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# LAW AS MINISTRY: A PERSPECTIVE FROM THE JUDAEO- CHRISTIAN TRADITION

FRED M. ENMAN, S.J.\*

Many lawyers and law students who are active members of mainstream faith communities do not easily see a connection between their religious profession as “believers” and their secular profession as lawyers. Yet there is a strong and comprehensive tradition about justice in Judeo-Christian scripture that can permit any lawyer to see himself or herself as a person engaged in “ministry” in a very real sense. I would first like to offer a definition of ministry that would be acceptable to both Christian and Jewish faith communities. Secondly, I would like to develop a picture of law and prophecy that is rooted in the Judaeo-Christian scriptural tradition which can provide the context for understanding law as ministry in our society or any other society whose members include Christians and Jews. Finally, I would like to consider some basic courses that are offered in our law schools today in order to see how the ideas of law and prophecy can be applied to our contemporary lives.

When considering law as ministry it is helpful to begin with an understanding of ministry in general. I would like to offer this definition of ministry: any act which communicates the love of God to a human person. The love of the actor may also be included in the activity, but the key factor in making any activity ministry is that somehow the love of God is communicated in the action.

Law can be understood as ministry in the Judaeo-Christian tradition in light of the strong tradition of law and prophecy to be found in scripture. In examining this tradition, I would like to begin with a Christian starting point, and then move on to an approach that includes both a

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Christian and Jewish perspective. In the Gospel of Matthew, Jesus anticipates the objection of some of his opponents that he is a person interested in abolishing the Law and the Prophets. "Do not imagine that I have come to abolish the Law or the Prophets," Jesus says. "I tell you solemnly, till heaven and earth disappear, not one dot, not one little stroke, shall disappear from the Law until its purpose is achieved."<sup>1</sup> Jesus makes it clear that rather than being hostile to the Law and the Prophets, he is instead present to the community to fulfill the Law and the Prophets. It would be most appropriate and helpful, then, to consider certain aspects of the meaning of the Law and the Prophets. First, for a Christian, it helps to provide an understanding of what Jesus' ministry is all about. Second, for a Jew, it helps to recover both the Mosaic and Prophetic traditions which were fundamental to the religious life of the people of Israel.

What is this combination of Law and Prophets that Jesus is so concerned about and that Christians and Jews should be so concerned about? The law is concerned with those principles of human behavior that show a faithful response of the faith community to a God who rescued Israel from slavery when they were a poor and oppressed people in Egypt. The law codes to be found in the Books of Exodus and Deuteronomy show a special concern for the poor and the lowly, the widow, the orphan, and the stranger— for those who were the most vulnerable in society. As God showed special concern and favor to Israel when she was a poor and lowly slave people, the people of Israel promised God, through a Covenant, that they would treat one another with the same type of compassion and concern. The prophets are those inspired individuals who reminded Israel of the Covenant with Yahweh and called the community back to responsibility and accountability. As Israel matured and tended to forget the provisions of the Covenant concerning basic justice, prophets arose who reminded the people of their promise and challenged them to return to a life of justice.<sup>2</sup> By looking at one prophet, Amos by name, we can see the interplay between the law and prophetic activity, and also gain some insight into how the practice of law can be seen as ministry in a very basic and authentic sense.

Seven hundred years before the birth of Christ and the height of the Roman Empire, four hundred years before the writings of Plato and Aristotle and the heyday of the Greek city-states, and two hundred years before the writings of the Greek philosopher Heraclitus who is often touted as the first philosopher of natural law, a nation existed in the an-

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<sup>1</sup> See *Matt.* 5:17-18; see also *Luke* 16:17 (same point expressed herein).

