



‘Thus saith the Lord’ - God's law and secular justice

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Religious Law and Human Freedom: Torah and Talmud.

In talking about the relation of religion and morality, I have argued that the basic elements of morality are knowable by human reason without religious revelation. This is a very widely held view in the world religions. The role of religion is to give backing to moral ideas by affirming the existence of an objective reality in which moral values are fully realised (God, for example), and which can motivate and provide hope for the final success of human moral endeavour and the final liberation of human life from moral evil.

But are there not specific religious laws, given by God, that humans have to obey whether they want to or not? Is it not the case that, in Judaism and Islam, for example, morality is not a matter of human decision but a matter of divine command? And does that not limit the area of human moral decision-making, and place humans under unquestioning obedience to a set of divine commands?

In this final lecture I shall consider the Jewish Law, the Torah, as a system of divinely revealed statutes and ordinances, and ask how it relates to systems of secular law that are based on purely human decisions. Critics argue that religious law is archaic and oppressive, and that humans must be freed from its constraints. I shall examine such claims, but my general argument will be that Jewish religious law can be and should be fully humane, and in fact that it has important insights and lessons for secular legal systems.

SECULAR AND RELIGIOUS LAW - A MISLEADING DICHOTOMY?

I have posed the problem of religious law as the problem of how it can co-exist with secular law. But there is no agreed 'secular law' or secular idea of justice that can be simply contrasted with religious law. Politics is a field of competing views, sometimes violently competing. Communists, Socialists, Liberals, Conservatives, Fascists, Royalists, Aristocrats, Meritocrats and Democrats, all have conflicting views about how human society should be organised, and such conflicts often lead to violence. It is arguable - indeed it seems pretty clear - that the purely secular and indeed anti-religious laws of Marxist-Leninist Communism led to more repression and violence in the twentieth century than any set of religious laws. We must not assume that secular laws will all be nicely liberal, while religious laws will be repressive and inhumane. In face of the dictatorships, both right-wing and left-wing, that disfigure so much of our globe, we find that repressive societies are not uncommon, whether they are religiously based or not. And we might well find that some of the major humanizing influences in our world have religious roots. So we should be wary of posing the problem as one of secular humanism versus religious repression. Very few political systems in our world are humane, measured by any standard.

What about the fact that in a secular society laws are invented by people, and in Judaism the law is given by God? That sounds like a huge difference, but the facts are more complicated. There are versions of secular justice for which the important factor is respect for personhood, for the dignity and primary importance of human creative freedom and responsible decision-making. A just political system should seek to enhance the distinctive personal capacities of all human beings, and ensure that none are without the basic means of some such personal self-realisation. That is, it could be said, the philosophy of secular humanism. It requires no religious sanction, and it will oppose any form of religious life that threatens to undermine human dignity, care for the weak, or the importance of the informed critical pursuit of truth,

beauty and goodness.

I have argued, however, in my first lecture, that in fact the philosophy of humanism is best supported by a view that can make a place for objective obligation and for the unique moral importance of personal life (whether or not individuals recognise such obligation and importance). Humanism is sometimes seen as a liberation from old religious shackles. But I think it is rather a genuine inner development of religious faith. For it is the Book of Genesis that depicts humans as created 'in the image of God' (Gen. 1, 27). God is a creator of life and beauty, one who is supremely wise and just, one whose knowledge encompasses all things, and who is merciful and full of loving-kindness. So humans, created in this image, are most truly human when they are creative, wise, just, knowledgeable, merciful, kind and loving. A firm foundation for belief in the moral dignity of humans is belief that they are created in God's image, and a strong basis for moral obligations to other persons is that God has created us and them to grow together into the likeness of God.

