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Law and the Bible: Justice, Mercy and Legal Institutions (book review)

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Law and the Bible: Justice, Mercy and Legal Institutions. Edited by Robert F. Cochran, Jr. and David VanDrunen. Downers Grove, IL: InterVarsity Press, 2013. Pp. 269. \$24.00. ISBN-13: 978-0-8308-2573-8.

Each of the nine chapters of *Law and the Bible* is cowritten by a legal scholar and a theologian. The goal of these pairings is “to integrate different areas of human learning” and to ensure that the work addresses concerns that “legal scholars alone or theologians alone might miss” (15). With rare exceptions, the contents of each of the chapters should be fully accessible to the educated lay reader. Prior legal training is not required because, for all of the authors, the level of applicability of the biblical text stops well short of an agenda for the sorts of policies to which many Christians of varying political persuasions often put it. Each of the essays presumes facility with the biblical text and at least some awareness of hermeneutics and the history of biblical interpretation. Coming from the leading publisher in American Evangelicalism, these presumptions will generally be met among the readership of *Law and the Bible*.

Drawing from the book of Genesis, the first chapter of *Law and the Bible*, “The Biblical Foundations of Law: Creation, Fall and the Patriarchs,” shows the strong influence of the Reformed “two-kingdoms” approach of coauthor David VanDrunen, whose book *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought* was previously reviewed in the *Journal*.¹ Whatever reservations might be had about some aspects of two-kingdoms theology need not keep one from drawing valuable insights from this chapter. Questions of authority (distinguished from power), the nature of “the good” (distinguished from desires), and the place of law both before and after the fall into sin are well displayed. The chapter is worth reading for its careful parsing of the creation account, analysis of the implications of sin, exegesis of the Noachic covenant, and attention to the contemporary significance of patterns of patriarchal life.

Chapter 2, “Law and Political Order: Israel’s Constitutional History,” largely follows the pattern of analysis seen in the first chapter. Relying significantly on the political-theological work of Oliver O’Donovan, law professor William Brewbaker and theologian V. Philips Long review topics such as holy war, Israel as a nation among the nations, the contemporary significance of the mixed nature of its government, and the theo-political import of Israel’s eventual exile. Brewbaker and Long accept the traditional dating and authorship of what Christians identify as the “historical books” of the Hebrew Scriptures. They do not, however, read them without nuance. The historical and cultural distance of the modern reader from the circumstances of ancient Israel is taken seriously. Thus, they caution that “the Old Testament has proven susceptible to misuse as a political sourcebook” if only because “Israel [had], during this period, a wide variety of political institutions and practices, none of which seem[ed] to have been adequate” (50). They ultimately argue that the questions of modern political theory—the relationships of individuals, associations, and the state—are simply absent from the biblical text, and that to derive specific answers to those questions from that text is therefore misguided. Instead, they conclude that the contemporary political significance of these historical accounts lies in their fundamental teachings about a God whose providential control extends to the weal and woe of human activity generally and not the details of political or legal rules.

The three subsequent chapters address specific application of the Torah, Wisdom literature, and the prophetic writings to contemporary state law. Here, one can observe an increasing variety of

1 C. Scott Pryor, review of *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought*, by David VanDrunen, *Journal of Law and Religion* 26, no. 2 (2010–2011): 695–700.

approaches to the biblical text. For example, David Skeel and Tremper Longman, in “Criminal and Civil Law in the Torah: The Mosaic Law in Christian Perspective,” pursue the Reformed approach of the first two chapters while importing a great deal from Christopher J. H. Wright’s *Old Testament Ethics for the People of God*.² They address the criminal law, commercial law, and matters of family and marriage. Skeel and Longman observe that the Torah had much to say about each topic but acknowledge that direct implementation of the Mosaic corpus in a pluralistic culture “would create intractable enforcement dilemmas” (99). Instead of importing specific rules, they are content to tease out three core principles: the nature of God, the nature of Israel as a redemptive community, and the unique place of the land of Israel as the forum for many of the specific laws. These principles, rather than the specific rules of the Torah, constitute the platform for evaluation of current law and any legal system in which it is embedded.