<sup>2</sup> For a comprehensive development of the notions of law, covenant, and prophecy in the life of ancient Israel, see PAUL D. HANSON, *THE PEOPLE CALLED: THE GROWTH OF COMMUNITY IN THE BIBLE* (1986).

cient Near East that had a well developed tradition of justice and social ethics. This nation also found itself being challenged for failing to live up to its own "cherished" tradition. The nation was Israel. The challenger was the prophet Amos. And the time was 750 B.C.

If we take the exodus event as the birthing event of the Hebrew people, then Israel had a 500 year history behind it by the time Amos appeared as God's messenger. Amos issued a stinging indictment against the powerful people of Israel for their failure to observe the basic tenets of simple justice, a simple justice based upon a covenant which the people had entered into with their God Yahweh. What was Amos saying to the people of his time about the need to do justice? Does Amos have anything to say to those of us in the Twentieth century who are concerned about justice, either as lawyers or as citizens concerned about the health of our society?

I would like to share with you the insights of biblical scholars who maintain that for Amos the actual doing of justice was not only a critical dimension but was also an essential dimension of living a life faithful to God and to God's people. Amos' condemnation of the society of Israel was based on the failure of those who were in a position of power to provide justice in the marketplace and in social institutions, especially legal ones, to those who were poor and powerless. Given the nature of the indictment of Amos to a society that claimed to have values concerning human rights and justice, Amos can still speak loudly and clearly some 2,700 years later to people concerned about justice in their own community, be it local, national, or international in scope. By looking at some of the basic courses in a contemporary law school curriculum, we can gain at least a few insights of how Amos' call to justice can be played out in our own time and society.

Before examining some of the details of the prophecy of Amos, let us put the nation of Israel in some historical perspective. By the time the prophet Amos appeared on the scene in the eighth century B.C., the Hebrew people of Palestine were, at best, two people. The experiment with a unified monarchy that had begun in the tenth century B.C., under David and Solomon, failed shortly after the latter's death. The "nation" had reverted to its traditional configuration of a northern and southern grouping of tribes. The northern grouping of tribes favored the old system of tribal autonomy, and so a limited monarchy with kingship dependent upon the approval of tribal leaders and prophets developed there. This northern kingdom was known as the Kingdom of Israel. The southern grouping persevered in the Davidic experiment of a dynastic monarchy, and so a system marked by strong kingship and limited tribal authority developed there. The southern kingdom was known as the Kingdom of Judah. While these two nations differed dramatically in terms of their constitutions, they were remarkably the same in this sense: both suffered

a threat from within due to social injustice and oppression; both suffered a threat from without as a result of the growth of the Assyrian Empire to the east; and in both a prophet appeared to call the people to reform their lives and to promote justice in their societies. In the southern Kingdom of Judah it was Isaiah who prophesied, and in the northern Kingdom of Israel it was Amos, whose call to the people we shall now examine.

Amos begins his message with a series of indictments against Israel's neighbors for their sins against humankind: Damascus, Gaza, Tyre, Edom, the Ammonites, Moab, and the southern Kingdom of Judah. One may assume that these words were warmly received by an audience in Samaria, the capital city of Israel. But the words which followed were less than comforting, for Amos, the messenger of Yahweh, saved the most stinging indictment for Israel herself:

Thus says the Lord:  
 "For three transgressions of Israel, and for four,  
 I will not revoke the punishment;  
 because they sell the righteous for silver,  
 and the needy for a pair of shoes—  
 they that trample the head of the poor  
 into the dust of the earth,  
 and turn aside the way of the afflicted;  
 a man and his father go into the same maiden,  
 so that my holy name is profaned;  
 they lay themselves down beside every altar  
 upon garments taken in pledge;  
 and in the house of their God they drink  
 the wine of those who have been fined. . ."<sup>3</sup>

Let us consider the opening lines of the indictment: *they sell the righteous for silver, and the needy for a pair of shoes*. Earlier in this century, the biblical scholar Ernest Edghill indicated that there were at least two schools of thought concerning the social reality that underlies this indictment.<sup>4</sup> One possibility was that the judges in Israel had become so corrupt that they were deciding law cases against the poor not on merit but because they had been bribed by the rich. Even a small bribe was sufficient. In this context, *shoe* or *sandal* must be interpreted literally to mean a small bribe. Another possibility is that the same evil occurs, but the bribes are more significant, because the *sandal* signifies an exchange of property. For this interpretation, recourse is made to the Book of Ruth, which reads:

Now this was the custom in former times in Israel concerning redeeming

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<sup>3</sup> Amos 2:6-8.

