



Old Testament Law and Medical Ethics

By Alex Bunn and Chris Wright

Modern medicine involves a huge variety of ethical dilemmas. When should a doctor turn off a ventilator? Should we create three-parent embryos for families with mitochondrial diseases? Is abortion ever justified? How should we allocate limited medical resources?

Christians will look to the Bible for answers. However, the Bible was written into a pre-industrial Middle-Eastern culture, familiar with cows but not cars, vineyards but not ventilators. Presented with a medical dilemma, how might we get from Genesis to gene therapy? Not only is there cultural and historical distance, but complex theological questions also need answering: What was the Old Testament Law for? ¹ How much of it still applies to Christians? Aren't we now under grace rather than law?

1. The nature and function of Old Testament Law

Many wrongly assume that the Bible is merely a rule-book to apply to new situations. Jewish rabbinic tradition identifies 613 commandments in the 'Law of Moses', 365 negative and 246 positive. ² Even so, this is far fewer than the number we use to run modern states: the EU has over 50,000 laws, directives and regulations! ³

Many of the commandments in Mosaic Law are expansions and case examples of the Ten Commandments, ⁴ otherwise known as the (Old or Mosaic) covenant, ⁵ which God wrote on two stone tablets ⁶ and which foreshadowed the New Covenant instituted by Jesus Christ. ⁷

However, 'Old Testament Law' or *Torah* actually means 'guidance' and is set in the context of the story of God's relationship

with his people Israel. Introducing the Ten Commandments is the reminder, 'I am the LORD your God, who brought you out of Egypt, out of the land of slavery...'. ⁸ Obedience to God's commands was never a way for the Israelites to earn God's salvation, but rather the right response to God rescuing them from slavery in Egypt. ⁹

Furthermore, God gave Israel his law in order to shape them to be a society that would reflect his character to the surrounding nations – what we might call a missional motivation. ¹⁰ They were to be morally distinct from the nations by living in God's way displaying personal integrity, economic and social justice, and community compassion: 'Be holy, because I the LORD your God, am holy'. ¹¹

Not just arbitrary rules

The Old Testament Law then was not just a set of arbitrary rules aimed at appeasing God. It was rather a way of life, a way of being human, a whole culture in a particular time and place – to show what a redeemed people under God should be. As well as providing commands to obey, God required 'virtue', or a godly character. It also, as we shall see, pointed to Jesus Christ and his saving grace under the New Covenant. ¹²

Consequences also feature in Old Testament ethics. Positively, God encouraged his people to choose life under his rule and blessing. ¹³ Negatively, he warned them that rejecting his good way of life would lead to self-destruction. The book of Proverbs describes the consequences of addictions and extra marital relationships, ¹⁴ which are all too familiar to healthcare workers!

Common secular approaches contain some similar elements, such as the four principles of Beauchamp and Childress, virtue ethics and utilitarian or consequentialist schools. But the difference is that behind biblical ethics is a personality with a purpose: to make a people for himself.

Functions of Old Testament law:

- **Protection** – Restraining evil and guarding the poor and vulnerable
- **Conviction** – Educating the conscience
- **Instruction** – The missional aim of proclaiming God's distinctive character through his people's lifestyles
- **Prediction** – Pointing prophetically to Jesus Christ

2. The relevance of Old Testament Law today

There are several kinds of Old Testament laws:

- **Criminal laws** – offences against the foundations of the society, against God and the covenant, via one of the Ten Commandments. Mostly backed by the death penalty.
- **Civil laws** – disputes between citizens, over land, property, compensation.
- **Family laws** – which mostly were dealt with by parents without recourse to the 'courts' or elders – matters of inheritance, marriage and divorce.
- **Religious or ceremonial laws** – regulations concerning sacrifice, priesthood, festivals, offerings.
- **Compassionate laws** – which we might not call 'laws' at all: urging kind treatment of the poor and needy, the rights of the vulnerable, the homeless, family-less and landless, debtors, ethnic minorities, immigrants.

