

THE NEIGHBOR PRINCIPLE

By Charles Mwewa

But wanting to justify himself, he asked Jesus, "And who is my neighbor?" Jesus took up this question and said, "A man was going down from Jerusalem to Jericho when he fell into the hands of robbers. They stripped him, beat him, and went away, leaving him half dead. Now by chance a priest was going down the same road, but when he saw him, he passed by on the other side. So too, when a Levite came to that spot and saw him, he passed by on the other side. But when a Samaritan on a journey came upon him, he looked at him and had compassion. He went to him and bandaged his wounds, pouring on oil and wine. Then he put him on his own animal, brought him to an inn, and took care of him. The next day he took out two denarii and gave them to the innkeeper. "Take care of him," he said, "and on my return I will repay you for any additional expense." Which of these three do you think was a neighbor to the man who fell into the hands of robbers?" "The one who showed him mercy," replied the expert in the law. Then Jesus told him, "Go and do likewise." (Luke 10: 29-37)

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Introduction

Our Lord expounded on the Neighbor Principle long before Lord Atkins established its *ratio* in the case of *Donoghue v Stevenson*¹ in England in 1932. This was an appeal by the plaintiff, Mrs. May Donoghue, to the House of Lords in England. The action was to recover damages for illness she suffered as the outcome of consuming the contents of rotten remains of a snail in a bottle of ginger-beer. On August 26th, 1928, Donoghue met a friend, Mabel Hannah, who bought her a ginger beer from Wellmeadow Cafe in Paisley. After consuming most of the contents of the bottle of ginger-beer, she discovered the said remains of a grossly decomposed snail that floated out of the bottle while being poured into her tumbler. The bottle was made of dark opaque glass which made it impossible for her to notice the snail inside. This caused her to suffer from shock and severe gastroenteritis. She took legal action against Mr. Stevenson. She could not sue Stevenson for breach of contract as she herself did not purchase the drink; she was not a party to it. It could be improbable to prove that Stevenson owed her a duty of care. It was unlikely that Stevenson had known that he had sold a flawed product. It could be true that Stevenson did not know that his product had been sold, either. Donoghue's lawyer maintained that Stevenson owed a duty to his consumers to take reasonable care to guarantee that his product was safe for everyone's consumption. She was successful in the appeal with three majority and two dissents. In this sermon, we link Lord Atkin's redefinition of the "Neighbor" to our Lord's Golden Rule – treating neighbors as we would like to be treated. The following three points will be used: Neighbor principle; neighbor proximity; and neighbor priority. The points will be discussed in that order before a conclusive application is drawn and a related prayer is offered.

1. The Neighbor Principle

A self-righteous lawyer came to Jesus and asked a fundamentally relevant question: "And who is my neighbor?" Our Lord responded through a hypothetical allegory we have come to dub, "The Parable of the Good Samaritan." Christ lays out the rationale with both Jewish priest and Levite who ignore social and moral etiquette while a Samaritan offers help. Samaritans were viewed as hostile, evil and bad. The Jews believed that the Samaritans were responsible for harassing Jewish pilgrims, scattering human bones, and even labeled them as pagan Assyrians. To the Jews, Samaritans were far away from the conception of a neighbor, let alone a good neighbor. Alienated by both racial and cultural bigotry, a Samaritan, in the story, is not deterred to render a good deed to a wanting Jew. This was game changer. To a Jew pondering on this story at the time, it was *anathema*, unheard of, and even unattainable. What a priest and a Levite did could even be celebrated in those days; it was justifiable.

¹ [1932] AC 562

However, Christ shows that good neighborliness does not depend on race, tribe, culture, or social definition. It is a matter of conviction and conscience. To Christ, any and everyone in trouble, distress, danger or need, is a neighbor. Christ's postulation on the Neighbor Principle may seem reactionary at first, until one situates it into the Golden Rule Theorem. The Golden Rule was first articulated several years before Christ. In the Old Testament, it is written: "Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbor as thyself: I am the LORD."² Thus, the Golden Rule was the architect of the Neighbor Principle. Christ refined it further in the New Testament: "So whatever you wish that others would do to you, do also to them, for this is the Law and the Prophets."³ The foundation of the law is established on this principle. The teachings and preaching of the prophets were as well founded on the same principle.

