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THE PROBLEM OF OLD TESTAMENT ETHICS

Elmer A Martens*

The discipline of ethics deals with questions such as the following: what ought I to do? why should I do what I ought to do? what is meant by "good"? Ethics for the Christian is more than decision making. One must also ask, "Who is the good person?"

The millstone-like character of Old Testament (OT) ethics meets us at almost every turn. Certainly the task of establishing ethical norms is made most problematic by OT material and therefore deserves major attention. But the descriptive task of ethics is also challenged by the nature of ethical material in the OT. The identification of some issues in these two tasks will make a fitting, though extended, introduction to the main problem of OT ethics, which is, "How can the Christian appropriate the ethics of OT Scripture?"

PROBLEMS OF OT ETHICAL MATERIAL FOR THE DESCRIPTIVE TASK

In approaching a body of ethical material it would be in order as a first step to describe it. But to describe OT ethical material accurately is already an exceedingly difficult assignment.

Establishing a Theological Context

In what context is the ethical material to be viewed? In contrast to philosophical ethics, which is secular and anthropocentric, biblical ethics is theocentric. For Israel, morality was never considered apart from religion. Yet what aspects of her religion are accurate vantage points for a survey of her ethics?

To begin with, the context for ethics in the OT is redemption. The ten commandments are prefixed, perhaps in keeping with the Ancient

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Near East Treaty form, with an historical prologue, namely: "I am the Lord your God who brought you out of the land of Egypt, out of the house of slavery" (Ex. 20:2). The commandments must be understood as coming from the Redeemer God who brought about the exodus. Israel's salvation is reality. Obedience to the commandments is a response to redemption.

Moreover, ethics is situated theologically in the *covenant*. The Redeemer-God declared: "I will be your God, and you shall be my people" (Ex. 6:7). This covenant formula, and indeed the entire covenant relationship, is sub-structure for ethical discussion in the OT. The covenant formula presents a demand: you shall be my people. It also offers a promise: I will be your God. As Eichrodt so beautifully states: "The God who demands is also the God who gives." ¹

The covenantal relationship is to be characterized by holiness and righteousness. Holiness may be thought of as having two sides. First, it expresses the otherness of God and touches on the numinous nature of God. Ritual and cultic laws correspond to this aspect (cf. the so-called cultic decalogue of Ex. 34:10-26). Secondly, holiness expresses the righteousness and moral character of God. The ethical laws of the decalogue correspond to this aspect.² Righteousness (Hebrew, sedekah) was defined, especially by evangelicals of an earlier period, as "conformity to a right standard." But righteousness has more recently been explained in keeping with the covenantal aspect of Israelite religion. Muilenberg says that "to be righteous is to fulfill the demands of relationship."

Ethical demands are related to a person — God. Deviant behavior on the part of God's people is met by pathos appropriate to a fractured personal relationship. "How can I give you up, O Ephraim!... My heart recoils within me, my compassion grows warm and tender" (Hosea 11:8-9). Man's unethical behavior touches the emotions of a redeeming and covenantal God. "What is commanded is not obedience to laws but to God himself — willing and glad obedience, based on understanding and inward assent." Sydney Cave also calls attention to the personal dimension: "Books which seek to systematize 'The Teaching of Jesus' can, we find, be read without discomfort. But to hear the words of Jesus in the gospels drives us to penitence, shame and hope." And if in our finiteness we have need to resort to systematization we do well to keep in mind Luther's observation: "He who studies mandata Dei (the commandments of God) will not be moved: but he who hears Deum mandatem (God commanding) how can he fail to be terrified?"

Formulating Biblical Ethical Motivations

The descriptive phase should give attention to motivation and sanctions. What reasons are urged for pursuing the good and doing

the right? One might cite the blessings of God (cf. Deut. 28). Or is it threat and even curses which motivate men to do the good (Deut. 27)? What is one to make of the grounding of so many commands by the concluding statement "I am Yahweh" (eg. Lev. 19:16-18)?

