



**Seton Hall University**

---

**From the Selected Works of Reverend Lawrence E. Frizzell, D.Phil.**

---

1986

# Law at the Service of Humankind

Reverend Lawrence E. Frizzell, D.Phil., *Seton Hall University*



This work is licensed under a [Creative Commons CC BY-NC-ND International License](https://creativecommons.org/licenses/by-nc-nd/4.0/).



---

Available at: [https://works.bepress.com/fatherlawrence\\_frizzellphil/5/](https://works.bepress.com/fatherlawrence_frizzellphil/5/)

[1986/3](#)>Lawrence Frizzell

# SIDIC Periodical XIX - 1986/3

## Law: A Way of Life (Pages 04 - 07)

[Other articles from this issue](#) | [Version in English](#) | [Version in French](#)

## Law at the Service of Humankind

### Lawrence Frizzell

#### I. Communities and Their Members

What is the place of legislation in the guidance of human society? In recent centuries, scholars in some disciplines (reacting against the Jewish and Christian heritage) have rejected the idea of an externally imposed law. The individual's growth to maturity is inhibited by the regulation of all aspects of life; when maturity is defined in terms of independence and autonomy, laws are seen as shackles that weigh down the human spirit. Such echoes of individualism have been heard widely. But western societies which extol such a view of maturity now face the situation of isolated individuals whose experience of illness, old age or other human limitations leads them to see every loss of independence as a defeat, a sign of failure. A model of interdependence of individuals within the family and larger communities is much more realistic and healthy for both the person and the community. If autonomy implies anonymity in the city or neighborhood and absence of intimate bonds that are rooted in mutual commitments, then the person is fleeing from the association of life and love with duty and responsibility. If a large number of people are motivated solely or in the majority of cases by self-interest alone, society at large will suffer. All decisions which involve collaboration with others must be based on a prudent trust that the people will be true to their word. What is the basis for this trust?(1)

#### II. Covenant In Hebrew Society

The foundations of each of the world's major cultures are invariably traced to the ancient past, the result of millennia of human thought and experience. The civilizations which grew out of interplay of the Bible and Greco-Roman philosophy and jurisprudence are indebted to many individuals and groups. The purpose of this study is to trace facets of the Hebrew and Jewish contribution to the structures that undergird most of the nations of today's world.(2) During a nomadic period in lands of harsh climates and limited agricultural possibilities, many people had a profound experience of the solidarity that is required to survive. Each person must learn to be responsible for others, sensitive to their needs. Active involvement in basic rights to food, water, shelter, etc. precludes hoarding and other manifestations of selfishness. There was no claim to being "self-made or self-sufficient, even though there were occasions when authority and influence could be abused. Ideally, leaders of the community would sense the ways in which life is enhanced for all by proper decisions (3). In many cultures the rulers were above the law; One of the great contributions by the Hebrews was legislation that became the basis for evaluating the activities of rulers and judges as well as guiding the life of ordinary citizens.

Laws can be ignored by those in authority, so a relatively independent form of leadership developed in the person of the prophet. When King David broke the commandments forbidding adultery and murder (2 Sam 11:1-27), the court prophet Nathan had the courage and pedagogical deftness to make David condemn his own actions (2 Sam 12:1-7).

Two human relationships offered analogies whereby the Hebrews could appreciate their association with God and the

divine authority over all creation and human society in particular. These are the political treaty and the marriage band.

In time of peace, societies in the ancient Near East defined their relations on the international level in terms of treaties and the responsibilities that flowed from such commitments. Such an agreement was usually imposed by an emperor upon the petty states which came under his control. I-fis self-description at the beginning of a treaty portrayed him as a benefactor whose gracious attitude would continue, but the treaty itself obliged only the vassal. Transgression of the stipulations laid upon the subordinate party was the reason for a court case and corrective punishment.(4)

A unilateral covenant is described in Genesis 15 where, contrary to human experience, the superior (God) binds himself irrevocably to the subordinate (Abraham and his descendants). Other experiences described in terms of covenant were bilateral, involving responsibilities on both sides. Thus, the book of Exodus depicts the Sinai Covenant as an exercise of divine creativity whereby a motley group of ex-slaves becomes a nation (goi, a people with a territory). A land is promised to them wherein they would be free, with freedom defined in the context of the service of God, who has called them to an exclusive relationship (Ex 19:4-6).

