

Are Old Testament Laws Evil?

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The New Atheists raise abundant complaints about Old Testament ethics.¹ Richard Dawkins thinks that Yahweh is moral monster:

What makes my jaw drop is that people today should base their lives on such an appalling role model as Yahweh—and even worse, that they should bossily try to force the same evil monster (whether fact or fiction) on the rest of us.²

Yahweh’s commanding Abraham to sacrifice Isaac is both “disgraceful” and tantamount to “child abuse and bullying.” Yahweh breaks into a “monumental rage whenever his chosen people flirted with a rival god,” resembling “nothing so much as sexual jealousy of the worst kind.” Add to this the killing of the Canaanites—an “ethnic cleansing” in which “bloodthirsty massacres” were carried out with “xenophobic relish.” Joshua’s destruction of Jericho is “morally indistinguishable from Hitler’s invasion of Poland” or “Saddam Hussein’s massacres of the Kurds and the Marsh Arabs.” Besides all this, we have to contend with the “ubiquitous weirdness of the Bible” as well as the moral failures and hypocrisies of biblical characters: a drunken Lot seduced by and engaging in sexual relations with his daughters (Genesis 19:31-36); Abraham’s twice lying about his wife Sarah (Genesis 12:18-19; 20:18-19); Jephthah’s foolish vow that

¹This essay summarizes some of the themes found in Paul Copan, “Is Yahweh a Moral Monster? The New Atheists and Old Testament Ethics,” *Philosophia Christi* n.s. 10/1 (2008): 7-37.

²Richard Dawkins, *The God Delusion* (Boston: Houghton Mifflin, 2006), p. 248

resulted in sacrificing his daughter as a burnt offering (Judges 11).³

Daniel Dennett considers the “Old Testament Jehovah” to be a superman who “could take sides in battles, and be both jealous and wrathful.” Though Dennett concedes that God happens to be more forgiving and loving in the New Testament, he goes on to say, “Part of what makes Jehovah such a fascinating participant in stories of the Old Testament is His kinglike jealousy and pride, and His great appetite for praise and sacrifices. But we have moved beyond this God (haven’t we?).” He thanks heaven that those thinking blasphemy or adultery deserves capital punishment are a “dwindling minority.”⁴

According to Christopher Hitchens, the now-forgotten Canaanites were “pitilessly driven out of their homes to make room for the ungrateful and mutinous children of Israel.” Moreover, the Old Testament contains

a warrant for trafficking in humans, for ethnic cleansing, for slavery, for bride-price, and for indiscriminate massacre, but we are not bound by any of it because it was put together by crude, uncultured human animals.⁵

Sam Harris boldly asserts that if the Bible is true, we should be stoning people to death for heresy, adultery, homosexuality, worshiping graven images and “other imaginary crimes.” Putting to death idolaters in our midst (Deuteronomy 13:6, 8-15) reflects “God’s timeless wisdom.”⁶ Referring to Deuteronomy 13:7-11, Harris claims that the consistent Bible-believer should stone his son or daughter if she comes home from a yoga class a devotee of Krishna. Harris wryly quips that one of the Old Testament’s “barbarisms”—stoning children for heresy—“has fallen out of fashion in our country.”⁷ Furthermore, once we recognize that slaves are human beings who are equally capable of suffering and happiness, we’ll understand that it is “patently evil to own them and treat them like farm equipment.”⁸ Indeed, we can be good and recognize

³Ibid., pp. 242, 243, 247, 241.

⁴Daniel C. Dennett, *Breaking the Spell: Religion as a Natural Phenomenon* (New York: Viking, 2006), pp. 206, 265, 267.

⁵Christopher Hitchens, *God Is Not Great: How Religion Poisons Everything* (New York: Twelve, 2007), pp. 101, 102.

⁶Sam Harris, *Letter to a Christian Nation* (New York: Knopf, 2006), p. 8.

⁷Sam Harris, *The End of Faith* (New York: W.W. Norton, 2004), p. 18.

⁸Harris, *Letter*, p. 18-19.

right and wrong without God or the Bible: we can know objective moral truths without “the existence of a lawgiving God”⁹ and can judge Hitler to be morally reprehensible “without reference to scripture.”¹⁰

These charges made by the New Atheists are a distorted representation of Old Testament ethics. They fail to consider issues such as the earliest creational ideals (Genesis 1—2), the warm moral ethos of the Old Testament, the context of the ancient Near East, the broader biblical canon and the metaphysical context to undergird objective morality. I have attempted elsewhere to address at both scholarly and popular levels the various Old Testament ethical questions—slavery, the Canaanite issue, killing Canaanites versus Islamic jihad, “harsh” moral codes and “strange” levitical laws, Abraham’s offering Isaac, the imprecatory psalms, divine jealousy, divine egotism and so forth.¹¹ I’ll only offer a broad overview here.

A RESPONSE TO THE NEW ATHEISTS

Biblical scholar John Barton warns that there can be no “simple route” to dealing with Old Testament ethics,¹² a topic that has been described as a kind of “patchwork quilt.”¹³ For example, John Goldingay correctly sees Israel’s unfolding history as broken up into five distinct stages or contexts—wandering clan, theocratic nation, monarchy, afflicted remnant and postexilic community of promise—and each one of these requires distinct rather than uniform moral responses.¹⁴ Thus, a proper response calls for greater attention to a range of relevant factors completely ignored by the New Atheists’ somewhat crass hermeneutic and left-wing fundamentalism.

⁹Ibid., p. 23.

¹⁰Ibid., p. 24.

¹¹See Paul Copan, “*That’s Just Your Interpretation*” (Grand Rapids: Baker, 2001); “*How Do You Know You’re Not Wrong?*” (Grand Rapids: Baker, 2006); *When God Goes to Starbucks: A Guide to Practical Apologetics* (Grand Rapids: Baker, 2008); “Is Yahweh a Moral Monster? The New Atheists and Old Testament Ethics,” *Philosophia Christi* n.s. 10, no. 1 (Summer 2008).

¹²John Barton, *Ethics and the Old Testament* (Harrisburg, Penn.: Trinity Press International, 1998), p. 7. See Brevard S. Childs, *Biblical Theology in Crisis* (Philadelphia: Westminster Press, 1970), p. 125, where he notes that there is no “clear-cut answer” on how to do biblical ethics.

