


The Spirit and the law

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In this article, the relation between a theology of the Spirit and a theology of biblical law is explored. This is performed in reference to the theology of Michael Welker. In the first part of the article, it is shown how the relation between the Spirit and the law, which could be considered to be his main and most unique contribution towards a theology of the Spirit, serves as the framework for his entire theological endeavour. In the third part, his understanding of the law as life-furthering security of expectations is explored in light of reductionist understandings of biblical law, which is examined in the second part. This is followed by an explanation of Welker's in-depth understanding of the biblical law, of *Recht*, mercy and knowledge of God. It will then be possible to ask about the relation between this differentiated understanding of biblical law and the Spirit. The conclusion asks how Welker's understanding of this relation, which allows for a more complex understanding of the Spirit's role in reality, moves beyond morality.

Intradisciplinary and/or interdisciplinary implications: The article's focus is on the theology of Michael Welker, who's understanding of the relation between law and Spirit is the result of intradisciplinary (Old- and New Testament, Historical Theology, Systematic Theology etc.) and interdisciplinary research (law, sociology etc.). The intra- and interdisciplinarity of his understanding of the relation further differentiates discourses caught up in diverse abstractions, dichotomies and dualisms.

Keywords: Spirit and law; security of expectations; Spirit and justice; Michael Welker; morality.

Introduction

Welker's main and most unique contribution towards a theology of the Spirit might be his understanding of the relation between the Spirit and biblical law. The law plays an immense part in Welker's thought. He has continuously deepened and further differentiated the complex notion of law as found in the biblical traditions (Welker 1985, 1986a, 1986b, 1989b, 1990, 1991a, 1992b, 1993a, 1994a, 1994b, 1996a, 1997, 1998a, 2002a, 2005, 2008, 2011, 2013a, 2013b, 2014a, 2014b, 2017a, 2017b, 2017c).

His understanding of the law, more specifically, of the relation between the law and the Spirit, has been one of his main interests since his earliest publications. This is highlighted, for example, in the preface to *Gottes Geist. Theologie des Heiligen Geistes* (1992b). His original intention was to begin his lengthier publications on the most important themes of Christian theology with a volume on God's law and God's gospel. The contents and problems, however, 'die Sache die bei der Arbeit daran zu behandeln waren' (Welker 1992b:11), directed his attention, questions and research to a theology of the Spirit, the topic that would, in retrospect, frame his entire theology.

For Welker, theology will also in the future have to take this relationship seriously again, between the Spirit and biblical law. In an article asking about the future of theology in a *Festschrift* for Jürgen Moltmann (Welker 1996c), it is very clear that, for him, the development of the relation between the law and the gospel is an essential task for theology's future. This is also the case in an article in *Toward the Future of Reformed Theology: Tasks, Topics, Traditions* (1998), which he edited with David Willis. Writing on the future of Reformed theology, he emphasises the importance of a theology making sense of the relation between the law and gospel. Reformed theology, he reiterates, 'has been unable to bring the theology of law up to the level of differentiation seen in the Biblical traditions' (Welker 1998b:144).

The theme of God's law or God's *Gerechtigkeit* was, more than 20 years later, also the title of Welker's farewell lecture at the University of Heidelberg, where he from 1991 served as professor of systematic theology. Reflecting on his theological career, he returns to the question of the law of God's justice and righteousness in a world that seems to be characterised by anything but *this* law (Welker 2014b, 2017b).

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In this article, Welker's differentiated understanding of the relation between biblical law and the Spirit will be examined. To make sense of this relation, however, Welker's conception of the law will be explored first. The law cannot be understood without first getting rid of diverse abstractions in which biblical law has become caught up. In light of a more differentiated understanding of the law, it becomes possible to understand the important relation between the law and the Spirit. This will be explored in the second part of the article.

Biblical law?

In a multiyear, international, interdisciplinary study, *Concepts of Law in the Sciences, Legal Studies, and Theology* (2013), which he edited with Gregor Etzelmüller, Welker highlights that 'law' in the context of the biblical traditions is no less complicated than in the scholarly sciences in the title (Welker 2013a:115). There are many concepts of law in the biblical traditions.