Traditional Reformed Theology has distinguished God's law as revealed in the Old Testament Scriptures into three parts: 'moral', 'civil', and 'ceremonial'. In the final chapter of the *Institutes* the Reformer John Calvin writes:

'We must attend to the well-known division which distributes the whole law of God, as promulgated by Moses, into the moral, the ceremonial, and the judicial law.' ¹⁵

Application for Christians

What parts still apply to Christians? Some argue that the moral law still applies, but that the ceremonial and civil law has been

fulfilled by the coming of Christ. Others argue that only Old Testament laws which are restated in the New Testament still apply. Others insist that all Old Testament laws that are not specifically abrogated in the New Testament are still binding.

It is impossible to do justice to all these positions in a short paper like this. But it is also noteworthy that the Bible itself does not explicitly divide Old Testament Law using these categories. However, the Old Testament is clear that the 'Old Covenant' God made with the people of Israel, where the laws were written on stone tablets, was to be replaced by a New Covenant in which the laws would be written on their hearts.¹⁶

Christ and the Old Testament Law

In other words the Old Testament Law, along with its moral instruction, priesthood and animal sacrifices, was fulfilled in Christ. It pointed to him prophetically as the embodiment of holiness and the High Priest of a New Covenant whose death on the cross on our behalf paid for our sins entirely and forever.¹⁷

'He sets aside the first to establish the second... we have been made holy through the sacrifice of the body of Jesus Christ once for all'.¹⁸

God rescued Israel from slavery in Egypt and established his Old Covenant with them. But Jesus, through his death and resurrection, has rescued Christians from slavery to sin – both Jews and Gentile (non-Jew) – and has established his New Covenant with them.¹⁹ We are now 'not under the law' but are 'under Christ's law'.²⁰

Practical relevance

So what practical relevance does the Old Testament Law have to us today? It still has huge relevance. Jesus himself, in establishing the New Covenant,²¹ did not see his mission as making Old Testament redundant. Rather he was fulfilling it:

*'Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish them but to fulfil them. For truly I tell you, until heaven and earth disappear, not the smallest letter, not the least stroke of a pen, will by any means disappear from the Law until everything is accomplished.'*²²

The apostle Paul tells us that 'All Scripture is God-breathed and is useful for teaching, rebuking, correcting and training in righteousness, so that the man of God may be thoroughly equipped for every good work'.²³

Question: Can you find the common purpose behind the law in these texts?

- A 'When you build a new house, make a parapet around your roof so that you may not bring the guilt of bloodshed on your house if someone falls from the roof'⁴⁷
- B 'If anyone uncovers a pit or digs one and fails to cover it and an ox or a donkey falls into it, the one who opened the pit must pay the owner for the loss'⁴⁸
- C 'He will reply, "Truly I tell you, whatever you did not do for one of the least of these, you did not do for me"⁴⁹

Answer: The common principle is that of negligence. We are not only responsible for what we do, but acts of omission too, such as not checking a drugs chart for penicillin allergy or not warning of a surgical complication.

He adds that the stories of the Old Testament, especially those with moral lessons, 'were written down as warnings for us'.²⁴

So, Jesus fulfilled the Old Testament Law that the Jews had never been able to keep,²⁵ but he also sends us back to learn from it. He tells us to follow him and get our priorities right, to seek first the reign of God in all of life. The Prophets put social justice way above religious rituals.²⁶ Jesus agreed, telling those who were meticulously keeping less significant rules that they had forgotten the 'more important matters of the law – justice, mercy and faithfulness'.²⁷

However, both Jesus and Paul also made it very clear that certain Old Testament laws were no longer binding on Christians. Specifically:

The sacrificial laws: The New Testament makes it very clear that the whole system of temple, altar, animal sacrifices, priesthood, day of atonement, has been fulfilled by Jesus Christ through his death on the cross and resurrection. He has accomplished once and for all what that great system pointed towards. Hebrews stresses that, whether we are Jewish or Gentile believers, we must not go back to that, because we already have all that it represented through Christ and his sacrificial death and his ascended life in the presence of the Father.²⁸

The food laws: The distinction between clean and unclean animals and foods²⁹ was symbolic of the distinction between Israel as God's holy people and the Gentile nations during the Old Testament era.³⁰ In the New Testament that separation is abolished in Christ, as Paul explains in Ephesians 2. Through the cross, God has made the two (Jew and Gentile) into one new humanity (Christian). And as Peter discovered through his vision, before going to the home of the Gentile Cornelius, what God has called

clean should no longer be called unclean.³¹ Jesus pronounced all foods clean.³² Believers are thus free from food laws that symbolised something that is no longer a reality, though some Messianic (Christian) Jewish believers choose freely to observe the kashrut regulations as a mark of their Jewish community and cultural identity.

Learning from OT laws

However, although Christians no longer keep these laws literally, this does not mean we have nothing to learn from them. We are called to present our bodies as living sacrifices in the service of God,³³ and to offer the sacrifice of praise.³⁴ We are called to cleanness of life in a corrupt world: to live holy lives. In fact, if we are tempted to criticise Jewish concern over kosher food in the kitchen, we might ask if we have the same level of concern about the moral and spiritual distinctiveness from our surrounding culture that the New Testament also calls for.

Even in ancient Israel's civil laws there are principles to be observed and applied to different contexts. When Paul wrote to urban Christians in Corinth they did not have oxen grinding corn in their city houses. But Paul takes an Old Testament law about allowing working oxen to be fed from the product of their labours³⁵ and applies it to Christian workers.³⁶ He sees a principle in the case-law – originally meant for the benefit of animals – and applies it to working humans. Work deserves reward. Later he applies another Old Testament commandment about how manna was to be collected (totally irrelevant to Corinth, you might think), and applies it to the principal of equality between Christians.³⁷ These are biblical examples of creative application of Old Testament laws in non-literal, but very appropriate, ways.

More than a rule book

Many people imagine there is only one Christian answer to any given question or dilemma. But the Bible suggests that in most situations we have freedom to choose: decisions such as who to marry or which career to pursue. Or within medicine, questions such as whether patients should pay for their treatment. How do we motivate patients against self-destructive behaviours? Is it wise to prescribe the pill indiscriminately? When do we offer cosmetic surgery? In these situations we have to use wisdom, and one rule may not apply equally in all cases. For example, whilst Paul was very relaxed about performing a minor medical procedure himself in one context by circumcising Timothy,³⁸ in another situation (Titus) circumcision was absolutely inappropriate because of the message it would have sent out.^{39 40} The Bible is made up of many different genres of literature to guide us such as the pithy wisdom literature of Proverbs, Job, Ecclesiastes, narratives that serve as examples,⁴¹ as well as the more explicitly didactic.

So there is plenty that we can learn from Old Testament Law that can still usefully guide our ethical thinking and action. But the heartbeat of Christian life and freedom is not 'keeping all the rules', but living as persons whose whole lives and character are being shaped by God's word in all its Christ-centred fullness, by becoming more like the Christ we trust and follow. That's living biblically.

3. Applying Old Testament Law to medical ethics

When an ethical question is raised, usually it is in the form 'Is it right or wrong to do X?' where X might be 'clone sheep', 'destroy spare embryos in IVF', 'assist suicide' etc. The ethical debate is reduced to a difficult personal choice, and our culture sets the agenda. The answer is often a proof text, 'thou shalt not': a command from the Bible. But this approach does not do full justice to the richness of Scripture, and puts the Bible in defensive mode. How do we see the wider relevance of the Old Testament?