¹³Bruce C. Birch, *Let Justice Roll Down: The Old Testament, Ethics, and Christian Life* (Louisville: Westminster John Knox, 1991), p. 36.

¹⁴See chap. 3 in John Goldingay, *Theological Diversity and the Authority of the Old Testament* (Grand Rapids: Eerdmans, 1987).

1. Mosaic Law and historical narratives. The Law of Moses (Exodus 20—Numbers 10) isn't a self-contained moral code, but it is sandwiched between a larger narrative framework that provides a wider moral context to consider. A plain reading of Israel's priestly/legal codes reveals that they are embedded within a broader historical narrative. Unlike other ancient Near East cuneiform legislation, God ultimately instructs Israel not by laying down laws or principles but by telling stories of real people as they relate to their Creator and Covenant Maker. Ideally, God's moral character and his activity in Israel's history give the nation a necessary ethical framework to shape its way of life:

I am the LORD your God, who brought you out of the land of Egypt, out of the house of slavery. You shall have no other gods before me. (Exodus 20:2-3)

This is in contrast to, say, the prologue/epilogue to Hammurabi's Code, which, rather than offering historical narrative, contains lofty language about Hammurabi's being endowed by the gods as a benevolent earthly sovereign to be a just ruler on earth.

Brevard Childs observes that the Torah's legal material is consistently intertwined with narrative, thus providing "a major commentary within scripture as to how these commands are seen to function."¹⁵ As we'll see below, the critics' assumption that Israel's holiness code offers an ultimate, universal ethic (compare Harris's comment about "God's timeless wisdom") is misguided.

Dawkins's claims that biblical characters are often deeply flawed may win him points in the "rhetoric" category, but he isn't saying anything with which Christians disagree. Such moral blackballing loses him points when he ignores many moral, noble actions of the biblical characters—Abraham's magnanimity toward Lot; Joseph's moral integrity; David's refusal to touch king Saul, despite the opportunities; Nathan's courage to confront David the adulterer. Indeed, many biblical narratives tend to *confirm* our moral intuitions, which reveal how biblical characters are often a mixed moral bag. As Barton wisely observes, "The reader [of these narratives] is obliged to look [human anger, lust, ambition, and disloyalty] in the face and to recognise his or her affinity with the characters in whom they are exemplified."¹⁶

¹⁵Brevard S. Childs, *Biblical Theology of the Old and New Testaments: Theological Reflection on the Christian Bible* (Minneapolis: Fortress, 1993), p. 680.

¹⁶John Barton, *Understanding Old Testament Ethics: Approaches and Explorations* (Lou-

Thus, Christopher Hitchens's remarks about "the ungrateful and mutinous children of Israel" are accurate. St. Paul observes as much in 1 Corinthians 10: many of Israel's stories involving stubbornness, treachery, and ingratitude are vivid *negative* role models—ones to be avoided. The Old Testament's descriptions ("is") do not necessarily amount to prescriptions ("ought").

2. The Mosaic Law, human sin and divine ideals. The Mosaic Law reflects a meeting point between divine/creational ideals and the reality of human sin and evil social structures. Birch observes that the ancient Near Eastern world—its slavery, polygamy, war, patriarchal structures, kingship and ethnocentrism—is "totally alien" and "utterly unlike" our own social setting. He advises us to acknowledge this impediment: "These texts are rooted in a cultural context utterly unlike our own, with moral presuppositions and categories that are alien and in some cases repugnant to our modern sensibilities."¹⁷ The New Atheism ignores what Christians most likely affirm—that Mosaic legislation isn't the Bible's moral *pinnacle* but rather a *springboard* anticipating further development or, perhaps more accurately, a *pointer back* to the loftier moral ideals of Genesis 1—2; 12:1-3. These ideals affirm the image of God in each person (regardless of gender, ethnicity or social class), life-long monogamous marriage and God's concern for the nations. The moral implications from these foundational texts are monumental, though Israel's history reveals a profound departure from these ideals.

Consequently, the believer need not justify all aspects of the Sinaitic legal code. After all, God begins with an ancient people who have imbibed dehumanizing customs and social structures from their ancient Near Eastern context. Yet Yahweh desires to treat them as morally responsible agents who, it is hoped, *gradually* come to discover a better way; he does this rather than risk their repudiating a loftier ethic—a moral overhaul—that they cannot even understand and for which they are not culturally or morally prepared.¹⁸

Imagine a culture's strong resistance towards radical challenges to racial and social attitudes (e.g., Western nations pressing for democracy

isville, Ky.: Westminster John Knox, 2003), p. 73.

¹⁷Bruce C. Birch, "Old Testament Ethics," in *The Blackwell Companion to the Hebrew Bible*, ed. Leo G. Purdue (Oxford: Blackwell, 2001), p. 297.

¹⁸Alden Thompson, *Who's Afraid of the Old Testament God?* (Grand Rapids: Zondervan, 1988), p. 33.

and equal human rights where tribal/social and religious structures do not readily assimilate such ideals). As Goldingay puts it: “God starts with his people where they are; if they cannot cope with his highest way, he carves out a lower one.”¹⁹ This kind of progression, as we shall see, is not biblical *relativism*, as some allege.²⁰ Indeed, we see unchangeable biblical ideals highlighted from the very beginning of the Scriptures (Genesis 1:26-27; 2:24), which are reaffirmed throughout. As Birch observes, none of these inferior moral practices and attitudes (e.g., slavery, patriarchy, tribalism) is “without contrary witness” elsewhere in the Old Testament—a crucial point the New Atheists gloss over.²¹

3. Mosaic Law, cuneiform law and moral improvements. Mosaic legislation reflects a revolutionary moral improvement over the existing ancient Near Eastern cuneiform laws—even if this is ethically inferior and less-than-ideal. Collections of cuneiform law include the laws of Ur-Nammu (c. 2100 B.C., during the Third Dynasty of Ur); the laws of Lipit-Ishtar (c. 1925 B.C.), who ruled the Sumerian city of Isin; the (Akkadian) laws of Eshnunna (c. 1800 B.C.), a city one hundred miles north of Babylon; the laws of Hammurabi (1750 B.C.); and the Hittite laws (1650-1200 B.C.) of Asia Minor.²²

Despite parallels between these and Mosaic law codes and even certain improvements in ancient Near Eastern codes over time, some significant differences also exist. We have in the Mosaic Law some genu-

¹⁹Goldingay, *Theological Diversity*, p. 86.

