

The Endless Task of Interpretation

by Walter Brueggemann*

In my field of study, the Christian Old Testament—the Hebrew Bible—the pivot point where the practice of theology and the practice of law converge is at Mount Sinai.

I.

The centerpiece to which all of Israel's faith points is the decalogue of Exodus 20:1-17. As is well and popularly known, the Ten Commandments ("the Ten") begin, after the historical rootage in the Exodus, with an absolute, uncompromising claim of God's sovereignty: "Thou shalt have no other gods before me."¹ That assertion functions critically to deabsolutize and relativize every alternative claim, including the nine that follow in the next verses. This defining theological claim at the outset is matched at the conclusion of the Ten with the terse prohibition: "Thou shalt not covet . . ."² The latter command is not a warning against the psychological temptation to envy, but it is rather a fundamental marker against acquisitiveness. That is, the ten utterances of God at Sinai culminate with a vision of socioeconomic practice that tilts toward communitarianism, a practice of neighborly social power against autonomous greed. It is impossible to overstate the importance of the "envelope" of public ethics that is rooted in the absoluteness of deity (a

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1. *Exodus* 20:3 (New Revised Standard Edition. All references hereinafter are from the New Revised Standard Edition.

2. *Id.* at 20:17.

theological claim) and the tilt toward a political vision of public power of an economic kind that anticipates a rule of law that is "neighbor friendly." Thus the leverage of commandments one and ten become the key commitment of Israel's faith that insists upon the linkage between theological claim and socio-economic practice, the joining of which is the core claim of Israel's Torah. Israel's vision is of a commandment-law ordered social world.

II.

The recital of the Decalogue, moreover, is framed at Sinai in a peculiar way that warrants our attention. The recital of the Ten Commandments at Sinai is framed in a narrative that up-front, prior to the Ten, is an account of a theophany, that is, a stylized account of the terrible, dread-filled coming of the Holy One to occupy Mount Sinai.³ That narrative, filled with smoke, fire, earthquake and trumpets, is Israel's stylized way to say that this mountain meeting concerns the most serious theological claim imaginable in Israel; the way in which the holiness of God is about to mount a "social experiment" in the world.

This theophany of dread-filled theology is matched, just after the decalogue in Exodus 20:18-21, with a remarkable provision for human management of the practice of God's holy commands.⁴ In these verses Israel responds to the utterance of the Ten by God by reporting to Moses that direct encounter with God is too frightening and they wish never have it happen again.⁵ As a trade-off, Israel, in its fear of direct theological confrontation, proposes that Moses, the key human agent in the narrative, become the mediator to Israel to relay the commands of God; thus law is made into a human practice, albeit rooted in the dread-filled holiness of God. The founding commands⁶ are situated between the theophany of God's holiness⁷ and mediation through human agency through the on-going mediating performance of Moses.⁸ In short, law in Israel consists in utterance from God's holiness given, characteristically and from now on, through human agency.

As Israel moves away from this distinctive, unique encounter at Sinai, law in ancient Israel, even while God-grounded, is a human enterprise of interpretation undertaken by Moses, Israel's first legal scholar and Israel's first legal practitioner. As you may know, the Torah that

3. *Id.* at 19:16-25.

4. *Id.* at 20:18-21.

5. *Id.* at 20:19.

6. *Id.* at 20:1-17.

7. *Id.* at 19:16-25.

8. *Id.* at 20:18-21.

became normative for Judaism, and derivatively normative for Christianity, continues to extrapolate from those ten theological, unmediated commands, into the holiness traditions of Exodus 25-40, all of Leviticus, Numbers 1-10 and into the covenantal corpus of Deuteronomy 12-25. While the Ten constitute a peculiar utterance of God at Sinai, all the rest is a complex corpus of interpretation, a task that is never completed in Judaism, a task that depends upon human imagination in order to reread and revoice the basic commands in ways that are pertinent, compelling, and pervasive in a rich variety of subsequent circumstances. The absoluteness of Sinai becomes a funding for interpretive imagination that is endless, daring, and inventive, that must be endlessly continued, in order to keep the uncompromised intention of the uncompromising Holy One germane to lived reality in all its dynamism. In every such interpretive extrapolation, Israel knew, always knew, that the particularity of the interpretation was grounded in the absolute intention of the Key One, that law was not a contrivance but a voice of will from the foundations of the earth.