Biblical law, however, has very often been reduced to a concept of law, or to a law-related passage in these traditions. In addition, biblical law has often been caught up in diverse abstractions, dichotomies and dualisms. The law *takes, requires, urges, claims, demands, asks, is the imperative*, while the gospel is *gift, assurance, indicative* (Welker 1985:680).¹

These abstractions have, according to Welker, not only incapacitated the relation between law and gospel, which is so important, *inter alia*, in Lutheran theology (Welker 1986a:238). From an essay on the future of dialogue between the Christian and Jewish traditions, it is clear that the inability to theologically develop the topic of law have had a negative effect on dialogue with those in many ways centred on these law traditions (Welker 2005:42). In addition, there is the negative effect of this inability on ecumenical and interdisciplinary dialogue (Welker 1996b:58).

Although the feminist and liberation theological movements have in many ways taken up central concerns of biblical law traditions (Welker 1994b:16–21), they have, according to Welker, not always been able to develop the deep theological insights of the differentiated *biblical* law traditions (Welker 1986a:239).

A reason for these abstractions Welker ascribes to the dualism between law and Spirit. In an essay on the law as theme in biblical theology, he describes these abstractions in reference to the Spirit (Welker 1989b):

... hier das fordernde, befehlende, die Menschen zu Selbstgerechtigkeit und in die Verzweiflung treibende *Gesetz*, das schließlich zur Anklage und zur Verurteilung führe, dort der – wie auch immer – beschenkende und bereichernde, gewinnende und tröstende, aufrichtende und rettende *Geist*. (p. 217)

The law, in this perspective, is related to the Spirit as death to life. The law brings death while the Spirit life,

1. Welker *inter alia* refers to 1 Corinthians 15:56; 2 Corinthians 3:6; Romans 4:13, 7:4, 6, 8:2; Galatians 2:16, 19, 21; Philippians 3:9.

the law is deadening and the Spirit life-giving, '... *abstrakte Entgegensetzung und wechselseitige Negation erlauben klare Unterscheidung und klare Gedankenbildung*' (Welker 1989b:215).

For Welker, however, these traditions' references to the relation between the law and the Spirit only seemingly reinforce these difficulties. He finds these dualisms between the law and the Spirit, this playing off of the Spirit against the law to be somewhat misleading (Welker 1994b:38). The law in the biblical traditions is not merely described as being against the Spirit, but *of* the Spirit. The law, indeed, is *geistlich* (Welker 1989b:216).² Biblical law is *inter alia* referred to as the law of the Spirit of life (Welker 1994b:254).³

The inability to make sense of the differentiated biblical law, of the Spirit, and the relation between this law and the Spirit has, according to him, been one of the main difficulties in developing a realistic theology (Welker 1991a:400). The task for theology is therefore to understand both the continuity and the discontinuity in connection with the law and the Spirit.

How does Welker make sense of the differentiated interconnection between the law and the Spirit? How does he understand the law *of* the Spirit?

For Welker, the law functions as *Erwartungssicherheit*, as a security of expectations. In light of an explanation of what he means by this security of expectations, it will be shown how this securing of expectations functions realistically in the three elements of the law: the legal, mercy and cultic codes.

Erwartungssicherheit

The law, for Welker, is more than a mere imperative. He reformulates biblical law as allowing *lebensfördernde Erwartungssicherheit*, life-furthering security of expectations (Welker 1985:680),⁴ security here referring to 'certainty, assurances, reliable promises, firm expectations, trust and trustworthiness' (Smit 2017:202).

He explains this security of expectations, a differentiated conceptualisation of Talcott Parsons' 'system of expectations', in reference *inter alia* to the Decalogue or the Ten Commandments, that is, to 'apodictic law' (Welker 1986a:241). Welker refers to a sequence of regulations that in each case begin with the formulation 'Cursed be the one who does this and that' and ends with 'And all the people shall say, "Amen"' (Welker 1986a:241). What happens when these people call out 'Cursed be the one who does x' and answers each time with an 'Amen'?

