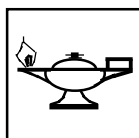


'thou' in the AV) because they were responsible for the members of their individual ecclesias. From this we must conclude that the angels were the Divinely appointed elders and leaders of those ecclesias, overseers responsible for the

spiritual wellbeing of the flock over whom they exercised authority. "Therefore take heed to yourselves and to all the flock, among which the Holy Spirit has made you overseers, to shepherd the church of God" (Acts 20:28).



## Encounter

Reprinted items from earlier issues, chosen by  
the Publishing Editor

# The Law given through Moses

## 3. The hard human heart\*

Islip Collyer

**W**HEN THE Lord Jesus declared that the Mosaic law of divorce was a concession to the hardness of the human heart (Mt. 19:8; Mk. 10:5), scribes and Pharisees were no doubt shocked and enraged. They could not make any reasonable complaint, or accuse the Master of repudiating Scripture, as Jesus, with his comprehensive grasp of Divine revelation, was able to refer them to that which was written in their Law. Whatever Jews or modern sceptics may make of it, there stands the remarkable fact that the Christian ideal of marriage, instead of being the result of a gradual evolution of advancing thought, was quite clearly stated at the beginning.

The lives of the patriarchs are in harmony with this fact. Abraham only took a concubine in advanced age at the suggestion of his wife and with the urgent desire to have a child in harmony with Divine promise. Isaac and Rebekah, although for a time menaced with the fear of childlessness, sustained the original ideal of a lifelong monogamy. Jacob, with less excuse, fell into the ways which were evidently becoming conventional among surrounding nations.

In patriarchal experience we never read of divorce. The banishment of Hagar cannot for a moment be regarded in this light, for that was a Divinely ordered ejection of the woman and her son, and it was "very grievous" to Abraham (Gen. 21:11).

With the advance of time, and especially when there was a weakening of religious thought, it is easy to see that there would be a drift away from

the original ideal. It is easy, too, to realise how easily the Chosen People would follow Gentile customs. With warfare taking a heavy toll of male life, and with its inevitable unsettling of family ties, such results as we have seen in our own time of war would naturally occur with the people of Israel: more hasty marriages and more discovery of complete incompatibility. The point of the Mosaic charge was that there must be no promiscuous playing 'fast and loose' in this vital matter. If a marriage was dissolved there must be a bill of divorcement.

NO doubt some Christians have felt perplexed in this matter. They have felt that if the Christian law was the one stated at the beginning—and this is a fact beyond dispute—it seems difficult to understand why a later law given by God should make any concession to man's hardness of heart. A little reflection will surely clear away all difficulty. This matter furnishes an excellent illustration of the distinctive and unusual blending of the ideal and the practical pointed out in the first article in this series, where we noted that the Law was designed, not only to present the will of God as to human conduct, but also to provide a workable legal code for the guidance of a nation.

In English law the two objects are in the main kept separate; in the Mosaic economy they were blended. In England the ideal is in Christian

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teaching, whilst the legal code, expressed in very different language, deals with practical affairs, and makes many concessions to the hardness of the human heart.

In attempting to understand an ancient law, it is necessary for us to bear in mind the difference between positives and negatives. When certain acts are strictly forbidden, it does not mean that any evil short of the prohibited thing is sanctioned. The strict legal line has to be drawn with some regard for the people for whom it is designed, or it could not be workable. The strict moral line admits of no compromise. The legal code with its negatives and incomplete prohibitions takes note of human frailty and the customs which are the outcome of that frailty. Thus while the moral law presents the ideal, the legal application of the principle allows for the hardness of the heart, and necessarily varies in different ages and in different lands.

THE matter may be rendered clearer by an illustration taken from the arena of controversy. In the year 1876 Mr Charles Bradlaugh, the most prominent atheist of his day, engaged in a public debate with a staunch defender of the Bible. In the course of questioning, Mr Bradlaugh asked his opponent whether it was right for a man to force a woman into sexual association with him, and then, tiring of her, cast her off. On the defender saying it certainly was not right, Mr Bradlaugh asked, "Did not Moses tell the Israelites they could so behave?", and he quoted Deuteronomy 21:10-14, the instruction regarding captives taken in war.

