Justice and Rights

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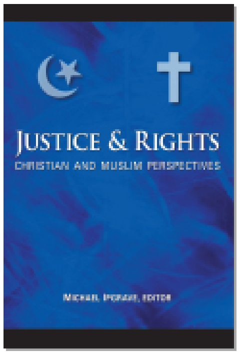

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Chapter 2

Biblical Perspectives on Divine Justice and Political Authority

Ellen F. Davis

"Justice" is one of the root concepts of scripture, and so, as with most root systems, it is complex and multibranched. Justice is first of all a defining characteristic of Israel's God, and further, it is a divine gift that enters into our world through the human agents of God. Further yet, justice is a divine demand—or turning that concept around, it is a discipline, one that every servant or child of God, and the people of God as a political body, are expected to take on and follow for a lifetime: "*Tsedeq tsedeq tirdof;* Justice, justice you shall pursue" (Deut. 16:20). Perhaps the single most memorable thumbnail sketch of divine justice comes from the poet-prophet Isaiah of Jerusalem. In "the vision of Isaiah," justice is what makes God conspicuous in the world (*Niqdash bitsedaqah*, Isa. 1:1): "Lofty is YHWH of Hosts in justice (*mishpat*), and the Holy God is manifested-as-holy in righteousness" (Isa. 5:16). In Isaiah's eyes, justice and righteousness constitute God's holiness; that is, they mark as utterly distinct from the ordinary this One whom Isaiah designates *Qedosh Yisra'el*, the Holy One of Israel. The antonym of *qadosh*, "holy," is *hol*, "profane," and it is noteworthy that the latter is not a negative term; it simply means "ordinary." God's incomparable holiness is then God's absolute extraordinariness. These lines from Isaiah appear in the context of an oracle of doom. In the condensed language of poetry, they point to the core problem of our existence: If righteousness and justice make God completely distinctive, the ordinary unholy state of our existence is unrighteousness, injustice. The central problematic of Isaiah's prophecy, and perhaps that of the Bible altogether, is how to reverse our "normal" condition of injustice. The Bible as a whole expresses Israel's and the church's centuries-long yearning for something hoped for, something glimpsed in a vision but not yet clearly seen: "new heavens and a new earth according to God's promise, where righteousness is at home" (2 Pet. 3:13; cf. Isa. 65:17).

Yet already with my translation of that verse from Isaiah I have oversimplified the biblical understanding of divine justice. *Yigbah YHWH Tsva'ot bammishpat,* "Lofty is YHWH of Hosts in justice." I might equally have rendered that, "Lofty is YHWH of Hosts in judgment." But that also is an undertranslation. The only accurate translation in English is too awkward to gain acceptance: "Lofty is YHWH of Hosts in justice/judgment"—for the Hebrew word *mishpat* is double-sided; it is translated sometimes as "justice," sometimes as "judgment." Both are correct, and the problem is that, in English, we must choose between them, thereby missing the essential relationship between the two. Most broadly speaking (taking into account the whole wide semantic range of the word *mishpat*), the term here designates God's signature style. *Mishpat* is God's modus operandi, the characteristic and recognizable way God works with and in the world, both in the present and also in that indefinite future moment to which so much of the poetry (especially) of the Bible is oriented, when God will "come to judge (*lishpot*) the earth. He will judge the world with righteousness (*tsedeq*) and the nations equitably (*bemêsharîm*)" (Ps. 98:9, cf. 96:13). As these few lines suggest, the two sides of *mishpat*, judgment and justice, are indivisible. When God does *mishpat* in the "judgment" sense—"when he comes to judge the earth"—God does it "with righteousness," *tsedeq*, the word that is so often paired with and inseparable from *mishpat* in the "justice" sense.