2. Romans 7:14.

3. Romans 8:2. Also, for example, Romans 7:12, 9:4; Galatians 6:2; 1 Corinthians 9:21.

4. Deuteronomy 27:15–26.

For Welker it is, first of all, important to see that it is not merely about the exclusion of those who did this and that, or those who might do this or that, whether they are known or unknown (Welker 1985:681). Those who in public answer with an 'Amen', rather, publicly entrust themselves and those with them to a readiness to engage in a securing of expectations (Welker 1986a:241). With this readiness, whatever is not life-furthering is delimited or even eliminated. They, thus, reconstitute a future that can be securely expected (Welker 1985:681). In this sense, life-furthering security of expectations is established:

Das Gesetz objektiviert lebensfördernde Erwartungssicherheit. Damit dient es der Bildung individueller und sozialer Zukunft. (Welker 1985:681)

For Welker, these securing of expectations has to do with a *plural* abstraction and objectification, which he differentiates from a mere person-to-person security of future expectations (Welker 1985:681). This plural abstraction and objectification reduces the insecurity that accompanies person-to-person relations threatened by the participation of *other* people (Welker 1986a:241). Although it is important for Welker to highlight that the securing of expectations is not restricted to cultic participation, the plural abstraction and objectifying thereof does gain clear contours therein.

The plural security of expectations abstracted and objectified by the law precisely does not allow for ambiguous or arbitrary content. It does not consist in oblivious participation. The law, he argues, rather differentiates three interdependent functional areas – namely, the legal, mercy and cultic codes. Welker often refers to these codes as *Recht, Erbarmen, Gotteserkenntnis* (Welker 1992b:109) translated as justice, mercy and knowledge of God (Welker 1994b:108).⁵ He also refers to *Recht, Erbarmen, Gottesdienst*, that is, justice, mercy and worship, or, as he states, in secular terms, *Recht, systematischer Schutz der Schwachen, Wahrheitssuche*, translated as justice, the systematic safeguarding of the weak and truth-seeking. Although the English translation of *Recht* is 'justice', for Welker, *Gerechtigkeit*, which his translator also translated as 'justice', refers not only to the interrelated functioning of justice and righteousness, but also mercy and knowledge of God. Smit argues that 'these three terms indeed draw together his main convictions regarding the complex content and manifold functions of a biblical theology of law' (Smit 2017:197). This, in fact, is the core of his theology of law.

How does he then understand the relation between God's *Gerechtigkeit* and the Spirit, the relation between the interrelated functioning of this law and the Spirit?

The biblical laws in many ways define the relationship between God and human beings through legal statutes (Welker 1985:682). It is this insight that Welker finds immensely important for theological realism. For him, an

5. Welker – who in this regard also refers to Matthew 23:23 and its reference to 'justice, mercy and faith' – often describes these codes as the weightiest and most important aspects of the law.

understanding of the Spirit is also an understanding of God's reality in relation to the reality of diverse human beings, of God's presence in the midst of human beings in their differentiability. In an article on the Holy Spirit, he highlights that 'we recognize that insights into the identity of the Holy Spirit must at the same time give insights into the realism of God's presence' (Welker 1989a:5). How does he then understand these legal statutes, which give clearer contours of at least an aspect of the relation between God and human beings?

To make sense of this differentiated relation, these differentiated functional areas of biblical law will be discussed below.

The legal code

Welker examines the legal code in reference *inter alia* to the Book of the Covenant,⁶ that is, to 'casuistic law'. These laws have the following structure: 'If someone does this or that, then he or she shall do this and that' (Welker 1985:682). For Welker, these statutes have to do with the securing of expectations, with the removing of conflict, and the restoration of the state of affairs that was there before the conflict (Welker 1986a:243). The legal code of the law thus takes as its point of departure a community of equal persons, and is concerned with the regulating of conflict and the restoration of equality following conflict (Welker 2011:574, 2013b:206).

As an example, Welker refers to the following conflict situation: X had stolen a goat from Y. There was difficulty. Only after X had given Y a goat in return and a second goat for Y's trouble did these difficulties reside (Welker 1986a:243). Through a situation like this, and the remembering of situations like this, these laws developed through abstraction and objectification. In this sense, names, places, times, and so on were removed (Welker 1986a:243).