Mr Bradlaugh may not have been conscious of the unfairness in the way he presented this matter, so we will not judge him. It is to be feared, however, that in public debate the disputants of this world often care nothing if their argument is unfair, so long as it is effective in influencing an audience or in wasting the precious time of an opponent. In the debate we have called to mind, the defender denied that the interpretation of the law was fair, but he did not spare time for the effective answer that would have been so easy. Perhaps he—quite mistakenly—credited his audience with having sufficient intelligence to understand without the need for an explanation.

It is obvious to an attentive reader that the Mosaic regulation quoted was not a permission but a restriction. It would indeed seem in those days a very drastic restriction imposed on trium-

phant warriors, who would never have placed such restraints upon themselves. Defeated foes were often treated with great brutality, and a captive woman might be the victim of immediate outrage, even to the point of being cast off and sold almost before the battle was over. The Law, by imposing workable restrictions, turned the triumphant warriors into the guardians of their captives.

A man might take a woman captured from an enemy tribe to be his wife, but he must treat her with respect. She must be allowed a full month in which to mourn her lost father and mother. If later there came a time when the man wanted to put her away, he had no power to sell her—another prohibition which would have seemed drastic to the warriors of that age. If this Mosaic regulation were strictly obeyed there would be many women of alien race who would have good reason to be thankful for it.

IT would be easy to find analogous circumstances in our day in which, if a critic were sufficiently stupid or unfair, he might make British justice appear in an ugly light. He might quote the legal code and say that, according to the ideas of morality now prevailing in Britain, a man is at liberty to lead a dissolute life so long as he is prepared, if necessary, to pay a relatively small sum of money. All classes of people would protest against such an accusation. We do not sanction such evils, but strictly forbid and condemn them. If, however, in spite of prohibitions, such evils are perpetrated, the legal code has to decide what punishment shall be inflicted.

Perhaps an illustration from another subject may help towards an understanding of this problem. In these days, and in Western lands, there is a strongly engrained desire for personal liberty. A man claims the right to do as he will with his own possessions. There have been, however, some such disgraceful instances of men seeking to leave all their money to outside favourites, who have no moral claim on it, and to penalise those who should have been nearest and dearest to them, that the law steps in and imposes a restraint on this liberty.

This does not mean that anything the law does not actually prohibit is commended. Faithful servants, deserving relations, and friends who have helped a man in his time of trouble, may all be completely neglected in his will. The legal code does not judge a man for ingratitude or for failing to recognise the moral claims of relatives,

servants and friends. It only restricts his liberty to the extent of seeing that his obvious obligations are not neglected. Any claim beyond this has to be the subject of special and not very hopeful legislation. Our moral code would condemn heartlessness and ingratitude, but, in the practical application of law, hard hearts often prevail.

RETURNING for the moment to the rather unpleasant subject of the captive woman, we may press the argument a little further. It is a grievous fact that there should be warfare between nations, but there have been wars all through history and we still have them. It is sad that in time of war civilian captives are taken, but they cannot always escape from the approach of the enemy, and it may possibly be better to be captured than to be slain. It is sad that men should have evil passions which may be loosed from all restraint in time of battle, but it has always been so.

It is quite an English characteristic to ignore the evils and pretend that they do not exist. We may recognise that the brutal enemy, whoever he may chance to be, is guilty of outrageous crimes, but our men are different. The only modern prohibition regarding these matters has been based on political expediency, and with the effect of depriving enemy women even of such protection as soldiers might have given them. The real evil has been ignored.

The Mosaic Law faced facts and dealt with them. The passage which was the subject of Mr Bradlaugh's animadversion, while granting a right which victorious warriors had always claimed, imposed a restraint and an obligation which blended with the right, making the warriors the protectors of their captives, with strict rules as to how they should be treated. Not only was this an extraordinary advance on anything recognised by the nations at that time, but it compares very favourably indeed with modern practice.

