

TRANSFORMATION: THE LEGISLATIVE MODEL STUDY 3: MAKING GOOD LAWS

Introduction

The first five books of the Old Testament containing the accounts of creation, the story of the patriarchs, the exodus, and the wanderings in the wilderness are called the law or Torah in Hebrew. This is because these books contain the instructions God gave to the Hebrews to make their society just and distinctive. The laws are found mostly in four sections.

- a) The Ten Commandments (Ex. 20:1-7, Deut. 5:6-22) give the basic requirements God sets for His people.
- b) The Book of the Covenant (Ex. 21-23) includes instructions about justice and compassion for the poor.
- c) The Levitical Law (Leviticus) mostly contains instructions for the priests.
- d) The Deuteronomic Law (Deut. 12-26) contains the preaching of Moses on how to live to please God and help each other.

Read the bible passages listed in (a) and (b) above and parts of (c) and (d) to discover what kind of laws were given by god. As you read, list the main topics covered.

The Setting for Biblical Law Giving

The heart of the Old Testament law is found in the Ten Commandments. This revelation was made to Moses after the movement out of Egypt and before the entry into the Promised Land. To understand the setting for this heart of the law it is important to note its connection with several events.

1) God's Covenant. The first reference to God's intent to rescue the Hebrews from Egypt notes that "God heard their groaning and he remembered his covenant with Abraham, with Isaac, and with Jacob" (Ex 2:24). The Biblical laws are not given arbitrarily by a demanding unfeeling God but are a result of His love and concern for His people. "So God looked on the Israelites and was concerned about them" (Ex. 2:25). God was true to His covenant promise. The laws He gave would define the obligations on the people's side and enable them to be faithful to Him and supportive of each other. The Deuteronomist reminds the Hebrew people that they are favored.

Write down Deuteronomy 4:8 (see also Deut. 7:7-9). In his introduction to the Ten Commandments Moses describes the law itself as part of God's covenant with His people.

2) The Exodus. In Egypt there were either two sets of laws, one for the Egyptians and one for the Hebrews, or, more likely, that law was simply not applied for the Hebrews' slaves. They had no rights but many obligations. The authority of the Egyptian overlords was absolute. In all societies there are laws relating to persons and laws relating to persons and laws relating to property. Where there is extreme oppression, people can be so devalued that they are less protected than property. God acted to rescue the Hebrews from such a situation, where their lives were considered so expendable, that they could be disposed of quickly at birth or lingeringly as their health and strength were sapped by endless labor and brutal beatings. The laws of God contrasted with the ethics of Egypt.

In your society who enjoys most of the protection and benefits of the law? Who enjoys the least? Why?

3) The Mountain. The setting for the call of Moses to return to Egypt to lead the people out of slavery and the revelation of the law to ensure a just society was the same: both occurred at Mount Horeb. The circumstances were also similar. On both occasions fire burned but failed to consume. Moses' attention was attracted by the bush that remained unharmed though flames engulfed it. Similarly when he ascended to receive the law, fire and cloud shrouded the mountain (see Deut. 4:32-40 and 5:23-27). The second similarly was that on Mount Horeb God spoke directly to His servant. This too was cause for amazement. On the first occasion Moses removed his shoes enabling his feet to touch the holy ground; on the second, his face glowed with the divine presence. There was no doubt in the people's minds about the origins of the laws. They saw the fire, heard the voice, and recognized that Moses had been with God.

4) The Promised Land. The law given in the wilderness looked forward to a time when the Israelites would be in a setting where they could be secure from exploitation and threat by others. At such a time the laws God gave them would help them not to harm each other but to create a strong, mutually supportive community. The next study looks at some of the socio-economic laws in detail. Here it should be noted that their purpose was to create and sustain a just society.