What Lord Atkin did in the famous *Donoghue* case, was to extend the principle further in a proactive sense. In other words, the Judge was applying the principle to current and future harm that may obtain as a result of the violation of this principle. The learned judge opined, "The rule that you are to love your neighbor becomes in law, you must not injure your neighbor; and the lawyer's question, who is my neighbor? The answer seems to be persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question."⁴ Thus, the Bible defined the Neighbor Principle, and English law applied it to real human situations.

2. Neighbor Proximity

In the Bible as well as in English law, what is central to the Neighbor Principle is the idea of proximity. A neighbor is one close enough, both in terms physical closeness and a state of proximity. It can be said that a neighbor is anyone who may be harmed by another's action or omission. Christ asserts a self-introspective question in the Golden Rule, thus, an action that may harm oneself should not be contemplated on somebody else. That somebody else, is the neighbor. The efficacy of this principle is covenantal; in the absence of a social contract, there is a rule of nature that fixes and requires humans to treat each other with care and love. In law, this binding force is known as a Duty of Care.

Apostle Paul further redefines the similitude of the law of nations (legal principles) with divine law (moral canon). The instructive apostle charges: "Let no debt remain outstanding, except the continuing debt to love one another, for whoever loves others has fulfilled the law."⁵ Therefore, both Christ and Lord Atkin have tested the same limit – the law is meant to protect love, and not to harm it. In a nutshell, every person one comes across is a neighbor. And being a neighbor, such a one is *owed* the duty of love and care. To harm a neighbor, is, therefore, proscribed, both in legal principles and divine law.

3. Neighbor Priority

Both the Golden Rule and *Donoghue* litigate a concept we call foreseeability. Foreseeability is defined as, "The ability to reasonably anticipate the potential results of an action, such as the damage or injury that may

² Leviticus 19:18

³ Matthew 7:12

⁴ *Donoghue, supra*.

⁵ Romans 13:8

happen if one is negligent or breaches a contract.”⁶ According to law, one ought to anticipate the likelihood of injuring someone else through their behavior, words, or actions. It is not enough to merely apologize after the fact; it is more important not to do anything that might injure someone else. The Bible lists behaviors that, in themselves, are sufficient to subscribe to this injunction: “But the fruit of the Spirit is love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control. Against such things there is no law.”⁷ This is in the Bible tendered as the, “Fruit of the Spirit.”

But note the phrase, “Against such things there is no law.” Where there is no law, there can be no wrong. The Bible is very clear on this point: “Everyone who commits sin also breaks the law; sin is the breaking of law.”⁸ Anyone who pegs their behavior on the Fruit of the Spirit, cannot break any law. Cultivating the virtues of love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control, is central to associated foreseeability. What you foresee, you can prevent.

In the Bible, we read, “So we make it our goal to please him, whether we are at home in the body or away from it.”⁹ It is a believer’s priority not to default in this matter. It is a believer’s priority to love others, and not to create situations in which others get harmed or injured.

Conclusion & Application

The Neighbor Principle is at the very heart of Tort Law and of biblical interpretation. Its foundation is love and caring for all humanity, irrespective of age, gender, race, tribe, nationality, social definition or any other characteristic. Faith is spiritual, but it always manifests socially. Jesus said: “When did we see You sick or in prison and visit You?” And the King will reply, ‘Truly I tell you, whatever you did for one of the least of these brothers of Mine, you did for Me.’ Then He will say to those on His left, ‘Depart from Me, you who are cursed, into the eternal fire prepared for the devil and his angels.’¹⁰ Your faith or belief system is useless if it does not love or care for those around it. James put it this way, “Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress and to keep oneself from being polluted by the world.”¹¹ True faith and religion do good deeds. James is again on point: “But someone will say, ‘You have faith; I have deeds.’ Show me your faith without deeds, and I will show you my faith by my deeds.”¹² And the culminating Scripture is captured in these words: “Love does no harm to a neighbor. Therefore, love is the fulfillment of the law.”¹³ In this regard, God’s law and the English law find commonness. So, go on, reflect on this and be a good neighbor to all humanity – one next person to you at a time.

⁶ Nolo’s Plain-English Law Dictionary

⁷ Galatians 5:22-23

⁸ 1 John 3:4 (Holman Christian Standard Bible)

⁹ 2 Corinthians 5:9

¹⁰ Matthew 25:39-41

¹¹ James 1:27

¹² James 2:18

¹³ Romans 13:10

Related Prayer

Dear heavenly Father, hear us as we pray for humanity;
That love, care and amity should define true Christianity;
Do create in us a sense that all around us, is a neighbor;
And that here on earth, it should not be in vain, our labor.

In the name of Jesus, our Lord,
Amen!