²⁰Hector Avalos makes this faulty claim, along with a number of outrageous distortions, in response to “Is Yahweh a Moral Monster? Paul Copan’s Moral Relativism: A Response from a Biblical Scholar of New Atheism,” accessed May 1, 2009, at <<http://debunkingchristianity.blogspot.com/2008/07/paul-copans-moral-relativism-response.html>>. I cannot here address them except in passing. For example, he essentially accuses me of holding that the killing of the Canaanites was good (“Killing women and children is sometimes good”) and presumably should be applauded. No, this was, as John Stott said, “a ghastly business; one shrinks from it in horror.” John Stott (with David Edwards), *Evangelical Essentials* (Downers Grove, Ill.: InterVarsity Press, 1988), p. 263. Punishment/the taking of life, even if just, is far from good and pleasant. (Consider, at a much lesser level, removing life support from a dying loved one; here we have a measure of last resort that is still far from “good.”) Also, in the context of slavery (e.g., 1 Peter 2:18-20), Avalos claims that biblical writers believed it was “good to be treated in a dehumanizing way” and that, according to New Testament writers, it “is deemed good to suffer pain and injustice.” This is a distortion. No, it is *better* to suffer for doing what is right than for wrongdoing; in the former case, such suffering is still unjust and thus not good. Nor is it virtuous to seek after suffering as good.

²¹Birch, *Let Justice Roll Down*, p. 43.

²²See chap. 3 in Joe M. Sprinkle, *Biblical Law and Its Relevance* (Lanham, Md.: University Press of America, 2004).

ine, previously unheard-of *improvements*. Slaves in Israel, unlike their ancient Near Eastern contemporaries, were given radical, unprecedented legal/human rights—even if not equaling that of free persons.²³ As the *Anchor Bible Dictionary*'s essay "Slavery" observes, "We have in the Bible the first appeals in world literature to treat slaves as human beings for their own sake and not just in the interests of their masters."²⁴ By comparison, "The idea of a slave as exclusively the object of rights and as a person outside regular society was apparently alien to the laws of the ANE," where slaves were forcibly branded or tattooed for identification (contrast this with Exodus 21:5-6). Indeed, in "contrast to many ancient doctrines, the Hebrew law was relatively mild toward the slaves and recognized them as human beings subject to defense from intolerable acts, although not to the same extent as free persons."²⁵

Another unique feature of the Mosaic Law is its *condemnation of kidnapping* a person to sell as a slave—an act punishable by death (Exodus 21:16; cf. 1 Timothy 1:10); this is a point lost on, or ignored by, those who compare slavery in Israel to that in the antebellum American South. While Israel was commanded to offer safe harbor to foreign runaway slaves (Deuteronomy 23:15-16), Hammurabi demanded the death penalty for those helping runaway slaves [sect. 16]). In other less-severe cases—in the Lipit-Ishtar (para. 12) and Eshunna (paras. 49-50) laws—fines were demanded for sheltering fugitive slaves, who were still required to be returned to their masters.²⁶

As an aside, it has been alleged that Paul's returning the runaway Onesimus to his owner Philemon is a step backward toward Hammurabi.²⁷ This is a false charge. Paul knows Philemon well and thus encourages this brother in Christ to receive Onesimus back as a "beloved brother" (v. 16) and "no longer as a slave" (vv. 12, 15, 17). Paul, who had

²³Christopher J. H. Wright, *Walking in the Ways of the Lord* (Downers Grove, Ill.: InterVarsity Press, 1995), p. 124.

²⁴Muhammad A. Dandamayev, s.v. "Slavery (Old Testament)," in *Anchor Bible Dictionary*, vol. 6, ed. David Noel Freedman (New York: Doubleday, 1992).

²⁵Ibid.

²⁶All references to ancient Near Eastern legal texts are taken from William W. Hallo, ed., *The Context of Scripture: Volume II: Monumental Inscriptions from the Biblical World* (Leiden: Brill, 2003); Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, 2nd ed. (Atlanta: Scholars Press, 1997). A fine summary about crimes and punishments related to women is Elisabeth Meier Tetlow, *Women, Crime, and Punishment in Ancient Law and Society: Volume 1: The Ancient Near East* (New York: Continuum 2004).

²⁷Contra Avalos, "Moral Relativism."

declared that in Christ there is “neither slave nor free” (Galatians 3:28), could appeal to Philemon based on (a) Paul’s personal knowledge of Philemon (who wasn’t a physical threat to Onesimus—which Exodus 21:16 presumes); (b) the spiritual debt Philemon himself owed Paul; and (c) the new brotherly relationship in Christ between Onesimus and Philemon. Thus Paul elsewhere can appeal to Christian masters—who have their own heavenly Master—to treat their slaves justly, impartially, and without threatening (Ephesians 6:9; Colossians 4:1). And if slaves can gain their freedom (1 Corinthians 7:21), Paul encouraged this. Surely, this is dramatic departure from Hammurabi!

Hebrew (debt) slaves—which could be compared to indentured servanthood during the founding of America—were to be granted eventual release in the seventh year (Leviticus 29:35-43)—a notable improvement over other ancient Near Eastern law codes.²⁸ This release was to be accompanied with generous provisions and a gracious spirit (Deuteronomy 15:9). The motivating reason? “You were a slave in the land of Egypt, and the LORD your God redeemed you; therefore I command you this today” (Deuteronomy 15:12-18, esp. v. 15). Even if the poverty could not be eradicated, Deuteronomy 15’s overriding, “revolutionary” goal is *that there be no debt slavery in the land at all* (vv. 4, 11).²⁹

Another marked improvement is the *release* of injured *slaves* themselves (Exodus 21:20-21)—in contrast to their *masters* merely being *compensated* (typical of ancient Near Eastern codes). The Mosaic Law holds masters to legal account for *their own* treatment of their own slaves (not simply another’s slaves). This too is unparalleled in comparable codes.³⁰ Elsewhere in the Old Testament Job recognizes that he and his slaves have the same Maker and come from the same place—the wombs of their mothers (Job 31:15). Thus, Christopher Hitchens and Sam Har-

²⁸Some of my discussion here is taken from William J. Webb, “A Redemptive-Movement Hermeneutic,” in *Discovering Biblical Equality*, ed. Ronald W. Pierce and Rebecca Merrill Groothuis (Downers Grove, Ill.: InterVarsity Press, 2005).