In chapter 4, “The Law of Life: Law in the Wisdom Literature,” the husband-wife team of Roger and Leslie Alford moves from the Torah to Wisdom literature. With a few exceptions, their slice of Wisdom literature—Proverbs, Psalms, Job, Ecclesiastes, and Song of Solomon—has received short shrift when considering a biblical analysis of the themes of law and justice. The Alfords refuse to homogenize the messages of each of the Wisdom texts and ultimately draw three implications from the differing vantage points of those texts. They observe that Psalms and Proverbs generally reinforce the importance of the Torah and are unwavering in their commitment to the idea of divinely inspired natural law applicable to all societies at all times. Yet with Job and Ecclesiastes, they conclude that law, whether the Torah or contemporary state law, does not hold out an immediate solution to the problem of injustice in the world. The absence of complete justice suggests that law alone is not the solution.

Barbara Armacost, professor of law at the University of Virginia, and theologian Peter Enns tackle the corpus of the Bible’s prophetic literature in chapter 5, “Crying Out for Justice: Civil Law and the Prophets.” Significantly longer than preceding chapters, this section situates the messages of the prophets in the context of God’s covenant with Israel (rather than any modern state) while at the same time identifying broad themes of justice that are relevant to state law as well as contemporary lawyers. Given the specific, redemptive-historical situation of the prophets, Armacost and Enns remark that “it would be improper to read the prophetic literature as containing promises or judgments applicable to current national or world circumstances” (133). Nonetheless, they conclude that there are natural consequences for modern nations that fail to implement justice. More than previous chapters, chapter 5 relates the moral urgency of the prophets’ calls on the political leaders of their day to the contemporary practice of law. Through education, training, and social status, Armacost and Enns observe, modern lawyers have “the potential to do a huge amount of good in the cause of justice,” which, from a biblical perspective, should count among their goals (150).

The change of perspective with the progression to the New Testament is notable. More than any other chapter in *Law and the Bible*, chapter 6, “The Kingdom of God, Law, and the Heart,” written by coeditor Robert Cochrane and the late Dallas Willard, depreciates the phenomenon of law, whether drawn from the Torah or from nature. Drawing on resources from the Anabaptist tradition, the chapter argues that even the fundamental concept of justice is relativized because “love

2 Christopher J. H. Wright, *Old Testament Ethics for the People of God* (Downers Grove, IL: InterVarsity Press, 2004).

trumps justice” (171). Many would disagree.³ On the one hand, the chapter asserts that lawmakers should “design legal practices and institutions with a view to the moral and spiritual improvement in virtue of affected citizens” (169). On the other hand, Cochrane and Willard also propose a more modest agenda, combining legal practicality with moral imperatives for the Christian lawyer to help clients seek forgiveness and reconciliation through (or despite) the legal process. Tension between the authors’ goals for contemporary law remains unresolved.

The reframing of the place of law and justice observed in chapter 6 takes a less radical turn in chapter 7, “Civil Law and Civil Disobedience: The Early Church and the Law,” written by law professor Joel A. Nichols and doctoral candidate in theological ethics James W. McCarty III. Nichols and McCarty maintain two distinct contentions. First, the authors argue for the validity of their chapter’s subtitle by carefully considering the New Testament narratives and imperatives and conclude that from the outset, the Church began to develop internal constitutional law, ecclesiastical administrative law, and procedures for adjudication. The appointment of deacons, the deliverances of the Jerusalem Council, Paul’s admonitions to the Corinthian Christians, and the centrality of trial accounts in Acts show not only that the early Church was “lawful” from an internal perspective, but also that this very lawfulness represented an alternative to the established Roman order. Second, by drawing on early twenty-first century “empire criticism,” Nichols and McCarty also argue for a much wider scope for Christian civil disobedience. In particular, they assert that the traditional understanding of the scriptural *locus classicus* for a wide scope of deference to government authority has been misguided. Romans 13, they argue, was directed not to Christians *qua* inhabitants of the Roman Empire, but to antinomian Christians who rejected the claims of the civil authority *tout court*. By reducing the aim of the biblical text, Nichols and McCarty shrink the scope of governmental legitimacy and thus widen the range for warranted civil disobedience.

