meant to be applied in legal processes, corresponding in their content to our own positive law. Among these, along with laws concerning death and slavery, we find especially regulations regarding bodily injury and property damage. For example, Exod 21:18-27, while defining the financial damages due the victim of gross bodily harm, reveals the prevailing underlying principle of biblical penal law: the damaged party is to be compensated by the perpetrator so that, through this arrangement, future peaceful coexistence is made possible. The fact that the penalty is understood as restitution to the victim and involves neither payment to the state, as, for example, in Roman law, or a loss of freedom, as in modern times, will be of great significance also for an understanding of God's "punishment" in the Bible. The "law of the claw" in Exod 21:23-25 ("eye for eye") must also be understood in relation to this basic principle as a requirement of commensurability (as it is in Jewish interpretation), not as a punishment actually to be executed.
- The third group consists of *regulations for the protection of the weakest members of the society*. A key role is assumed by laws protecting the alien (see also Lev 19:33-34; 24:22). In Exod 22:21 and 23:9 laws concerning aliens provide the framework for the section that deals with widows and orphans (22:22-24) as well as with the poor (22:25-27; 23:3, 6) and the protection of animals (23:4-5). These laws prescribe the kind of compassion that the prophets, beginning with Amos, found missing and therefore

demanded. Such statutes function as the guiding principles for the whole body of positive law. Both in content and in legal theory they correspond to modern formulations of human and other basic rights.

What is decisive, both for theology and in the history of religion, is the fact that these three distinct groups of statutes now appear as the common demands of the one God. Because of Israel's understanding of the unity of God, the relation to God consists not only in religious behavior, narrowly defined, but requires at the same time and with the same weight the practice of justice and righteousness in every area. Not only religious error, such as the worship of other deities, separates one from God but also encroachment upon the rights of aliens and the poor. Fundamental features of the biblical God are demonstrated here, features common to both the Old and the New Testaments.

2. Deuteronomy as the constitution of Israel

The structure of Torah in the Book of the Covenant provides the basis for later legal texts like the Decalogue and especially the deuteronomic law (Deut 12-26). There, however, the structure is significantly broadened, with whole new realms of reality seen in the light of the one God.

- First among these are the *political and economic arenas*. Along with the kingship laws in Deut 17:14-20, which bring the state under the rule of law by regulating the establishment of monarchy and the limits of royal power, come rules for all important social institutions. These include the administration of justice, with regulations for the appointment of judges and the responsibilities of a central court (16:18-20; 17:8-13), for priests and prophets (ch. 18), and the conduct of warfare and the military (ch. 20). These political laws comprise a kind of constitution and are not really paralleled until modern constitutions with their attempt legally and politically to fix in writing human freedom. In addition, Deuteronomy expands the laws regarding the poor into something of an all-encompassing social network. This includes a regularized remission of debts (15:1-3) and the transformation of the tithe, traditionally paid to temple and king, into a social tax for the support of the landless (and therefore marginal) groups in Israel (14:22-29; 26:12-15). All of these social laws, addressing the Israelite landowners with the recurring formula "so that the Lord your God may bless you in all the work that you undertake" (14:29; cf. 15:18; 16:15; 23:20; 24:19), connect God's blessing for them to the participation of the poor and the landless in the wealth of the land. This circle of blessing, which makes God's blessing of agricultural efforts dependent on the legally regulated participation of all in the wealth of the land, has utmost relevance even for present questions about the meaning of work.
- Another new area, scarcely touched in the Book of the Covenant, are *laws related to marriage and sexuality*, including the whole realm of the family,

the role of women, etc. One result, to be sure, is the fixing of the patriarchal structure of the family, which continues to come under criticism, especially from a feminist perspective; but we also find other regulations that continue to challenge us, like the one that treats rape as a capital offense (22:26) because it damages the soul, the *nephesh* (22:23-24, 26). Perhaps most important is the fact that this “private” realm, including controversies between parents and children (e.g., 21:18-21), is brought at all into the public scrutiny of the elders rather than being dealt with, as previously, simply by the authority of the *pater familias* (still the case, for example, in Gen 38).

