

Dru Johnson, *Understanding Biblical Law: Skills for Thinking With and Through Torah* (Baker Academic, 2025)

“Biblical law existed in its own legal cosmos, amending, refracting, and critiquing other ancient law collections on the so-called ancient Near East (as it’s called by scholars in ‘the West’). The ways in which the biblical law reflects the legal norms of its day also create a backdrop against which we can inspect how it differs in dramatic details from contemporaneous ANE law (9).”

“Unlike the law codes, we think of and practice today, biblical law reasons with Israel as a nation. It trains them to become a particular kind of just people for the sake of all families of the earth... Within the biblical laws, one prominent goal is for Israel to become a community that both breaches and produces justice/righteousness for the sake of all the families of the earth (Genesis 12:3) (12-13).”

“Biblical law is animated by different legal air. As with most other law collections in the ANE, unlike those modern liberal democracy, the biblical authors treat legal material as ‘compendia of legal and ethical norms, rather than statutory codes.’ The Torah seems to express common or customary laws - decisions made by precedents and customary guidance - rather than precise measure for KEEPING and BREAKING laws (28).”

“In Hebrew, the term *torah* does not mean ‘law’ in a one-for-one correspondence. Rather, because the Torah functions as ‘instruction’ or ‘teaching’ (both are renderings of *torah*), we can understand why biblical law often speaks constructively before stating restrictions (32).”

“In contrast, common law systems offered guidance to those keeping justice (e.g., elders, judges, kings) by offering situations to consider and various remedies and penalties to decide. The biblical laws are often described by the Hebrew terms ‘instruction’ (*torah*) or ‘judgments’ (*mishpatim*), which should signal that they were meant to guide Israelites in their deliberations (37).”

“Though Israel lived in a neighborhood of empires that readily employed imprisonment as punishment, the biblical law does not offer imprisonment as an option. Apart from the detainment of suspects during investigation and self-confinement to the cities of refuge (num. 35:1-8), God offers no ‘lock'em up’ punishments (38).”

“But the majority of legal teaching involves routes to legal remedy between the wrong door and the wrong – even if there is a little vision for heartfelt forgiveness between them (38).”

“Biblical law (along with the prophets’ interpretations of it) projects an inordinate concern regarding various ill-protected classes of people and things. This seems so obvious to those who have spent time reading biblical law, but deserves review because of the caricatures polluting our understanding of this literature (41).”

“Anyone could also be falsely accused of a crime. Biblical law, fastidiously protects pregnant women, animals, and those accused of transgressions as vulnerable classes. Wives accused of adultery (Num. 5:11–31), persons accused of murder (Num. 35), and other others accused of transgressions received special legal protections and rituals that were to be administered directly by the priests of Israel (44).”

“Because two persons could act with duplicity to use the courts as an instrument to murder an innocent person, witnesses were held to an extraordinary standard that would not be allowed in modern court: the witness was liable to the same punishment as the accused if their words were found to be untrue (44).”

“The biblical laws do not address the world the way it should be, nor did they prescribe the possibility of a perfect world. The Pentateuch appears to be a ‘compromised document’ in that it assumes an already compromised cosmos and instructions about where Israel can go from there (49).”

“Because law engenders discernment, laws do lots of things, even when they respond to a particular difficulty. Myths about biblical law often come from the pressure to project legal ideas onto biblical law, or simplify the purpose of law to a singular agenda (51).”

“Rabbi Simlai taught: There were 613 mitzvot [commandments] stated to Moses in the Torah, consisting of 365 prohibitions corresponding to the number of days in the solar year, and 248 positive mitzvot corresponding to the number of persons limbs (bones).”  
Babylonian Talmud, Makkot 23b

“Let's set aside the questions of whether there are 613 Commandments in the Pentateuch. It's the second part of Rabbi Simlai's observation that scandalize our legal sensibilities: 248 positive Commandments! The law is positive, with contrasting prohibitions (51).”

“In a common law system such as the Torah, we find ‘KEEP’ employed as a dominant metaphor, but it means something remarkably different. The Hebrew term for ‘keep’ (*shamar*) depicts of variety of task, including gardening (Gen. 2:15), guarding (Gen. 3:24), shepherding (Gen. 30:31), caring for (Gen. 31:29), ritually observing (Exod. 12:17), and acting according to commandments (Exod. 15:26) (58).”