5) The Commitment. When the laws were first being given the people requested Moses to, "tell us whatever the Lord our God tells you. We will listen and obey" (Deut. 5:27). They echoed this promise many times: "We will do everything the Lord commands." But God says, "You rebelled against the command of the Lord your God. You did not trust Him or obey Him" (Deut. 23). The end of the Book of Judges comments, "Everyone did what was right in his own eyes" (21:25). In the wilderness and in the promised land the people fluctuated between the ideals of devotion to God and commitment to the community, and their individual selfish desires.

What historical circumstances helped shape the laws in your country? In what ways have religious beliefs influenced the law?

Types of Old Testament Laws

The Mosaic laws can be divided into four broad categories:

1. Spiritual laws.
2. Social laws.
3. Health Laws
4. Ceremonial Laws

1) Spiritual Laws. In the summary of the commandments the first instruction is to "Love the Lord your God with all your heart, with all your soul, and with all your strength" (Deut. 6:51). In the Ten Commandments of Exodus 20, the first four have this focus. As God is unchanging in His nature and because man faces the same temptations and problems the Hebrews faced, these laws are still relevant today. God still wants people to know Him and to do His will. The commands about personal relationships with God tell how this can be done. They state:

- a) God's supremacy - "No other gods before me."
- b) God's spirituality – No idolatry.
- c) God's authority – reverence for His name everywhere.
- d) God's pattern – Weekly rest and worship.

From God's side the following terms are used:

- 1. Chesed – steadfast love.
- 2. Rahmin – mercy.
- 3. Mishpat – justice.
- 4. Eminah – faithfulness.

How can people express each of these qualities?

2) Social Laws. These laws speak of how people should interact in society. "You shall love your neighbor as yourself" (Lev. 18:19). In the Ten Commandments the last six laws define what this meant. Again, these remain relevant because they deal with:

- e) Obligations to parents 0 honor father and mother
- f) Value of life – no murder.
- g) Sanctity of marriage – no adultery.
- h) Rights of private property – no stealing
- i) False testimony – no lying.
- j) Undisciplined desire – no coveting.

In the New Testament both categories of law are quoted together in Luke 10:25-37 where Jesus tells the story of the good Samaritan. In that story half of the basic laws about obligation to one's neighbor were broken.

Read the good Samaritan story and divide the actions into three categories: lawless, selfish, and caring.

3) Health Laws. The Bible also speaks of basic conditions of life in society. There are many laws regarding food to be eaten, clothing to be worn, cleanliness around their houses. The theme and purpose of these laws was to maintain the physical health of the community. Basic sanitation (Deut. 23:12-13) and control of the infectious diseases (Lev. 13-14) are commanded.

4) Ceremonial Laws. These related primarily to the priests and Levites but also guided the people about how they should worship God. God gave instructions for building and using the tabernacle, and later for the temple (ex. 35-40; 1 Kings 5-8; Ezek. 40-43). Of all the laws of the Old Testament these are the least applicable today because in His death on the cross, Jesus ended the sacrificial system. Ritual and ceremony however, always play an important part in significant community events. God was interested not just in correct procedures but in systems and signs, rituals and regulations which would reflect His awesome yet loving character and help His people approach and relate to Him in enriching ways so they might experience His forgiveness and guidance rather than His discipline and judgment.

Into which categories would you put each of the following laws:

- a) Instructions regarding the cleansing of lepers.
- b) Instructions for the high priest on the Day of Atonement.
- c) The rights of slaves.
- d) Prohibition of intermarriage with other nations because of their idolatry.
- e) Covering of all sacred objects before moving them.

- f) Instructions to free slaves every seven years.
- g) Laws about what to bring and how to present thank offerings.
- h) Prohibition of eating fish without fins and scales.

The Purpose of Old Testament Laws

Each of the types of laws – spiritual, social, health, and ceremonial – had a specific purpose. This section explores more fully the laws relating to relationships between people. Several purposes emerge for these laws about life in society.