In Hebrew society the covenant community formed by God and the common goal of all its members is loyalty and service expressed by obedience to the commandments. Union with the divine will should bring wholeness, tranquillity and harmony to the community and eventually to all creation.

The most intimate human experience of mutual sharing and service is marriage and the family. The prophets Hosea (chapters 1-3), Jeremiah (3:1-5) and Ezekiel (16:1-63) look marriage and adultery as images to teach the unique nature of Israel's union with God and the grievous implications of failure to keep the commandments, especially to avoid idolatry. Again, the commitment involves serious obligations which are presented in the laws of society.

### **III - Relationships governed by the commandments**

The individual and the societies to which the person belongs (family, clan, city, nation) can survive only in relation to the rest of reality. The Hebrews believed that there are four points of focus in every life; the person and all communities touch God, neighbor, the self and nature, either to foster peace or discord.(5)

#### **a.) God**

The esteem for the human person evident throughout the Bible and other ancient Jewish literature is crystallized in the doctrinal insight that every human being is created in God's image and likeness. Male and female are equals and partners in their collaboration with God in procreation and in ordering creation towards perfection (Gen 1:26-28).

This understanding of the

human being lays a heavy moral responsibility on the individual. The moral life consists essentially in the imitation of God (Lev 19:2) and the divine attributes. (listed at length in the interpretation of the divine Name in Ex 34:6-7).

The challenge is to serve God with total dedication (Deut 6:4.6) and to imitate the divine concern for the poor, the widow, the orphan, the stranger, the sick and others who may be neglected or oppressed by the powerful in a given society.

Self-evaluation in the areas of morality and spirituality is difficult to achieve with honesty. The sabbath rest provides an opportunity for such a reflection to take place within the context of community prayer (Ex 20: 8-11; Deut 5:12-15). A regular rhythm of withdrawal from work allows people the time to focus on their use of time and talents in fulfilling the human vocation of reflecting the divine in the world. Moreover, the sabbath laws demand that slaves and beasts of burden be given rest as well.

#### **b) Neighbor**

Principles which advocate deeds of justice and peace govern the laws of the Bible relating to the social order. The Decalogue (Ex 20:1-17) moves from the commandments concerning the God to a series of concentric circles of human interchange. The centrality of the family is emphasized, first in the lifelong obligation of honoring one's parents and providing for them in time of need(6), and secondly in the prohibition of sexual relations that would interfere with one person's commitments to a third party. Parents are partners with God in sharing life and they are the first to present the divine image and likeness to their children. Therefore, the command is to honor them in this context, and not only to love them as one is obliged to love every neighbor. The commandment forbidding adultery not only protects the partners in the integrity of their relationship, but it also enables them to mirror God's fidelity to their children.

The basic rights to life, reputation and property are protected by other commandments of the Decalogue (Ex 20:13-17). Even the desire for persons or things belonging to another must be controlled. The simple apodictic form of these laws, enunciated without indication of a penalty, may derive from the admonitions of parents to their children.

When the clan develops into a nation at Mount Sinai, sanctions are attached to these and other commandments (Ex 21-23) and complex cases are presented in casuistic (case law) form. There are transgressions which may escape the attention of the community, so the people renewing the Covenant at the occasion of entering the promised land place themselves under a curse should they commit such crimes (Deut 27:15-26).

Sensitivity to the needs of others is understood as imitation of God; just as God is merciful to all his creatures, so should the Israelite be, even if the person is an enemy (Ex 23:4-5). The pursuit of peace in society is associated with the search for righteousness and right judgment in society. These activities constitute an imitation of the righteousness or integrity of God, who demands that goodness and honesty govern the legislative and judicial orders (Ex 23:1-3).

Even before the Sinai Covenant and its Torah (instruction in the form of commandments and personal ideals), Moses learned to delegate his authority as judge. First he taught the people the laws governing the new society; then he selected able, trustworthy and God-fearing men to judge the cases resulting from conflict within given segments of the community. He reserved the difficult cases for himself and thus set up a hierarchy of order within the judiciary (Ex 18:13-27). In ancient Israel each judge was admonished "You shall not pervert judgment... Righteousness, only righteousness shall you pursue..." (Deut 16:18-20).