- Finally, comes an *ethic relating to nature and animals*. On the one hand, the introduction of profane slaughter put an end to the de facto prevention of cruelty to animals that came from regarding every killing of an animal as a sacrifice that was therefore governed by firm rules. On the other hand, however, Deuteronomy establishes in its place important legal measures of protection such as the maintenance of the purity of nature (23:13-14) or the protection of the mother bird (22:6-7).

More important, however, than any of this new content is the new theological language established by Deuteronomy, which continues even now to be the regnant language of all biblical theology (think only of the language of covenant and election or of God’s love toward us and our love toward God).

3. The priestly laws

The largest number of the Sinai laws, especially in the book of Leviticus, belong to the priestly material. Much more clearly than the laws in Deuteronomy, these react to the exilic situation, the loss of land and monarchy. The separation of the laws from the presupposition of land ownership gives rise to an ethic for the diaspora, which we find especially in the priestly laws of Genesis (chs. 9 and 17) and of Exod 12. In contrast to other legal materials, the priestly texts permit a striking internalizing of the law. This occurs through the weight placed on divine forgiveness in relation to human guilt (see below) and thus through increased reflection on the question of intentionality (Lev 4). Only sins committed unintentionally can be forgiven. As a consequence of this (and as later Jewish law explicitly requires), the death penalty can be applied only when an express warning, with reference to the consequences, has been given before the act, as in God’s warning to Cain (Gen 4:7). This, along with the requirement of two witnesses (Deut 19:15-21), effectively led to the abolition of the execution of the death penalty in biblically oriented Jewish law.

The Torah connects the whole of reality, in particular all areas of everyday human life, with the one God. The contours of God’s identity and nature are clearly revealed by this connection. At the same time, it becomes clear that every contemporary reception of these texts must recognize that they are related to the social realities of their own time, of a pre-modern agrarian world. This distance

cannot be ignored by questions of contemporary relevance and validity without falling into questionable or fundamentalistic retrogression. The Bible is not interested in requiring us to live as people did 2,500 years ago. An appropriate contemporary interpretation will, therefore, of theological necessity be a social-historical interpretation; the texts must be understood first in their historical social contexts, which then will provide the basis for any contemporary application.

II. THE ONE GOD AND THE UNITY OF JUSTICE AND MERCY

Thesis 3: The Torah is based in God's unconditional act of liberation and serves to shape and preserve the freedom given by God. Since the Torah is both a legal document intended to protect the weak and, at the same time, an expression of God's will for atonement and forgiveness, it contains not only "law"—as that term is used in systematic theology—but is also a fundamental form of the gospel.

When Paul says in Rom 3:21 that the righteousness of God that he has proclaimed is disclosed apart from Torah, but that even this is attested by Torah and the prophets, and that through this righteousness the Torah is upheld—that is, newly put into effect (Rom 3:31)—he defines a structure that, in my opinion, can be observed in the Torah itself. For this, we must refer both to the biblical presupposition for the validity of the Torah and to its inclusion of the forgiveness of sins.

Without exception, the exodus, the liberation of an oppressed people out of Egypt, is the decisive presupposition for God's demands. That is seen not only in the narrative structure of the book of Exodus but also in many back references in the laws themselves, especially when it comes to the protection of aliens and other marginalized members of society. God's devotion to his people is, however, dependent on no action or characteristic of Israel; it is based solely in God's love and his faithfulness to the promises to the ancestors (especially as these are seen in the covenant with Abraham). The connection is most clear in the first of the "ten words": "I am the Lord; I am your God because I brought you out of Egypt, out of the house of slavery." This liberation is what makes God "your God"; everything else in the Torah follows from this and serves to protect the freedom that has now been given. There are material connections as well, for many important commands stand directly or indirectly in the service of freedom: say, Sabbath as freedom from perpetual work, or debt release as liberating relief for those who are socially and economically dependent.

The liberating nearness of God is not only the presupposition for the Torah, Torah itself is an expression of this divine favor. The story of the golden calf makes this abundantly clear. In Exod 32 the punishment for this betrayal is the breaking of the tablets, making God's commandments and the favor they convey no longer available or known. Then, God's forgiveness finds expression in the renewal of the tablets.