<sup>4</sup> ERNEST ARTHUR EDGHILL, *THE BOOK OF AMOS* (Westminster Commentary series, 1914).

and exchanging:  
 to confirm a transaction,  
 and give it to the other,  
 the one drew off his sandal and this was the manner of attesting in Israel.<sup>5</sup>

A contemporary supporter of the first view is the Danish scholar Erling Hammershaimb who comments on the ethical responsibilities of the judges and their breach of duty:

The prophet begins his oracle against Israel by attacking them for their administration of Justice. It is the judge's duty to declare righteous the man who has right on his side, while the man who does not should be condemned. But Amos has to reproach the judges that their judgement has been sold for money, or for as little as a pair of sandals, so that their verdicts have gone against the innocent and poor, who did not have the means to bribe the judge.<sup>6</sup>

James Mays is a commentator on biblical literature who is sympathetic to the second interpretation. He develops it further in fact, by suggesting that the evil is compounded by considering that the judges have been corrupted in cases concerning the very liberty of the poor. Through a clever manipulation of the legal system, the rich were selling the poor into slavery.

People became slaves in the ancient Near East by capture in war, and by being bound over in legal process in lieu of debts. The definite article before 'money' indicates that a particular sum as debt is in mind. The parallel term to 'the money' in the second colon is 'a pair of sandals' . . . the phrase is probably an idiom for the legal transfer of land . . . Men were sold for either money or land. Amos' explicit accusation is that the *saddiq* are sold, the term designates an innocent person in a legal process, the man in the right whom the court should vindicate.<sup>7</sup>

All of the interpretations just mentioned have their own merit. It is not hard to imagine that throughout all of the cities and towns of Israel many forms of injustice were occurring and that both forms mentioned here existed. Whether the bribes were significant or trivial, whether the poor were losing their money, land or liberty, the practices complained of by Amos violated the heart of the covenant with Yahweh.

Two terms of that covenant which are especially relevant here can be found in the Book of Exodus and in Deuteronomy. In the first covenant with Israel, Yahweh had told his people:

You shall not pervert the justice due to your poor in his suit. Keep far from

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<sup>5</sup> *Ruth* 4:7.

<sup>6</sup> ERLING HAMMERSHAIMB, *THE BOOK OF AMOS, A COMMENTARY* 46 (John Sturdy trans., Schocken Books 1970).

<sup>7</sup> JAMES MAYS, *AMOS—A COMMENTARY* 45-46 (Old Testament Library series, 1969).

a false charge, and do not slay the innocent and righteous, for I will not acquit the wicked. And you shall take no bribe, for a bribe blinds the officials, and subverts the cause of those who are in the right.<sup>8</sup>

And in the reformulation of the Covenant, Yahweh imposes a similar obligation:

You shall not pervert justice; you shall not show partiality and you shall not take a bribe, for a bribe blinds the eyes of the wise and subverts the cause of the righteous. Justice, and only justice, you shall follow . . .<sup>9</sup>

Amos can only decry the perversion of justice in the nation of Israel. The very system which was instituted to procure justice for the poor and the needy had become a tool of oppression against them.