If this is so, religious law and the concerns of humanism should not be opposed. Religion can give to humanism - the concern that human life should flourish - an objective foundation and goal. Humanism - the search for what does enable human life to flourish - can give to religion a major key to the interpretation and application of ancient religious laws. This is a third principle of religious liberalism, the principle of personalism. All our moral and social principles must ultimately be judged by their effectiveness in promoting universal human flourishing and welfare. This is not, in my view, a new anti-religious principle that frees morality from the tutelage of religious authority. It is a deeply religious principle that emerges from reflection on the central concerns of religious faith, and from a determination to express the prophetic concern for universal justice and mercy in ways consistent with our growing knowledge of the natural world, and with the great historical changes in culture that force ancient rules to be expressed and applied in new ways.

Moses said, 'Choose life so that you and your descendants may live, loving the Lord your God, obeying him, and holding fast to him, for that means life to you and length of days' (Deut. 30, 19 and 20). Again, 'Now, O Israel, what does the Lord your God require of you? Only to fear the Lord your God, to walk in all his ways, to love him, to serve the Lord your God with all your heart and with all your soul, and to keep the commandments of the Lord your God and his decrees that I am commanding you today, for your own well-being' (Deut. 10, 12 and 13). If religious law is for human well-being, how can it differ from secular law that aims at the same goal?

PROBLEMS WITH RELIGIOUS LAW.

The fact is, however, that some interpretations of religious law do come into conflict with the principles of human flourishing. Religious laws are often seen as repressive and archaic, as the arbitrary commands of a tyrannical God rather than as the rules given by a loving and rational God for human well-being. Perhaps the first thing to establish, then, is that God is not a tyrant, and religious laws are not meant to be arbitrary or repressive. There can be no meaningful conversation with those who think God is a tyrant who can command anything God wants, without reference to moral or rational considerations. Our conversation can only be with those who initially agree that God is good (and will therefore not command anything immoral) and wise (and will therefore not command anything irrational). But there can be little doubt that the main Jewish traditions unequivocally teach the existence of a good and wise God. If this is agreed, the problem is to discern which religious laws seem not to advocate universal human flourishing. Then we must decide how they might be interpreted in ways consistent with their main underlying intention, that human life should flourish. We must not forget, of course, that human flourishing, from a Jewish viewpoint, must lie in achieving the ultimate goal of human life, the knowledge and love of the God of Abraham, Isaac and Jacob, whose will was revealed to the Moses and the Hebrew prophets. But, while this may add significant elements to a secular view of human welfare, we would not expect the way to such a goal to conflict radically with what can be seen to be conducive to human flourishing in more secular contexts.

In Judaism, possible sources of conflict with a generally humanist morality lie mainly in the Biblical promise of an eretz Israel from the Nile to the Euphrates (Genesis 15, 18); the death penalty for apostasy and for various sexual offences, including homosexuality; rules concerning slavery; the killing of animals without first stunning them; and various prohibitions concerning women and their social role.

1. With regard to the promise of the Land and the rules for conquest, it is as well to remember that these are rules for a Bronze Age nomadic tribal people in search of a homeland. If they were taken as

unchangeable and irrevocable laws, they would provide a recipe for war in the Middle East.

There is already enough violence in the Middle East, but it is not religiously based. Israel is a secular state, and most Zionists were not religious believers. The Israeli government has no plans for annexing Syria and Jordan, and their concern is to live as a nation in security, in borders largely established by Britain and the major powers in 1947. Orthodox Rabbis may or may not be pleased by the existence of the state of Israel - some believe that *eretz Israel* should not exist until the Messiah comes, and disapprove of the present state. But virtually all the Orthodox regard the promise of the Land as associated with God's warning that the land would be lost by disobedience, which it was. The land will not be returned until the Messianic age, which is perhaps beyond foreseeable history or political intrigue. Thus these rules, like those concerning slavery and those concerning the Temple and its sacrificial rituals, are obsolete, belonging to a past age before the Monarchy, the Exile and the Diaspora. These laws were for a time when, according to Torah itself, Israel was wholly obedient to God. That time is long past and will not return until the Messiah comes. And when that happens, they will in any case be rendered obsolete by the reign of peace and justice that he will bring.