1) To Restrain Evil and Protect the Innocent. The laws of Moses were quite clearly revolutionary in their time. Their wisdom and enduring value are proven by the fact that they are still the basis for legal systems and national constitutions. At the time they were promulgated they contrasted with the autocratic disregard for human life in Egypt where life was deliberately destroyed and with the rivalry of Canaan where petty kings were constantly at war and where the death of one of their people incited revenge against a whole community. In this setting “an eye for an eye and a tooth for a tooth” represented a significant limitation on the practice of personal revenge. The cities of refuge for innocent offenders (Deut. 4:41-43), strategically placed so that everyone had a chance of reaching safety, and the penalty for careless owners of a dangerous animal (Ex. 21:29-32) are merciful provisions for the safety of both individuals and the community.

For each of the Ten commandments where it says “Do not...” rewrite the command in a positive way.

2) To Create Good. While the Ten Commandments and the vast majority of Old Testament laws are stated in negative form as prohibitions, “Thou shalt nots,” some of the other commands are positive injunctions. For example, “You shall have just balances and weights” (Lev. 19:36); “You shall love the Lord your God with all your heart, and with all your soul, and with all your mind” (Deut. 6:5)

No one changed negative into positive as dramatically as Jesus. Seven times in the Sermon on the Mount He quotes the Old Testament prohibitions then pronounces, “But I say unto you...be reconciled to your brother...make friends with your accuser...treat women honorably...be faithful to your wives...speak simply and honestly...accept persecution...love your enemies” (Mt. 5:21-48)

The restraining of evil and protecting of the innocent is intended to allow good to flourish and triumph in the struggle with evil. Can good be commanded?

3) To Provide a Model. The monotheistic religions of Christianity and Islam have each spread not only a belief system but a behavior code. This code expressed in law becomes the model of what a society should be like. Revived Islam is currently very consciously promoting the integration of society through application of the Muslim *Shariah* or law. During the western colonial period Christian ideals spread throughout the world and became the basis for law in many countries. In this introduction to the constitution of a modern nation, underline II the sections which seem to be based on the Bible.

In Humble Submission to Almighty God who controls the destinies of people and nations, Who gathered our forebears together from many lands and gave them this their own, Who guided them from generation to generation, who has wondrously delivered them from the dangers that beset them, we declare that we:

Are conscious of our responsibility toward God and men, are convinced of the necessity of standing united and of pursuing the following national goals:

To uphold Christian values and civilized norms with recognition and protections of freedom of faith and worship.

To safeguard the integrity and freedom of our country.

To secure the maintenance of law and order.

To further the contentment and the spiritual and material welfare of all.

To respect and to protect the human dignity, life, liberty, and property of all in our midst.

Muslim Law and Social Structure

The law of Islam, the *Shariah*, claims to be a complete guide for the life of individuals and societies. In Iran and Pakistan in the last decade the practice of *Shariah* has replaced a more westernized and Christian legal system. In the Indian subcontinent there are approximately 260 million Muslims (120 Million in India, 85 million in Bangladesh, and 55 million in Pakistan). The study of Muslim law is therefore very important because it governs the lives of so many and because it claims to be a complete social system.

There are, however, several sources, versions, and categories of Muslim laws which contribute to the debate on the nature of Muslim *Shariah*.

a) Sources of authority of Islamic law:

1. *Koran* – Holy book
2. *Hadith* - Traditions
3. *Ijma* -Consensus
4. *Qias* – Analogies

b) Schools of Islamic law (*Madhabs*)

1. *Hanafi* – India, Pakistan
2. *Maliki* – North Africa
3. *Shafi* – East Africa/Indonesia
4. *Hanbali* – Saudi Arabia

c) Categories of law:

1. *Wajib* – Compulsory
2. *Mandub* – Recommended
3. *Mabah* – Optional
4. *Disaproved* – Disapproved
5. *Harum* – Forbidden

The *Shariah* is regarded as, "the revelation of God to man, to order his affairs, guide his life,

and give him an answer for every question of right and wrong" (Cooper, 1985, p. 111).

Interview some Muslim people and ask them how Islamic law shapes the life of their community. Record and discuss your findings.

Do you think the renewed emphasis in some countries on Muslim law is aiding social transformation? Why or why not?