²⁹Gordon McConville, *Grace in the End: A Study in Deuteronomistic Theology* (Grand Rapids: Zondervan, 1993), p. 148.

³⁰Avalos (“Moral Relativism”) mentions Exodus 21:21-22 as an indication of slaves being mere chattel. Actually, if a slave is killed by a master, the *master* is to be punished (following on the heels of this passage is mentioned “life for life”). This is quite remarkable and unique in the ancient Near East (on this unique feature, see Christopher J. Wright, *Old Testament Ethics for the People of God* [Downers Grove, Ill.: InterVarsity Press, 2004], p. 292). The debt-slave is referred to as a master’s “money,” suggesting that the master harms himself if he harms his servant.

ris notwithstanding, such improvements—or pointers *back* to Genesis 1:26-27—can hardly be called “a warrant for trafficking in humans” or treating them “like farm equipment.”

Concerning the ancient Near East’s inferior *sexual morality*, we’re familiar with the condemnation of the Canaanite female and male cult prostitutes (see Genesis 38:15, 22-23; Deuteronomy 23:18-19; Hosea 4:14). Many ancient Near Eastern cuneiform laws, however, permitted activities that undermined family integrity and stability, for example, by allowing men to engage in adulterous relations with slaves and prostitutes. The laws of Lipit-Ishtar of Lower Mesopotamia (1930 B.C.) take for granted the practice of prostitution (e.g., paras. 27, 30). In Hittite law (1650-1500 B.C.), “if a father and son sleep with the same female slave or prostitute, it is not an offence” (para. 194). Hittite law even permitted bestiality: “If a man has sexual relations with either a horse or a mule, it is not an offence” (para. 200a).³¹

Alongside morally inferior cuneiform legislation we find attendant harsh, ruthless *punishments*. Historian Paul Johnson observes: “These dreadful laws [of Hammurabi] are notable for the ferocity of their physical punishments, in contrast to the restraint of the Mosaic Code and the enactments of Deuteronomy and Leviticus.”³² Indeed, Hammurabi stresses the centrality of property whereas the laws in the “Book of the Covenant” (Exodus 21—23) consider crimes against persons to be far more weighty.³³

For certain crimes, Hammurabi mandated that tongue, breast, hand or ear be cut off (sects. 192, 194, 195, 205).³⁴ One punishment involved

³¹Hittite law did not, however, permit sexual relations with a cow or sheep or pig or dog (paras. 187, 188, 199). These references are taken from William W. Hallo, ed., *The Context of Scripture: Volume II: Monumental Inscriptions from the Biblical World* (Leiden: Brill, 2003); Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, 2nd ed. (Atlanta: Scholars Press, 1997).

³²Paul Johnson, *Art: A New History* (New York: HarperCollins, 2003), p. 33.

³³Parry, *Old Testament Story*, p. 68.

³⁴Although Deuteronomy 25:11-12 appears to suggest that a woman’s hand must be cut off if she seizes the genitals of the man who is in a fight with her husband (and if so, this would be the only biblical instance of punishment by mutilation), Jerome T. Walsh offers a more plausible interpretation—namely, *depilation* (“you shall shave [the hair of] her groin”) rather than *mutilation*. The word translated “hand” here is *kaph*—the “palm” of a hand or some rounded concavity such as a dish, bowl, or spoon or even the arch of a foot—rather than the commonly-used *yad* (“hand”). To “cut off” a “palm”—as opposed to a hand—would be quite odd. Furthermore, the verb *qasas* in the intensified *piel* form (ten occurrences) is rightly translated “cut off” or “[physically] sever.” However, here *qasas* appears in the

the accused being dragged around a field by cattle. Babylon and Assyria (and, earlier, Sumer) practiced the river ordeal:³⁵ when criminal evidence was inconclusive, the accused would be thrown into the river; if he drowned, he was guilty (the river god's judgment), but if he survived, he was innocent and the accuser was guilty of false accusation.³⁶ Besides punishments such as cutting off noses and ears, ancient Egyptian law permitted the beating of criminals (for, say, perjury or libel) with between one hundred and two hundred strokes.³⁷ In fact, a one-hundred-stroke beating was the "mildest form of punishment."³⁸ Contrast this with Deuteronomy 25:1-3, which sets a limit of forty strokes for a criminal: "He may beat him forty times but no more, so that he does not beat him with many more stripes than these" so that "your brother is not degraded in your eyes." Furthermore, in Babylonian or Hittite law, status or social rank determined the kind of sanctions for a particular crime, whereas biblical law holds kings and priests and those of social rank to the same standards as the common person.³⁹ The informed inhabitant of the ancient Near East would have thought, *Quick, get me to Israel!*

What of Scripture's emphasis on *lex talionis*—an eye for an eye and a

milder *qal* form. Three other Old Testament occurrences of *qasas* in the *qal* form mean "cut/shave [hair]." This would be the open concave region of the groin, and thus a shaving of pubic hair—a punishment of public humiliation not unusual in the ancient Near East. Thus, the talionic punishment is public sexual humiliation (of the woman) for public sexual humiliation (of the man). See "You Shall Cut Off Her . . . Palm? A Reexamination of Deuteronomy 25:11-12," *Journal of Semitic Studies* 49 (2004): 47-48; also, Richard M. Davidson, *Flame of Yahweh: Sexuality in the Old Testament* (Peabody, Mass.: Hendrickson, 2007), pp. 476-80.

³⁵Avalos ("Moral Relativism") mentions an alleged biblical parallel with the river ordeal—the "water" (Numbers 5:16-22). But the difference here in this symbolic act is that the water itself is harmless (the ink is not toxic)—as opposed to the ancient Near Eastern punishment that ends up being the result of someone's not being able to swim! Furthermore, any physical judgment in Numbers 5 is quite evidently supernatural and miraculous. Avalos adds that this practice in modern days would be indefensible. I would agree, but that's a point I repeatedly make in my "Is Yahweh a Moral Monster?" essay: such practices aren't the ideal morality—even if there is improvement.

