

The right to be human in the Old Testament: a study in Isaiah 5

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Introduction: the right to be human and human rights

IT IS ESPECIALLY important to address the issue of human rights in the context of Western academic discussion of the end of modernity. The collapse of enlightenment rationality and thus many accepted arguments for objectivity particularly put at risk claims to there being objective and mandatory rights for human beings.

Human rights are rooted in a vision, a concept and a notion of what it is to be human. Being human cannot be reduced to or defined only in terms of human rights. Being human embraces more than legal codes of rights.

Human rights are not sufficient to ensure the right to be human

Human rights may be set down in legal codes, but people always have a tendency to bypass them for ends which ultimately destroy human rights. Many historical illustrations come to mind where liberty has imprisoned equality and murdered fraternity. Yet the vision of the human must be protected in clearly defined rights. These must be set down in law. I wish to explore three theses in this regard:

First, human rights are rooted in the larger right to be human.

Second, the right to be human must be enshrined in human rights.

Third, human rights are not sufficient to ensure the right to be human.

The Old Testament

The law of Moses

Human rights were clearly laid down in the law of Moses. Scholars tell us that this law code differed from other law codes of the time because it lay far greater emphasis on the value of human beings. From one per-

spective, the law of Moses was the law for the settlement of the land of Israel. It enshrined the principles of earlier nomadic patriarchal communities.

Nomadic communities: equality and classlessness

One of the very important principles of these nomadic communities was equality. There was no social differentiation in the community. The whole tribe were rich or poor together, depending primarily on the yield of the pasture land. Private property was never used to oppress a neighbour or as a means to come by more property. Instead property was used generously to entertain guests and help the poor.

Due to this attitude to and use of wealth, wealth could never create social classes. The whole clan could be rich today, and, due to poor pastures or raids by enemies, could be poor tomorrow. In these communities, equality was not abstract, it was closely related to the way the land and resources available were shared. This principle was preserved in the law of Moses.

First, land was divided up on the basis of the size and need of each tribe, not on the basis of power, achievement or reward for services in battle. It was divided into equal portions according to the number of families in a tribe and was distributed by lot. The division was decided by representatives of the tribes who took part in the discussions, not by the strongest tribe. The Mosaic law also made provision for the landless. The Levites could own no land as personal property, but were allotted cities and pasture land according to the size and territory of the tribe to which they belonged.

Once each family was assured in this way of its own inheritance, laws such as the Jubilee law were designed to prevent dispossession. This was because the land really belonged to Yahweh and so could never be alienated from those families to whom he gave it or from their descendants.

The concept that Yahweh was the true owner of the land goes back to the creation narrative, in which humanity is the image of God, called to exercise dominion over the

earth. In the Ancient Near East, the concept of image referred to the statue of God in the temple, or the king who imaged, represented, and stood in for the absentee invisible God. In Genesis, the writer is affirming that the representative of the invisible God on earth is not some stone, nor some important person, but every living man and woman together. They are to image God, to develop the earth in his stead and in accountability to him. They are appointed as God's managers on earth – his image. The concept goes forward to underlie the parables of Jesus in which he speaks of disciples, the followers of the true human being, the true image of God, being stewards and tenants of property.

Not all the laws to prevent dispossession were fully observed. There is no evidence that the Jubilee law was actually observed in the historical period of Israel. But there is evidence that a basic equality prevailed in Israelite life, certainly up to the tenth century. By the eighth century there was a marked change. Rich houses were bigger and better built and in a different quarter from where the poor houses were huddled together. Thus we have the situation described in Isaiah's first woe or doom prophecy in 5:8: "You buy more houses and fields to add to those you already have. Soon there will be nowhere for anyone else to live, and you alone will live in the land."

In Genesis, the representative of God on earth is every living man and woman together

The monarchy period: social change

A major change came on Israelite society during the monarchy. This change can be traced to two particular influences.

1. The Canaanites

The first was that during the early monarchy the Israelites came into much closer contact with the Canaanites. They absorbed Canaanite cities into their state. They came into close contact with Canaanite methods of social organization and the understanding of land and resources that underlay it.

For the Canaanites land was a marketable commodity. Economic growth was the goal of their corporate activity. Through their fertility religions, the Canaanites sought to coax the fruits of the land to the maximum extent. The Israelites had no such fertility religions. They saw the land as a gift from God for whose use they were responsible and whose distribution was ordered by moral principles. God's blessing on the land depended on covenant faithfulness to God and justice among the people of God. Justice and humanity in the responsible use of the distribution of the land came before techniques to maximize profit.