"There shall be no poor among you" (Deut 15:4) is a basic principle of legislation for those inhabiting the Land of Israel, because this land is God's gift to the entire people. The rhythm of seven applied not only to the week with a day of rest for all, but also to the use of the land. Every seventh year the fields should rest in fallow, and everyone was to have equal access to the produce that sprang up voluntarily. Debts were to be remitted at this time as well, and Hebrew slaves were to be released (Deut 15:7-18). The Priestly Code took these laws a step further, instituting the jubilee year after seven sabbaticals. At this time, all alienated land was to be restored to its original owner (Lev 25:55).(7)

### c.) Self

Each person is expected to exercise a responsible concern for himself or herself. The Hebrew teachers rooted self-esteem in the realization that the human being is "little less than God, crowned with glory and honor" (Ps 8:6). Of course, this is not to be confused with the pride or self-centered attitude that would pit one person against others. Being in the image and likeness of God, each person recognizes an inherent dignity that overcomes despair or feelings of inadequacy. At the same time, the person realizes that this same image is mirrored in the face of every other human person.(8) "You shall not take vengeance or bear any grudge against the children of your own people, but you shall love your neighbor as yourself: I am the Lord" (Lev 19:18). Should anyone limit the term "neighbor" to one's fellow Israelite, the text goes on to include the resident alien. "When a stranger sojourns with you in your land, you shall do him no wrong you shall love him as yourself, for you were strangers in the land of Egypt" (Lev 19:33-34).

### d.) Nature

At a pre-urban stage of civilization, people show a deep sense of closeness to the earth and to all the forms of life which sustain them. Agricultural communities in the land of Canaan celebrated the end of each harvest with a thanksgiving festival. The Hebrew people recognized the dangers of idolatry in these feasts, so they imposed three great pilgrimage festivals on these harvest festivities (Deut 16:1-17). A portion of the earth's fruits were offered, but within the context of a commemoration of how God's hand had triumphed in their history. Legislation for these holy days includes a special concern for the poor and disadvantaged in society.

Israelites were commanded to care for their domestic animals with a mercy that reflected the Creator's goodness (Ex 20:10; 23:45; Deut 22:1-4). Even wild creatures are protected; to avoid the wanton destruction of life, one is forbidden to take both the mother bird and the eggs, or the mother and the chicks (Deut 22:67). In time of war, destruction of trees, especially fruit trees, is expressly forbidden (Deut 20:19-20).

The tradition recorded in the Bible recognizes that all creation is a gift of God, to be used for the enhancement of human but to be treated with utmost respect and to be shared with others, especially those who are unable to take proper care of themselves. "The central vision of world history in the Bible is that all of creation is one, every creature in community with every other creature."(9)

## IV. Application to the need of modern societies

The search for solutions to the world's social-political and ecological problems, especially for order in societies disrupted by terrorism and other aberrations in the name of "freedom", must begin with the recognition that there are legal and moral foundations that can be expressed in a language common to peoples who are interacting. Secondly, those who are striving to practise justice so that peace may be achieved, must acknowledge that there is much

wisdom to be distilled from the past. Investigation of ancient cultures will lead to the recovery of principles which can be part of the discussion that should be taking place between societies and ways of life. Some truths will be shared in common and, in other instances, the principles of a given heritage will resonate favorably with those who discover them for the first time, or see them in a new light.

In every modern society people should have a perspective or viewpoint whereby the intricacies of daily life can be evaluated from the outside. This can be achieved in the context of dialogue, because each partner is listening to the other express a vision of life and community, it can be discovered also when we enter the literature of an ancient civilization, stepping back into a world quite different from our own. Both Jews and Christians share the Hebrew Bible and accept it as God's Word; even though methods of interpretation differ, we can continue to learn from the way the other community experiences and lives this Word. Reflection on covenant and the four relationships governed by the commandments should be the basis for positive contributions toward a richer and more responsible social life within the communities to which we belong"(10).