The result, he argues in an article where he conceptualises a systematic theological view on the biblical traditions' concept of *Recht*, is that when something is stolen, something has to be returned, for example, in twofold. The remembering of situations like this, abstracted and objectified, is important, as X, for example, on the one hand, might have had a reason why he or she stole something. Y, on the other hand, might have wanted that something returned more than twofold. In conflicts like these, the law, Welker argues, intervenes to secure expectations (Welker 1997a:397).

This is also the case in the *lex talionis*,⁷ the law of an eye for an eye and a tooth for a tooth. Also these laws remove conflict, restore the state of affairs that was there before the conflict, and thus intervene by setting limits and by providing for indemnity in the manner of *only* an eye for an eye and *only* a tooth for a tooth, and thus securing expectations

6. Exodus 20:22–23:19.

7. Exodus 21:23ff.

(Welker 2013b:209). In an essay on the renunciation of the use of violence, Welker (1994c) relates these legal laws to self-withdrawal:

Konfliktbegrenzung, Rationalisierung, Gleichstellung, Ausgleichsdenken, Verrechtlichung drücken sich in dieser Wendung aus. Den von Gewalt und Konflikterfahrung betroffenen, den erregten, nach Vergeltung und Rache verlangenden Menschen wird Selbstbeschränkung und Selbstzurücknahme auferlegt. (p. 243)

Thus, through abstraction and objectification expectations are secured. These conflict situations can be conceptualised as past conflicts, as conflicts that have already been dealt with (Welker 2013b:211).

However, having the conflict being dealt with, or being secured of expectations in conflict, is merely an aspect of the laws' securing of expectations, argues Welker. This is clear when extreme measures of abstraction and objectification are envisioned in the law; when not only names, places, times, and so on are removed, but all *particularity* (Welker 1986a:244). In this instance, the intervention of the law would not be possible.

The description of conflict situations is, according to Welker, constantly pressured towards abstraction and objectification. These laws therefore work against these abstractions and objectifications by continually reinserting particularity. The description of conflict and its corresponding securing of expectations through intervention, limitation and indemnity are constantly rethought in its relation to particular conflict situations (Welker 2013b:211). In this manner, *Recht* is differentiated (Welker 1993a:784), which, *inter alia*, for him, means the humanisation of the law.

If these laws in many ways define the relationship between God and human beings, the question is, where God is definitely related to this *Recht*? 'Where, then, does God explicitly enter into a connection with the legal code, and where in it does God remain?' (Welker 1986a:246).

Welker explores a *definitely* discernible interrelation between God and the law in reference to what he refers to as a 'problem cluster in the early legal texts' (Welker 1986a:247).⁸ For him, these statutes disclose both the power and powerlessness of the legal law. A conflict situation is brought *before God*.

Welker, as an example, refers to a situation where someone entrusts something to someone else to secure. This something that has been entrusted is stolen – or so he or she claims. A statute that would in every corresponding situation require indemnity from the one who was entrusted with something would result in relations of distrust, where no one would want to be entrusted with something from someone else. To, alternatively, not entrust such a situation to the law, to not be secured of any indemnity, would merely result therein that something would not be entrusted to someone else.

8.Exodus 22:7ff.

These situations of conflict are brought before God, that is, it is made public. An *insecurity* of expectations is set up in relation to those involved. Instead of spreading distrust in all relations, those involved are to temporarily find themselves in a sphere of distrust. Despite the fact that they find themselves in this sphere, the situation brought *before God* brings at least some form of indemnity, through God's strengthening of the individual's sense of right (Welker 1986a:248).

For Welker, the clear danger that *Recht* is in different ways manipulated by a minority or the public majority is countered by these laws (Welker 1985:683).⁹ The law is not secured merely by being made public, whether because of the majority or manipulating minorities. The individual's sense of right, rather, is strengthened by God *against the public*:

Er kündigt an, daß er auf der Seite der unschuldig unterdrückten Menschen steht, daß er den Schuldigen und Unrechtsprechenden nicht freispreche. (Welker 1985:683)

It is in this tension that Welker finds *Recht* to develop in differentiated ways. For him, the interrelation between God and the law is discernible definitively in God's being on behalf of the 'leidenden Gerechten, des Unschuldigen, des Unterlegenen und Schwächeren' (Welker 1985:683), in short, in mercy.