Wealth tended to reinforce class divisions

Also in the Israelite model, the equality and rights of each family was closely linked with the equitable distribution of land. In the Canaanite model this was not so. Rather, wealthy land owners lived in the cities and had their estates worked by slaves or by paid farm labourers. Commerce in the cities led to increased wealth which provided the means to provide more land in the countryside and therefore wealth tended to reinforce class divisions.

2. The institution of the monarchy

The second factor that brought about the social change was the institution of the monarchy. The Old Testament was ambiguous about monarchy. The warnings about the lifestyle of the kings in 1 Samuel 8: 10-18 reflect contemporary Israelite models of kingship. We find that the goal of the kings in Israelite society was to maximize the economic affluence of their court and society. This was probably in response to Canaanite models of kingship and to the need to compete favourably with other kings and to prove their credentials. They put their duty to preserve their people from exploitation a long second to their concern to prove that their kingship would bring economic affluence. The trade-off for economic affluence was inequality and injustice. So we find the following processes in Israelite society:

First, to maintain his soldiers and his court, the king needed crown lands. Land

which was vacated by families did not revert to the clan for reallocation but fell to the crowns who handed them out to royal officials in return for service.

Secondly, we find no evidence that the Jubilee reallocation of land was ever practised. This would have been very much against the king's interest.

Thirdly, Canaanite fertility religions were introduced into the Jerusalem temple. Through alliances with local Canaanite rulers and other foreign rulers, foreign religions and deities were brought into the Jerusalem temple as a political move. This introduced a concept of God that was not rooted in justice and righteousness. It fundamentally altered the thrust of Israelite religion and worship by separating worship from the practice of justice and righteousness. For example, in Israelite worship, one-third of the offerings for thanksgiving for the fruits of the land were to be given to the poor and widows (Dt. 26: 12-13). Isaiah 1: 14-17 speak of Isaiah's concern that the worship of God should include justice for the oppressed, orphans and widows.

Fourth, the kings conscripted Israelite free peasants for labour. Israel had returned to Pharaoh's slavery.

All this was in sharp contrast to God's purpose that his people be free and live with a measure of equality, to be based on economic independence rooted in an equitable share of the nation's wealth, resources and land. Every family had significance and a stake in the community because they owned land, ownership protected in law. The duty of the kings was to protect the rights of those whose land rights were infringed. The continuance of this situation and the prosperity of the nation depended on faithfulness to the covenant, not on correct fertility rituals. The rights of the citizens were bound up with the land and were to be protected by the king. Genesis 1-3 established the link of humanity and land; people come from the dust. God gives them responsible dominion over the earth.

The wrongs Isaiah attacks assume the rights that the people had under the covenant

The kings undermined this interlocking edifice in society. Thus we come to the situation that Isaiah has to address in his doom prophecies in chapters 5 and 10. The wrongs

Isaiah attacks assume the rights that the people had under the covenant.

The covenant: the basis of Isaiah's appeal

The Seven Woes

Against great landlords and property owners (5:8-11)

Landowners were buying up land from the people, and thus removing from people the basis of their legal security and their right to belong. Therefore their harvests fail, not because of incorrect rituals, but because of unjust social relationships. The curses of the covenant in Deuteronomy 28 would come into effect. Isaiah affirms there is no blessing on ownership of resources that is not morally justified. The Lord of humanity and nature will see to that.

Against the nobility (5:11-17)

Instead of exercising responsibility on behalf of the whole nation and the common interest, the ruling class is only concerned with its own profit and pleasure. They begin drinking in the morning and continue well into the evening getting drunk.

Against the mockery of God's commands (5:18-19)

During economic prosperity, unbelief became widespread. People were indifferent to God's commands in their pursuit of extending personal power.

Against perversion of God's truth (5:20)

They call good evil, evil good and turn light into darkness and darkness into light.

Against the ruling class (5:21)

They were very self-confident, clever and played the system to their own advantage very well. They were getting the maximum rewards from their possessions.

Against impotent judges (5:22-24)

The very men who were appointed to maintain the law were affected by the corrupt spirit of the times. The people who were charged with administering the law were only concerned for their own profit and pleasure. Thus they became the tools of those who exercised power and authority and who handed them profits and pleasures on the condition that they turned a blind eye to the law. As a result the people who suffered were the poor, those whose land was removed without redress.

