

Religion
Past & Present

Encyclopedia of
Theology and Religion

EDITED BY

Hans Dieter Betz
Don S. Browning
Bernd Janowski
Eberhard Jüngel

VOLUME III

Chu - Deu



BRILL

LEIDEN • BOSTON

2007

Empire and later, with the reception of Roman law, in the entire West. By virtue of the teaching authority of the pope, its legal validity was also made the basis of the entirety of canon law in the church of → Innocent III and → Gregory IX, as the first part of the decretals (XI 1).

2. The Lutheran Reformation deliberately affirmed the legal validity of the old church confession in church and empire. The Augsburg Confession of 1530 aimed to show the truth and legality of Protestant doctrine in church and empire; this function as a document of state law essentially determined its themes, its argumentation, and its addressees. As the Protestant confession understood itself as the binding, pure testimony of the revelation of God in divine law and the gospel, and so also as the basis and limit of all human law, the reformed understanding of Holy Scripture led to the dropping of norms that were contrary to the confession and the issuing of norms that accorded with it, but in particular to the interpretation of the received juridical concepts and forms in accordance with the Protestant confession, even where the terminology and institutions of canonical law were outwardly maintained. The legal significance of the confession is evident only from the perspective of the Reformation doctrine of justification. The confession is primarily geared to the individual act of confessing, which can only, and should only, be effected spiritually in the actual context of the life of faith and continue to have effect spiritually and in freedom. The objectified confessional formulae are intended to serve the personal witness of faith as concentration on the heart of the Scripture in the saving act and lordship of Jesus Christ. In the 16th century they therefore aimed to gather christendom to unity in the confession of the truth; the demarcation against false teaching was not supposed to lead to the division of the universal church into denominational churches but to preserve its unity. The Protestant confession, from a Reformed point of view, was thus not seen as a "law" enforced by an act of state or ecclesiastical force, but claimed spiritual and legal obligatory force only insofar as and to the extent that (*quia et quatenus*) it testified to the truth of the divine revelation in the *magnus consensus patrum et fratrum*.

H. Gollwitzer, "Die Bedeutung des Bekenntnisses für die Kirche," in: H. Gollwitzer & H. Traub, eds., *Hören und Handeln*, FS Ernst Wolf, 1962, 153–190 • M. Heckel, "Konfession und Reichsverfassung," in: P. Prodi, ed., *Glaube und Eid*, Schriften des Historischen Kollegs 28, 1993, 69–96 • C. Heckel, *Die Kirchengemeinschaft in der Evangelischen Kirche in Deutschland*, 1995 • J. Mehlhausen, "Schrift und Bekenntnis," in: G. Rau, H.-R. Reuter & K. Schlaich, eds., *Das Recht der Kirche*, vol. I, 1997, 417–447.

Martin Heckel

VII. Judaism

1. Early Judaism. In early rabbinic literature, confession as an act is most often designated by the hitp. of the root *התב/יב* (*hitwaddeh*); the confession itself is indicated by the nominal form *יב/יד*/*widduy*. While the first

form is well attested in the HB and the Qumran texts (CD IX 13 [?]; XV 4; XX 28: 11QT XXVI 11), the second is first attested in the Mishnah (c. 200 CE). While the basic meaning of the word in the HB is "to explain, declare" (as in its rendering in the LXX by *ἐξαγορεύειν/exagoreúein* in Lev 5:5; 16:21; 26:40 and Num 5:7; cf. Philo *Somm.* II 296–299; *Praem.* 163), in early rabbinic literature it became the *terminus technicus* for the confession of sin. While in the HB and in the literature of the Second Temple, a confession, either individual or collective, was only required under certain circumstances in direct relation to the sacrificial offering and under the oversight of the priests, rabbinic Judaism after the destruction of the Second Temple expanded its usage in various directions. The confession, independent of the sacrifice, became an established religious duty for all kinds of sin, whether inside or outside the land of Israel, as an independent step in the more comprehensive process of penitence that leads to atonement (*Sifre Z.* on Num 5:5–7). The confession of sin is ritualized in synagogue worship, especially once a year in the rites of the Day of Atonement, but also during daily worship and on feast days. It is recited both by individuals for themselves and by the liturgist for the whole congregation. In rabbinic Judaism, however, neither priest nor other religious functionaries played the role of mediator in the confession of sin. Although extensive liturgical confessions were finally developed as part of synagogue worship (cf. *Lev. R.* 3.3; *y. Yoma* 8.7.45c), the confession of an individual could remain simple and formulaic at its core, in its briefest form: "Truly, we have sinned" (*b. Yoma* 87a). Where necessary, it could be non-verbal, "in the heart." Although the rabbis debate whether and under what circumstances a person, either privately or publicly, should name the sins that he or she confesses, rabbinic law requires no such specific listing of sins (*t. Yoma* 4.14; *b. Yoma* 86b; *b. Sota* 7b). More important is the intention that should accompany the simplest confession of sin, i.e. that the confession be preceded by a correction of the error committed and by reconciliation with the injured party, and be accompanied by the sincere obligation in the future to desist from further acts of the kind being confessed (*b. Ta'an.* 16a).

New in rabbinic Judaism is the requirement of a confession in the face of death, whether by natural causes or because of a judicial sentence, in order to attain ultimate atonement through death (*m. Sanh.* 6.2; *b. Šabb.* 32a).

Steven D. Fraade

2. Medieval and Modern Judaism. The confession (of sin) (*יב/יד/widduy*) first attained significance in Jewish law and ethics in the High Middle Ages. After Rav → Saadia Gaon, who mentioned the confession of sin as a component of penitence, M. → Maimonides was the first to incorporate the confession before God in a legal respect