The initial indictment also includes an attack on the elite for using some of their ill-gotten gains, such as garments and wine, at religious services. Here the offending Israelites have added insult against Yahweh to the injury they have already inflicted against the poor. The rich are criticized because they have taken the garments of the poor in contravention of the law of Yahweh. In Israel, a borrower would give a garment to a lender as a symbol of the debt which was to be repaid. A poor man would possess only one cloak, and the law demanded that the lender return the garment by nightfall. In the Book of Exodus Yahweh says:

If you lend money to any of my people with you who is poor, you shall not be to him as a creditor, and you shall not exact interest from him. If ever you take your neighbor's garment in pledge, you shall restore it to him before the sun goes down; for that is his only covering, it is his mantle for his body; in what else shall he sleep? And if he cries to me I will hear, for I am compassionate.<sup>10</sup>

Similar language may be found in Deuteronomy. That a creditor should deprive the poor and offend Yahweh is harm enough. To lay the garment on an altar dedicated to Yahweh is scandal.<sup>11</sup>

Hammershaimb points out that the "wine" referred to here either means wine bought with money collected in fines from the poor, or wine that had been distrained on because the debtor did not have any money to pay. Fines paid to the state are not known in Israel; they are paid to the injured party.<sup>12</sup> In either case the wine is procured via the corrupt legal process already complained of. That this tainted wine should be drunk in the House of God adds to the injury.

The importance of social justice is nowhere more forcefully pro-

<sup>8</sup> *Ex.* 23:6-8.

<sup>9</sup> *Deut.* 16:19-20.

<sup>10</sup> *Ex.* 22:25-26.

<sup>11</sup> *Deut.* 24:11-13.

<sup>12</sup> HAMMERSHAIMB, *supra* note 6, at 50.

claimed in the Book of Amos, perhaps even in the whole Old Testament, than in Chapter Five. Here the prophet communicates the words of the Lord to the House of Israel concerning their injustice:

They hate him who reproves in the gate  
and they abhor him who speaks the truth.  
Therefore because you trample upon the poor  
and take from him exactions of wheat  
you have built houses of hewn stone, but you shall not  
dwell in them; you have planted pleasant vineyards,  
but you shall never drink their wine.  
For I know how many are your transgressions,  
and how great are you sins—  
you who afflict the righteous, who take a bribe,  
and turn aside the needy in the gate.  
Therefore he who is prudent will keep silent in such time;  
for it is an evil time.  
Seek good, and not evil, that you may live;  
and so the Lord, the God of Hosts, will be with you,  
as you have said,  
Hate evil and love good, and establish justice in the gate;  
it may be that the Lord, God of Hosts, will be gracious  
to the remnant of Joseph.<sup>13</sup>

The “gate” refers to a public square within the city walls just inside the entry-gate. It was at the gate that the elders met and decided law cases. Therefore, it was at the gate that justice was handed down—or denied and corrupted.<sup>14</sup> At the outset of this section Amos commiserates with those who disapprove of what happens at the gate. Those who object and speak the truth are hated by the powerful. Toward the end of the section Amos pleads with his audience to “Seek good, not evil” and to establish justice at the gate. For Amos, it is clear that an authentic belief in God and the promotion of justice in everyday matters are intimately related. William Harper has written on this point:

The standard of good and evil, in his mind, is conformity with Yahweh’s will . . . . In other words reverse the present condition of things; the reference is not to the restoration of true worship instead of calf worship, nor to the improvement of private morality, but to the execution of public justice.<sup>15</sup>

Given this intimate connection, afflicting the righteous, turning away the needy because they cannot pay for justice, and taking a bribe are all great

<sup>13</sup> Amos 5:10-15.

<sup>14</sup> BRUCE VAWTER, AMOS, HOSEA, MICAH 56 (Old Testament Library series, 1981).

<sup>15</sup> William Rainey Harper, *A Critical and Exegetical Commentary on Amos and Hosea*, in INT’L CRITICAL COMMENTARY 125 (1905).

sins—great transgressions of the law of God.