The Law Applied

Leviticus 19 contains many specific laws. In it the Ten Commandments are repeated in a different form and the law is related to various groups in the community. Finally there is an important section on the law and the neighbors

1) The Ten Commandments

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| 1. No God but God (v. 31) | 2. No idols (v. 4, 26) |
| 3. No blasphemy (v. 12) | 4. Worship (v. 3, 32) |
| 5. Honor parents (v. 3) | 6. Value life (v. 16) |
| 7. Respect marriage (v. 20-22, 29) | 8. Protect property (v. 11) |
| 9. Truthfulness (v. 11) | 10. No coveting (v. 13) |

Read Leviticus chapter 19.

2) The Law and the Community. Seven target groups are mentioned in this chapter

Target Groups:

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| 1. Farmers (v. 9-10) | Commanded Actions |
| 2. Employers (v. 13) | Pay wages promptly |
| 3. The handicapped (v. 14) | Be shown respect |
| 4. Women (v. 20-22, 29) | Use honest scales |
| 5. The elderly (v. 32) | Share food with the poor |
| 6. Aliens (v. 34) | Be treated equally |
| 7. Traders (v. 35-36) | Not to be taken advantage of |
| | Be free from sexual exploitation |

Match these columns and check your answers by looking up the verses listed.

3) The Law and Neighbors. Leviticus 19 also contains the original declaration of the Golden Rule: "To love our neighbors as ourselves." This was well known by the expert in the law who came to Jesus and asked about neighborly duties (Luke 10:27). In Leviticus 19 the neighbor is protected in five ways. What are they? (see verses 13, 15-18). Compare your answers.

4) The Law Observed. 1 Samuel 12:3-5 is another part of what biblical scholars call the *Moral Apologia*. Briefly describe the sort of person Samuel was as recorded in this passage. Contrast him with his sons and with Saul (see 1 Sam. 8:3, 13:14).

Law and Social Transformation

Case Study 1. In the small peaceful Pacific country of New Zealand two events of international importance took place in 1984. In one, violence was employed to oppose peace. In the other, the law was invoked to avoid violence. The first incident was the blowing

up of the peace ship "Rainbow Warrior" by French government agents. One man was killed and the United Nations General Secretary later ordered eight million dollars damages to be paid. In the second incident New Zealand's national football team was prevented from visiting South Africa because two lawyers successfully argued in the court that a tour would not be in the game's best interest. The tour was canceled.

In the face of social injustice there are always several options for action. Violence is one, nonviolent resistance is another, and changing the law is a third option. India's Gandhi is famous for combining the latter two and has been copied by other social reformers throughout the world. For example, Shahrir, the nationalist who worked constantly against violence in Indonesia's struggle for independence said of Gandhi, "This man was so sure, so pure, and so joyful because he knew that his end was pure and that his methods were morally right" (Verkuyl & Nordholt, 1974, p 53).

Gandhi's strength was that he mobilized the people to keep the laws and practices that were just and to change those that were unjust. In doing this he reshaped history.

Case Study 2. Gandhi's most famous follower was Dr. Martin Luther King, a black Christian leader in America. In "Responsible Revolution" his method is described as follows:

1. Direct action to dramatize an unjust situation. The situation was first well analyzed. King never used hysterical, inflated images, he never stooped to slander. The procedure was always the same: careful researching of the situation then dramatic demonstration to awaken public conscience.
2. Direct action after talks break down. He followed this rule he set for himself: One goes into direct action after talk has gone on as long as possible. We seek to win our opponents to our cause. We do not seek to defeat them. If nothing is won at the conference table, we must first purify ourselves. We must begin to act only as we surely know that we love our enemies for Christ's sake.

King's method reveals an understanding of humanity, illumined by the cross of Christ. He did not live by extremes; to him the devils were not all on one side and the angels on the other. He knew the pride of the "haves" and he knew the rage of the oppressed; he knew the humanity they had in common, a humanity that could be recognized by both sides only as both passed through a valley of forgiveness, reconciliation, and renewal.

