The Jewish concept of justice

Edward Kessler

Introduction

LIKE CHRISTIANITY, JUDAISM TEACHES THAT GOD wishes humankind to pursue justice and mercy, to have a proper regard for each person and to make a contribution towards the emergence of a better social order. This is a theme that is commonly found in the Hebrew Bible and, of course, is well attested in the New Testament and later Christian writings. The purpose of this article is to examine the biblical concept in more detail and to consider how it has been understood in the interpretations of the rabbis as documented in the rabbinic literature. What do the ancient rabbis mean when they say that the Torah begins and ends with justice? (Exodus Rabbah 30:19). In addition, we will discuss the relevance of the Jewish understanding of justice in society today and, as a case study, I refer to the United Nations Universal Declaration of Human Rights.

It seems appropriate to begin this study with a quotation from the written Torah, for the Jewish emphasis on justice finds its root with biblical statements such as, 'justice, justice you shall pursue' (Deut 16:20). We might also refer to Psalm 119:137–144 which explains that establishment of justice is the purpose of many of the commandments:

> Righteous are you, O Lord, and your laws are right.
> The statutes you have laid down are righteous; they are fully trustworthy.
> My zeal wears me out, for my enemies ignore your words.
> Your promises have been thoroughly tested, and your servant loves them.
> Though I am lowly and despised, I do not forget your precepts.
> Your righteousness is everlasting and your law is true.
> Trouble and distress have come upon me, but your commands are my delight.
> Your statutes are forever right; give me understanding that I may live.

Thus, according to the biblical explanation, justice is established when humankind acts in accordance with God's laws and imitates God's attribute of justice. For their part, the rabbis expand on this principle.

For example, in a detailed interpretation of a phrase in Deuteronomy 13:4, 'It is the Lord your God you must follow (*halach*)',[1] they explain:

> What does 'It is the Lord your God you must follow' mean? Is it possible for a human to walk after (*halach*) the *Shechina* (the feminine aspect of God); for has it not been said, 'for the Lord your God is a devouring fire'? (Deut 4:24). But the meaning is to walk after the attributes of the Holy One, Blessed be He. As He clothes the naked, for it is written 'And the Lord God made coats of skin for Adam and his wife' (Gen 3:21) so you should also clothe the naked. The Holy One, Blessed be He, visited the sick, for it is written 'And the Lord appeared unto him by the oaks of Mamre' (Gen 18:1) and so you should visit the sick. The Holy One, Blessed be He, comforted the mourners, as it is written 'And it came to pass after the death of Abraham, that God blessed Isaac his son' (Gen 25:11) so you should also comfort mourners. The Holy One, Blessed be He, buried the dead, for it is written, 'And He buried him in the valley' (Deut 34:6) so you should also bury the dead. (Babylonian Talmud (BT) Sotah 14A)

The United Nations Universal Declaration of Human Rights

If, as suggested, the pursuit of justice represents a pillar of Jewish teaching, what is its relevance to one of the most important documents ever published, the United Nations Universal Declaration of Human Rights? As one of many minority religious groups one would expect Jews to support the document – indeed, it is perhaps of no surprise to learn that the inspiration behind the Declaration, René Cassin, was Jewish.

History since 1948 demonstrates numerous instances of our failure to abide by the Universal Declaration of Human Rights. We are reminded almost daily of this failure and there is an understandable sense of frustration that the provisions have not been carried out. As a result, many, including some of the religiously minded, have questioned the value of the Declaration. However, the rabbis tell us that although 'you are not required to complete the task, neither are you at liberty to abstain from it' (Mishnah (M) Pirkei Avot 2:21). It is in this regard that we should remember that the Declaration was not a binding treaty imposing obligations but, rather, a

> common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society shall strive by teaching and education to promote respect for these rights and

> freedoms, and by progressive measures, national and international, to secure their universal and effective recognition and observance. (Preamble, UN Universal Declaration of Human Rights)

René Cassin was also aware of the limitations of the Declaration but suggested that:

> in spite of its deficiencies, its failures, it represents the first monument of an ethical order that organised humanity has ever adopted. It constitutes at one and the same time a vigorous protest against tyranny, barbarism and oppression, an act of confidence in the destiny of mankind. If one day the United Nations should disappear the Declaration would remain standing as an element of the common heritage for all peoples and generations.