For instance, there is a theme behind the more extreme cases regarding cosmetic surgery, genetic engineering or enhancement technologies. They are 'Promethean projects',⁴² or in the language of the biblical drama, Babel-like projects which seek to

Case example: surrogacy

A Christian friend is unable to conceive, and asks what the Bible says about surrogacy. You look in the concordance but cannot find 'surrogacy' for a proof text anywhere! And at a dinner party a lawyer friend informs you that there was no law specifically against it. But a theologian interjects that surrogacy would have broken the 'one flesh' principle of Genesis 2:24, hence violating the creator's purpose of procreation within marriage. Another thinks there are lessons from the story of the patriarch Abraham who experimented in surrogacy.⁵⁰ The childless Sarah gives her maidservant to Abraham saying 'sleep with my maidservant; perhaps I can build a family through her'. There is heart-rending grief: 'Give me children, or I'll die!' ⁵¹ But her scheme led to disordered family relationships, and arguably exploited an economic subordinate. The surrogate's son Ishmael 'would live in hostility towards all his brothers', ⁵² and became the father of the Arab peoples whose disputes with Israel persist to this day. Yet God did not abandon Abraham as a result of his impatience, and also rescued the abandoned surrogate.

There are no easy answers to many ethical dilemmas, but the Bible remains relevant as the same God of grace speaks to the same broken human condition.

disregard created limits in order to 'make a name for ourselves'.⁴³ They may amount to the human temptation to reject creaturely limitations, and life as a gift, and tempt us to live in denial of the universal reality of suffering and death that can only be overcome by the work of God in Christ.

So as we study the biblical narrative, we need to ask questions. All laws are made for a purpose. Laws are drafted because people want to change society, to achieve some social goal, to foster certain interests, or prevent some social evil. So when we look at any particular law or group of biblical laws, we can ask, 'What could be the purpose behind this law?' More specifically:

- What kind of situation was this law intended to promote, or to prevent?
- What change in society would this law achieve if it were followed?
- What kind of situation made this law necessary or desirable?
- What kind of persons would benefit from this law, by assistance or protection?
- What kind of persons would be restrained or restricted by this law, and why?
- What values are given priority in this law? Whose needs or rights are upheld?
- In what way does this law reflect what we know from elsewhere in the Bible about the character of God and his intentions for human life?
- What principle or principles does this law embody or illustrate?

Life under God

We may not always be able to answer these questions very satisfactorily. Some laws are just plain puzzling. But simply asking them

will lead us to a much broader and deeper grasp of what Old Testament Law was all about in terms of creating the kind of society God wanted to exist in the world.

Then, having done that homework as best we can, step out of the world of Old Testament Israel back into our own contemporary world – *and ask the same kind of questions* about the society we live in and the kind of people we need to be, and the kind of personal and societal objectives we should be aiming at in order to be in any sense 'biblical'.

Models for personal behaviour

In this way Old Testament Law can function very sharply as a paradigm or model for our personal and social ethics – in all kinds of areas – economic, familial, political, judicial, sexual. We are not just 'keeping it', in a literalistic way like a list of rules'. But more importantly, we are also not just ignoring it in defiance of what Paul says in 2 Timothy 3:16–17. We are *studying and using* it as 'guidance', light for the path, in the joyful way of Psalms 1, 19 and 119.

For instance, genetic engineering is not mentioned in the Bible but there are principles about stewardship⁴⁴ and cross-mating of different species.⁴⁵ God's image, kinship lines and genealogies may also be relevant. AIDS was not known but there is a lot about sexual morality⁴⁶ and compassion for sinners. We need God's wisdom to apply these timeless principles to new situations (see box on surrogacy above).

Summary

The Old Testament Law served to display God's character, give thanks for redemption and point to Christ. Jesus Christ fulfilled the

Old Testament Law and put a New Covenant in its place. But Christians are still to study Old Testament laws and discover the principles and purposes behind them. Then they will be able to apply them to new situations including medical ethics, creatively, wisely and joyfully.