I stress the bivalence of the word *mishpat*, because it seems to me that this bit of Hebrew philology highlights by way of contrast the difficulty that many in my own North American church (at least) have in reckoning with the biblical concept of justice. Most of us view "judgment" and "justice" as two different, even incompatible, theological concepts. Each of us, depending on our theological orientation and ecclesial location, is likely to focus on one or the other of those concepts, but not both. Christians in the contemporary West tend to be oriented either to God's judgment and the end time, *or* they are oriented to social and political justice. Yet for the Isaiah tradition—a vast expanse of prophetic vision, with multiple contributors, stretching over two centuries—such a separation between judgment and justice is nonsensical. One might say that the Hebrew language requires that the two aspects of *mishpat* be held together, but equally the scope of the vision set forth here requires it.

It is especially apt for us, meeting in this city (Washington, D.C.), to begin with the vision of Isaiah of Jerusalem, because he was a highly political figure who (in the eighth century BCE) served as adviser to two kings. So-called First Isaiah is also perhaps the greatest poet of social justice in the Bible.[7] In a divine love poem, God offers heartsick witness to the ruinous injustice spreading through Israel like an invasive vine wrecking a vineyard that has been tended with exquisite care: "The vineyard of YHWH of Hosts is the house of Israel and the population of Judah.

He planted his delights and waited eagerly for *mishpat*—and look! *mispach*, bloodshed; for *tsedaqah*, righteousness—and look! *tsaʿaqah*, a wretched cry" (Isa. 5:7). Further, Isaiah is a political visionary in the fullest sense; his vision for the Davidic monarchy far transcends present experience and ordinary reality, yet does so without ceasing to be political: "For a child is born to us, a son is given to us; and the authority rests on his shoulder. They call his name 'Wondrous Counsellor,' 'Mighty God,' 'Father Forever'—denoting abundant authority and peace without end upon the throne of David and upon his kingdom, to establish it and to sustain it in justice and in righteousness, now and forever. The zeal of YHWH of Hosts will accomplish this" (Isa. 9:6–7). This superpolitical vision—a glimpse of the best that might yet be achieved in the political realm—serves a hortatory function. By showing human kingship conformed to divine sovereignty, it implies that any king who claims to be the anointed of God should be living in, or at least living toward, conformity to God's justice and righteousness. If this vision of an ideal kingship is *super*political, there may be also a *supra*political vision in the book of Isaiah as a whole, for it stretches our imagination to the end of the world as we know it. Indeed, from God's perspective, that end may not be far off, for the divine speech employs a grammatical form denoting imminence: "*Hinᵉnî*, look! I am about to create new heavens and a new earth" (Isa. 65:17)—a new reality "where righteousness is at home," as the Second Letter of Peter recapitulates that super- and suprapolitical vision given through Isaiah (2 Pet. 3:13).

I think it is fair to say that, along with the Psalms, the Isaiah tradition sets the terms for the wide range of biblical thinking about divine justice and political sovereignty. The biblical writers over centuries explore, on the one hand, the potential for justice's "homecoming," how it might enter into and operate within the human sphere. On the other hand, they relentlessly expose the lack of justice within Israel's political institutions and even most of its religious institutions. Interestingly, it is possible to trace a rough genre difference among the various biblical treatments of justice. It is primarily the poets—prophets and psalmists—who set forth hope-filled visions of justice residing in our world. The biblical poets are not naïvely optimistic; Isaiah and others often denounce the absence of justice. Nonetheless, the fullest exposé of unjust human political institutions occurs in narrative texts, and primarily in the long historical composition known as "the Deuteronomistic History."[8]

Poetic and narrative representations of Solomon's reign, popularly famed for its justice, illustrate something of the difference between the two genres of biblical literature—a difference that points to tension as well as complementary perspectives within biblical tradition. Psalm 72 is the great prayer for royal justice within the Bible. Significantly, it is the only Psalm whose superscription makes a specific association with Solomon. Here justice is conceived as divine gift: "O God, your *mishpat*—give it to the king, and your righteousness (*tsedaqah*) to the king's son, that he may judge your people with righteousness and your vulnerable ones with justice" (Ps. 72:1–2). Ideally speaking, the divine gift of justice enables the king to judge in a way that mimics God's own exercise of *mishpat*.