³⁶Tetlow, *Women, Crime, and Punishment in Ancient Law and Society*, pp. 12-13, 96-97, 136.

³⁷David Lorton, "The Treatment of Criminals in Ancient Egypt," in *The Treatment of Criminals in the Ancient Near East*, ed. Jack M. Sasson (Leiden: Brill, 1977), pp. 1-64; see, e.g., p. 25.

³⁸"Crime and Punishment," *The Oxford Encyclopedia of Ancient Egypt*, ed. Donald B. Redford (Oxford: Oxford University Press, 2001), 1:318.

³⁹Johannes Renger, "Wrongdoing and Its Sanctions: On 'Criminal' and 'Civil' Law in the Old Babylonian Period," in *The Treatment of Criminals in the Ancient Near East*, ed. Jack M. Sasson (Leiden: Brill, 1977), 72; see also Wright, *Old Testament Ethics for the People of God*, p. 310.

tooth for a tooth? First, except for capital punishment (“life for life”), these texts (Exodus 21:23-25; Leviticus 24:17-22; Deuteronomy 19:16-21) are *not taken literally*. Each example calls for (monetary) compensation, not bodily mutilation. Later in the New Testament, referring to this language that was being used as a pretext for personal vengeance outside the law courts, Jesus himself did not take such language literally (Matthew 5:38-39)—no more than he took literally the language of plucking out eyes and cutting off hands if they lead to sin (Matthew 5:29-30).⁴⁰ Childs comments: “The principle of *lex talionis* marked an important advance and was far from being a vestige from a primitive age.”⁴¹ Second, this principle served as useful guide for exacting proportional punishment and compensation; this was designed to prevent blood feuds and disproportionate retaliatory acts.

Additionally, the increased complexity and stringency of Mosaic regulations is a divine response to Israel’s disobedience. From the beginning, the earliest legislation (Exodus 21—23) was intended to be simple and much less harsh comparable to patriarchal religion (cf. Jeremiah 7:2; Galatians 3:19, 22). However, the greater stringency of the ensuing laws is the result of three things: (a) Israel’s refusal to approach God at the mountain as a “kingdom of priests” (Exodus 19:6), instead sending Moses as their mediator; (b) Aaron’s failure as high priest in the golden calf incident (Exodus 32), resulting in a tightening of priestly restrictions (Exodus 35—Leviticus 16); (c) the people’s worship of the goat idols (Leviticus 17:1-9), resulting in more severe laws for the community (Leviticus 17:10-26:46).⁴² Consider how a rebellious child will often need external rules, severe deadlines and close supervision to hold him over until (hopefully) an internal moral change takes place. Rules, though a stop-gap measure, are hardly ideal.

Although the New Atheists belittle the Mosaic Law for its ruthless strictness, it is an *accommodation* to a morally undeveloped ancient Near Eastern cultural mindset—with significant ethical improvements—as well as a *response* to the rebellious, covenant-breaking propensity of the Israelites.

⁴⁰Contra Avalos, “Moral Relativism.”

⁴¹Brevard S. Childs, *The Book of Exodus: A Critical, Theological Commentary* (Philadelphia: Westminster Press, 1974), p. 93.

⁴²Sailhamer, *Pentateuch as Narrative*, pp. 46-59; see also Sailhamer, *Introduction to Theology*, pp. 272-89.

4. The Mosaic Law, Israel's history and varying ethical demands.

Israel's variegated contexts or developmental stages suggests appropriately varied moral responses but also includes permanent moral insights. We've noted the shift from an ancestral wandering clan to a theocratic nation, then to a monarchy/institutional state/kingdom, an afflicted remnant and finally a postexilic community/assembly of promise.⁴³ Each stage offers enduring moral insights—faithfulness/covenant-keeping, trusting in God, showing mercy. Our focus, though, is on the varying ethical demands on God's people. For example, in the first stage, Abraham, Isaac, and Jacob are apolitical characters (except for Abram's rescuing Lot in response to an invasion/raid [Genesis 14]). After Israel's four-hundred-year wait, including bondage in Egypt, until the sin of the Amorites reaches full measure (Genesis 15:16), they became a nation. This required land to inhabit. Yahweh fought on Israel's behalf while bringing just judgment upon an irredeemable Canaanite culture that had sunk hopelessly below any hope of moral return—with the rare exception of Rahab and her family; as Leviticus 18:28 declares, the land would “spew out” its inhabitants, and Israel itself was subject to the same judgment.

“Holy warfare” is perhaps the most emotionally charged point raised by the New Atheists. It is primarily located in the second stage and not throughout Israel's Old Testament history, although Israel, like neighboring nations, had persistent enemies to be fended off. So let me offer a few comments here.

First, Israel (whose history as God's Old Testament people, by the way, is unique, unrepeatable and not to be idealized or universalized for other nations) would *not* have been justified to attack the Canaanites without Yahweh's explicit command. Yahweh issued his command in light of a morally sufficient reason—the intractable wickedness of Canaanite culture.

Second, as I argue elsewhere,⁴⁴ we have strong archaeological evi-

⁴³Comments here are taken from chap. 3 in John Goldingay, *Theological Diversity and the Authority of the Old Testament* (Grand Rapids: Eerdmans, 1987).

⁴⁴Paul Copan, “Yahweh Wars and the Canaanites,” *Philosophia Christi* n.s. 11, no. 1 (2009): 73-90. I am indebted to the work of Richard S. Hess, especially his “War in the Hebrew Bible: An Overview,” in *War in the Bible and Terrorism in the Twenty-First Century*, ed. Richard S. Hess and Elmer A. Martens (Winona Lake, Ind.: Eisenbrauns, 2008); Richard S. Hess, *Joshua: An Introduction and Commentary* Tyndale Old Testament Commentary (Downers Grove, Ill.: InterVarsity, 1996).

dence that the targeted Canaanite cities, such as Jericho and Ai, were not population centers with women and children but military forts or garrisons that protected noncombatant civilians in the hill country. Soldiers and political and military leaders—and occasionally female tavern-keepers (e.g., Rahab) could be found in these citadels. Indeed, the terms “city” (*ir*) and “king” (*melek*) were typically used in Canaan during this period to refer, respectively, to “fortress/garrison” and “military leader.”