\* Rev. Lawrence Frizzell, Ph.D. is a Priest of the Archdiocese of Edmonton, Canada. He is Associate Professor in the Dept. of Jewish-Christian Studies at Seton Hall University, South Orange, New Jersey, U.S.A. Fr. Frizzell is a member of the Board of Consultants to the SIDIC Center and a consultant to the Editorial Board of its Review.

1. Surveys with extensive bibliographies for the biblical tradition are offered by Jean-Marie Aubert, "Loi et Evangile", Dictionnaire de Spiritualité LXII (1976) col. 966-984, Klaus Koch and others, "Gesetz", Theologische Realenzyklopädie XIII (1984) pp. 40-147, S. Greengus, "Law in the OT", Interpreter's Dictionary of the Bible, Supplementary Volume (1976) pp. 532-537, H.H. Esser, "Law", New International Dictionary of New Testament Theology, volume 2, pp. 436-456. Articles on Greek, Roman, common and natural law in the Dictionary of the History of Ideas (volumes 2-3) review areas that are beyond the scope of this essay.

2. The following volumes include a study of the legal heritage: Israel Abrahams and others, *The Legacy of Israel* (Oxford: Clarendon, 1927); Moshe Davis (ed.), *Israel: Its Role in Civilization* (New York: Harper and Row, 1956); Louis Finkelstein (ed.), *The Jews: Their Role in Civilization* (New York: Schocken, 1971); Abraham Katsh, *The Biblical Heritage of American Democracy* (New York: Ktav, 1977); Cecil Roth, *The Jewish Contribution to Civilization* (London: East and West Library, 1956).

3 H.W. Robinson, *Corporate Personality in Ancient Israel* (Philadelphia: Fortress, 1980) and Aubrey R. Johnson, *The Vitality of the Individual in the Thought of Ancient Israel*. Cardiff University of Wales Press, 1964.

4 See Delbert R. Hillers, *Covenant: The History of a Biblical Idea* (Baltimore: Johns Hopkins, 1969); Dennis J. McCarthy, *Treaty and Covenant: A Study in Form in the Ancient Oriental Documents and in the Old Testament* (Rome: Pontifical Biblical Institute, 1978). On the covenant law-suit form, see Julien Harvey, *Le Plaidoyer prophétique contre Israël* (Brussels: Desclee, 1967).

5 See A. Einkel, "The meaning and practice of peace: a Biblical and Rabbinic perspective", *Exploring Peace and Justice. Religious Perspectives*, edited by L. Frizzell (Washington, D.C.: University Press of America) (forthcoming).

6. See A. Finkel, "Aging: The Jewish Perspective", *Spiritual Perspectives on Aging*, edited by F. Tiso (Lake Worth: Sunday Publications, 1982) pp. 111-134

7. See Robert North, *Sociology of the Biblical Jubilee* (Rome: Pontifical Biblical Institute, 1954).

8. A saying attributed to Hillel the elder (an order contemporary of Jesus) makes the point well: "H I am not for myself, who is for me? If I am only for myself what am I?" (Mishnah Aboth 1:14). Rabbi Akiba (died in 135 CE.) stated: "Beloved is the human person, for he was created in the image of God; still greater was the love which made this known to him" (Gen 9:6) (Aboth 1:15).

9. Walter Brueggemann, *Living Toward a Vision* (Philadelphia: United Church Press, 1982) p. 15. A scholarly approach to the Pentateuch (Torah) of the Hebrew Bible is offered by David Patrick Old Testament Law (Atlanta: John

Knox Press, 1985)

10. For Jewish and Christian contributions to this discussion see Ze'ev W. Falk, *Law and Religion: The Jewish Experience* (Jerusalem: Mesharim, 1981); Walter Harrelson, *The Ten Commandments and Human Rights* (Philadelphia: Fortress, 1980) and *Peace, Politics and the People God*, edited by Paul Peachey (Philadelphia: Fortress, 1986). For an approach that stresses the differences among the civilizations of the world, see A.J.M. Milne, *Human Rights and Human Diversity: An Essay in the Philosophy of Human Right*: (Albany: State University of New York Press, 1986).