The narrative account of Solomon's reign gives a mixed report about the extent to which this prayer for Solomon was actually fulfilled. Most famously, the story of the two prostitutes fighting over the one surviving baby attests to Solomon's perspicacity (1 Kings 3:16–28). That story, which is the high-water mark of royal *mishpat*—judgment and justice—in biblical narrative, ends thus: "And all Israel heard of the *mishpat* that the king had accomplished-in-judgment (*shafat*), and they were in holy fear of the king, for they saw that the wisdom of God was within him, to do *mishpat*" (1 Kings 3:28). This instance of Solomon's good judgment occurs near the beginning of the account of his reign. Reading on, one encounters further references to his international reputation for wisdom, but the narrative reveals also deep, even fatal flaws in his exercise of justice (e.g., 1 Kings 5:14, 10:1–9). The outstanding instance of Solomon's injustice is the imposition of forced labor on his own people, resulting in such widespread misery that at his death a gathering of "the whole congregation of Israel" appeals thus to his son Rehoboam (1 Kings 5:13 [Hebrew 5:27]): "Your father made our yoke hard to bear—and you, now, lighten your father's labour-load and his heavy yoke that he set upon us, and we will serve you!" (1 Kings 12:4). Rehoboam tragically misses his opportunity for justice, and so the united kingdom of David and Solomon dissolves. Henceforth the history of the monarchy as recorded in the book of Kings is mostly a tour of the rogues' gallery, concluding with God's just judgment on the kingdoms of Israel and Judah: destruction of their elegant capital cities and exile of their peoples. The failure of royal *mishpat* (justice) makes it necessary for God to exercise *mishpat* (judgment) against the political-religious establishments of Israel and Judah.

The narrative tradition of the Bible in both testaments shows that the divine gift of justice is most often refused or perhaps not even recognized as a possibility by those who are meant to serve as God's representatives in the exercise of public responsibility. That point is perhaps most sharply made near the very end of the narrative tradition, in the book of Acts. The story of Paul's dealings with the Jewish and Roman authorities is the most fully articulated New Testament account of the operations of the political system. With respect to the question of divine justice, the crucial moment comes in Paul's interview with the Roman governor Felix. According to the evangelist and narrator Luke, Felix had an interest in religious matters; he "was rather well informed about the Way," as the new Christian faith was called (Acts 24:22). So when Paul was being kept in custody in Caesarea, Felix sent for him "and heard him speak concerning faith in Christ Jesus. And as he discussed justice, self-control (*enkrateia*), and the coming judgment, Felix became frightened" and sent Paul away (Acts 24:24–25 [NRSV]). Note that Paul's summary of the faith covers the same territory that I find included within the single Hebrew word *mishpat*: both justice (*dikaiosunï*) and the coming judgment (*krima*). It is a good Hebraic catechism.

Moreover, Paul introduces a third element into his teaching: *enkrateia*, "self-mastery." One could argue that the ordering of the three is deliberate, that self-mastery mediates between justice and the coming judgment. This would be a good biblical argument, for as I have discussed, the tradition steadily affirms that justice is far from a natural inclination. Though justice may ideally be received as a gift, as divine wisdom manifested in human life, nonetheless it must be practiced as a discipline (1 Kings 3:28). In other words, justice is always a learned behavior and must be relearned, year by year and generation by generation, not only by leaders but also by ordinary people in any community or society that purports to be just. Within biblical tradition the book of Proverbs gives the fullest account of education for justice, as its opening lines indicate: "The proverbs of Solomon son of David, king of Israel—for [the purpose of] knowing wisdom and discipline, for seeing into insightful speech; for acquiring a discipline of success: righteousness and *mishpat* and equity" (Prov. 1:1–3). The formula for success here is nothing like what we might expect to find in our own cultures. The "discipline of success," as the sages of Israel conceive it, has nothing to do with networking, dressing well, having a good investment portfolio, going to or teaching at prestigious schools—the various indices of success in our culture. In sum, success does not mean self-aggrandizement, maximizing and displaying my own power. Rather it means "righteousness and *mishpat* and equity." My success is judged on the basis of whether it secures the well-being of the other.