“KEEPING the law in biblical text is something akin to TENDING to its constructive and instructive methods so that the law does what it's supposed to do: CULTIVATE the community's discernment and PROLIFERATE justice in the land. Even Stephen zeros in on Israel's failure to TEND and KEEP Torah, not their BREAKING of it: ‘You are the ones who receive the *torah* as ordained by angels, and yet you have not *kept* it (Acts 7:53)’ (58-59).”

“Before beginning this chapter, you should read the biblical law for yourself. Take 10 minutes and read Exodus 20–23 so that you have some basic familiarity with the things discussed here. Before you read, enter the mindset of a farming family that scrapes by year to year, just able to feed their children and parents who live and work with them. As you breeze through all that instruction, imagine how a neighbor's carelessness or malicious behaviors could affect your ability to sustain your family (75).”

“The ANE legal tax, including biblical law, seem to take a common law approach. As I've mentioned before, common law, treats, customs, and traditions, as part of the legal thinking and process. Law codes were treated as guidance rather than statutes to be enforced, even if they did have enforcement as one of their goals (81).”

“Because common law could train the legal reasoning of Israel, biblical laws often resemble the conditional formatting of ANE legal codes. Rather than saying, ‘it is illegal to do X,’ common law describes various forms of behaviors and situations - from abstract to concrete - and prescribes what to do with variations (81).”

Deut. 15:7-11

“This section of biblical law not only exhibits the varying ways in which legal imagination gets constructed, but also ends with something rarely found in ANE laws: a reason for the liberality of lending (82).”

“This format of legal training then forces those hearing these laws to extend and prioritize the logic of these laws into all the unmentioned cases that would be naturally covered by them. In this sense, legal reasoning is also a Wisdom tradition (83).”

“A broad concern for the vulnerable exists in the ANE that often gets complicated by social status. However, we will see that a biblical law expands and embedded concern for the vulnerable as it's deepest layers of instruction, returning to it as the North Star of YHWH's aspirations for Israel to the world (83).”

“The Pentateuch interweaves law, narrative, and ritual instruction. This is the most obvious way in which biblical law differs from its peers. The Laws of Eshnunna, the Code of Hammurabi, and the Code of Ur-Nammu are single texts written on clay tablets, a stone stele, and a clay cylinder, respectively. Apart from their brief prologues, they do not contain any history or ritual instruction (84).”

“Jeremiah Unterman doesn't want us to miss how unusual this is in the ANE: ‘What is fascinating about this realization is that this is the only time in the ancient world that we have the description of a treaty between the people and its deity... As the treaty maker, God is not only the great king, but the ultimate monarch with full authority over the entire world.’ (86).” Jeremiah Unterman, *Justice for All*, 2017

“Biblical law focused on forming a people, not on the restraint of individual behaviors. In that moral aim, specific ethical routes produce a just righteous people... whether or

not we differentiate morality from ethical behavior, shaping the imagination of an entire people toward a new vista of justice/righteousness requires both explicit ethical instruction and the building of skilled discernment to that end (90).”

“And yet, the biblical law seems to understand that the abuser suffers also, from the act of inflicting traumas. The traumas of abuse diffuse like X-rays, not stopping to ask who is the victim or the ‘bad guy.’ *An unpacked imagination built up through ritual, familial, and economic practices can discern what justice looks like in new and unprecedented situations* (91-92).”

“Biblical justice is directed not only at restoring what is broken, loss, or stolen, or even righting what was wrong. More so, justice aims at developing communities that will avoid the very circumstances that lead to wrong. In this vista, we might loosely define justice in this way: community-formed morality aimed at protection of the vulnerable and the naturally flowing communal ethics required to do so (93).”

“The dual body metaphor helps here. Each of us is an individual body, but we also all exist always within social body (e.g., the body politic). Many philosophical systems in the so-called West have attempted to shape society by focusing on the soul of the individual. Some Christian theologies focus on the individual soul too. With the Pentateuch, it's almost always the opposite (95).”