On the other hand, transgressing God's commands results in punish-

ment—as expressed especially in the chapters of curse and blessing (Lev 26; Deut 27-28). These chapters can only be understood in view of the place of the Torah in the biblical story. We hear again and again, especially in Deuteronomy, that the laws have their basis in the liberation from Egypt but are given for life in the land: “When you have come into the land that the Lord your God is giving you...” (Deut 17:14; 18:9; cf. 6:1; 7:1; etc.). This is an early formulation of what Paul will eventually call “already and not yet.” While the gracious favor of God is unconditional and cannot be questioned, its realization (for example, in the possession of the land) can by all means be called into question by Israel’s failure. This tension is used theologically to process the loss of the land in the exilic period.

Beyond this theological foundation, it is also decisive that atonement and forgiveness are themselves an integral part of the Torah. That is especially evident in the priestly laws that speak of divine atonement: on the one hand the sin offering (especially in Lev 4), but above all the Day of Atonement (Lev 16). Again and again these texts make the point that “he shall be forgiven”—usually in the passive voice, the so-called *passivum divinum*. These texts are liturgical expressions of God’s fundamental readiness to forgive. A logic that would see in them something like self-redemption would have to be applied in the same way to the pronouncement of forgiveness in Christian worship. The penitential psalms (e.g., Pss 51; 130), used so frequently by Christians, or the frequent talk of God’s goodness and forgiveness (e.g., Ps 103) are worship texts that provide the internal dimension of the external ritual described in the priestly texts.

To understand that the Torah presents the unity of God’s promise and demand, of justice and mercy, is to understand why the Hebrew word *torah* is the most important term for this concept. In the everyday language of the biblical world, “*torah*” is a term that defines the devotion of a parent to a child—especially a mother (Prov 1:8; 6:20) but also a father (Prov 4:1-2). The devotion to her children that derives from a mother’s love, the words of warning by which she protects her children from the dangers of life and guides them toward an upright life—that is “*torah*.” As far as we can tell, the word describes, in every arena that it is used, a unity of promise and demand. Thus, *torah*, in traditional theological language, means the unity of law and gospel that always comprises the word of God. Translating “*torah*” with “law” and subsuming the commands of the Old Testament only under the theological category of “law” tears apart what, in the Bible, belongs together. If, in the language of Paul, gospel is never used as the opposite of “*torah*” but as an event that holds together law and gospel—quantities that can in some sense be contrasted—then *torah* is a form of the gospel.

III. THE ONE GOD OF ISRAEL AS THE GOD OF ALL PEOPLE AND ALL NATIONS

Thesis 4: The discovery of the unity of God gives rise to the fundamental tension in the biblical picture of God—already seen in the radical claim to worship God alone but then especially in the formulation of a theoretical

monotheism—that the particular God of Israel is at the same time and will prove himself to be the God and creator of all people and all nations. Since the Torah is the expression of the identity of God, it therefore always has a certain claim to worldwide validity; however, since it belongs at the same time to the identity of Israel and is therefore not formulated in universal language, it cannot simply apply to all peoples. To deal with this tension, the Old Testament develops different models that are then continued in the New Testament.

Israel could not believe in one single God unless this God was also understood as the God of all people and all nations. This theme was taken up already in the period that, in our understanding, took the first steps toward a genuine monotheism, namely, in the time of Elijah. Already here we are told how the God of Israel revealed himself in the heartland of the Baal religion, in the Phoenician city of Zarephath, as the God responsible for oil and grain, that is, for the primary gifts of Baal (1 Kgs 17). Both the widow of Zarephath and the Syrian commander Naaman (2 Kgs 5) worshiped the God of Israel as foreigners. These beginnings of a radical worship of God alone within Israel were extended in the further steps toward monotheism. This necessary aspect of the unity of God—that and how the God of Israel, who has a unique relation to one people, shows himself as the God of all nations and all people—is treated by a surprisingly large number of models. Only a few can be recalled here, insofar as they deal with the matter in relation to the Torah.