In addition, Jericho probably had about one hundred or fewer soldiers in this outpost⁴⁵ (which is why the Israelites could encircle it seven times in one day and then do battle against it). So if Jericho was a fort, then “all” those killed therein were warriors—Rahab and her family being the exceptional noncombatants dwelling within this militarized camp.⁴⁶ The same applies throughout the book of Joshua. All of this turns out to be quite the opposite of what many have been taught in Sunday school classes!

Third, the Old Testament idea of “dedication to destruction” or the “ban” (*herem*) includes stereotypical language of “all” and “young and old” and “man and woman”—a language of totality *even if women and children are not present*. In fact, later on when Saul puts Israel’s enduring enemy—the Amalekites—under the ban (1 Sam 15:3), the target could likewise be simply fortified Amalekite strongholds, not population centers. This is further suggested by the fact that the Amalekites were not at all annihilated: within the very same book (1 Sam 27:8; 30:1) we encounter an abundance of Amalekites. In these limited settings, *herem* is thoroughly carried out (involving even livestock [e.g., 1 Sam 15:9, 14])—though the term allows, and hopes for, exceptions (e.g., Rahab and her relatives).

Fourth, the “obliteration language” in Joshua (e.g., “he left no survivor” and “utterly destroyed all who breathed” [Josh 10:40]) and in early Judges is clearly hyperbolic—another stock feature of Ancient Near

⁴⁵On the exaggeration of numbers in the ancient Near East/Old Testament, see Daniel M. Fouts, “A Defense of the Hyperbolic Interpretation of Numbers in the Old Testament,” *Journal of the Evangelical Theological Society* 40, no. 3 (1997): 377-87. In military contexts in the Bible, *‘eleph* (the Hebrew word for “thousand”) can also mean “unit” or “squad.”

⁴⁶Richard S. Hess, “The Jericho and Ai of the Book of Joshua,” in *Critical Issues in Early Israelite History*, ed. Richard S. Hess, Gerald A. Klingbeil and Paul J. Ray Jr. (Winona Lake, Ind.: Eisenbrauns, 2008), pp. 38, 39.

Eastern language. Consider how, despite such language, the latter part of Joshua itself (along with Judges 1) assumes plenty of Canaanites still inhabit the land:

For if you ever go back and cling to the rest of these nations, these which remain among you, and intermarry with them, so that you associate with them and they with you, know with certainty that the LORD your God will not continue to drive these nations out from before you. (Josh 23:12-13)

Joshua 9—12 utilizes the typical ancient Near Eastern literary conventions of warfare.⁴⁷

The same assumption is evident in Deuteronomy 7:2-5: Despite Yahweh's command to bring punishment to the Canaanites, they would not be obliterated—hence the warnings for Israel not to make political alliances or intermarry with them afterward. We see from this passage too that wiping out Canaanite religion was far more significant than wiping out the Canaanites themselves.⁴⁸

Fifth, we should take seriously the numerous references of “driving out” the Canaanites (e.g., Ex 23:28; Lev 18:24; Num 33:52; Deut 6:19; 7:1; 9:4; 18:12; Josh 10:28, 30, 32, 35, 37, 39; 11:11, 14) or “dispossessing” them of their land (Num 21:32; Deut 12:2; 19:1). This clearing away the land for habitation does not require killing. Civilians—particularly women and children—would not wait to be killed, but would be the first to flee when their military strongholds were destroyed and thus no longer capable of protecting them (e.g., Jer 4:29).

Sixth, God's difficult command regarding the Canaanites as a *limited, unique salvation-historical situation* is in some ways comparable to God's difficult command to Abraham in Genesis 22. Yet we should no more look to the divinely mandated attack on Canaanites (a kind of corporate capital punishment) as a universal ideal for international military engagement than we should look to Abraham's sacrifice of Isaac as a timeless standard for “family values.” Behind both of these hard commands, however, is the clear context of Yahweh's loving intentions and faithful promises. In the first place, God had given Abraham the miracle child Isaac, through whom God promised to make

⁴⁷Wright, *Old Testament Ethics*, pp. 474-75; Iain Provan, V. Philips Long, and Tremper Longman III, *A Biblical History of Israel* (Louisville: Westminster John Knox, 2003), p. 149.

⁴⁸Gordon Wenham, *Exploring the Old Testament: A Guide to the Pentateuch* (Downers Grove, Ill.: InterVarsity Press, 2003), p. 137.

Abraham the father of many. Previously, he saw God’s provision when he reluctantly let Ishmael and Hagar go into the wilderness—with God reassuring Abraham that Ishmael would become a great nation. Likewise, Abraham knew that God would somehow fulfill his covenant promises through Isaac—even if it meant that God would raise him from the dead. Thus Abraham informed his servants, “We will worship, and then we will come back to you” (Gen 22:5 [NRSV]; cf. Heb 11:19). With the second harsh command regarding the Canaanites, Yahweh has already promised to bring blessing to all the families of the earth without exclusion (Gen 12:1-3; 22:17-18) and desires to include Israel’s most-hated enemies in this blessing (e.g., Is 19:25); so this should be set against the background of Yahweh’s enemy-loving character (Mt 5:43-48; cf. Ex 34:6) and worldwide salvific purposes. In both cases, we have a good, promise-making God who has morally sufficient reasons for issuing these commands.

Seventh, the *crux* of the issue is this: if God exists, does he have *any* prerogatives over human life? The New Atheists seem to think that if God existed, he should have a status no higher than any human being and thus has no right to take life as he determines. Yet we should press home the monumental difference between God and ordinary human beings. If God is the author of life—the cosmic authority—he is not obligated to give us seventy to eighty years of life. The Lord gives and takes away (Job 1:21).⁴⁹ God can take Canaanite lives *indirectly* through Israel’s armies—or *directly*, as with Sodom (Genesis 19), according to his good purposes and morally sufficient reasons. Surely God’s moral standing and wisdom (Job 38-41) are far above that of humans; indeed, for God to be God, he would have to pose an authority problem for human beings, but the New Atheists seem to ignore this.