The dignity and value of each human being

But rather than considering the positions of an individual Jew, what is the perspective of Judaism? A Jewish viewpoint compels one to consider the Declaration both in terms of the ideal and also the practical. Such a perspective must emphasize the ideals of justice, freedom and tolerance and so on. It must also include the specific, such as hospitality to asylum-seekers, generosity to underdeveloped countries, universal health care and education and so on.

In practical terms, justice is concerned with our behaviour within society and whether we should do, or refrain from doing, certain acts towards our fellow humans. A Jewish perspective might begin with the *mitzvot*, commandments, which comprise the fabric of Judaism. These reflect the ethical standards of the lawgivers who were conditioned by and dedicated to the service of God. As far as the United Nations Universal Declaration of Human Rights is concerned, this means that human rights should not only be viewed as human-centred but also as God-centred. Although human rights impose on us a duty to each other, a Jewish perspective suggests that their character is imposed by our duty to God. In other words, our duties and responsibilities towards each other are, in fact, duties owed to God.

The Jewish understanding of the God-centred nature of human rights can be illustrated by the fact that a number of duties laid down in biblical law are concluded by the phrase, 'and you shall fear your God', such as the prohibition against cursing the deaf and placing a stumbling block before the blind (Lev 19:14, 32). Not only the fear of divine

wrath but also promises of divine reward are used as incentives. For example, the command to return to the debtor at night the piece of clothing he gave as a pledge, so that he has something to cover himself, is accompanied by a threat of divine anger in one passage and, in another, by the promise of divine blessing (Exod 22:26).

These, and similar phrases, reflect the biblical emphasis on the value of each human being, as epitomized by the command, 'You shall love your neighbour as yourself' (Lev 19:18), which is reinforced by the statement, 'I am the Lord'. Another significant command, 'You shall love the stranger as yourself' (Lev 19:34), is similarly reinforced by the phrase, 'I am the Lord your God' (as well as a reference to the Exodus). It is worth mentioning that while loving the neighbour is stated on one occasion, references to the love of the stranger can be found on no fewer than thirty-six occasions in the written Torah. This reinforces the biblical concern with the stranger – 'because you were strangers in the land of Egypt'.

These imperatives are central to the Jewish understanding of justice and demonstrate the Jewish emphasis on the value of each human being. The emphasis on the importance of human life is again illustrated by a debate between two rabbis, Akiva and ben Azzai. Akiva held that Leviticus 19:8 provided the greatest principle of the Torah but was challenged by ben Azzai who suggested that an even greater principle was contained in Genesis 5:1: 'This is the book of the generations of Adam. When God created humankind, he made them in the likeness of God.' Ben Azzai's point is twofold: first, that the essential principle is the equality of all human beings, so that 'neighbour' must be understood in an all-inclusivist sense i.e., it refers to every human being; second, that the principle of equality, in its turn, is derived from the perception of humankind created in God's image, which means that human beings are not merely equal, but of the highest worth.

Thus, Judaism teaches the importance of justice for all: that slaves are to be treated with humanity; orphans and widows are to be cared for; strangers are to be protected; and even prisoners of war have rights. The value of humankind is affirmed in the Mishnah, which highlights the significance of the fact that a single man was the father of humanity:

> A single man [Adam] was created in the world to teach that if anyone has caused a single person to perish Scripture imputes it to him as though he had caused a whole world to perish; and if anyone saves the life of a single person Scripture imputes it to him as though he had

> saved a whole world . . . A single man [Adam] was created to proclaim the greatness of the Holy One, Blessed be He, for when a person stamps many coins with the same seal they are all alike; but the Holy One, Blessed be He, has stamped every human being with the seal of the first man, yet no two are exactly alike. Therefore everyone is required to say: for my sake the world was created. (M. Sanhedrin 4:5)

The equality of each human being

The emphasis on the worth of each human being implies that all people are ultimately of equal worth and should be treated with equal dignity. In the words of Malachi 2:10, 'Have we not all one divine Parent?' Moreover, each individual, a potential progenitor of a whole world, is a world in itself. Each of us is entitled to see ourselves as the reason for the creation of the human race. Each individual is a unique creation.

Thus, the Hebrew Bible asserts that humankind has a special status. Each person, Jew and non-Jew, is regarded as a child of God. Indeed, this 'divine seal' underpins the Jewish concept of justice since it means that human beings, individuals and peoples, have certain rights which are so fundamental that no one can take them away, not even the mightiest king. In ancient times, human beings had no such inalienable rights. In those days a father had complete power over his children, a master over his servants and a ruler over his subjects. If it suited a king to enslave, he could enslave – there was no power which could prevent him nor a law which could forbid him, for he himself was the maker of the laws and the arbiter of justice.