This, for Welker, does not mean that the individual is strengthened as such. It is not a type of subjectivism that is strengthened. Rather, the individual's sense of right is strengthened by God towards participation in the life of the community, of public life, which proceeds on the level of abstracted and objectified memories and expectations (Welker 1986a:248). Precisely where the public does not secure these memories and expectations towards participation, God intervenes (Welker 1986b:39).

How does this happen?

Welker, in this instance, develops what he refers to as the *Perspektive Gottes* or a perspective of mercy with relativistic theories taken *inter alia* from Alfred North Whitehead. These theories understand reality as pluralistic, that is, as 'multiperspektivisch' (Welker 1986b:39), and in this way, makes it possible to apprehend why God is mercifully moved to be on behalf of those described above. It allows one to understand that also abstracted and objectified memories and expectations are in many ways always selective and reductive.

More problematic than *our* selective and reductive perspectives on the worlds we are part of is the perspective of these worlds on *us*. These worlds have a *multiplicity* of perspectives on us, *pluralised* in being abstractly objectified. Welker realises that this being objectified abstractly is reconstructed with our selective and reductive perspectives, in a sense allowing us to be at one with the worlds we

9.Exodus 23:11.

are part of. Yet, there is more to us than these abstract objectifications, they do not bring our truth to bear.

For Welker, it is God who brings our truth to bear. The law brings to bear God's perspective as the *third level*. The law, in this sense, is not confined to a first level of a perspective on the worlds we are part of. It is also not confined to the level of abstracted and objectified memories and expectations, both characterised by being selective and reductive. This third level combines these levels so that the truth that is brought to bear is not confined merely to *certainty, objectivity, correspondence, coherence* and *consensus* (Welker 1986a:250). In this sense, the individual is strengthened by the perspective of God, by an abstracted objectifying sense of *Recht* that the public does not apprehend, or, at least, not yet.

The mercy code

Also, the mercy code of the law has to do with the securing of expectations, with the removing of conflict, the restoration of the state of affairs that was there before the conflict, thus, with intervention by setting limits and providing for indemnity. While the legal code of the law takes as its point of departure a community of equal persons, and is concerned with the regulating of conflict and the restoration of equality following conflict, the mercy code of the law assumes the coexistence of persons equal and unequal (Welker 2011:574, 2013b:206). For Welker, these laws therefore have to do with the equalisation of relationships, *from* relations unequal to relations of equality (Welker 2014a:230), and thus towards relations of reciprocity (Welker 2013b:213).

This equalisation has to do with the protection of those in unequal relations, *inter alia*, the *foreigners, strangers, widows, orphans, the slaves, the poor, ostracized, vulnerable, powerless, opponents and enemies*, and so on (Welker 1990:127).

He describes the laws of the mercy code as 'waiving claims and refraining from pressing home one's interest, and even abstaining from pressing home one's legitimate claims under the law' (Welker 1990:127). These laws have to do with a 'renunciation of rights or renunciation of the accretion of rights, of the expansion and solidifying of one's own legal position' (Welker 1986a:251). In this sense, these laws regulate the mentioned free self-withdrawal, or rather, free and creative self-withdrawal for the benefit of those in unequal relations (Welker 2014a:234; in this regard see also Welker 2017a:51).

These mercy laws, however, have nothing to do with passivity (Welker 2014a:231). These laws rather have to do with human dignity and activity. If human beings are merely passive with regard to mercy, Welker underlines, '*denn wir respektieren diese Menschen nicht, wir respektieren ihre Würde nicht*' (Welker 1997b:9). These laws therefore have to do with the equal participation of those in unequal and unjust relations in all *Lebensprozessen* (Welker 1986b:40). It is this active participation that has to be protected. They are to

remain on this level of active participation and therefore, precisely because their full participation is *threatened*, it is to be protected (Welker 1990:127).