Sometimes the reasons are given in existential terms: "And you shall not take a bribe, for a bribe blinds the clear-sighted and subverts the cause of the just" (Ex. 23:8). Or the reason for action is historically grounded: "And you shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" (Ex. 22:21). Or the demand is grounded in the will of God: "You shall have a full and just weight... You shall not have in your home differing measures, a large and a small... For everyone who does these things, everyone who acts unjustly, is an abomination to the Lord your God" (Deut. 25:15, 14, 16). "But the Holy One of Israel is also the God who loves truth, justice, and righteousness, who cares for man, who upholds and protects the poor and helpless. Here is the mainspring of what might be called Old Testament ethics." Clearly, since viewpoints vary, an essay could be devoted solely to investigation of motivations and sanctions.

PROBLEMS IN THE CRITICAL TASK OF OLD TESTAMENT ETHICS

Once the ethical nature of OT material has been determined and described, there follows an evaluative task. Such a task is not to be understood as setting human wisdom above divine revelation as though human beings were in a position to improve God's word. But assessments of OT ethical positions are necessary in order that its claims and directions become more intelligible. Assessment standpoints could conceivably be those of an historian, specialist in Ancient Near East studies, or a New Testament Christian. A few assessment statements will show the complexity of this phase of the task.

OT Ethics Are Deontological Rather than Teleological

Ethicists frequently wrestle with the basis for proper action. Why should one behave in a certain way? A great variety of answers have emerged in response to the question. Some hold that decision in ethics should be determined pragmatically by noting the effect which a certain course of action would have. One asks whether the proposed action brings the greatest good to the greatest number. Such teleological considerations are not part of OT discussion. The OT leaves the impression that a prescribed conduct is imperative because it is intrinsically right. Certain actions are required because they are one's due and not because of calculated results.

If one asks further why it is right to do or not to do a given thing, the

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answer lies in the will of a personal God. Thus instructions on sexual behavior are prefaced with: "I am the Lord your God" (Lev. 18:2). The will of God is distinguished, for instance, from what is culturally appropriate in Egypt or Canaan (Lev. 18:3).

Morality Questions Are Ones of Being / Doing

Usually the ethical question is posed by saying: "What shall a man do?" But from the OT standpoint one must ask, "What kind of a man ought one to be?" Just as the sacrifices were not efficacious apart from a submissive and pious spirit, so external actions are not ethical per se. Micah called for ethical conduct but pointed to character rather than to a check list of rules (Micah 6:8).

The importance of the interior disposition is evident from the statement: "You shall not hate your brother in your heart... or bear any grudge" (Lev. 19:17ff). Worship is acceptable from one who has "clean hands and a pure heart" (Ps. 24:4, 15:1). The ethical focus cannot be on decision-making and action alone. "The Bible resolutely tells us that what we do is dependent on who we are called to be... If the Bible is to be a resource for the moral life we must give up an excessive focus on the ethics of doing."

Such an understanding might diffuse the anxiety Christians have with rules. There are directions in the Scriptures... many of them. But they are to be assessed as the expression of the quality of a man, not as an inexorable set of laws by which men regiment their lives. True moral action is more than external conformity to regulations. Love of God and love of neighbor, both OT commandments, apply to the interior disposition of a man. Marshall is correct: "These two commands are as little 'legal' as it is possible for them to be."

The Ethical Regulations Are Neither Comprehensive Nor Logically Consistent

Even though ethical prescriptions touch many areas, they do not cover all possibilities, not even for society of that day. To select one area, that of sex, one reads that a man was not to encroach upon his neighbor's marriage. But he could have concubines, and polygamy remained an option. Intercourse with prostitutes seems not to have been strictly proscribed (Gen. 38:21). Standards for sexual behavior did not cover every emergency. If the OT regulations are set over against the modern ethical agenda, then the lack of comprehensiveness is even more apparent. What has the OT, or even the NT, to say to the ethics of industry, genetic experimentation, organ transplants, population control? The inadequacy of regulations for every contingency is serious only if one's ethical theory calls for such an encompassing set of rules. But the latter is not the OT understanding. Love of God and love of neighbor are

basic. Behavioral details need not be exhaustive.