There is always the possibility that some Jews may agitate for the rebuilding of the Temple on its old site, where the Muslim Dome of the Rock now stands. That would be a major and catastrophic act of aggression. Rabbinic Judaism has renounced the Temple law and the Levitical priesthood. In that sense, Rabbinic Judaism is inherently revisionist. It is committed to the belief that some religious laws are to be revised or abandoned, because of circumstances. Possibly these circumstances were envisaged in the Torah itself, as it set the blessings and curses of God before the Israelites.

That is partly why conservative Judaism looks primarily to the Talmud rather than the written Torah. And it sees the Talmud as a source of precedents for new legal decisions. Such decisions may be conservative or more radical, but either way the emphasis has moved from obedience to a written text to trying to decide what God's will is now, using as precedents laws that applied to a very different culture and historical epoch. Seen in that light, liberal or progressive Judaism is not a quite different phenomenon from Orthodox Judaism. It just stands towards one end of the spectrum of possible legal decision-making that is present in all mainstream Judaism. There is not, after all, a huge gulf between saying that God gave the *mitzvot*, but Rabbis have to decide if and how they apply in very different situations, and saying that the *mitzvot* are early human attempts to discern the will of God for the people of Israel, and that such attempts must continue in a very different world. In both cases, the way is open to accept that things change, that new cases require new legal decisions, but that ancient precedents, both in Bible and Talmud, trace the development of a distinctive legal tradition in a way it is important to know and understand.

2. In the light of this discussion, it is not hard to see how the use of capital or severe physical punishments in Torah has been modified in Rabbinic discussion. It has increasingly come to be seen that killing people is not the most humane way of 'loving your neighbour as yourself', and that mercy may radically modify the strict demands of purely retributive justice. Strict punitive justice encourages intolerance, prejudice and moral censoriousness, as well as raising the danger of killing in error those who are innocent. Torah holds that rebellious or drunken sons, or those who place a curse on their parents, can be stoned (Deut. 21). Murderers must be put to death (Num. 35), and executed by the next of kin of the victim, otherwise 'blood-guilt' lies upon the land.

If we have any sense of history, we will see that the insistence upon a 'tit for tat' punishment is more merciful than some other punishments common in human societies in the late Bronze Age. Torah distinguishes between murder and manslaughter, and provides for 'cities of refuge' where those who have caused death without malicious intent will be safe from vengeance. But conditions in a tribal society are very different from those in a modern nation, and it has become possible to find other ways of dealing with murder.

The basic principle of revision is that punishment should ideally provide the possibility of repentance and reform - a possibility that execution cannot give. There is scope for revising ancient laws in accordance with the deeper principle that all (human) life should be respected, as created in God's image.

The doctrine of revision is of the greatest importance, when considering what religious law requires. An Orthodox interpretation would say that each law enshrines some important principle. It exists for a reason. It remains an important principle that sons should not be rebellious, that one should not commit adultery, commit apostasy or practice witchcraft. Yet we need to qualify even further, for what constitutes apostasy or witchcraft needs to be specified more closely. So we might say that it is not immoral for a Jew to convert to another faith, but it is immoral for a Jew to turn from God out of a desire for pleasure or material

success. Or we could say that it is not immoral to be a Pagan, and use herbs to heal people, but it is immoral to place spells on people to try to harm them.

We need to ask what it was that the command was really identifying as wrong, and for this we need to use the sorts of definitional procedures that are common in all legal systems. In other words, Judges need to interpret the law. Different interpretations are possible, and definitions of exactly what is wrong about apostasy, for example, may get increasingly complex. In the Talmud there are many examples of Rabbinic differences of interpretation, and discussion of difficult cases is an important part of Talmudic education.

Obeying religious law is not usually a case of simply applying a set of literally interpreted rules. It requires complex judicial procedures, framing new interpretations and setting various relevant precedents alongside one another. The commands of the law are like precedents or general principles formulated for just one specific case- admittedly divinely given precedents - that often need to be defined more closely or to be applied to slightly different cases or in new situations, and in the light of new knowledge. Judicial wisdom is required in deciding what precedents are relevant, and in deciding which commands may over-ride or abrogate others. There is much room for diversity and flexibility in such a system of religious law. Whether such flexibility exists or not will largely depend upon social circumstances and the general temperaments of the interpreters - the Rabbis - in specific societies. It may vary from place to place, and it does.