Thus, the mercy code wants to make the mercy described above to become routine, it strives towards the *routinisation of mercy* (Welker 1996a:153). Also mercy is to be *securely expected*:

Daß heißt daß das Erbarmen als Inhalt des Gesetzes dem beliebigen, dem nur zufälligen und neigungsgelenkten Verhalten der einzelnen Menschen sowie der Stimmungs- und Situationsabhängigkeit entzogen werden soll. *Auch das Erbarmen soll sicher erwartbar werden; es soll sozial fest eingespielt, sozial routinisiert werden.* (Welker 1992b:111)

The implications hereof Welker introduces by the 'motive clause' *you were ... therefore*. Welker refers, for example, to the law: '*you were* strangers in the land of Egypt, *therefore* you shall not mistreat strangers'.¹⁰ Welker realises that an identification with this being strangers in the land of Egypt was not and is not self-evident. The law could and can be undermined because 'I wasn't a stranger in the land of Egypt, therefore'. The strength of this law, however, is precisely to be sought in this *tension*, argues Welker.

With an identification with the mentioned clause, they allow *differentiated* memories to be attributed to themselves. The identification is not merely to be sought in being strangers, but in being strangers in the past, and not being these strangers anymore. The identification is with being strangers in the land of Egypt, but also with their being led out of this land in liberation. The identification is therefore with memories bearing the imprint of development from being strangers to not being those strangers anymore. For Welker, these differentiated memories therefore allow for a shared differentiated social identity:

Damit wird eine differenzierte, folgenreiche soziale Identität gebildet und akzeptiert. (Welker 1986b:40)

For him, they allow them to be bound to one another, and in this being bound, to appeal to one another, thus, it allows for expectations secured. This identity allows them to realise both what it means to be a stranger and what it means to not be a stranger anymore. It is with this complex identity that they are by the mercy code of law to protect those in unequal relations, for example, the strangers in their midst. This they are to remind one another of (Welker 1986a:253).

They are not to unrealistically remind one another that these strangers are like them, Welker argues. They are realistically being reminded that these strangers are *as they have been*. In fact, if they were not to protect these strangers, they would be repeating what they were already liberated from. They would reinstitute this. They would be returning to where they were before being led out of the land. They would reverse the memories bearing the imprint of development from being strangers to not being strangers anymore. In this sense, their shared differentiated social identity, that which binds them to

10. Exodus 22:21, 23:9.

one another, which in their boundedness allows them to appeal to one another, will be lost, '... du verlörest das, was dich mit deinen Mitmenschen verbindet' (Welker 1986b:40).

The cultic code

For Welker, the cultic code of the law is a critical framework that has to do with the cult, that is, the regulated, public and relatively *accessible* relation to and with God (Welker 2011:575, 2013b:206).

He refers, for example, to the Book of the Covenant, *inter alia*, to the prohibition of images: 'Do not make any gods to be alongside me; do not make for yourselves gods'.¹¹ These laws, according to him, precisely do not refer to the inaccessibility of God, to transcendence, but, to immanence, the relatively accessible relation with God. These laws, in fact, regulate the way *God* wants to be accessible (Welker 1986a:245). God wants to relate with human beings, and they shall relate to and with God.

This relation becomes relatively accessible through regulations that have to do with the cult, the public, 'wherever I let my name be named'.¹² For Welker, these regulations relate, on the one hand, a level of abstraction and objectification – 'I let my name be named' – and, on the other hand, a level of particularity – 'wherever'. These codes are therefore characterised by a tension that allows for the cultivation of the above-mentioned legal codes.

The cultic code, however, not only has to do with a critical framework. Also this code has to do with the securing of expectations. 'Wherever I let my name be named *I will come to you and bless you*'. For Welker, this blessing has to do with the mentioned *life-furthering* securing of expectations.

What, in this light, is the relation between this law and the Spirit?

The Spirit and biblical law

The biblical traditions' reference to the Spirit as the Spirit of *Gerechtigkeit* brings clarity to the work of the Spirit (see also Van der Westhuizen 2016:474; Welker 2008). The traditions referring to the Spirit of *Gerechtigkeit*, in fact, work against the lack of clarity of the earlier traditions (Welker 1994a:21, 1994b:108; in this regard, see also Welker 2017c:15).