The Hebrew Bible and its rabbinic commentators, however, provide two principles, which challenge such a position and underpin our understanding of justice. First, they recognize there are such things as human beings, not just rulers and subjects. Martin Buber examined this point when he discussed Leviticus 19:34 and especially the phrase 'as yourself'. Buber placed special emphasis on these words and suggested they mean that each of us should look upon our neighbour as a person, not a thing; that our neighbours exist in their own right in God's image. As we are people, so they, too are people.

The second principle is that it recognizes that above all the laws created by humanity exists a Law, which some have called a moral law, that is binding on humanity, rulers and subjects alike. Its universal application is illustrated by the prophet Nathan's condemnation of King David for orchestrating the murder of Uriah so that he could take

Bathsheba as his wife (2 Sam 11—12) – not even a king as mighty as David stands above the Law.

Although it is clear that the biblical imperatives which emphasize the value of human life by, for example, commanding us to love the neighbour and stranger illustrate moral principles, a Jewish perspective also places emphasis on deeds, i.e., moral principles need to be translated into moral action. We can only succeed in being obedient to the lofty ideal by bringing down these ideals from heaven. As they become nearer and more real we can make them our own.

> It is not hidden from you, neither is it far off. It is not in heaven that you should say, 'Who shall go up for us to heaven and bring it unto us that we may hear it and do it?' Neither is it beyond the sea, that you should say, 'Who shall go over the sea for us, that we may hear it and do it?' (Deut 30:1–13)

The emphasis on moral action as well as principle means that the commands have both positive and negative implications. Negatively, they mean it is wrong to harm a fellow human being deliberately, in any way at all, as expressed by Psalm 34: 'Keep your tongue from evil and lips from speaking deceit; depart from evil'. Positively, they require the performance of deeds of lovingkindness which, in Jewish tradition, is understood as *gemilut chasadim* (literally, 'the bestowal of lovingkindness'). Thus, the quotation from Psalm 34 finishes with, 'and do good'. In the Mishnah, *gemilut chasadim* is described as one of the three pillars of Judaism upon which the continued existence of the world depends.[2]

Maimonides, the twelfth-century Jewish philosopher, defined *gemilut chasadim* as follows:

> it is a positive commandment to visit the sick, to accompany the dead, do dower the bride, to escort one's guest, to attend to all the needs of burial . . . These acts are what is meant by *gemilut chasadim* . . . and they are included in the principle of 'You shall love your neighbour as yourself'. (Mishneh Torah, Evel, 14:1)[3]

Acts of lovingkindness and respect for others are central to the Jewish perspective of justice. Judaism also teaches that we should have respect for the state in which we live and should seek to enjoy the freedom provided through the rule of law. Judaism affirms that the obligation of the individual as a citizen of a state is to obey its laws for

'the law of the state is the law' (BT. Gittin 10b) as long as the legislation does not violate a fundamental moral principle. Jews are enjoined to identify themselves with the society in which they live and to contribute to its welfare. 'Seek the peace of the city where I have sent you into exile and pray to the Lord on its behalf, for in its peace you will find your peace' (Jer 29:7).

Human responsibilities

More generally, this means that we must take responsibility for our society and for our environment. Humanity, because of the great power we are able to exercise over the environment, has a duty to treat them with respect. In the words of Ibn Ezra, the twelfth-century Spanish grammarian and exegete, in a comment on Psalm 115:16 ('the heavens are the Lord's heavens, but the earth He has given to the sons of men'), we are God's stewards on earth. In another rabbinic interpretation, the rabbis describe how God took Adam round all the trees of the garden of Eden and said to him, 'See how lovely and excellent My works are; I have created them all for you. Take care not to spoil and destroy my world, for if you spoil it there will be no-one to repair it after you' (Genesis Rabbah 7:13).

Another aspect of justice consists of the command to show special responsibility towards the weakest members of society: the orphaned, the widowed, the old, the handicapped and the poor. All of these groups are frequently singled out with particular reference to protection. For example, there are detailed instructions concerning the poor tithe (Deut 14:29) as well as a law requiring the farmers to leave corners of the field unharvested so that the poor may help themselves (Lev 19:9).