Against those who frame mischief by statute (10:1-2)

God's judgment rests on those who make laws to suit their own purposes. They promulgate laws that go against God's concerns in the covenant for the poor, or make government legislation which goes against the fundamental rights preserved in the constitution.

They create a legal basis for the abuses described in the previous six woes.

Human rights are rooted in the love of God for every human being

In all this Isaiah is attacking the undermining of human rights that are affirmed in the law of the land. He attacks business people who operate without conscience, rulers whose only goal is power and pleasure, and who have a cynical attitude to truth, morality and the rule of law. The basis of Isaiah's appeal is the God of the covenant. He does not appeal to a new law. He sings the song of God's vineyard (5:1-7), he refers to God's holiness and judgment (5:16) and refers to Israel rejecting what their God had taught them (5:24). He appealed to what Vinay Samuel has termed "the prophetic seed" within the law. The law contains its own correctives and emphases for righteousness and judgment. The prophets recovered these, brought them out and highlighted them. It is not that we need a new revelation from God. We need to take the seed within the law and bring it to full flowering in those areas where it has been forgotten and neglected.

The covenant: the right to be human

The covenant relationship affirms the right to be human, a right that affects the right relationship between God and people, people and each other, people and resources and people and nature. God gives attention to whatever aspect of being human is being denied and ignored in the interests of the ruling party. He calls on his servants to proclaim that aspect at a particular time.

The basis of the appeal was the covenant that God had made. Human rights are fundamentally rooted in the creative and redemptive love of God for every human being: in his grace that, despite all our demerits, he loves each one as one and no more than one. Because God loves each person as one, he requires similar respect to be given by each human to all other humans. Human rights are thus not rooted in some intrinsic value of human beings, for some human beings would be perceived to lack it; nor are they rooted in rationality or ability to communicate; nor in some contribution they have to make to others in a social contract, for again some would be perceived to be unable to make this contribution. In order to deny people human rights, it is first necessary to deny

them the right to be human. If being human depends on some intrinsic worth or extrinsic contribution then it is always possible to exclude some people.

Human rights, to be applicable to all humans and not at risk of being manipulated or denied in the name of some larger interest, must be founded in the transcendent unmerited love of God. Some (for instance Reinhold Niebuhr) have argued that love is in essence self-sacrificial and is in conflict with justice which seeks what is owed. Justice is indeed about what people are owed, and each one is owed the opportunity to belong, to "participate in society in a way that is compatible with human dignity" (Oxford Declaration on Christian Faith and Economics). But love is not fundamentally about self-sacrifice, though it may be properly expressed in self-sacrifice on many occasions. Love is about God's love and care, despite humanity's demerits, for each one, which therefore requires that each human count others worthy of the same respect.¹

Love, justice and human rights

Bestowed love

I want to contend that in Christian thought, the foundation of human rights is in the gracious and unmerited love of God. It is God's love that reveals what love should be like and what love should do (Rom. 5:8; 15:1-3; 1 John 4:9-12). God's love is revealed in scripture as a love that bestows value on people. It is spontaneous and unmotivated. Jesus showed this in seeking out the lost, the publicans and sinners. God's love is indifferent to value. Grace cannot be understood as long as notions of the particular worth of the human object are entertained. God's love creates value. What gives human beings value is precisely that God loves them. God's love initiates fellowship with God. On this view *agape* bestows worth. Any value human beings have is not their's intrinsically, but is bestowed by God. This is no creative fiction for a person's ultimate status does not depend on others acting as though they had this status, but is a status conferred by God.

Revealed love

This love is revealed. Human beings do not know it of themselves. Because our knowledge of good and evil is obscured by sin, any reasons for ascribing value to human beings will not meet with universal agreement. Therefore to speak of human worth always in relation to God will mean to restrict what is objectively valuable about our neighbour to what God has revealed in some distinctively authoritative act such as the life of Jesus. Native moral insight is too deeply flawed to avoid limiting the justifying rea-

sons for *agape*. Perhaps the most convincing case for equality is our solidarity in sin.

The less human equality is linked to observable human characteristics, as we suggest, and the less the religious state of affair about human beings is held to be demonstrable, the more any definite evaluation of the rights and worth of human beings appears to be like a bestowal. Because God bestow worth on people, we ought to bestow worth on each other. Equality and inequality seem so bound up together in human life that to give priority as the basis for human rights to what we all share seems unpersuasive. It is necessary to go beyond empirically observable characteristics to justify attaching equal worth to the well-being of each people. For many the case has to rest on a status for human beings decisively revealed in an event such as the life of Jesus.

