

**THE LAWS AND
POLITY OF
THE JEWS**

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The laws and polity of the Jews by E. W. Edersheim

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E. W. EDERSHEIM

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BY

E. W. EDERSHEIM.



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INTRODUCTORY.

—♦—
"Sic in Sina lex divina
Reis est imposita,
Lex timoris non amoris
Puniens illicita.

* * * *

Nos distractos sub peccatis
Liberet lex caritatis,
Et perfectæ libertatis
Dignos reddat munere."

Apud DANIEL, Theol. Hymnol. v. 422.

ONE of the first needs of a nation, after emerging out of barbarism, or settling in some land, would be the enactment of a code of laws suitable to the character of the people and of the locality. These laws would be rarely unalterably fixed, but capable of being either modified or enlarged, according to what might be felt requisite, at that or at any later period, in the consolidation or extension of the state. And the memory of the Lawgiver would be cherished to all generations as the true founder of the nation, by reason of his having given it stability, and furnished that order without which its establishment would have been impossible.

In accordance with this is the early history of the Jews as a nation. For, when brought out from the bondage in which they had been held in Egypt, and when about to take rank as a nation in the land where they had formerly been but a family, they were furnished with a code of laws exactly suited to their own character, and to that of their country. Only, unlike the laws of other nations, the Pentateuch legislation was perfect and complete, neither to be added to, nor to be dimin-

ished.¹ Nor could it have been otherwise, since the laws had been given by that God Who changeth not.² Further, whereas in ancient heathen states the fundamental ideas of law and polity underwent not only modifications but entire changes, according to the various kinds of government introduced, the fundamental principles of the Jewish nation remained unchanged under judgeship, royalty, or republic, until the final dispersion of the nation. The reason for this immutability of the Jewish code of laws is most important, as it not only throws light on the events of Old Testament history, but also explains to us the real necessity and object of the nation itself, and gives dignity and value to laws in themselves often seemingly—but only seemingly—unmeaning. And this grand principle, for which Israel became a nation, and for violating which they suffered punishments which, viewed by themselves, might appear almost disproportionate to the offences committed, was the *Theocracy*, or royal rule by God Himself over the nation. This Theocracy was the rule of God to Israel in an especial sense, not only as typical of the time when the final establishment of God's Kingdom on earth would be an outward as well as an inward reality, but to teach men in those ages, as well as in our days, that there is a Power higher than themselves, that each wrong done will surely bring down its own punishment, that verily there is "a reward for the righteous; verily He is a God that judgeth in the earth."³

In a general sense, the whole world is a Theocracy, since God is truly its King, and nothing can take place on it without His direction and permission. But as applied to the history of Israel, the word must be taken in a particular sense. Not as though it were hereby implied that, while the Jewish nation existed, God left the rest of the world purposely in ignorance of Himself, or preserved His creation simply for the benefit of the Jews, as in later times the Rabbis held; but that He chose the people to keep alive the knowledge of Himself in the midst of universal idolatry. For this purpose it was that He made a

¹ Deut. xii. 32.

² Mal. iii. 6.

³ Psa. lviii. 11.

special revelation of Himself by giving them a code of laws, the very essence of which was His Kingship, and the only security from whose penalties, implicit obedience on their part to His rule.

Bearing this important principle in mind, we can understand how disobedience to God would bring down upon Israel such severe punishments as captivity in the case of the nation, or instant death in that of individuals. For, as has been well noted, disobedience was really high treason, since it was an offence against the covenanted King; while its most outrageous form, Idolatry, was a denial of His being the One True God, of His rights and rule, as well as, on the people's part, of their solemn engagements and responsibilities. More than this, God was not only their King in the generally accepted sense, but their Deliverer from Egypt, their Founder as a nation, and the real Possessor of their land. From Him each man held his property; and it was therefore inalienable, and must always revert to its original owner. This accounts for such provisions as tithes, offerings, and the Sabbatical and Jubilee years. Again, we find in this the reason for the absence of any kind of substantial reward for patriotic or virtuous deeds. Contrary to the custom of all heathen nations, who celebrated the return of their heroes with triumphs, games, crowns, or lands, the Jew was taught to expect no reward other than the good esteem of his fellow-countrymen. As a matter of fact, the only expressions of popular estimation for the great recorded in the Old Testament are lamentations for a leader or king, and in some cases a triumphal reception on the part of a band of women with songs and dancing. These expressions are, however, in no wise commanded or contemplated in the Pentateuch code—rather is the contrary commended. The object of this exclusion of individual exaltation undoubtedly was, not only to render more marked the contrast between the Jewish idea of a nation as a whole, and the heathen views current at that time, which regarded a people as an aggregation of units, but to vindicate the higher moral principle, that virtue and heroism are intended to be the ordinary, not the