THERE are other closely related matters in which the words of the Lord Jesus come to mind. The regulation of polygamy is one of them, the regulation of bond-service is another. British moralists may be self-deceived, but there is a large element of hypocrisy in their attitude. They may condemn the regulated polygamy of the Mosaic Law, and still more the legalised vice of modern Europe, but there is a social evil in England which

may be worse than either. We do not eliminate such evils by refusing to look at them. We only add hypocrisy to our other sins.

With regard to the other matter, the subject of bond-service, we should remember that this was an old-established custom in the world when the Law was given, and, in various forms, it has persisted through the ages. It has been connected with some horrible evils, in which the lust for gold has consumed all feelings of sympathy or pity. Unfortunately the abolition of slavery in the modern world did not effect a softening of heart or decrease the lust for gold. It freed the wealthy from a sense of responsibility and destroyed the personal touch between master and servant.

The development of big business and limited companies has carried the estrangement further. An individual master may have both soul and conscience, but a limited company has neither. Often an individual servant might love his master, as the Law distinctly recognised, but we can hardly imagine anyone loving a limited company. Many observers who, during the nineteenth century, had opportunity to see and make comparisons, declared that the Negro slaves in the southern states of America fared much better than the submerged tenth in industrialised England.

Carlyle was one who wrote to that effect. There were some bad masters in the southern states, as there were bad men everywhere, but there were many slave owners who felt a sense of responsibility, so that their bond-servants shared in their wealth in time of prosperity and were given some protection in times of dearth. Free workers, on the other hand, may only be free to starve. The development of industry in recent years has been so ill balanced that, in spite of an enormous increase in man's power over nature, poverty still abounds. At the present time the tendency is in the direction of a return to a form of bond-service, with the state as the owner and its minions as the irresponsible task masters. Government departments and committees may exercise a tyranny worse than that of ancient kings and slave owners, but quite unheeded by those who do not happen to suffer.

The Law of Moses did not attempt to abolish bond-service, but it established rules to guide the practice. We cannot reasonably doubt that, in the circumstances that then prevailed, this was by far the wiser and more merciful course. Often, even in the elaboration of the legal code,

there were reminders of moral obligations. Thus the Israelites were permitted to make bond-servants of strangers in their midst, but they were admonished to treat those strangers kindly, remembering their own experience in the land of Egypt (Ex. 22:21).

FINALLY under this heading, we may take note of two passages, one of which has probably been misread whilst the other has been ignored. In Exodus 21:20,21, there is a passage which has been taken to mean that if a master smote his servant and the blow proved fatal, no punishment would be inflicted on the hasty and ill-tempered master if the servant lingered a day or two before dying. It has been supposed that the reason for this leniency was that the violent master was sufficiently punished by the loss of his bond-servant—in effect the loss of money.

If that were indeed the meaning, it would seem strange that such a distinction should be drawn between the blow which caused immediate death and the one which proved fatal after a few days, for in either case the same loss would be sustained. There is reason for rejecting this interpretation altogether. An attentive reader will see a note in the margin of his Bible showing that the word here rendered 'punished' really means 'avenged'. A comparison of passages will confirm this, for the word is not rendered 'punished' in other places.

"If . . . he [the servant] die . . . he shall be surely avenged. Notwithstanding, if he continue a day or two, he shall not be avenged". It will be observed that the grammar of the passage seems to demand this meaning. It was the servant, not the master, who was to be avenged or not avenged. Perhaps this would be one of those matters left for the appointed judges to exercise just judgement (Deut. 16:18). If it were clear that there had been no intention to kill, the hasty act would be judged according to circumstances.

The passage which seems to have been ignored by most critics presents the severest possible condemnation of slave-making: "And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death" (Ex. 21:16). There were bond-servants even of Hebrew birth, but they were not enforced into that position and they were not slaves in the modern sense of the term. They were more like the apprentices of former times, bound for a time, but willingly submitting for the sake of the protection and the training assured them.

It becomes clear to an attentive student of the Law that most of the instructions given were elaborations of the law of love, and that, when concessions were made to the hardness of the human heart, the object was to make the code workable in the days when the Law was given and in the nation for which it was designed.

(To be continued)

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