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Further Reading

- Wright CJH. *Old Testament Ethics for the People of God*. IVP Academic (2011)

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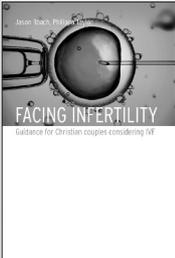
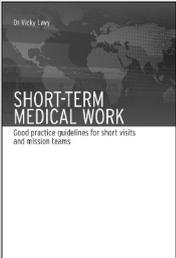
- In this File we take Old Testament Law to be the five books of Moses (Genesis, Exodus, Leviticus, Numbers and Deuteronomy), otherwise known as the Torah or Pentateuch. Although we introduce other elements of Scripture that bear on the theme these books are the main focus.
- Drazi I. *Maimonides and the biblical Prophets*. Gefen Publishing House, 2009:209
- en.euabc.com/word/2152
- Exodus 20:1-17; Deuteronomy 5:6-21
- Exodus 34:28; Deuteronomy 4:13
- The Old Covenant is introduced in Exodus 19:3-6. The Torah itself equates the covenant with the Ten Commandments twice directly in both Exodus 34:28 and Deuteronomy 4:13. The two stone tablets are referred to as 'the tablets of the covenant' in Exodus 31:18, Deuteronomy 9:9 and 11 and Hebrews 9:4 and are by implication referred to as such in Exodus 24:12, Deuteronomy 9:10 and 10:3, 1 Kings 8:9 and 2 Corinthians 3:3. This is also implied in passages looking forward to the New Covenant such as Jeremiah 31:31ff and Ezekiel 36:24-27.
- Hebrews 10:1
- Exodus 20:2; Deuteronomy 4:6
- Exodus 19:3-6; Deuteronomy 6:20-25; Romans 8:3; Hebrews 7:18-19
- Leviticus 18:3-4; Deuteronomy 4:6-8
- Leviticus 19:2
- Hebrews 7:18-25
- Deuteronomy 11
- Proverbs 23:29-35, 6:27-29
- Calvin J. *Institutes of the Christian religion*, Tr. Henry Beveridge. James Clark & Co, 1962, Volume 2, Book 4, Chapter 20, Section 14
- Jeremiah 31:31-34; Ezekiel 36:24-27
- Hebrews 9:11-15, 10:1-18
- Hebrews 10:9-10
- Romans 6:6, 18; 1 Corinthians 11:23-26
- 1 Corinthians 9:20-21
- Luke 22:20
- Matthew 5:17-18
- 2 Timothy 3:16-17
- 1 Corinthians 10:11
- Galatians 3:23
- 1 Samuel 15:22; Hosea 6:6; Micah 6:8
- Matthew 23:23
- Hebrews 9:1-10:24
- Leviticus 11; Deuteronomy 14
- Leviticus 20:25-26
- Acts 10:15
- Mark 7:18-23
- Romans 12:1-2
- Hebrews 13:15
- Deuteronomy 25:4

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| 36. Corinthians 9:8-10 | 43. Genesis 11:4 |
| 37. 2 Corinthians 8:13-15 | 44. Genesis 1:26-28; Matthew 25:14-30 |
| 38. Acts 16:3 | 45. Leviticus 19:19 |
| 39. Galatians 2:11-14 | 46. 1 Corinthians 6:19 |
| 40. Note that Christians are not required to be circumcised, as argued by Paul in Romans 2:25-29, 4:9-12 and throughout Galatians. | 47. Deuteronomy 22:8 |
| 41. 1 Corinthians 10:6, 11 | 48. Exodus 21:33 |
| 42. Moore P. <i>Babel's shadow: genetic technologies in a fracturing society</i> . Oxford: Lion, 2000 | 49. Matthew 25:45 |
| | 50. Genesis 16, 30 |
| | 51. Genesis 30:1 |
| | 52. Genesis 16:12 |