III.

It is this endless practice of imaginative interpretation and reinterpretation that concerns us, a practice in ancient Israel so complex, sustained, and given such high energy that Robert Alter has characterized Judaism as a "culture of interpretation," that is, a set of social relationships in which the ongoing interpretive act itself is definitional and constitutive of what mature people do, a practice coded in Psalm One as "meditat[ing] [on the Torah of the Lord] day and night."⁹ I should note in passing that the Christian tradition of interpretation is less recognized and celebrated, I believe, because hegemonic Christianity has a decided propensity to give closure that blocks off more interpretation. But that only means that in the name of certitude, ongoing interpretation must be conducted surreptitiously, whereas in Judaism, never until now tempted to hegemony, the core practice of interpretation can be acknowledged and celebrated as constitutive for a future receiving society.

I take the canonical practice of interpretation, that is practice evident in the canon of Scripture itself, to be an epitome for what continues to happen in later Judaism and in Christianity at its best. Thus the continuing practice of imaginative interpretation, already unmistakably clear in the canon itself, is an embrace of hermeneutics that protests against and resists every easy settlement, every positivism, every

9. *Psalms* 1:2.

absolutism that seeks to close off the dynamism of the will of the Holy God encountered at Sinai. In what follows, I want to consider the practice of complex, sustained, high energy interpretation that is confessedly rooted in the non-negotiable claims of holiness voiced at Sinai:

1. Moses, the designated mediator of divine will, the primal agent in this self-conscious community of interpretation, has both an obvious task and one that surprises. The obvious task is to extrapolate from the general principles that have come out of the mouth of God into concrete practice that scholars in my field term "case law." The first examples of these are in Exodus 21:1-23:19, a series of perhaps random laws and teachings now subsumed at Sinai. Among these, moreover, the First Commandment voices what is evidently a signature urgency of Mosaic vision in Exodus 21:1-11. This case law concerns a male Hebrew slave, a member of the Hebrew community who is bonded by debt to another member of the community. This astonishing case law of Moses provides that no matter how great the debt that must be worked off through slave service, the bond servant must "go out a free person, without debt," at the end of six years.¹⁰

The subsequent verses make detailed adjustments in the implementation of the law, but that in sum is the principle that dominates the corpus, a principle more fully explicated in provision for the "year of release"¹¹ and the "year of jubilee."¹² Both of these later provisions are perhaps derived from the sabbath provision of the decalogue, thus a "sabbatic principle."¹³ What interests us about this Mosaic authorization, even if rooted in the Fourth Commandment of sabbath, is that it is not in any recognizable way spelt out in the decalogue. Rather the interpretive teaching of this commandment represents an immense act of imagination well beyond the basis command itself. That immense act of imagination, moreover, insists (a) that it is important in Israel that there be no permanent underclass of indebted people and (b) that the only way to prevent the formation of a permanent underclass, that would in principle violate the communitarian vision of Sinai, is to subsume economic transactions under the more urgent theme of covenantal, neighborly relations. This radical leap, taken to be congruent with the holy God of Sinai, is characteristic of this daring culture of interpreta-

10. *Exodus* 21:2.

11. *Deuteronomy* 15:1-18.

12. *Leviticus* 25:8-55.

13. *Exodus* 20:8-11.

tion, given authorization by Moses, the authorized mediator and the daring practitioner of legal interpretation.

