

Politics and Christian Civilization

Judicial Precepts: Class Eight

In previous section looked at judicial precepts dealing with government and ordering of people in this section we will look at the remaining types of judicial precepts dealing with human relations, foreigners, and family life.

II PRECEPTS REGULATING RELATIONSHIPS BETWEEN/AMONG MEN

To establish and promote justice throughout Israel, the Hebrews set up judges in all the cities and towns and ordered them to judge justly even in cases involving strangers.

Each tribe had judges. Highest Court = Sanhedrin 72 Judges with a Chief Justice over them, who was originally Moses

Cities had courts and all villages over 120. Ultimate appeal = to High Priest.

Man could not be convicted except by oath of 2 or 3 witnesses. Should be cross examined separately to see if stories match, if reason to believe they were suspect did not have to listen. If found untruthful they were justly punished Deut 19:15-21

“A single witness shall not rise up against a man on account of any iniquity or any sin which he has committed; on the evidence of two or three witnesses a matter shall be confirmed. “If a malicious witness rises up against a man to accuse him of wrongdoing, then both the men who have the dispute shall stand before the LORD, before the priests and the judges who will be *in office* in those days. “The judges shall investigate thoroughly, and if the witness is a false witness *and* he has accused his brother falsely, then you shall do to him just as he had intended to do to his brother. Thus you shall purge the evil from among you. “The rest will hear and be afraid, and will never again do such an evil thing among you. “Thus you shall not show pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot. “

II PRECEPTS REGULATING RELATIONSHIPS BETWEEN/AMONG MEN

Regarding possessions, Aristotle said things possessed should be

- (1) **Private** but the use should be
- (2) **Partly common** and
- (3) **Partly granted to others** by will of the owner.

These 3 points were provided by Jewish Law: **PRIVATE OWNERSHIP**

- (1) **Possession were divided among individuals for *private ownership*.**
Num 33: 50-56

Then the LORD spoke to Moses in the plains of Moab by the Jordan *opposite* Jericho, saying, “Speak to the sons of Israel and say to them, ‘When you cross over the Jordan into the land of Canaan, then you shall drive out all the inhabitants of the land from before you, and destroy all their figured stones, and destroy all their molten images and demolish all their high places; and you shall take possession of the land and live in it, for I have given the land to you to possess it. **‘You shall inherit the land by lot according to your families; to the larger you shall give more inheritance, and to the smaller you shall give less inheritance. Wherever the lot falls to anyone, that shall be his. You shall inherit according to the tribes of your fathers.** ‘But if you do not drive out the inhabitants of the land from before you, then it shall come about that those whom you let remain of them *will become* as pricks in your eyes and as thorns in your sides, and they will trouble you in the land in which you live. ‘And as I plan to do to them, so I will do to you.’”

Many nations ruined on this point (Bolsheviks will use it to incite revolution) it is important that it is regulated correctly.

Therefore Jewish law provided a threefold remedy **regarding private possessions**:

1. Land should be divided justly: Num 33:54 To the more you shall give a larger part, and to the fewer, a lesser.” (What type of justice is this?) (“Give to equals....”)

II PRECEPTS REGULATING RELATIONSHIPS BETWEEN/AMONG MEN

(REGARDING PRIVATE POSSESSIONS CONTINUED)

2. **Could not be alienated forever**, after lapse of time should return to its owner.

Lands and houses could be transferred for a fee, hiring, selling and buying all regulated by law.

Could not be sold indiscriminately for might end up in hands of a few and cause grave social problems. Danger removed by allowing sale of possession only for a specific time at which it must return to owner.

Assured continuance of tribes

Example – Debt of 50,000: after 5 yrs 50,000 owed is generated from use of land. Can I justly continue to hold land? Will hurt family and future generations if land perpetually alienated. Land should be returned. Or it could be sold for 7 years use if needed money but must get it back.

3. **Dead should be succeeded by next of kin** in this order:

Son

Daughter

Brother

Father's Brother

Any next of Kin

Likewise, **an heiresses had to marry within their tribe** to keep property there avoid foreign ownership and control. If not an heiress, could marry from any tribe.