The intimate connection between authentic belief and justice is also commented upon by the eminent German biblical scholar Hans Walter Wolff. In his commentary on Amos, he develops the linkage between the concepts of justice and righteousness. Justice pertains to the overall goodness of the social order, and righteousness pertains to the actual behavior of the human participants in a society whose activities help to promote the desired social order. Wolff writes that in the mind of Amos:

[t]hose who violated "justice" and "righteousness" have led Israel on the road to death . . . by "justice" Amos means that order which establishes and preserves peace under the law; this order is realized in practice through the legal decisions made in the gate, where matters of local jurisdiction were settled. "Righteousness" designates behavior which is in keeping with this order, e.g., the willingness of one who himself is legally "in the right" to stand up in defense of another who . . . has been unjustly accused.<sup>16</sup>

The final section of Amos to be considered here is from Chapter Eight. It is especially revealing of the injustices complained of and of the system behind it. The text reads:

Hear this, you who trample upon the needy,  
and bring the poor of the land to an end, saying,  
"When will the new moon be over, that we may sell grain?  
And the Sabbath, that we may offer wheat for sale, that we may make the  
ephah small and the shekel great, and deal deceitfully with small balances,  
that we may buy the poor for silver,  
and the needy for a pair of sandals,  
and sell the refuse of the wheat?"<sup>17</sup>

The passage begins with a double indictment of the wealthy class. First, their lack of true religious spirit is exposed: they are in a hurry for the religious holiday to end so that they can conduct business. Second, the business they want to conduct is a deceitful and therefore immoral one. The ephah is a dry measure that could be used for measuring grain: the merchants cheat and make it smaller than it should be. The shekel is a weight that was used to measure the metal that was given in payment for grain: the merchants cheat once again and make it large so that their poor customers are overcharged.

These corrupt business practices are sins against the poor and a violation of the Covenant with God. The law of Yahweh on these two points is recorded at Deuteronomy:

You shall not have in your bag two kinds of weights,  
a large and a small.

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<sup>16</sup> HANS WALTER WOLFF, *JOEL AND AMOS* 245 (1977).

<sup>17</sup> *Amos* 8:4-6.

You shall not have in your house two kinds of measures,  
a large and a small.  
A full and just weight you shall have,  
a full and just measure you shall have;  
that your days may be prolonged in the land  
which the Lord your God gives you.  
For all who do such things, all who act dishonestly,  
are an abomination to the Lord your God.<sup>18</sup>

The language of Deuteronomy is strong and clear. That these offensive practices were actually being perpetrated seems likely from the archeological evidence. James May notes that, "In the excavations at Tirzah shops were found dating to the eighth century which had two sets of weights, one for buying and one for selling."<sup>19</sup>

The indictment by Amos was indeed a stinging one, for it went to the heart of the social organization of the Kingdom of Israel. Amos excoriated abuses of the judicial system that robbed the poor of their goods and their land, and that sometimes led to their enslavement. He condemned those engaged in corrupt business practices, especially those who profited from exploitation of the poor and ignorant. He praised those who were held in contempt for telling the truth at the gate. Even after the passage of 2,700 years, the message of Amos strikes a responsive chord in the hearts of those who are concerned about justice in the world today, either as active participants in the legal profession or as concerned citizens. Let us consider some of the applications of the message of Amos to law and society today by first looking at some substantive areas of law and then looking at some social concerns involving the practice of law.

Let us consider property law as the first substantive area of law. Property law involves the relationship between human beings and material goods, and as such can include land, rental property, and all moveable goods. Justice can be enhanced in this area when laws are developed that allow for access to material goods by everyone in a society so that everyone has the opportunity to participate in the system and acquire the goods necessary to sustain, preserve, and live life. Justice can be further enhanced when the laws make provision for balancing out the inequities that might exist between those with great amounts of material wealth and those with little. For example, in the area of landlord/tenant law, the power of a landlord to evict anyone he or she wants, even someone who complains about violations of a local housing code, is balanced out in many jurisdictions by provisions of law protecting tenants from retaliatory eviction in these situations. The call of Amos to justice can be heard in the area of property law.