But Moses, Israel's primal lawyer, also has a second, surprising function. In Exodus 32, the narrative of Aaron's golden calf, God is deeply enraged at the idol-making of Israel and proposes to destroy the community in anger.¹⁴ In order to do so, however, God knows that such violent action cannot be taken in the presence of Moses who at this point cares for recalcitrant Israel more than does God; and so God bids Moses "Let me alone,"¹⁵ so that I can do in private what is too shameful to do in your presence. In verses 11-13, moreover, Moses addresses God in petitionary prayer, urging God to relent of his proposed destructive initiative against Israel.¹⁶ In this daring address to God, Moses (a) appeals to God's older commitment to Israel in the book of Genesis, thus assuring that God is a text-based God who is persuaded by written precedent and that Moses is a text-based interpreter, and (b) appeals to God's vanity with the warning that such violent action against Israel will be misconstrued by the rival gods and their patron states, and consequently God's own reputation will suffer.¹⁷

The point for us, I suggest, is that Moses's practice of law and interpretation is not simply to reiterate the wholesale requirements of God from Sinai, but also to move in the other direction and to confront the absolute teaching with protest and petition when absoluteness of an established kind becomes inimical to the interests of all parties concerned. Thus Moses, the hermeneutist, is to connect God's law to Israel, but also to connect God to Israel's need in a way that goes behind absolute law to relationship. There is no doubt that under Aaron, Israel had violated the first command of "no other gods."¹⁸ The exchange of Moses and God in Exodus 32, however, appeals beyond that law to more basic covenantal realities that stand, in this case, over against the law.¹⁹ Good interpretive practice is not the easy task of reiteration; it is the risky work of mediation whereby need speaks to power and thus evokes new truth now to be embraced by all parties.

2. It is at Sinai and with Moses that Israel arrives at anything like a clear legal codification. The ancestral narratives in Genesis—the tales of Abraham, Isaac, and Jacob—are preoccupied with matters other than

14. *Id.* at 32.

15. *Id.* at 32:10.

16. *Id.* at 32:11-13.

17. *Id.*

18. *Id.* at 20:3.

19. *Id.* at 32:11-13.

commands, though even here the holy God of Israel is not without imperatives. In the Abraham narrative of Genesis 12-25 there is, however, one text that may interest us. I cite the text in order to accent the fact that Israel is everywhere, even prior to Sinai, a community preoccupied with covenantal ethics.

In this narrative of Genesis 18, God has heard of the distorted public life of Sodom, the quintessential city of violation, God has heard cries of protest and has resolved to investigate the city with the clear intent that, when shown to be guilty, God will move to violent destructiveness against the city.²⁰ God is surely in the right in the face of such distortion, and no generic case is made against the legitimacy of God's intention.

In the next paragraph, however, Abraham undertakes a remarkable and completely unexpected intervention by questioning God's intention as the Great Equalizer. The text says, "Abraham remained standing before the Lord,"²¹ as if he presented himself as a suppliant before the great court. We are told in rabbinic notation, however, that the rabbis changed the text that in an earlier form had read, "The Lord remained standing before Abraham." That is, the earlier version had placed God before Abraham as a suppliant. This is a remarkable textual matter on two counts: first, that God must appear and give an account before the tribunal of Abraham, thus completely subverting conventional judicial powers, and second, the rabbis could not tolerate such an implied challenge to God's preeminence and so modified the transcript of the meeting. The presentation of the encounter in these two variant forms shows Israel's textual tradition characteristically equivocating about a difficult question, that is, interpreting a matter provisionally because it is too tough to settle clearly.

Either way, Abraham raised against the will of the legitimate sovereign the deeper question. God's plan against Sodom would destroy the innocent in the city along with the guilty (perhaps not unlike the current U.S. military effort), without provision for the protection of the innocent. It is that question that evokes a challenge to policy "from below," indicating that God's intent is not just merely because it is God's resolve, and that it must be challenged on behalf of those who themselves have no access to appeal. Abraham's initial question is in fact an alternative proposal, alternative to divine resolve, through which fifty righteous persons in the city would assuage divine anger and protect the city. That is, instead of destruction of the innocent along with the guilty, to rescue the guilty along with the innocent. And then Abraham

20. *Genesis* 18:20-21.