More troublesome at first encounter is the inconsistency between prescription and practice. Lying is wrong. But it is a proper weapon, apparently, if the person is a foreigner (Gen. 12:13, 20:2, 26:7, Ex. 1:19). God is pictured as approving the fibbing of the mid-wives (Ex. 1:15-22, cf. Jer. 38:24ff). In the case of Samuel and Saul, God "manufactures" a reason in order that Samuel need not state the real reason (I Sam. 16:1-2). Theft can be justified (Ex. 3:22, 11:2, 12:35ff). One may be troubled that God should require such questionable conduct or that He does not always prosecute the guilty. The inconsistencies mean, as a minimum, that in ethical questions one cannot think of absolutes without allowing for exceptions.

Israelite Ethics Differs from Ancient Near East Ethics

It is appropriate to compare Hebrew ethics with their ancient near east counterparts. OT ethical regulations represent a greater concern for the person than do other codes, for higher value is placed on human life. In Babylonian Law the death penalty was used for offences against property; not so in Israel. ¹⁰ The slave, elsewhere treated as a thing, is given protection in Israel against abuse (Ex. 21:20, 26f). In Assyria gross brutality such as cutting off of hands, cropping of nose or ears prevailed. Not so in Israel. In the Hammurabi code there was a class distinction in the administration of penalties. In Israel the isolated alien is of equal standing with an Israelite; and kings, such as David and Ahab, are not above the law. On the other hand, in Babylon the wife had rights of which Israelite law knows nothing. Eichrodt explains this to say that where the family breaks down, more legislation for the individual is necessary. ¹¹ However the dignity of the woman is affirmed in the OT. ¹²

Motivations for observing regulations are given in the OT. Frequently these revolve around the nature of YHWH. But motivations, especially those arising out of historical or Theological considerations, are "completely absent from the other Near Eastern compilations." ^13 Another difference: "None of the legal codes of the ancient world outside the Bible contains laws proscribing lending on interest." ^14 Of course there are also points of similarity between OT and the literature of the ancient near east. 15

E. The Ethics of the OT Compares Favorably with That of the New Testament

An analysis of the development of ethics is difficult. Those who hold the teaching in Deuteronomy to date from the eighth century, for instance, sketch ethical development differently than those who regard the Pentateuch as deriving from the Mosaic period. ¹⁶ For the moment it is sufficient to point to the high level of ethics found in the OT as illustrated in the decalogue or in Job 31. The list of ethical concerns in

Job shows that OT ethical standards are comparable to those of the NT. Fohrer identifies twelve items: lasciviousness (vv. 1-4), falsehood (vv. 5-8), covetousness (vv. 5-8), adultery (vv. 9-12), disregard for the right of servants (vv. 13-15), hard-heartedness against the poor (vv. 16-23), trust in riches (vv. 24-28), superstition (vv. 24-28), hatred of enemies (vv. 29-32), inhospitality (vv. 29-32), hypocrisy (vv. 33-34), exploitation of land (vv. 38-40a). 17

In performing the descriptive task the researcher is intent on approaching and recasting the material in a fashion that will be true to the OT itself. In engaging in the evaluative or critical task, the researcher steps outside the OT in order to take advantage of new angles of vision. Both these tasks are not without problems. Both lead forward, however, to a definition of the way in which OT ethics are normative today. And that raises still more problems.

PROBLEMS IN DETERMINING THE NORMATIVE NATURE OF OT ETHICS

In what way is the OT ethic binding on me as a Christian? How do we appropriate the Bible to help us in character formation and especially in decision-making? An appeal to biblical authority does not resolve difficulties; for one still asks, how is the Bible going to be used? Does every ethical injunction in the OT apply to me as a Christian? Do some of these apply? Which ones? How do I decide?

In keeping with the topic of the paper, problem areas in the interpretive task will be enumerated. Identification of the agenda is a necessary step toward a solution. Preferred options, even if not answers, will be suggested.

Is the Bible Intended to Serve As a Code Book?

One way of reading the Bible is to regard it as a catalogue of ethical injunctions. The method at its crassest is to resort to the Bible in prooftext fashion. Thus, if the Biblical command is that women not wear men's clothing (Deut. 22:5), then it follows that a woman refrain from wearing slacks. Such a method of reading the Bible is nearly impossible. Certain regulations will be ignored or subjected to casuistry, as, for example: "If there is anyone who curses his father or his mother, he shall surely be put to death" (Deut. 20:9). One can agree to some extent with Sleeper, who says, "Attempts to find 'the biblical answer' by an appeal to proof texts is simply wrong because the Bible did not anticipate many contemporary issues, because there is development within the Bible itself, and because the biblical solutions are historically conditioned." Moreover, ethics is not conceived as mechanistic but relational. A relational base for ethics implies something other than prescriptives for behavior, recipe fashion.