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<sup>18</sup> Deut. 25:13-16.

<sup>19</sup> MAYS, *supra* note 7, at 144.

Contract law embraces the whole range of agreements that are possible between human beings, including agreements between merchants and between a merchant and a consumer. The Uniform Commercial Code or similar provisions have been adopted in almost every jurisdiction of the United States, and reflect decades, if not centuries, of experience with contract law and litigation. Justice in society can be promoted when the codal provisions are used honestly and fairly. Specific consumer law provisions can help ameliorate the problem of economic inequity that exists between big companies and private consumers. The call of Amos to justice can be heard in the area of contract law.

Constitutional law is concerned about the proper relationship among the legislative, executive, and judicial branches of government, and the right relationship between those who govern and the governed. That right relationship involves the concepts of due process and equal protection. Behind those concepts is a social reality that can be made more or less just according to the way those concepts are developed and used in real situations of conflict between or among human beings. As this area is intimately concerned with the structuring of society, the call of Amos can be heard here as well.

In the area of tax law important questions are posed and answered concerning who will bear the burden of paying for the cost of government. Legislators make real choices about tax rates and tax brackets and what income will be exempt from taxation and what income will not. In considering these choices, the call of Amos can be heard.

The law of corporations and securities regulations concerns the economic life and vitality of our country. As the recent disclosures from Wall Street concerning the insider trading scandals indicate, this area is one that is full of justice questions. Whose pension fund was robbed by the illegal activities? Whose life savings were diminished? Once again, the call of Amos can be heard.

Not only does Amos have something to say about these substantive areas of law, he also has something to say about the way the whole legal system operates. First, he tells us something about the people who are employed in it for a living—judges and lawyers and court clerks and the like. If the system has become corrupt on the inside, then the whole society is doomed. Judicial forums have the unique role of civilly settling disputes between citizens. When the parties to a lawsuit cannot expect a fair and impartial proceeding, then all hope for justice is lost. Those who work in the system must maintain the integrity of the system, or else they risk not only condemnation but social disaster.

Second, Amos tells us something about the people who seek to use the system. Amos issues a clear call for honesty and integrity here, too: those who seek to abuse the system through false claims and perjured testimony bring about injustice that affects the whole society.

Third, Amos tells us about access to the system of justice. In his world, the poor could not get justice because they could not economically afford it. The same situation prevails in our own country and in other places throughout the world. At a time in our history when the number of poor people has been on the rise, how are we to evaluate the ardent efforts of the executive branch and certain members of Congress to destroy the Legal Services Corporation, the federally funded agency that provides money to legal aid offices around the country. In most areas this is the only way that poor people can get any type of representation in disputes that they might have with landlords that violate housing codes, businesses that violate provisions of consumer regulations, or government bureaucrats who wrongfully deny food, housing, medical, or unemployment benefits. Indeed, the cry of Amos can be heard.

Amos is perhaps the most eloquent spokesperson for social justice to be found in the entire scripture of the Jewish and Christian traditions. His critique of the Northern Kingdom of Israel has passed the test of time and has been canonized in Judeo-Christian scripture. His observations on law, society, justice, and human behavior still ring true and still challenge us to responsible conduct today. Any of our efforts in the legal field that tend to establish and maintain laws that are in accord with the biblical understandings of fairness and concern for all people, especially those who are the most vulnerable in society, can be seen as ministry in a very authentic sense. It does not matter if we are judges, lawyers, courthouse clerks, support staff, plaintiffs or defendants, legislators or concerned citizens. What matters is how we execute public justice. In ancient times, Yahweh entrusted the people of Israel to carry out a public justice that was consistent with God's justice of concern and compassion. In our own time, God entrusts all of us, Christians and Jews alike, to do the same, and thereby be communicators of God's love for the world.