21. *Id.* at 18:22.

poses the question that truth must always speak to power: "Shall not the judge of all the earth do what is just?"²²

The terms "judge" and "justice" are in Hebrew the same term. The usage proposes to God that the final capacity for judging, the ability to impose a will on the city, is qualified by the reality of justice, in this case, that the innocent are entitled not to be taken with the guilty. What an impertinence that Abraham dare pose that question! The posing of the question is as though it is a new question for God, as though God needs some instruction in the conduct of divine power, as though Abraham is qualified to instruct God. The use of the term "justice" is of course a signature term in ancient Israel that is not here defined. It need not be defined, perhaps, because the notion of justice is in the air in Israel. It is Israel's most characteristic insistence that all questions finally boil down to justice of a distributive kind, all questions come to the issue, of protection for the weak and the vulnerable who cannot voice their own appeal. It is assumed, before the giving of the law at Sinai, that justice is known by all parties and all parties are summoned to it. It may be that the Sinai commands articulate justice; but if they do not, they are under censor from this more elemental passion of Israel. Law at Sinai is a vehicle for a deeper, older passion in Israel, the promotion of social well-being that is not grounded in rule but is grounded in a sense of community. This wholeness is so elemental that it need not and cannot be precisely characterized.

The question posed to God by Abraham does evoke God's response; God engages Abraham in a bargaining session about how many righteous in Sodom will be sufficient to prevent destruction. The number falls eventually from fifty to ten where the session ends. The outcome of the engagement is not very happy, because in the next chapter, with reference only to Lot, Abraham's nephew, the city is destroyed as though the conversation had never occurred.²³

The immediate outcome of Abraham's question is not impressive. For our purposes, however, the important matter is that the question lingers, haunts Israel, and surely haunts the sovereign God as well: "Shall not the judge of all the earth do what is just?"²⁴ The question posed by Abraham and addressed to God is about the relationship between justice, Israel's most elemental passion, and God's rule of law that does hit-and-miss on justice. Indeed, the question about justice deconstructs Israel's (and God's) too ready assent to law; conversely Jaques Derrida has opined that in Israel the only nondeconstructible phenomenon is justice,

22. *Id.* at 18:25.

23. *Id.* at 19:24-25.

24. *Id.* at 18:25.

a claim with which Abraham would agree.²⁵ It is evident in this narrative that the God of Israel does better about law than about justice, even though God from this point on must be attentive to the strange, ambiguous interplay of justice and law; law must always be kept as penultimate, always under the review of justice.

3. As the Abraham narrative anticipates the law at Sinai and appeals to a primordial sense of justice, so the tradition after Sinai takes the law at Sinai as a premise, but then moves on in dynamic and inventive ways. The first and most important post-Sinai development of law in ancient Israel is the tradition of Deuteronomy, a self-assured rhetorical tradition that Gerhard von Rad has long ago stylized as "preached law," that is, a communal ethic that proceeds with an accent on persuasion.²⁶

Deuteronomy is crucial to law in Israel's tradition because it is given through the voice of Moses, Israel's primal hermeneutist. It is law given at a time, place, and circumstance well removed from Sinai. The very existence of the corpus serves to deabsolutize Sinai and to assert that later developments of law, while committed to the core claims of Sinai concerning the rule of Yahweh and the passion for justice, moves beyond the non-negotiables of Sinai. Thus Deuteronomy 1 introduces this remarkable act of interpretation by asserting, "Moses undertook to expound this Torah as follows."²⁷ The old law will not be radically interpreted. And in Deuteronomy 5 it is asserted that this law is an urgent, present-tense foundation for social relationships: "Not with our ancestors did the Lord make this covenant, but with us, who are all of us here alive today."²⁸ It is clear that this corpus of law assumes the Sinai commands and presses boldly beyond them in order to make it possible to continue the "social experiment" of Israel in a new time and place and circumstance.