3. Acceptance of suffering. 'Love,' he said, 'will bring us to places where we will be denied. This will cause suffering. We know that to win a revolution we must often walk through streams of blood. We will see to it that the blood of others will never be shed by us.' He sometimes recalled 1 Peter 2:19-24: 'For it is a fine thing if man endure the pain of undeserved suffering because God is in his thoughts. What credit is there in fortitude when you have done wrong and are beaten for it? But when you have behaved well and suffer for it, your fortitude is a fine thing in the sight of God. To that you were called, because Christ suffered on your behalf, and thereby left you an example.' This is the love that conquers the world. And it must be said that the power of nonviolent resistance, reflecting suffering love, is stronger than the violence of the powerful.

4. Reconciliation as the purpose of action. The end of our action, King insisted, was reached only when the conflicting parties were wholly reconciled to each other. There could be no victors. There could only be reconciled men. So the example of kingdoms, and other more violent voices prevail, one thing remains certain: when we one day ask which method touched human conscience most deeply and which method gave strongest impulse towards conversion and renewal, we will not have long to wonder.

In the long run, the method of nonviolent resistance has the longest staying power and the deepest influence because in it the relationship between means and ends reflects the way God takes to His own future Kingdom. (Verkuyl & Nordholt, 1974, p 56-57)

The Law and the Poor

Dr. Michael de Bogaert, director of the Xavier Institute of Social Sciences in India asks the question, "Where do the poor stand in the matter of human rights?" His answer is "Nowhere!" The reasons he gives are:

1. Because the poor do not know their legal rights.
2. Because despite the ideal of democracy India is still a land of unequals.
3. Because the poor are fearful and subservient in the face of landowners and government officers.
4. Because they accept the benevolence of the government in the form of token scholarships, reservations, and uplift schemes.

"The poor," says Dr. de Bogaert, "need to organize to claim their rights."

(a) Discuss this analysis in your group, or (b) survey a group of the poor to check his conclusions, or (c) brainstorm about solutions to injustice for the poor.

Postscript

The Golden Rule: A Meditation

Hidden in the obscure pronouncements of the ancient biblical law (Lev. 19:18) and in the preamble to a story of Jesus (Luke 10:27) is the most profound social institution ever given. We call it the 'Golden Rule'. Wherever it is followed, its luminosity is seen across the world, and its impact on the individual conscience and social organizations reminds us that it might just be possible for fallen human beings to 'love our neighbors as ourselves.'

To love our neighbors as ourselves is to become color blind in a racist world. To seek enriching cross-cultural relationships. To build bridges of understanding with those outwardly different but inwardly identical to ourselves – black people, white people, and brown people who all laugh in joy and cry in pain, who hope and despair, who succeed and fail.

To love our neighbors as ourselves is to make sure the poor have a place to

stand. To accord all people an equal status regardless of their socio-economic circumstances. To walk for the uplifting of the oppressed so that they might experience the dignity of independence, the enrichment of education, the security of employment, the blessing of health, and the boon of a home.

To love our neighbor as ourselves is to be free from sexism. To acknowledge the differences between men and women and appreciate the wonder of complementarity. It is to offer and accept the unique perceptions each can bring to the other. It is to know both are formed in the image of God.

To love our neighbor as ourselves is to share our goods so the gap between the poor and the rich is not so large. To ensure that none are hungry while others are surfeited. None in a palace while others are shelterless. None at peace amidst victims of war. It is to go to the poor with an open hand and a generous heart. To sleep on the floor in their huts and welcome them as guests in our homes. To pay the wages they deserve and generate the employment they need.

To love our neighbor as ourselves is to love God as He must be loved. Selflessly, honestly, openly, it is to offer Him our heart and soul, our strength and mind that He might infuse them with His love and transform us into instruments in His plan to abolish the estrangements and hatreds, the hurts and the misunderstandings and make us all neighbors in the heavenly kingdom.

To love our neighbor as ourselves is to walk in the footsteps of the greatest lovers of all time, the selfless Jesus of Nazareth.
(Author Unknown)