In general, there are some commands at a high level of generality that are usually thought to govern the interpretation of more particular commands. We would not go far wrong if we thought that 'Love the Lord your God with all your heart and soul and might' (Deut. 6) and 'You shall love your neighbour as yourself' (Lev. 19) were the most general principles for governing particular decisions about religious law.

For an observant Jew they would not replace all the more specific laws about food and religious observance, but they would lead, and they have led, to abandonment of stoning to death, as something which it is increasingly difficult to see as exhibiting neighbour-love. There is room for dispute here, and some would still see capital punishment as required by law (though few would literally ask for 'an eye for an eye'). But it is possible to be an Orthodox Jew and abandon capital punishment, where there are other forms of punishment available that may offer some hope of reformation and repentance for the offender, and may not require the taking of human life.

Such disputes rarely turn on the simple assertion that 'it is in the Torah, so we have to do it'. They can hardly do so, when stoning to death and burning have been abandoned. They reflect more general views, whether religiously based or not, on what punishment is suitable for a murderer. Insofar as a religious belief leads one to think of God as compassionate and merciful - and thus as a model for compassionate and merciful human behaviour - and to think of human life as of infinite or at least very great value, there will be a religious argument against capital punishment.

The dispute is between rigorist disciplinarians and humane optimists about human nature. Such oppositions of temperament exist both within and without religion, and both can find resources in Scripture if they wish to do so. It is not the case that religious law is, as such, more rigorist than secular law. There will always be rigorists in religion. In Judaism, they will revel in their separateness and distinctness. But there will be diversity even among rigorists, since they will interpret the law in different ways, putting emphasis on different parts of it, and applying it to new circumstances in different ways. There is, however, no place for hatred, vengefulness, desire for domination or suppression of others among religious rigorists. Such things are condemned at the deepest level by Torah's insistence on loving-kindness, benevolence, justice and mercy. Moreover, rigorism is not by any means the only religious option.

Many who see diversity and development and even radical change (as with the ending of the Temple sacrifices) as central to Jewish practice over the years, will see Torah as inherently humane and flexible, a set of underlying principles to be discerned with practical wisdom rather than a set of changeless rules which simply have to be applied. They will tend to see the discussions and decisions recorded in the Talmud as opinions for a specific occasion or for a specific group of people. Opinions can change with circumstances, and they can become more sensitive over time. What is needed at one time is not necessarily what is needed at another. If this is so, the application of religious law will be in constant dialogue with the wider society in which it is set.

3. Among rules concerning sex in Torah, if a priest's daughter becomes a prostitute, she shall be burned (Lev. 21). Having more than one wife, and the possession of concubines, is allowed, though Kings should not have 'many wives' (Deut. 17), lest they turn from God. Priests may not marry a divorcee, though otherwise such marriages are not prohibited (Lev. 21). Men and women should not exchange clothing

(Deut. 22). Dissimilar things should not be mixed - like ploughing with an ox and an ass, wearing linen and wool, or sowing with two kinds of seed (Lev. 19). Women who claim to be virgins when they marry but are not may be stoned (Deut. 22), as may those who commit adultery. Rape carries a fine of fifty pieces of silver and life-long marriage to the victim (Ex. 22). Men may divorce women for 'indecent' (very widely defined), but may not re-marry a wife they have divorced (Deut. 24). Those who have intercourse with other men or with animals must die (Lev. 20). Men should marry a dead brother's wife to provide a son for her, if she had no son (Deut. 25).

There has been development in mitigating punishments for these offences, in an increasing preference for monogamy, in the ending of Levirate marriage (marrying your deceased brother's wife), and in revising the rules for divorce (permitting women to divorce men, and in general giving women greater equality). The issue of homosexual practice is still controversial. But looking at the context of these laws, three main themes seem to predominate. One is an ancient taboo on not mixing dissimilar things, or confusing categories. Cross-dressing or same sex intercourse violate this taboo. To the extent we now regard taboos as obsolete, that is no longer a relevant consideration.