I need cite only one case of the remarkable interpretive imagination practiced in Deuteronomy. In the older Sinai materials, there is only one slight mention of civic leadership: "You shall not revile God, or curse a leader of your people."²⁹

25. Jacques Derrida, *Force of Law: The Mythical Foundation of Authority*, 11 CARDOZO L. REV. 919-1045 (1990).

26. GERHARD VON RAD, *STUDIES IN DEUTERONOMY* 16 (1953). See also JAMES W. WATTS, *READING LAW: THE RHETORICAL SHAPING OF THE PENTATEUCH* (1999) and BERNARD M. LEVINSON, *DEUTERONOMY AND THE HERMENEUTICS OF LEGAL INNOVATION* (1997).

27. *Deuteronomy* 1:5.

28. *Id.* at 5:3.

29. *Exodus* 22:28.

Now, in Deuteronomy 17:14-20, Moses formally permits the introduction of a new governing institution in Israel, the monarchy. It is known in the narratives of Israel that monarchy was a deeply contested innovation in Israel in the 11th and 10th B.C., for which the older law provided no guidance at all. In the corpus of Deuteronomy, Moses, the key legal interpreter of Israel, takes a great leap forward beyond precedent in order to permit the institution.

The permit for monarchy, however, is severely circumscribed by Moses according to the deepest demands of Sinai:

—The king, grudgingly permitted, must be a covenanted Israelite.

—The king must not use royal power for accumulation of horses, wives, silver, or gold. That is, the king must not use public power for personal advantage, a political convention in the ancient as in the contemporary world.

—The king must every day read from a copy of “this Torah.” That is, the king formally occupies a governmental role of power, but that role of power is radically redefined by Israel’s ethical, covenantal traditions.³⁰

The teaching of Moses understands that public power is a covenantal trust, granted by God but enacted in solidarity with Israelite neighbors. The God-connection is voiced as “[h]e shall not turn aside from the commandment;”³¹ the neighbor-connection is articulated as, “[h]e shall not exalt himself over other members of the community.”³² That this commandment has no precedent behind it attests to Mosaic inventiveness. That the law links the power of monarchy to the realities of covenantal neighborliness attests that Moses’s imagination is shot through with covenantal passion. The teaching of Moses seeks to curb the very destructiveness to which power is endlessly tempted and believes that the primal commands of “love God, love neighbor” are adequate checks on conventional seductions. While scholars have spent much energy on the editorial processes of the tradition of Deuteronomy, it is not to be missed that the editorial processes are governed by a sustained, recognizable voice of moral passion that insists that some matters are prohibited in this community of command that are otherwise allowed, and some matters are possible in this community of command otherwise known to be impossible. The moral vision of this corpus is still limited in many ways, with particular reference to sexism, violence, and violent sexism; nonetheless it is a tradition of imaginative moral

30. *Deuteronomy* 17:14-20.

31. *Id.* at 17:20.

32. *Id.*

passion that will not be held back, not even by the severities of Sinai and the God who spoke there ten times.

4. Beyond the laws of Sinai and later Moses, there are prophets in Israel alongside the law that produce the package of "the law and the prophets." Difficult critical questions are present about the relation of Torah and prophets;³³ in the tradition itself, however, it is clear that the prophets rest upon Torah. I will cite only one case in the prophets as an example about the way in which the study of law, in the horizon of ancient Israel, leads inescapably to the utterance of the prophet.