5. *The Law of Moses, the biblical canon and moral undertones.*

The Law of Moses, intended to be temporary rather than ultimate, still has its own deep moral warmth, but it finds fulfillment in the new covenant fulfilled in Jesus Christ. The New Atheists tend to assume that the

⁴⁹Avalos (“Moral Relativism”) writes: “if jihadist Muslims kill millions of Americans in order to wipe out our supposedly corrupt religion, then I suppose that would be morally acceptable by Dr. Copan’s logic. It all depends on whether you accept the faith claim that Allah is the true God.” My argument is that if God commanded it, then he had sufficient reason for doing so. This isn’t to justify actions done by anyone in the name of God. See my discussion regarding “General Lin” in *When God Goes to Starbucks*, chap. 12; cf. chaps. 13-14.

Mosaic Law is comprehensively normative for the consistent Bible-believer. This huge presumption misses the flow of biblical revelation. We'll address this on a number of fronts.

First, Mosaic legislation isn't to be equated with the moral law. Laws are often a compromise between the ideal and the enforceable.⁵⁰ The Mosaic Law is truly a moral improvement upon the surrounding ancient Near Eastern cultures—and is thus justifiably called “spiritual” and “good” (Romans 7:14, 16) and reflective of Yahweh's wisdom (Deuteronomy 6:5-8). Yet it is *self-confessedly* less than ideal. Contrary to the New Atheists' assumptions, the Law isn't the permanent, fixed theocratic standard for all nations.

Polygamy, for instance, is practiced—contrary to God's ideals in Genesis 2:24—perhaps in part because its prohibition would have been difficult to enforce, even if the biblical writers hoped for something better (cf. Deuteronomy 17:17; 1 Kings 11:3). Like divorce and other inferior moral conditions (cf. Matthew 19:8), polygamy was tolerated rather than upheld as an ultimate moral standard.

Second, the Mosaic Law reveals God's forbearance because of human hard-heartedness. Matthew 19:8 indicates that divorce was permitted—not commanded—because of hard hearts; it was not so “from the beginning.” The same can be said of a strong patriarchalism, slavery, polygamy and warfare common in the ancient Near Eastern context; these are in violation of the creational ideals of Genesis 1—2. Rather than banishing all evil social structures, Sinaitic legislation frequently assumes the practical facts of fallen human culture while pointing Israel to God's greater designs for humanity.

God shows remarkable forbearance in the Old Testament. Romans 3:25 indicates that God “passed over the sins previously committed.” Elsewhere Paul declares:

Therefore having overlooked the times of ignorance, God is now declaring to men that all people everywhere should repent, because he has fixed a day in which he will judge the world in righteousness through a man whom he has appointed, having furnished proof to all men by raising him from the dead. (Acts 17:30-31)

⁵⁰Gordon J. Wenham, *Story as Torah: Reading Old Testament Narratives Ethically* (Grand Rapids: Baker Academic, 2000), p. 80.

In the Old Testament, God puts up with sinful human structures, but they remain less than ideal.

Third, the Mosaic Law—an improved, more humanized legislation—attempts to restrain and control an inferior moral mindset without completely abolishing these negative structures. While negative aspects of slavery are retained, slaves achieve astonishing rights in the Old Testament, in contrast to the rest of the ancient Near East. Even so, Deuteronomy 15 expresses the hopeful goal of eventually *eradicating slavery* while both (a) *diminishing* the staying power of slavery in light of the exodus and (b) *controlling* the institution of slavery in light of the practical fact that misfortune in a subsistence culture could reduce anyone to poverty and indebtedness.⁵¹ Yahweh often reminds Israel of its own history of slavery in hopes of engendering a loftier ideal: “You shall not oppress a stranger, since you yourselves know the feelings of a stranger, for you also were strangers in the land of Egypt” (Exodus 23:9).

What is more, the three main texts regarding slave legislation (Exodus 21; Leviticus 25; Deuteronomy 15) reveal a morally improved legislation *as the text progresses*. Christopher Wright sees Deuteronomy “modifying, extending, and to some extent reforming earlier laws, with additional explicit theological rationale and motivation.” He goes so far as to say that while Exodus 21 emphasizes the humanness of slaves, even the ancient Israelite would recognize that Deuteronomy 15 was in tension with earlier legislation. So to obey Deuteronomy “necessarily meant no longer complying with Exodus.” This point serves to illustrate the “living, historical and contextual nature of the growth of Scripture.”⁵² The same kind of progression is evident in legislation regarding primogeniture and the like.

Fourth, the Mosaic Law contains seeds for moral growth, offering glimmers of light pointing to a higher moral path. Yes, God prohibits worship of other gods (the ultimate act of reality-denial), but his ultimate desire is that his people love him wholeheartedly. Love isn’t reducible to the law’s restraining influence, and enjoying God’s presence isn’t identical to idol-avoidance.⁵³ The model of Yahweh’s character and sav-

⁵¹McConville, *Grace in the End*, pp. 148-49.

⁵²Christopher Wright, “Response to Gordon McConville,” in *Canon and Biblical Interpretation*, ed. Craig Bartholomew et al. (Grand Rapids: Zondervan, 2006), p. 283. See Wright’s fuller explanation in this chapter.

⁵³Wenham, *Story as Torah*, p. 81. Interestingly, the last commandment of the Decalogue

ing action is embedded within and surrounding Israel's legislation—a "compassionate drift" in the Law, which includes

protection for the weak, especially those who lacked the natural protection of family and land (namely, widows, orphans, Levites, immigrants and resident aliens); justice for the poor; impartiality in the courts; generosity at harvest time and in general economic life; respect for persons and property, even of an enemy; sensitivity to the dignity even of the debtor; special care for strangers and immigrants; considerate treatment of the disabled; prompt payment of wages earned by hired labor; sensitivity over articles taken in pledge; consideration for people in early marriage, or in bereavement; even care for animals, domestic and wild, and for fruit trees.⁵⁴

In their zealous preoccupation with the negative in Old Testament ethics, the New Atheists neglect these warm undertones in the Law of Moses itself, exemplified in Yahweh's gracious, compassionate character and his saving action.