A second consideration is that sexual practices merely for self-gratification or performed in fertility rites are considered improper. That is true both of heterosexual and homosexual practices, and reflects an interest that sexual relations should take place in the context of a long-term personal relationship of fidelity and trust. It is probable that practices of pederasty and promiscuous sex were associated with homosexuality. Long-term same-sex unions are in a different category, one that the laws do not envisage.

Thirdly there is concern for the propagation of children in a stable family. It is unlikely that same-sex partnerships would undermine this concern, and so we might say that greater knowledge of the genetic basis of sexual preference could not lead to a revision of the law to ban sexual promiscuity, and simply insist that same-sex relations should be primarily based on personal love, trust and fidelity.

4. Torah is not an obvious text-book for good inter-faith relations. All the sacred sites of the Canaanites were to be destroyed (Deut. 12). Prophets tempting Israelites to worship other gods were to be killed. Apostates, mediums and witches were to be stoned to death (Deut. 13).

These are perhaps the most difficult laws of all for a secularist to understand. It needs to be borne in mind that the worship of God was not just a matter of an optional belief in a supernatural being. It was bound up with acceptance of the whole Torah as a way of life. 'Canaanite worship' was identified with cultic prostitution, orgiastic fertility rites, the sacrifice of children to the gods, attempts to use spirit powers to curse others, the worship of wealth and power, and with a divorce of religious practice from moral laws of justice and benevolence.

Deviations from Torah were seen as treason, as undermining the basic values of Israelite society. God had called the Israelites to a special vocation of proclaiming a God of justice and mercy to the world, and to reject that calling was to exclude oneself from the covenant community. Perhaps the nearest analogy for a secularist would be that someone who calls for and works actively for the overthrow of a state, secular or otherwise, cannot be tolerated. Many secular (Communist) governments have killed thousands, even millions, of people for such crimes. Many in more liberal societies would at least call for their banning, exile or imprisonment. It is not at all obvious how far a community, especially a relatively small one under constant threat from hostile neighbours, can peacefully tolerate the existence of deeply subversive elements.

Today Orthodox Jews do not call for Jewish converts to Islam or Christianity to be killed. Freedom of religious practice has been a hard-won value. What it requires is acceptance that at least many alien belief-systems are not in fact morally subversive or harmful to human welfare. It requires acceptance that religious commitment should be voluntary, since religious beliefs are not just social conventions, but make truth-claims that are legitimately contested, and are not theoretically establishable with certainty. And it requires acceptance that there can be, and perhaps even that there needs to be, a proper area of conflicting beliefs, of a plurality of interpretations and worldviews, within a coherent and just society.

An Orthodox Jew today can say that these laws were given by God for an emergency situation in the history of Israel, whose conditions are long past. More radically, one can see these laws as expressing a limited and imperfect perception of what God wills for a community wholly devoted to obedience to a divine moral purpose, a will that was perceived more clearly later in the history of Israel's search to discern the divine will. More radically still, these laws can be seen as fairly typical of the primitive moral rules from that historical epoch, that permit the legitimised expression of violence and hatred. A morality of greater

compassion and sensitivity will rescind them, and this was done later in Rabbinic tradition.

Theoretically diverse, all these views nevertheless agree that no-one should seek literal application of the laws today, and that what they require is a more sensitive understanding of non-Jewish religious beliefs, and a more compassionate attitude to the treatment of offenders. Both these things are central to Torah, in the requirement that all are to be treated with concern for their welfare, which entails that one should seek to understand why they are as they are.

5. Rituals for purification (Lev. 14, Deut. 21 and Num. 19) are obsolete, as are all the rules for the sacrificial cult and the priesthood. Rules concerning the need for purification after menstruation and after childbirth (33 days for a boy; 66 days for a girl: Lev.12) are often retained by Orthodox Rabbis. But in principle such rules are as subject to revision as rules concerning skin-diseases and rites for their purification.