In Deuteronomy 24, that same corpus, Moses declares, again without any precedent at Sinai:

Suppose a man enters into marriage with a woman, but she does not please him because he finds something objectionable about her, and so he writes her a certificate of divorce, puts it in her hand, and sends her out of his house; she then leaves his house and goes off to become another man's wife. Then suppose the second man dislikes her, writes her a bill of divorce, puts it in her hand, and sends her out of his house [or the second man who marries her dies]; her first husband, who sent her away, is not permitted to take her again to be his wife after she has been defiled; for that would be abhorrent to the Lord, and you shall not bring guilt on the land that the Lord your God is giving you as a possession.³⁴

The commandment provides that when a man divorces a wife who is found objectionable (likely not a virgin), she may marry a second man. If, however, the second husband also divorces her, she cannot return to the first husband. She cannot return if she wants to; she cannot return if he wants her back; they cannot reunite even if they both want to, because the second connection has "defiled" her from the first husband. (This is surely primitive and patriarchal, a horizon reflected in the recent Serbian strategy of raping Moslem women in order to make them pariahs). This law culminates with a connection between sexuality and land, that defiled sexuality defiles and places the land in jeopardy.

The commandment of Moses has many aspects that we might find objectionable; this is part of the corpus of Deuteronomy that is only at the beginning of a developing covenantal trajectory. What interests us, however, is the fact that this commandment becomes, in the allied work of the prophet Jeremiah, a metaphor for the God-Israel connection.

33. JOHN BARTON, *ORACLES OF GOD: PERCEPTIONS OF ANCIENT PROPHECY IN ISRAEL AFTER THE EXILE* (1986).

34. *Deuteronomy* 24:1-4.

Whereas Sinai moved from God to law, here in Jeremiah the positions are reversed; a commandment becomes a rhetorical opportunity for theology.

Jeremiah turns the prose commandment of Moses into prophetic poetry: "If a man divorces his wife and she goes from him and becomes another man's wife, will he return to her? Would not such a land be greatly polluted?"³⁵ The first verse of Jeremiah 3 quotes the case law of Deuteronomy 24:1 and then asks two rhetorical questions to which the answers, in sequence, are "no, yes."³⁶ No, he cannot return to her; yes, the land would be greatly polluted.

The poetic extrapolation made by Jeremiah is that Yahweh, the God of Israel, is the first husband and Israel is his wife. Wife-Israel has abandoned husband-Yahweh and has gone to a second husband-Baal, the key god of the Canaanites. But that "shacking up" has not worked because husband-Baal has proven to be faithless and unreliable. So now, wife-Israel repents and wishes to return to husband-Yahweh, the God of Israel, belatedly recognizing that husband-Yahweh is more reliable than her second husband, Baal.

The transposition from law to prophetic poetry depends upon the severity of the initial commandment to which the poet ostensibly subscribes. This reference to the old law, however, is only a premise for what follows. In an extended poetic development, the poet now urges wife-Israel to repent and return to husband-Yahweh, with the assurance that husband-Yahweh will readily accept her return to him:

Return, faithless Israel, says the Lord. I will not look upon you in anger, for I am merciful Return, O faithless children, says the Lord, for I am our master Return, O faithless children, I will heal your faithlessness If you return, O Israel, says the Lord, if your return to me, if you remove your abominations from my presence, and do not waver, and if you swear, "As the Lord lives!" in truth, in justice, and in uprightness, then nations shall be blessed by him, and by him they shall boast.³⁷

The prophet appeals to the old commandment in Deuteronomy precisely in order to contradict the old commandment. Whereas husbands are prohibited from accepting the return of faithless wives, Yahweh in contradiction to the commandment is willing to have a return. Stated mostly boldly, the interpretive maneuver of the poet is to assert that Yahweh is willing to violate Yahweh's own law for the sake of the

35. *Jeremiah* 3:1.

36. *See generally id.* at 3.

37. *Id.* at 3:11, 14, 22; 4:1-2.

relationship. Jeremiah thus employs the old commandment to comment on theological reality: the law of God is penultimate, for it is the lively will and passion of God that is ultimate, a will and passion that are only proximately voiced in the law, even if it is God's own law given by Moses, Israel's primal legal hermeneutist. The metaphor should not be pushed too far, but it is unmistakable that in this usage, the law is a servant of a defining relationship of fidelity, and when the law no longer serves the fullness of that relation of fidelity, then the law must be abrogated for the sake of the relationship.