Fifth, the Mosaic Law contains an inherent planned obsolescence, which is to be fulfilled in Christ. Despite the significant moral advances at Sinai, the Law isn't the final word. A new covenant was promised that would progress beyond the old (e.g., Jeremiah 31; Ezekiel 36—37). N. T. Wright notes that Torah "is given for a specific period of time, and is then set aside—not because it was a bad thing now happily abolished, but because it was a good thing whose purpose had now been accomplished."⁵⁵ According to the letter to the Hebrews, Jesus brings "substance" to the Old Testament's "shadows," fully embodying humanity's and Israel's story. Thus, if we stop at Old Testament texts without allowing Christ—the second Adam and the new, true Israel—to illuminate them, our reading and interpretation of the Old Testament will be greatly impoverished. Robin Parry reminds us that *if* we allow that the Christ-event is part of the plot line, *then* we are obligated to allow it to "cast its significance back onto our understanding of earlier texts."⁵⁶ If the New Testament brings out more fully the heart of God, then we

("You shall not covet") directs our ethical perspective in the direction of the heart's dispositions and intentions—*beyond* property/theft laws.

⁵⁴Wright, *Old Testament Ethics*, p. 300.

⁵⁵N. T. Wright, *Climax of the Covenant* (Minneapolis: Fortress, 1993), p. 181.

⁵⁶Robin Parry, *Old Testament Story and Christian Ethics* (Carlisle, U.K.: Paternoster, 2005), p. 78.

must not let the “tail” (the Old Testament) wag the “dog” (the New Testament) as the New Atheists commonly do.

CONCLUDING REMARKS

As indicated throughout, I have attempted to condense much material into this brief essay. I’ve argued that Christians can readily acknowledge that the Mosaic Law isn’t the ideal, ultimate ethic. We can, with Daniel Dennett, “thank heaven” that those thinking blasphemy or adultery deserves capital punishment are a “dwindling minority.” However, let me here make a couple of statements regarding the New Atheists’ trivialization of Yahweh and the inconsistency between their “objective” moral outrage and naturalism.

First, like Narnia’s Aslan, gracious and compassionate Yahweh (Exodus 34:6) isn’t to be trifled with. He is good, but not “safe.” The New Atheists resist the notion of Yahweh’s rightful prerogatives over humans; they seem uncomfortable with the idea of judgment or cosmic authority. Yet God must reveal himself with holy firmness (at times, fierceness) to get the attention of human rebels—including Israel (Deuteronomy 9:6-7).

Dawkins’s charge that God’s breaking into a “monumental rage” when Israel “flirted with a rival god” is “sexual jealousy of the worst kind” seems to diminish the meaning of the marriage covenant—and, in particular, this unique bond between God and his people. Israel hadn’t simply “flirted” with rival gods but cohabited with them, “playing the harlot” (cf. Ezekiel 16; 23); Israel did so on the “honeymoon” (Exodus 32)! Hosea’s notable portrayal of Israel as a prostitute—no mere flirt—is quite serious despite Dawkins’s casual dismissal. The appropriate response to adultery is anger and hurt (cf. Isaiah 5:4; 65:2-3; Ezekiel 6:9). When there is none, we rightly wonder how deeply and meaningfully committed to marriage one truly is.

Second, despite Dawkins’s moral outrage, his metaphysic disallows it, admitting that a universe full of electrons contains “no evil and no good, nothing but blind pitiless indifference.”⁵⁷ Indeed, science “has no methods for deciding what is ethical.” Individuals and society decide.⁵⁸ Well, isn’t this Dawkins’s own individual preference—a merely contextual,

⁵⁷Richard Dawkins, *River Out of Eden: A Darwinian View of Life* (New York: Basic Books/Harper Collins, 1995), pp. 132-33.

⁵⁸Richard Dawkins, *A Devil’s Chaplain* (Boston: Houghton and Mifflin, 2003), p. 34.

relative matter rather than an objective one? As I've argued elsewhere, naturalism doesn't have the metaphysical resources to move from valueless matter to value (including rights-bearing human beings and objective morality/moral duties). Theism is immensely better equipped metaphysically to provide such a context.⁵⁹

Harris's attempt to "demolish the intellectual and moral pretensions of Christianity" is quite ironic for a several reasons. First, despite historical deviations from Jesus' teaching (e.g., the Crusades, Inquisition), biblical theism has historically served as a moral compass for Western civilization's advances.⁶⁰ Second, despite the New Atheists' appeals to science, they ignore the profound influence of the Jewish-Christian worldview on the West's scientific enterprise. In Paul Davies' words, "Science began as an outgrowth of theology, and all scientists, whether atheists or theists . . . accept an essentially theological worldview."⁶¹ Third, the New Atheists somehow gloss over the destructive atheistic ideologies that have led to far greater loss of human life within just one century than "religion" (let alone "Christendom") with its wars, Inquisitions and witch trials. Atheism has proven to be a far more destructive force than "religion." Finally, though Harris correctly defends knowledge of objective moral truths "without reference to scripture," he misses the greater point of how human value and dignity could emerge given naturalism's valueless, mindless, materialist origins. All humans are God's image-bearers, morally constituted to reflect God in certain ways; so atheists and theists alike can recognize objective right/wrong and human dignity *without* special revelation (Romans 2:14-15). Naturalists, nevertheless, still lack the proper metaphysical context for affirming such moral dignity and value.

Though Old Testament ethics presents certain challenges, we've seen that the New Atheists often overstate and distort them. Their typical rhetoric and often-simplistic arguments may score points with popular

⁵⁹Paul Copan, "God, Naturalism, and the Foundations of Morality" in *The Future of Atheism: Alister McGrath and Daniel Dennett in Dialogue*, ed. Robert Stewart (Minneapolis: Fortress Press 2008).

⁶⁰Alvin J. Schmidt, *How Christianity Changed the World* (Grand Rapids: Zondervan, 2004); Jonathan Hill, *What Has Christianity Ever Done For Us? How It Shaped the Modern World* (Downers Grove, Ill.: InterVarsity Press, 2005); Dinesh D'Souza, *What's So Great About Christianity?* (Washington: Regnery Gateway, 2007); Rodney Stark, *The Victory of Reason* (New York: Random House, 2006).

⁶¹Paul Davies, *Are We Alone?* (New York: Basic, 1995), p. 96.

audiences, but their assertions present a lopsided picture of Old Testament ethics and Yahweh's character.

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