The same holds true for rules about contact with the dead. A conservative application of this rule makes post-mortem examinations and pathology impossible. But there can easily be a Rabbinic argument that under special conditions, contact with the dead serves the purposes of life and of justice, and is then justified. Which interpretation is adopted is partly determined by how bound to particular ancient precedents Rabbis feel, and by the authority given in practice to their judgments. Since Rabbinic tradition accepts that Jews are not bound to literal interpretations of Torah, there is room for disagreement on interpretation. Traditionalist views will place great store by ancient or near universal precedents. Reforming views will rather emphasise new knowledge or changed circumstances in forming an interpretation.

POSITIVE ASPECTS OF RELIGIOUS LAW.

I may seem to have concentrated on the negative aspects of religious law, those which cause difficulties for modern moral sensibilities. But the Torah contains many positive features, which are the real foundation for Jewish love of God's law: 'I have taken your law as my heritage for ever; for it is the joy of my heart' (Psalm 119). It is because the Law shows the way to live fully in a conscious relationship of love for God, that it is the joy of the heart.

1. The rules for tithing are a reminder that all things are given by God, that we cannot use material goods just for selfish purposes. Tithed animals must be eaten at a feast, in which foreigners, orphans and widows are to share (Deut. 14). So the worship of God is connected with feasting and enjoyment, and with concern for those who are less fortunate.

The literal form of these rules became obsolete with the ending of sacrifices, but the underlying principles of fellowship and benevolence remain important. Rules governing religious festivals have been radically changed with the destruction of the Temple and priesthood. But the major festivals are still celebrated, though without sacrifices. On the Sabbath, work, travel and the lighting of fires is forbidden. At Pesach (Passover), the exodus from Egypt is remembered. The three great festivals of Mazzoth (unleavened bread), Pentecost (Wheat Harvest) and Succoth (Tabernacles) are built around the barley, wheat and fruit harvests of the ancient agricultural year, reinterpreted as commemorations of the liberation of Israel from slavery, the giving of the Torah by Moses, and the time of living in tents in the Wilderness.

The emphasis is on thanksgiving for liberation from the slavery of sin, on trust in God, on repentance for wrong-doing, on family celebration, and on sharing with the poor. Yom Kippur, the Day of Atonement, expresses total dependence on God, and the desire to lay aside all that separates people from God. The rite of sending a goat into the wilderness has been dropped, and Yom Kippur is now generally regarded as a day for remembering one's sins against justice and compassion, and asking God's forgiveness.

In Torah, it was only ritual or unintentional offences that were forgiven. Sacrifice for presumptuous sin was not thus forgiven, but was to be punished (Num. 15, 30). It is common today, however, to ask forgiveness also for sins that have been committed intentionally. The great positive emphasis of these laws is on thanksgiving for the good things of life, enjoyment of them, and sharing with those who are less fortunate.

2. The ritual purity laws, while again mostly superceded by medical advances, have two main functions. In the case of food laws, they serve to set apart the Jews by making every meal a remembrance of the covenant. Then there are laws concerning bodily wholeness and health (with leprosy, bodily discharges and contact with the dead). While the specific content of these laws may change, the underlying concern for the celebration of life and health is a characteristically Jewish emphasis on the goodness of physical bodily existence. Judaism is not at all an other-worldly religion. It celebrates life, and one might say that the Torah exists to point the way to greater life and health for both individuals and the community.

3. According to Torah, every seven years land shall lie fallow, and the poor may eat whatever grows there (Ex. 23). All debts to fellow Israelites shall be cancelled, and all Hebrew slaves freed and given liberal provisions (Deut. 15). Every fiftieth year, at the Year of Jubilee (the name is derived from the Hebrew for 'ram', referring to the ram's horn that was to be sounded at this time), all property shall be returned to its original owner.

It is doubtful whether these laws were ever applied literally, but they clearly express principles of practical concern for the poor, the undesirability of slavery, and the evil of accumulating great wealth and property. The chief moral principles they suggest are that ideally all people should be free, and that all wealth belongs to God, and must be used in the service of God and for the welfare of God's creation.