David Smolin of Cumberland School of Law and theologian Kar Yong Lim cowrote “Living as Christians under Civil Law: The New Testament Letters, Law and Politics.” The pairing of Smolin, an American Christian in a majority-Christian country, and Lim, a Malaysian Christian from a majority-Muslim state, provides ample opportunity for cross-cultural comparisons of what constitutes biblically grounded justice. Instead of positing an antinomian context for Romans 13, Smolin and Lim take care to analyze the passage in light of its context. They look to Paul’s immediately subsequent command of honoring the honorable and the like⁴ and go on to observe that, given the poor conditions of civil governance in first-century Rome, the original readers of Romans would have understood that no taxes, revenue, respect, or honor need be paid to those to whom they are not owed. It is subsequent readers who have overlooked the negative implication of the injunctions. In other words, rather than relativizing Romans 13, Smolin and Lin read it subversively.

The final chapter of *Law and the Bible*, “Expectation and Consummation: Law in Eschatological Perspective,” by John Copeland Nagle and theologian Keith Mathison, places the Bible’s two most thoroughly apocalyptic texts—Daniel and Revelation—in a plausible theological perspective. Nagle and Mathison do an excellent job of teasing contemporary legal significance from texts where law functions in the deep background and in the dark shadows of human experience. While less didactic than the Torah and less immediately practical than the Wisdom literature,

3 See, e.g., Nicholas Wolterstorff, *Justice in Love* (Grand Rapids, MI: Wm. B. Eerdmans, 2011), 93, where he states, “Love for another seeks to secure that she be treated justly by oneself and others—that her rights be honored, that she be treated in a way that befits her worth.”

4 “Pay to all what is owed to them: taxes to whom taxes are owed, revenue to whom revenue is owed, respect to whom respect is owed, honor to whom honor is owed” Romans 13:7 (ESV).

both apocalyptic texts show (1) the limits of law and, even more importantly, (2) how believers should live when law is inverted to bless vice rather than virtue and to exalt the creature rather than the Creator. Nagle and Mathison also address civil disobedience and conclude that the decoupling of law and justice portrayed in apocalyptic literature creates theological space for deliberate disobedience.

On the whole, *Law and the Bible* reflects the strengths and weakness of contemporary Evangelical thought. On the one hand, it takes seriously the text of the Bible as an authoritative source for law and the practice of law. All of the contributors to *Law and the Bible* work closely with their assigned texts and generally resist the speculative historical reconstructions that so frequently mar scholarly theological literature. On the other hand, *Law and the Bible* lacks a consistent theological perspective. Many of the writers draw explicitly from the Reformed tradition of Protestantism, while others demonstrate an Anabaptist influence or show the effects of contemporary sociological approaches. Some readers may regard the variety of approaches as a virtue demonstrating Evangelicalism's theological vibrancy. Others might see in such an assortment more evidence of an American Christianity shorn of substantive ecclesiastic roots. Yet even if we take variety as a mark of strength, *Law and the Bible* does not reflect the full range of theological options associated with Evangelical Protestantism. For example, absent from any of the contributions to *Law and the Bible* are the perspectives of the Wesleyan-Holiness tradition.⁵

All the book's contributors engage in earnest analysis of the biblical text, a point of reference that remains characteristic of Evangelicalism. Notwithstanding variations in approaching that text, *Law and the Bible* avoids simplistic transposition to the contemporary situation and provides a valuable starting point for serious reflection. Readers who are interested in learning about thoughtful Evangelical approaches to the challenge of biblical authority in a secularized legal world would do well to start with *Law and the Bible*.

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⁵ See, e.g., Amos Yong, *In the Days of Caesar: Pentecostalism and Political Theology* (Grand Rapids, MI: Wm. B. Eerdmans, 2010).