Moreover, this formulation of "a discipline of success"—*tsedeq ûmishpat ûmêsharîm*—does not stand alone within the tradition. It is noteworthy that exactly the same three terms occur in the lines we heard earlier from Psalm 98. The sage, the wisdom teacher of Proverbs, is quoting the psalmist: "[God] will judge (*yishpot*) the world with righteousness (*tsedeq*) and the nations equitably (*bemêsharîm*)" (Ps. 98:9). So the psalmist's description of God's judgment is present as a subtext within the sage's teaching, and the implication of its presence is this: Success means using our power in the same way God does, to advance the cause of those whose hands are weaker, whose voices are more muted than our own.

The book of Proverbs includes within the scope of its concerns and its audience both the powerful and the vulnerable: on the one hand, kings and their agents; on the other, the peasants who are subject to their actions. The genre of proverbial speech was part of the official literature cultivated by ancient Near Eastern monarchs; likely the proverbs were used in the education of young rulers and courtiers. Accordingly, there are several thumbnail sketches of just kingship: "Charmed speech is on a king's lips; in judgment his mouth does not commit treachery" (Prov. 16:10), and "It is an abomination for kings to act wickedly, for with righteousness is a throne established" (Prov. 16:12). "With righteousness is a throne established"—again, the language here is drawn from the psalms, which repeatedly assert that God's throne is established with righteousness and justice (Ps. 9:8, 89:15, 97:2). Here, as in Isaiah, the ideal for human kingship is conformity with the reality of divine kingship.

The biblical sages resemble the prophets in keeping that ideal alive while not propagating it naïvely. Their tradition preserves candid snapshots of bad monarchs: "A growling lion and an attacking bear is a wicked ruler over a helpless people. A leader lacking insight abounds in acts of oppression, but those who despise selfish gain prolong their days" (Prov. 28:15–16), and "When the righteous abound, the people rejoice; but when someone wicked is in power, a people groans" (Prov. 29:2). Altogether, the biblical view of political authority as represented in both testaments is realistic yet not cynical, and the fact that the tradition has that temper carries implications for the church's practice. If there is in the political sphere at least as much evil as good, then that is all the more reason to keep educating for justice, and also praying for it. It is a regular part of the fixed liturgy in Anglican tradition to pray "for those in positions of public trust, that they may serve justice, and promote the dignity and freedom of every person."[9] Doubtless many Christians regard such prayer with a measure of skepticism, even in the very act of saying "Amen." Certainly the news that comes from a city such as this one regularly makes prayer for justice in government seem like wishful thinking. Yet as we have seen, there are strong biblical grounds for praying thus. Moreover, if offered sincerely, those prayers may serve as a hedge against the sin of cynicism, the willful foreclosing of hope for ourselves and others. Some time ago, when a political scandal was receiving much press coverage here (frankly, I have forgotten which scandal it was), one of my friends, a citizen of another country, commented, "You Americans are so naïve. At home we just assume that anyone who runs for public office is a scoundrel." If we are tempted to reconcile ourselves to that assumption, then our continued prayers for those in public authority should move us to recognize that our situation is a tragic one. It is a tragedy of national and international proportions if we have become inured to the loss of a godly vision of justice in the political sphere.

Since we are meeting in this particular center of government, I will end by citing one especially moving expression of such a vision, located just a couple of miles away. Abraham Lincoln's words from his second inaugural address (1865), inscribed on the walls of his memorial, bespeak a hope for justice, a hope tested and refined perhaps through the most costly of American wars: "With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; . . . to do all which may achieve and cherish a just and lasting peace, among ourselves, and with all nations." The political visions of the biblical prophets, sages, and psalmists support us in the conviction that embracing such a vision, even against much evidence, is not naïve. Rather it represents a commitment to what "the zeal of YHWH of Hosts," working through human faithfulness, has yet to accomplish among us (Isa. 9:7).