Few, if any, Rabbis would seek to apply the rules concerning slavery, which presuppose that such an institution exists (Hebrews are permitted to possess foreign slaves), in a literal sense. Social institutions have in this respect progressed, and in a direction at least hinted at in the Jubilee laws. This is a case where specific laws point in the direction of an important moral insight; but the irony is that, if they were taken literally, they would prevent that insight being realised. The lesson is that we must always seek underlying principles, and select the ones that reflect the highest moral insights of Torah, which may only be hinted at in some of its specific laws.

4. Torah insists that judges should be just and impartial (Deut. 16). Kings or rulers are not to consider themselves greater than others, and are to fear God; their power is not absolute (Deut. 17). While the punishments of Torah are severe, there is an important provision that people cannot be charged on the evidence of only one witness, and that false witnesses shall receive the punishment that the accused would have received (Deut. 19). The 'law of retaliation' forbids excessive punishments. Each person must be punished only for their own wrong-doing. Aliens, widows and orphans are to be treated justly and equitably. Those on trial for their lives should be helped wherever possible. Vengeance, dishonesty, promise-breaking, exploitation, malice, bribery, stealing, cheating and lying and cursing are all condemned.

5. There are a number of laws encouraging benevolence to the poor. Lending at interest to those Israelites who are poor is prohibited (Deut. 23). People are allowed to eat grapes or wheat from the fields of others, but not to take them away in containers. Fields must not be reaped to the borders, and what is left is for the poor. Debtors must not be deprived of what they need to live (Deut. 24). The poor must be given sufficient for their needs (Deut. 15). The elderly must be respected. You shall love not only neighbours but also foreigners as you love yourself (Lev. 19). This final command, which is in fact part of the command to love the Lord God with heart, soul and strength (Deut. 6), sums up all the others, and provides the guiding principle for interpreting the whole of Torah, as a living, dynamic principle of relationship to a God who is known as the liberator and ruler of the covenant community.

CONCLUSION: A HUMANE RELIGIOUS LAW.

Interpretations of religious law are thus quite diverse. Torah can be taken literally - which may produce conflicts with liberal laws of justice. But even then it is normally interpreted by Rabbinic decisions. They are themselves diverse, and range from the more conservative (wishing to follow old established Rabbinic decisions rather closely) to the more reforming (being prepared to let new conditions produce new legal applications). Thus there is no monolithic body of unchanging laws, and the way is always open to discussion and revision for adequate reason.

Liberal interpretations of Torah see it, not as literally dictated by God, but as made up of developing parts of a growing communal tradition, which may indeed be God-inspired. Torah can still have great importance as a sign of Jewish identity and covenant with God, but its particular rules will be more readily modified in accordance with the great and foundational principles of divine and human love.

For both conservatives and liberals, the heart of Torah is love of God and of God's creation. Torah is framed in terms of regulations given in a specific historical context, the context of early settlement in a newly conquered territory. That context has changed considerably, and so Rabbinic Judaism has needed continually to study Torah in order to find appropriate applications of its deepest principles in new circumstances.

There is not one agreed set of applications. A range of applications, varying from very traditionalist to radically reforming, exists. What is agreed, however, is that in Torah one finds the record of the attempts of a community to discern God's will for wholeness, justice and loving-kindness in the human world. These

attempts are seen as responses to God's initiative in revealing the divine will.

Secular law and secular ideas of justice are at least equally diverse. At one extreme is the Machiavellian and Hobbesian commendation of absolutist rule by the State. Then one has Burke's traditionalism, relying on established custom and abhorrent of radical change. Or there is Jeremy Bentham's liberalism, with minimal State activity, and freedom restricted only by the causation of clear physical harm to others. And there are many combinations in between. There are no secular ideas of justice as such.