First, the Old Testament models. For rabbinic Judaism, the concept of the noachic commands plays a particular role here. Whereas Israel has taken upon itself the burden of the entire Torah, the rest of humanity—the descendants of Noah—is governed by only seven central commandments. The two commandments given to all people after the flood (Gen 9)—no eating of blood, as a symbolic protection of animal life, and no killing of people—are later developed into a system of seven commandments (*b. Sanh.* 56): establishing courts of justice, and the prohibition of blasphemy, idolatry, immoral sexuality, murder, stealing, and eating the limb of a living animal. Despite important applications in the early Christian period—like those developed, for example, by the so-called apostolic council (Acts 15)—this model has not continued to play a significant role among Christians, probably because, on the one hand, these rules were not kept by gentile Christians and, on the other, the New Testament set up much broader requirements. This is true not only of the gospels (Matt 5:17) but also of Paul, who does not limit the ongoing validity of Torah to this area (e.g., Rom 8:4), and for whom the tradition represented in the Decalogue always remained effective.

The situation described in Deut 4:5-8 remains important for our consideration of the basic hermeneutical problem raised by a Torah formulated specifically for Israel: in that text, when the peoples hear the Torah, they are moved to wonder

over the nearness of God to Israel (v. 7) and then to ask, “What other great nation has statues and ordinances as just as this entire Torah?” (v. 8). Being convinced of such justice, the peoples will naturally align themselves with these just commandments and adopt them for themselves.

That will be true particularly when the God enthroned on Zion shows himself to be the God of all nations—and, indeed, through the Torah. Several texts speak about this, describing the coming pilgrimage of the nations to Zion (the most pregnant and effective being Isa 2:1-4 and its parallel in Mic 4:1-3). Torah will go out from Zion and all peoples will find instruction there. At its center will be questions of the conduct of foreign policy and warfare, matters that are naturally missing in the legal texts of the Torah. In what is essentially a reversal of this model, Isa 42 announces that the servant of God will go out to bring forth justice to the islands that wait for his Torah.

In conclusion, we can look briefly at some New Testament models. The synoptic gospels are particularly instructive in this regard. In Matthew Jesus presupposes the ongoing unrestricted validity of the Torah. He asserts this at the beginning of the Sermon on the Mount (Mat 5:17-20) and reaffirms it frequently (e.g., 23:1-3). The so-called antitheses (“You have heard...but I say to you”) are seen more and more not as obstinately anti-Jewish statements but as interpretations of Torah shaped by the rabbinic principle of building a fence around the law (*Abot* 1:1). In order not to transgress against the prohibition of murder, one steps away and prohibits all evil thoughts and words about others; in order to avoid even the temptation to adultery, one forbids even the lustful look itself. The close of Matthew’s Gospel is unequivocal in its view of Torah: when the risen Lord commissions his disciples to teach “everything that I have commanded you,” that surely includes the Torah and its continued authority.

The Gospel of Luke begins the public appearance of Jesus with his reading of Isa 61 in the synagogue in Nazareth (Luke 4:16-19). The use of this text, especially in conjunction with Isa 58, proclaims the implementation of the Torah, especially its social laws. The “year of the Lord’s favor” is, according to the command of Deut 15, the year in which all debts are canceled, in other words the year in which liberty is proclaimed—a theme that Luke often employs. In all of this we see that, for Luke, the gospel of and about Jesus consists of putting into effect the liberating laws of the Torah.

Finally, Paul in no way abolishes the Torah for gentile Christians, but, on the contrary, raises it up. To be sure, according to Rom 3:21-31 salvation comes as gift and not through works of the Torah; that is the only way of salvation for humans, who are all sinners, precisely because they do not practice the Torah and live righteously. But finally the power of the Spirit and of the new creation does make it possible to practice the Torah. True, the gentiles are not integrated into Israel and therefore do not fall under the laws related to Israel alone, such as circumcision and the dietary laws, but they are subject to the Torah’s just demands, as formu-

lated in Rom 8:4; and just this is what Paul describes in his ethical passages (13:8-10; 14).

SUMMARY

Thesis 5: As people from every nation, we have been brought to faith in the God of the Bible by Jesus Christ—a God whose identity is indissolubly marked by the Torah and by God’s relation to Israel.

Thesis 6: A non-biblicistic orientation to the Torah, informed by social history, is helpful and liberating for present and future questions of Christian life and practice; such an orientation is decisive for the development of a “humane religion.”⁴ ⊕

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⁴David Flusser, “Thesen zur Entstehung des Christentums aus dem Judentum,” *Kirche und Israel* 1 (1986) 69.