It is evident that this poet moves from the harsh judgments and severe indictments of Israel rooted in the harshness and uncompromising severity of Israel's law. It is equally clear, however, that characteristically this appeal to law is subverted by the poets through recourse to figures of the most intimate relationships of fidelity, parent and child, husband and wife. One has the impression that at the deepest crunch points in its lived experience where these poets are mandated to speak most honestly, the law itself was found not to be an adequate mode of discourse but can function as an access point to the more elemental rhetoric of relationship. Thus the familiar formula, "the law and the prophets"³⁸ sounds conventional, but in fact it points to an immense complexity in the interface between rule and relationship, an interface to which theological interpretation must attend, and to which legal interpretation imagine, cannot be indifferent.

5. For purposes of completeness, I want to pursue yet one other linkage to law in the Hebrew Bible. The canonical shape of the Hebrew Bible, treated with problematic casualness in the Christian Old Testament, consists in the Torah (the first five books through which I have traced the dynamism of Sinai backward to Abraham and forward to Deuteronomy) and the prophetic corpus from which I have introduced one text in order to indicate both the connection to Torah and the tension with Torah, a connection and tension that are kept taut by the demanding vagaries of Israel's lived history. Thus the canon is constituted first of all by "law and prophets." There is, however, a third unit of the canon of the Hebrew Bible, a miscellaneous collection called "the Writings." Notably this section of canon includes the Psalms (that begin in Psalm 1 with a summons to "mediate on the Torah day and night"), and Job (a long poem that reflects on the fact that life does not correspond to the law).³⁹

38. See *Matthew* 5:17, 7:12, 11:13.

39. See generally *Psalms* 1 and *Job*.

From that third canon I want to accent only one point, namely, wisdom, represented by Proverbs, Job, and Ecclesiastes. My entry point is a later rhetorical fragment in Deuteronomy 4:58, a fragment that supports Moshe Weinfeld's contention that Deuteronomy is deeply connected to wisdom

See, just as the Lord my God has charged me, I now teach you statutes and ordinances for you to observe in the land that you are about to enter and occupy. You must observe them diligently, for this will show your wisdom and discernment to the peoples, who, when they hear all these statutes will say, "Surely this great nation is a wise and discerning people!" For what other great nation has a god so near to it as the lord our God is whenever we call to him? And what other great nation has statutes and ordinances as just as this entire law that I am setting before you today?⁴⁰

This interpretive insistence, in the mouth of Moses, urges that Israel's obedience to the law of Sinai will, in all its dynamic will, evidence to the nations that Israel is wise and discerning. This insistence reflects the development in Judaism of the conviction that Sinai Torah (that depends upon direct revelation from God) is amenable to wisdom (that arises from carefully discerned lived experience). This movement is close as the Hebrew Bible comes to reflection upon the old quandary of "reason and revelation." It is important to understand that wisdom, as voiced in the book of Proverbs, arises from common sense reflection upon life filtered through reference to God the creator who has ordered the life of the world with givens and limits and intractable connections. The most public articulation of such wisdom in contemporary life known to me is the drawled verdict of Senator Sam Ervin to the Watergate Committee when he said, "For whatsoever a man soweth, that he also reap."⁴¹ The connection between sowing and reaping, discerned in lived reality, cannot be evaded, as every man knows who has carelessly deposited his semen in the wrong place.

The statement in Deuteronomy 4:5-8 builds from the phrasing, "wise and discerning," to make precise the two-fold affirmation that concerns us: "(a) What other nation has a god so near? (b) What other nation has a law so just?"⁴² The answer to both questions is a resounding "none"—no other nation has a god so near or a law so just. This is perhaps characteristic self-congratulations on the part of Israel; but the

40. *Deuteronomy* 4:58; MOSHE WEINFELD, *DEUTERONOMY AND THE DEUTERONOMIC SCHOOL* (1972).