Welker explores this relation with reference to the so-called 'messianic' traditions.¹³ These traditions refer to the Spirit remaining on a human being. The result of this remaining of the Spirit is the establishing of *Recht*, mercy and knowledge of God (Welker 1994b:110). These traditions do not refer only to the establishing of *Recht*, or to the establishing of mercy, or knowledge of God, but to the definite interconnection of these functional elements of the law:

11. Exodus 20:22ff.

12. Exodus 20:24.

13. Isaiah 11:1ff., Isaiah 42:1ff., Isaiah 61:1ff.

Gerechtigkeit im Sinne von Recht und Erbarmen und Gotteserkenntnis wird nur erlangt, wenn alle drei Elemente des Gesetzes in strengen Wechselzusammenhängen stehen. (Welker 1992b:113)

The *Gerechtigkeit* of the Spirit is established through the interconnection of *Recht* and mercy (Welker 1996b:58). *Gerechtigkeit*, in this sense, differs from the establishment of what human beings would regard as *Recht* (Welker 1990:129). It is not mercy at the expense of *Recht*, and it is not about the establishing of exceptions without regard for *Recht* (Welker 1997a:391, 1994b:112). Towards those who are trapped in unequal relations *Gerechtigkeit* is truly established (Welker 2002c:33). The interconnectedness of the law therefore highlights that *Recht* without the routinised turning towards those in unequal relations, that *Recht* without the routine participation of those in relations of inequality, is not to be described as *Gerechtigkeit* (Welker 1991b; in this regard, see also Weth 2007), 'wo das Erbarmen fehlt, verkommen auch die anderen Elemente des Gesetzes' (Welker 1992b:111).

Welker, in this sense, describes mercy as a *Seismograph* that discloses true *Gerechtigkeit* (Welker 1998a:33). The Spirit, securing these interconnections (Welker 1992a), continually refines the law in relation to mercy (Welker 2013b:212) in the sense that a law that is *offen und empfindlich* is developed, a law that many ways leads constantly, *inter alia*, to dynamic *self-critique*:

Eine auf das Erbarmen verpflichtete Gemeinschaft wird also auf beständige Selbstveränderung und Selbsterneuerung, auf selbstkritisches Umdenken und Umorientierung festgelegt. (Welker 1992b:119)

This *Gerechtigkeit*, however, is also related to knowledge of God. Without the interconnected establishing of *Recht* and mercy, a regulated public relation with God is not conceivable (Welker 1990:130). For Welker, the knowledge of God cannot be established to the effect of *Recht* and mercy. In the same way, *Recht* and mercy cannot be established to the effect of the knowledge of God. It is only in this interconnection of the law that the Spirit secures, in some way, the misuse, *inter alia*, of the knowledge of God (Welker 2002a):

Wer zuerst Gotteserkenntnis aufrichten will, um in deren Folge irgendwie Recht und Erbarmen zu erwirken, hat vom Gesetz Gottes ebensowenig etwas verstanden wie derjenige Mensch, der in abstrakter Weise Recht und Erbarmen üben will, um aufgrund eines guten Sozialzustandes irgendwie Gotteserkenntnis zu erlangen oder herbeizuführen. (Welker 1992b:113)

For Welker, *Gerechtigkeit*, understood as the interconnection of *Recht*, mercy and knowledge of God, is to be conceived as universal – it is not confined to a people. The result of the Spirit's remaining on a human being is the *fulfilment of this law*, of this interconnected *Recht*, mercy and knowledge of God, *universally* (Welker 1994b:110; cf. also Békefy 1997).

To make sense of the universal fulfilment of the law, Welker refers to the pouring of the Spirit, which is not to be reduced

to a pouring of the Spirit merely on *a* people (Van der Westhuizen 2016; cf. also Welker 1989a, 1993b, 1995a, 2002b, 2006a, 2006b). The *Gerechtigkeit* that is universally fulfilled through the Spirit is directed towards all people, the life relations of all people (Welker 1994b:118). They, as a people, thus become a reflection of God's *Gerechtigkeit*, of *Recht*, mercy and knowledge of God for the people (cf. in this regard also Welker 1995c) (Welker 1990:132). In this sense, they directly have a part in the *Gerechtigkeit* that is being fulfilled through the Spirit. In fact, if this *Gerechtigkeit* relates only to a people, if it is not directed towards *all* people, Welker underlines, then it is not the law fulfilled through the Spirit:

Damit ist festgehalten, daß eine Aufrichtung von Recht, Erbarmen und Gotteserkenntnis in Israel, die von der Erfüllung der Gerechtigkeitsforderungen und der Suche nach Gotteserkenntnis unter den Heiden absähe, die die Heiden *nicht barmherzig einschliesse und ihnen kein Heil vermittelte, sich nicht auf die messianischen Verheißungen berufen könnte.* (Welker 1992b:118, emphasis mine)