We may share much in common with non-believers about human rights. But they will need radical adjustment in accord with the message of grace. So it is important to ground the value of the neighbour not in any immanent quality that he or she may possess but as a status conferred by God.

This revealed love of God entails equal regard for the neighbour. For this status of value before God is shared by all people in relation to each other. Therefore one person's well-being is as valuable as another's. If God bestows value on people, people ought to appraise each other as of equal value in the light of God's bestowal and not because of any supposed intrinsic worth. Thus if we love God, we are to love our neighbour as ourselves, because God loves both our neighbour and ourselves.

Equal regard: love and justice

If love is seen as fundamentally the bestowal of equal regard through grace, we have grounds for distinguishing between giving proper attention to people's needs and submitting to being exploited by them. For we may allow a distinction between what is good for someone and what they may happen to want. It may be that out of love for a person, one may only be able to seek his/her good by taking action against some particular weakness or wrongdoing. Otherwise the person is not being loved appropriately. If we have grounds for deciding what a person's good consists in we may distinguish between providing what they need and submitting to anything they want.

Finally, if the neighbour must be regarded as of equal value, so the person must him or herself value themselves in the same way. A proper sense of self-regard sometimes provides a good reason for distinguishing between giving proper attention to one's own needs, and submitting to being exploited.

If we understand love as equal regard rooted in grace, we may then suggest that love and justice are not in opposition. This has been suggested in some traditions of Christian thought which define love as self-sacrifice. On these grounds then, Christian love is thought to be an unhelpful principle for acting in the political and social realm. Rather, self-sacrifice may be an appropriate expression of love if it promotes the welfare of others, and genuinely expresses equal regard. Just to sacrifice oneself out of a desire to demonstrate how much one cares cannot be regarded as the essence of Christian love.

There have been discussions of justice in *Transformation*,² which suggest that to seek justice is to enable people to have their place in a society in a way that expresses human dignity. To act in love is to affirm the grounds for such justice, the unmerited grace of God, and to act in such a way that each person is accorded an equal opportunity to experience such justice: to belong.

Implications of the appeal to the covenant

First, God's character and righteousness is central. God came to his vineyard and expected to find justice and righteousness (5:7).

Second, the people's relationship with God is central. Israel is God's vineyard. God is not reducible to a principle of justice or to a legal code. The covenant relationship with a transcendent God of justice is necessary in order to call the nation back to justice. The prophets were not primarily concerned to remind people of legal precepts that were being overlooked. They stressed that people had a relationship with the God of justice and therefore if they are in that relationship they must live by justice.

Third, the fact that the appeal is made to the God of the covenant shows that mere reiteration of the law is not enough. Just to have laws on the statute book is not enough to secure the right to be human. The law is constantly circumvented by vested interests and can only be reestablished when people regain a relationship with the just and righteous lawgiver.

This relationship is not a relationship based on external allegiance only. In their prophecies of hope the prophets looked forward to the day when the law would be written on people's hearts, when the law would be within people, when they would love it and obey it from the heart. And yet the law is not something that is internal alone. Christian faith has tended to swing between external allegiance alone and internal rectitude alone. The prophets also look forward to a new earth, in which righteousness dwells, to a king who would judge the poor fairly and defend the rights of the helpless.

Isaiah called the community of God's people to express justice and to warn of judgment on injustice. The Christian church has a crucial role of warning of the results of injustice. When people gather together and exclude many people and deny them of their rights, this will only bring disaster on them in the long run. So a warning of judgment is necessary in order to bring people to repentance. It is said that the prophets made their prophecies in order that things should not happen, that the nation should repent.

The basis both for these calls for God's communities to express justice and to warn of judgement on injustice was the covenant relationship with the transcendent God who loves justice. The basis of our call and our practice of justice is our relationship with the transcendent God of the covenant who loves justice and calls us to justice.

Conclusion

The right to be human is therefore once again seen to be founded in a covenant, between God and humanity, in which God shows that he loves humanity before any merits and despite any demerits they may have. We have seen this in the covenant of creation, the covenant with Moses and the New Covenant in Jesus. ■

Notes

1. There is considerable literature on this. Prominent for the case being argued is Gene Outka, *Agape* (Yale University Press, 1972).
2. See the discussions on justice in *Transformation* by Wogaman (April 1990) and Beissner and Mott (*Transformation*, January 1993).