41. S. REP. NO. 93-981, at 1102 (1974).

42. *Deuteronomy* 4:5-8.

capacity for worldly wisdom about how things are connected in the deepest ways in the very fabric of creation without any human contrivance or manipulation, this capacity for worldly wisdom causes Israel to ponder the nearness of God, the holy one who guarantees order, and the justice of law, the practice of human neighborliness. Thus Moses makes a stunning pairing for theological rootage that invites awe, respect, wonder, and gracefulness and public practice that invites discernment and neighborly attentiveness. The two are joined in wisdom, the virtue most urgent in theology and in law. When wisdom fails or is reduced to technique or arrogance, theologians may arrive at a god who is foolishly and carelessly forgiving or unbearably severe, lawyers may arrive at a law that is only human manipulation for the sale of the strong. It is the convergence of holy nearness and just law that embodies wisdom rooted in common sense recognition of the deep fabric of reality that invites life, but the violation of which brings death. So wisdom itself speaks:

And now, my children, listen to me: happy are those who keep my ways. Hear instruction and be wise, and do not neglect it. Happy is the one who listens to me watching daily at my gates, waiting beside my doors. For whoever finds me finds life and obtains favor from the Lord; but those who miss me injure themselves; all who hate me love death.⁴³

IV.

These are the ramblings of an Old Testament scholar who is intimidated in the context of a law faculty. I am not so innocent as to imagine that anything can be directly transposed from the Hebrew Bible to the civic practice of a pluralistic culture. The connections are at best mediated and never immediate. But there are connections, because the textual traditions of Judaism and Christianity continue to be funding sources for our society. These connections may be noted:

1. Holiness is elemental in the fabric of social reality. Holiness may be variously offered in many ways; in Judaism and in Christianity it is voiced as a covenantal infrastructure that binds neighbors to each other in awed respect, all bound to a common discipline of polity-making and polity-practice.

43. *Proverbs* 8:32-36.

2. Holiness so voiced is a will and energy for neighborbuilding that grounds neighborliness in the deepest measures of reality.

3. Holiness so voiced is a practice of severity that must on occasion be challenged or reconstrued in a more generous passion.

4. The adjudication of holiness in this text tradition requires energy, imagination, passion, and self-knowledge.

5. Commandment in this tradition is rooted in holiness that makes all commandments penultimate to the one command of holy grounding.

6. Commandments state non-negotiable requirements that in turn require endless negotiation in daring acts of imagination, extrapolation, contradiction, and innovation.

7. Commandment in its absolute mode of "thou shalt not" in poetic discourse can be made penultimate by appeal-to relationships of fidelity that require law to be revoiced in a less shrill mode.

8. The enactment of commandment as witness to grounding holiness requires a vision of what is ultimately intended, to which all immediate passions are subsumed and under which discipline all proximate passions are brought.

9. All absolutes—of holy God and of just law—are given, received, and practiced in a dialogue, a practice that requires freedom, generosity, and a character that can move beyond self-interest to the public good that is always measured—as Moses repeatedly insists—by the welfare of widows, orphans, and illegal immigrants.

As Moses has the first word in this tradition of Holy Law, I will give him the last words as he connects Holy Purpose and concrete practice:

See, I have set before you today life and prosperity, death and adversity. If you obey the commandments of the Lord your God that I am commanding you today, by loving the Lord your God, walking in his ways, and observing his commandments, decrees, and ordinances, then you shall live and become numerous, and the Lord your God will bless you in the land that you are entering to possess.

But if your heart turns away and you do not hear, but are led astray to bow down to other gods and serve them, I declare to you today that you shall perish Choose life so that you and your descendants may live long, loving the Lord your God, obeying him, and holding fast to him; for that means life to you and length of days, so that you may

live in the land that the Lord swore to give to your ancestors, to Abraham, to Isaac, and to Jacob.⁴⁴

44. *Deuteronomy* 30:15-20.