Has the Bible then no currently applicable ethical prescriptions? While the Bible establishes the relational base (love of God and love of man), it specifies to a considerable degree what this relationship involves concretely. It means that one is not to take advantage of another: "You shall not oppress your neighbor..." (Lev. 19:13). Stealing is prohibited (Lev. 19:11) as is coveting the neighbor's wife (Ex. 20:17). We affirm that the Bible carries prescriptions that are normative, but that is not to conclude it is an ethical rule book.

Is Ethical Source Material in the OT Limited to Prescriptions?

Is it propositions alone that provide ethical guidance? Can there be ethical norms derived from biblical models? For example, if the Bible is understood prescriptively as calling for capital punishment, must one take into account, when formulating a position on the matter, instances in which capital punishment was warranted but was withheld (I Sam. 11:12-13)? Jesus made use of the OT to answer ethical questions. As to Sabbath keeping, Jesus referred to David and his companion (Matt. 12:1-8, cf. I Sam. 21:1-6).

Apart from practices there are also ideals. The year of Jubilee represented a set of regulations which some scholars feel were never implemented and in any case would have been economically unfeasible. Whether as practice or ideal, the concern about care for the land is a subject to which the Bible speaks (Lev. 25, Job 31:38-40a). The intent cannot be misunderstood even if there is difficulty in determining the applicability in the twentieth century.

Some Bible readers have inclined to emphasize the rules. Others focus on precedents but hold them up as illustrations and not as binding. "The Bible does not prescribe rules or preach ideals so much as it provides pictures of decision and actions that are faithful to the way God relates to us." Other scholars are more comfortable in pointing to ideals such as love and justice as keys to Christian ethical behavior. Normative ethics for the Christian, based on the Bible, will need to give attention not only to statements of principle but also to precedent and to ideals.

How Is One to Deal with the Historically Conditioned Materials?

Even if one is open to ethical instruction from a variety of quarters, such as prescriptions, precedents, and ideals, how is one to handle the fact that these are all given in a historical time context and in a definite culture? Are we to free slaves after six years (Ex. 21:2)? Does cultural distance invalidate earlier prescriptions? If a prescription is to be appropriated, what canons or rules apply? Does one look for an equivalent or an analagous current situation? And if so, what modifications are to be introduced?

Pertinent observations may launch discussion. First, within the Bible there is not one homogenous culture but many. Marriage to foreign wives following the exile affords an illustration of adaptation by a later society of principles and precedents from an earlier time period. The post-exile reformers referred to the Mosaic law (Ezra 10:3, cf. Deut. 7:3) and the negative example of Solomon (Neh. 13:26-27) as a basis for the radical action of putting away foreign wives.

Secondly, while it is true that some directives are obviously culturerestricted and totally so (e.g. levirate marriage, Deut. 25:5-9), other prescriptions are not so easily dismissed (e.g. prohibition of adultery, Ex. 20:14). It is helpful in problematic cases, such as war in the OT, to examine the intention of the passage. An appreciation for the corporateness of people as a concept of the Middle East is partially helpful in overcoming the difficulty. An awareness of "peace texts" brings balance. The commands for war were for wars unlike those waged today or even in later Israelite times. In "holy war" God brought victory despite small numbers and inadequate weapons. The point or intention of these reports is to make the case for faith in God. John H. Yoder writes that in later centuries the pious reader of the narratives of conquest will have been struck most by the general promise according to which, if Israel would believe and obey, the occupants of the land would be driven out. "To 'believe' meant, most specifically and concretely in the cultural context of Israel's birth as a nation, to trust God for their survival as a people."²⁰ Faith is not an arm chair experience but a risk in which the stakes are nothing less than life itself. There is not blanket approval for every war (cf. Kadesh Barnea). But in accounts of "holy" or divine war victory as the gift of God in response to faith is at the heart of the message. One may make contact with the NT by seeing the Christian life as "a fulfillment of those holy-war provisions, a fulfillment dramatically transformed by the cross and all that it proclaims about God's mode of working in the world"21