It is in light hereof that Welker's conception of the misuse of the law becomes clear. He therefore refers not merely to the Spirit's fulfilling of the law, but the fulfilling of the *intentions* of the law universally. The law is misused precisely by relating *Gerechtigkeit* merely to *a* people. For him, it is also precisely the weightier matters of the law that can be misused (Welker 2013b:206). This is the case when *Recht* becomes *my Recht*, when mercy becomes *my* mercy, and *my* knowledge of God is not differentiated from knowledge of God.

Welker examines this in reference to laws in Deuteronomy that, *inter alia*, refer to the influx of foreigners and the implications thereof for a people. The interaction with foreigners explains why a radically new framework is imposed on the law, *distinguishing* them and what is theirs from what is foreign.

In contrast to laws referring to a relation with God '*wherever I let my name be named*', these laws, or the framework imposed on them, regulate relations with God through a cultic location, *there* where I let my name be named.¹⁴ There, God and these people are bound by law.

In addition, God is in a way levelled with these people in terms of these laws. If the people do this, God will bless, and if people lawfully do that, God will curse.¹⁵ The blessing and cursing depends on whatever these *people* do or do not do. All this with the expectation that God will place them above those foreign to them.

This boundedness to wanting to be blessed and not wanting to be cursed replaces the law that is in itself the blessing of life-furthering security of expectations (Welker 2013b:219). It reduces the law to what people do or do not do with the expectation of blessing or cursing on them and those foreign to them.

14. For example, Deuteronomy 12, 13.

15. Deuteronomy 26:16–19.

This conception of the law, which is problematised already *in* Deuteronomy, deceptively conceals the ways in which the law can be misused, and it disregards the importance of a pertinent *critique* of the law, argues Welker.

Conclusion

What then are the implications of Welker's conceptualisation of a theology of law for a theology of the Spirit?

The first implication is already clear. His theology of the law contributes to a differentiation of his theology of the Spirit of God. This, of course, is not only the case for his theology of the Spirit. Framed by his theology of the Spirit, Welker's theology of law indeed deepens his conceptualisation of the conceptualisation of God (Welker 1995d, 2012). Although *Gerechtigkeit* is not the only characterising feature of God, he argues, it is one of the central features characterising God (Welker 2017b:180).

It is precisely his theology of law that takes Welker's theology of the Spirit into the public, which, for him, is pluralistic. The Spirit, in fact, cultivates what he refers to as a pluralism of the Spirit, a pluralism that works against the misuse of the law, for example, in *morality*.

In different ways, Welker has argued that a theology of the Spirit, characterised by the intentions of the interrelation of *Recht*, mercy and knowledge of God, allows for direction in the pluralistic public by taking theology *beyond morality*.

For Welker, morality has to do with a process. This process, which can continually be re-adjudicated, has to do with the bestowal and the withdrawal of recognition. People have an influence on one another inasmuch as they have expectations of one another. If these expectations are fulfilled, recognition is bestowed. If they are not fulfilled, recognition is withdrawn. It is on this basis that a *moral market* advances. The bestowal and the securing of the bestowal of recognition, the withdrawal and the insecurity of this withdrawal of recognition accompanies this market, where any theme can be *moralised*. In this way, he argues, the market is *powerful* (Welker 1995b).

For Welker, the main problem of morality, which is of utmost importance, is that it cannot be unambiguously defined, that is, it is defined in arbitrary ways. The power of the moral market is therefore utterly problematic. This is the case as the plural public is constituted polycentrally, which means it does not have a centre that could be regulated by a moral code. In fact, there are different moralities that cannot necessarily be communicated from one public to the next.

In comparison with the moral market, the interconnection of *Recht*, mercy and knowledge of God has the ability to, in an unambiguous and non-arbitrary way, determine relations between human beings more realistically *within* this plurality. In this way, a theology of the Spirit extends beyond morality inasmuch as it, on the one hand, allows for

determinacy in the moral market and, on the other hand, moves beyond it (Welker 1992b:119).

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