Could not burden a man to whom a loan was given by exacting usury or necessities of life in security. Millstone.

II PRECEPTS REGULATING RELATIONSHIPS BETWEEN/AMONG MEN

(REGARDING PRIVATE POSSESSIONS CONTINUED)

Could not enter another's house to get paid because house is a man's surest refuge and because law did not allow creditor to take whatever he wanted in security but rather permits debtor to give what he needs least.

Debts could not be collected on sabbatical or 7th year for fellow Jews (Why man asked Jesus who his neighbor was) and on 7 cycle of 7 years = **Great Jubilee** = **all debt forgiven and all slaves set free.**

Animals given on loan = **if perished through no neglect of borrower not bound to make restitution** = same would have happened to owner, but if deteriorated by neglect = liable. (Example – typewriter)

Workmen hired **must be paid at once** = were poor, but landlord could wait = did not need the money to survive as poor man does.

2. REGARDING COMMON POSSESSION/OWNERSHIP:

We looked at private possessions, now look at second type of property distribution, that which is held in common followed by property shared gratuitously (by will of owner).

Land held in common developed in modern social teachings which specify that private property to be legitimate, must serve a social function

If thou seest your brother's ass or sheep though shall bring it back to your brother: return it as if your own

II PRECEPTS REGULATING RELATIONSHIPS BETWEEN/AMONG MEN (REGARDING COMMON POSSESSION/OWNERSHIP CONTINUED)

All were allowed on entering friend's vineyard to eat the fruit thereof, but not to take any away. ([Dt. 23:24](#)):

"Going into thy neighbor's vineyard, thou mayest eat as many grapes as thou pleasest but may carry none out with thee."

With respect to poor = common= forgotten sheaves and bunches of grapes should be left for the poor. Could eat crops in neighbors field

Moreover whatever grew in 7th year OF ITS OWN POWER was common property.

3. VOLUNTARY TRANSFER OF GOODS BY OWNER TO PROMOTE SOLIDARITY WITH POOR = NOT JUST FOR CLERGY: private property can be given gratuitously= in other words, it gives everyone the chance to give voluntarily. If property not regulated all the good it is meant to do gets destroyed.

Gratuitous transfer = tithe of third day for Levite, fatherless, stranger, and widow to come and eat and be filled. **Deut 14:28 -29**

"At the **end of every third (and sixth) year** you shall bring out all the tithe of your produce in that year, and shall deposit *it* in your town. The Levite, because he has no portion or inheritance among you, and the alien, the orphan and the widow who are in your town, shall come and eat and be satisfied, in order that the LORD your God may bless you in all the work of your hand which you do.

He that loveth neighbor has fulfilled the law , all precepts of the law seem to aim at end of men loving each other.

A man will not easily give if he is not accustomed to permitting someone to take from him without any great injury. = Lawful for a man to enter another's field to eat but not carry away fruit. This strengthens friendship and accustoms men to share with each other.

II PRECEPTS REGULATING RELATIONSHIPS BETWEEN/AMONG MEN

REGARDING THEFT OF PROPERTY

Theft: Punishment = return twice the amount

If sheep = 4x

Cattle = 5x

Sheep cannot be easily safeguarded because they graze in fields

Cattle even more difficult to safeguard because kept in fields but not graze in flocks.

If animal found in thief's possession = repay 2x = presumption he was going to return it otherwise would have been sold, or used for sacrifice. Knew if did not have = 5x so if kept likely he was going to return it. This is also a good spiritual exercise inducing presumption of innocence and positive disposition towards neighbor as seen in Joseph and Mary.

Other interpretations:

5x cow = Because useful in five ways: sacrifice, plow, food, milk, hide

4x sheep = useful in four ways: sacrifice, food, milk, wool.

JUDICIAL PRECEPTS REGARDING PUNISHMENTS

According to Tully (Roman philosopher & statesman 43 BC) , there are only 8 possible types of punishment according: death, indemnification, retaliation, stripes, public humiliation, slavery, prison, and exile.

We will examine next class