Thirdly, the historically conditioned nature of the ethical demands need not be a large embarrassment if one keeps in mind a philosophical observation. Particularity is but a specific within the "universal." Not every injunction in the particular Hebrew culture will be universalizable. But certain actions and prescriptions are paradigms for men to follow and are universal. Our very understanding of paradigm suggests something universal. Don O'Donovan writes:

For if a particular and specified command is to be a paradigm for the application of a highly generalized universal principle, there must be a middle term, a specific universal which will derive from the general principle and justify the particular. You cannot move from "Love your neighbor" to "Polly put the kettle on" without adding under your

breath that in such and such circumstances putting on the kettle is a loving thing to $do.^{22}$

In one sense it is the genius of the OT to present morality in a given time and place. Expressions of moral principles will vary according to culture. We need not carry the cultural baggage into our day, but we are not exempt from the principle. 23

What Bearing Has Jesus Christ on OT Ethics?

A vexing question with which any Christian needs to come to terms is the way in which Jesus Christ affects our understanding of ethical norms. One position in its extreme form would claim that with Christ all prescriptiveness, characteristic especially of the OT, is to be abandoned. Now grace has come. The law can be jettisoned. The retort to that can be immediate. Grace is not the opposite of law. Grace and ethical demand exist side by side. The NT is not exclusively a message of grace, just as the OT is not exclusively a message of law.

It has been argued that Jesus stands in judgment over the OT. At its extreme is the claim that he reverses OT ethics. If the OT commanded war, the NT commands love instead of hate. The OT does not disapprove of polygamy; Jesus holds to monogamy. Christ turned OT ethics on its head. In partial response we say with Murray that "polygamy and divorce... were permitted or tolerated under the Old Testament... but that they were nevertheless not legitimated." It is a case of forbearance, not approval. Often in the name of progressive revelation it is held that some of the old must be discarded and that Christ introduced new ethical values — an argument to be answered later.

A third alternative is to claim that Jesus Christ left the ethical system of the OT intact, but brought significant emphases and dimensions. Jesus stressed the importance of the "interior" character of ethics, already found in the OT (cf. Job 31:1, 9, 11, Matt. 5:28). He drew on OT practice to make his point about the sabbath (Matt. 12:1-8). A Jewish scholar states: "Throughout the gospels there is not one item of ethical teaching which cannot be parallelled either in the OT, the Apocrypha or in the Talmudic and Midrashi literature of the period near to the time of Jesus." One can even examine the OT roots of love to one's enemy (cf. Prov. 20:22, 25:21, Jer. 29:7). A Protestant scholar states, "Essentially... what Jesus taught was the ethics of the Old Testament, with some shift of emphasis but with no change of substance."

Yet, while recognizing the continuity of Old and New Testament ethics, it must not be thought that Christ's life and death was inconsequential for ethics. For one, he reaffirmed in unmistakable and authoritative terms that persons are to be valued over things and ritual observances. He took the law further and so filled it full. For example, not only must his followers forego vengeance, they must be ready to

forgive (Matt. 18:22). Jesus clarified earlier intents of the law which had been crusted over. He did not abrogate the Sabbath but vindicated his working as consonant with the meaning of the Sabbath.

Christ underscored the inwardness of actions in a way that the OT had not done. Thus, while the external act of murder was prohibited, Jesus extrapolated to say that whoever is angry with his brother shall be guilty before the court (Matt. 5:22). More important for ethics than his teaching was His action. The act of surrendering himself in order to share the human lot is expressive of a stance that must become the guideline for the Christian. Obedience is not alone or even primarily the conformity of action to commands but the submission of one person to another.