The Enlightenment sought to formulate ideas of 'the rights of man', based on what Reason would decree impartially for all. Reason was seen as the solvent of tradition, with its inbuilt inequalities based on the power of the few. In this social struggle, 'Reason' was in fact a tool for claiming equality and freedom from oppression for the masses. It was, especially in France, seen as opposed to religion, which was implicated in the ancient regime of absolutist monarchy. Yet the appeal to 'universal Reason' and the rights of the poor was itself rooted in Christian ideas of God as the universal Reason, concerned for the welfare of all human beings.

Within religion itself, the broadening of concern to all humans and not just to one group was a struggle, but one that had been foreshadowed in Judaism by the acceptance that God cared for the whole earth, not just the people of Israel. And the idea that God was reasonable had to be disentangled from the earlier idea of an arbitrary commander the purpose of whose laws could not be fathomed by reason.

There is thus an internal religious critique, by which concern only for one faith or ethnic group is replaced by a universal benevolence. And religious laws were gradually seen to stand in need of some justification in terms of human welfare. For the religious, such welfare ultimately involved relation to God, but the thought could not be sustained that one should just do whatever God was alleged to have said. If God is truly good, and if good is rationally desirable, then there should be some discernible relation between divine commands and rational human desires. It must be asked of a proposed divine law how it makes for human well-being and for a deepened relationship with a God of justice and compassion.

Within religion, there is a view of God that privileges one group (believers? Jews? Muslims? Christians?) above others, and that sees divine commands as beyond rational criticism. This is in conflict with a view of God who desires universal well-being, and whose commands can reasonably be seen to make for such well-being, given the presupposition that union with God's wisdom, love and bliss (the supernatural destiny of humanity) is the greatest good.

Within secular society, similarly, there is a view that one's own nation takes precedence over others, and that this nation must at any cost win the struggle for power that characterises human existence. This is in conflict with the view that the good of all humanity is morally primary, and that reason requires that all should be roughly equal in freedom and opportunity.

The worst case scenario in religion is one where a non-rational God, not subject to moral criticism, simply legitimates the acts of one ethnic or national group in their ruthless struggle for power. The worst case in secular law is where a ruthless human dictator pursues the interests of one nation or race at any cost to all others.

The best case in religion is when a rational and benevolent God supports a striving for universal well-being, justice and benevolence. In secular law, it is when a rational and humane government seeks the well-being of all nations and especially of the poor and disadvantaged.

Regrettably, the best case is rarely realised on earth. But it should be clear that the greatest conflicts of belief are not between religious and secular justice, but between views that place reason and morality (the pursuit of the rationally desirable for all, considered impartially) high on either the religious or the secular agendas, and views that ignore reason and moral considerations (in the name either of national or of religious self-interest).

There is a secular basis for justice, in the pursuit of universal human welfare. Some religious views undermine such a pursuit, by caring only for the good of one group, and by valuing power (viewed as obedience to a God of absolute power) over compassion. Some secular views undermine it in precisely the same way, except that God does not figure in the equation.

For a secularist, universal human welfare must simply stand as a good, intuited as such and pursued for its own sake. A believing Jew should fully affirm this. But a Jew can add that obedience to the laws of justice is rooted in love of the Creator who desires that all creatures should find fulfilment, who gives every human being a unique value and unique potentialities to realise, who helps those who seek such realisation, and

who will ultimately bring creation to fulfilment and final liberation from all that impedes fulfilment - that, is from evil.

There is implicit here an ideal of justice, but it is not one that is in conflict with a humane secular ideal, and it is rooted in the belief that all individuals are of worth, and that human society should enable all to realise something of that worth in their lives. Torah is the will of God for universal human fulfilment, and it expresses the specific calling of the Jews to be the mediators of this fulfilment to the world at large. It is the vision of God as universal creator, liberator and fulfiller of life that provides the key to interpreting religious law.

Judaism, through the prophets, has given to the world the insight that religion is essentially concerned with moral action, with active love of the Good. It has given to morality a transcendent dimension, making the vision of the Good the ultimate object of human love and desire, and union with the Good the ultimate goal of human striving. It is in this way that, in my view, religion and morality find their true relationship and their own deepest significance.

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