Christ offers himself as a center from which to view OT ethics. He affirms OT ethics and models it in superior, nav, divine fashion. To speak of progressive revelation, however, is problematic, for it is not clear that it is functionally helpful. If post-Christ men are on another level of morality in the sense that some previous morality is obsolete, one must still determine on what basis certain moralities are obsolete and others permanent. Moreover, the expression makes it easy for those of a later time to look down on those of an earlier generation. Furthermore, "progressive revelation" is essentially Christianized jargon for evolution with the important difference that God is a determinant in the process. The expression "progressive revelation" is dubious with respect to accuracy. The reforms of Ezra and Nehemiah which brought separation of married couples in cases where men had married foreign wives will not strike most as "progress". The term is an artificial construct in view of Jesus' statement that the great commandment is to love God and fellow man - a commandment given very early in the life of the Israelite people of God. "Nowhere is there a hint of criticism made by the New Testament writers of the OT to suggest that God was unable to make known his clear will to Israel."27 Since it is true, however, that God's purposes become increasingly clear it might be more accurate to speak of "cumulative revelation." More than semantics is involved, for "cumulative revelation" safeguards the validity of the OT and still enables us to see the supreme position of Christ as one who is the center from which OT ethics is to be viewed.

In short, Christ stands in continuity with the OT. He does not reverse OT ethics. He brings the ethical emphases, distorted especially by the Pharisees, back into original focus.

Is the Bible the Sole Determiner for a Christian in His Ethics?

Hardly. The Bible is the *chief* determinant for the believer, but account must be taken of the Christian community and of the Holy Spirit's direction. Everding and Wilbanks identify the communal context as one

of the four factors in decision making. The other three are faith, images, and response. For Anabaptists, who claim to have a New Testament doctrine of the church, an emphasis on the group as a discerning body in the decision-making process should be particularly welcome.

Which Hermeneutical Modes Are Valid?

Since this discussion of OT ethics occurs in a context of hermeneutics, it might be helpful to draw on a recent discussion of current models of Bible interpretation.

Kelsey identifies three models of Bible usage in theologizing. The first is to see the Bible as offering explicit teaching. This teaching, so the church has traditionally held, is to be understood as doctrinal content. Others have stressed that the teaching is concerned with concepts or main ideas. In either case, the Bible is used in the *ideational* mode. A second way of using the Bible is to lay emphasis on what the Bible reports or to what it bears witness, such as God's mighty acts (Wright) or primarily Jesus Christ (Barth). Brunner, stressing the primacy of Christ, regards any ethical principles to be legalistic. Kelsey defines such usage to be in the mode of *concrete actuality*. A third mode is the mode of *ideal possibility*. Scholars such as Bultmann and Tillich speak of the biblical materials as essentially consisting of images which point to what is "authentic existence" or what is possible through the power mediated by Christ. English was a supposed to the power mediated by Christ.

One could relate these modes of Bible interpretation to the questions of ethics as follows. According to the third mode, the OT contribution to ethics is to show by means of images, symbol and myth what it means to be fully "human." The Bible functions as offering an atmosphere for ethics. According to the second mode, concrete actuality, the OT ethic must be evaluated in terms of the person of Jesus Christ. It is a personal Word, even Jesus, who is determining for ethical questions. According to an interpretation in the first mode, however, an interpretation with which Mennonite Brethren would associate themselves, the Bible is to be used as itself offering direction, through its statements, for ethical conduct.

Yet even within this understanding, there remain questions when one comes to specifics. Three questions seem particularly crucial. First, how can one preserve the stress on universal principles and concrete directives and yet not come under the bondage of ethics as legalism? Second, how is one to handle the time-bound nature of ethical imperatives, a problem that is present for both the NT and the OT? A third question revolves around the extent to which Jesus Christ modifies ethical considerations given in the OT.

Further wrestling with these questions can be expected to bring clarity. But ambiguities themselves should not be feared, for they keep the believer in tension with the Word, engage him in exploration of

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God's purposes, and keep him always humble, if not on his knees, dependent on the Spirit and His work within the church community.

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Response

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The subject of OT ethics has long been a perplexing one, and one that has not received much attention. We should be grateful to Elmer Martens for a masterful job of describing the nature of OT ethics and reflecting on the hermeneutical problems. My response to his paper is primarily positive. I will begin by picking out some points in the paper with which I want to express agreement and which I believe need emphasis.

A. OT ethics works out of a context of liberation. The paper emphasizes that OT ethics is an ethics of response, and that response is to Yahweh. Although the covenant construct may be more our invention than Israel's, it is helpful in emphasizing the relational character of biblical ethics. That is, Israel's relationship to Yahweh, established by

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