We are also reminded that those people who receive our support are our equals. For instance, it is a striking feature of the fifteenth chapter of Deuteronomy, which deals with the relief of poverty, that whenever it refers to the poor person in need of charity it describes him as *achicha*, your brother, as if to warn the giver against looking upon the recipient as other than equal. Equal mutual respect is something which Judaism demands emphatically, because all human beings bear the 'divine seal'. The ideal society, according to Judaism, is a society of freedom and justice, of equal freedom and justice; a family of families whose members respect each other as brothers and sisters.

Acknowledging the existence of this reality is fundamental to the relationship between Jews and Christians. For it is only by understanding Judaism as it truly understands itself – in all its varieties – that Christianity will be able to participate in the dialogue which it seems so

much to desire. Judaism, as is well known, is not easily defined and wide-ranging views of its definition can be found. Thus a Christian understanding of Judaism needs to deal with the varieties and contradictions that exist within Judaism just as a Jewish approach to Christianity needs to take into account the varieties that combine to make up Christianity.

Before dialogue could even begin with Judaism, Christianity needed to shift from what was, for the most part, an inherent need to condemn Judaism, to an attitude of condemnation of Christian anti-Judaism. This process has not led to a separation from all things Jewish (as proposed by the second-century heretic, Marcion, who called for a total separation from the Hebrew Bible and much of the Gospel writings), but, in fact, to a closer relationship with 'the elder brother'.

It is possible to trace the gradual emergence of this insight with increasing clarity and emphasis in the primary church documents. So for instance *Nostra aetate* has a brief paragraph:

> Since the spiritual patrimony common to Christians and Jews is thus so great, this Sacred Synod wants to foster and recommend that mutual understanding and respect which is the fruit above all of biblical and theological studies as well as of fraternal dialogues.

This statement was developed by the 1975 *Guidelines*, which states:

> Christians must therefore strive to acquire a better knowledge of the basic components of the religious tradition of Judaism: They must strive to learn by what essential traits the Jews define themselves in the light of their own religious experience.

The 1985 *Notes* reinforces this view and calls on preachers and catechists to 'assess it carefully in itself and with due awareness of the faith and religious life of the Jewish people as they are professed and practised still today'.

Freedom

The final section will consider the place of freedom in terms of understanding the concept of justice. In the Hebrew Bible, the concern for freedom is illustrated by the fourth commandment to observe the Sabbath with its accompanying reference to the liberation from Egypt.

> Observe the Sabbath day and keep it holy, as the Lord your God has commanded you. Six days shall you labour and do all your work, but the seventh is a Sabbath of the Lord your God; you shall not do any work – you, your son or your daughter, your male or female slave, your ox or your ass, or any of your cattle, or the stranger in your settlements, so that your male and female slave may rest as you do. Remember that you were slaves in the land of Egypt and the Lord your God freed you from there with a mighty hand and an outstretched arm; therefore the Lord your God has commanded you to observe the Sabbath day. (Deut 5:12–15)

Thus, the fourth commandment stipulates that the respite of the Sabbath rest is not restricted to a few but should benefit all, including the neighbour and the stranger, the poor and the rich. 'Observe the Sabbath day and keep it holy' is applied equally to all classes of society. This is all the more striking when we realize that the Sabbath is described as a 'perpetual covenant' between God and the children of Israel (Exod 31:16–17).

Thus, the day of rest for Jews becomes a commemoration of the creation of the world for all. Jewish observance of the Sabbath, which imitates God's own rest on the seventh day, is matched by a humanitarian concern. For example, in the context of provisions for the benefit of the poor and the stranger, the Bible emphasizes the need to work six days of the week but 'on the seventh you shall rest; your ox and your ass and the son of your servant and the stranger may be refreshed' (Exod 23:12). The Sabbath, therefore, is a great liberating, humanizing and equalizing social institution.

The Sabbath not only reminds one of the value and equality of humanity – as discussed above – but also reminds Jews of the time when they were in slavery. As a result Jews still associate the Sabbath with their redemption and freedom. The understanding of the Sabbath is relevant to the concept of justice because it is not simply a day of rest or a social institution. It is a religious experience because God rested on the Sabbath, 'for in six days the Lord made heaven and earth, the sea and all that is in them and rested on the seventh day; therefore the Lord blessed the Sabbath day and hallowed it' (Exod 20:11).

The Sabbath marks not only a threshold in the week but is described by the rabbis as 'a sixtieth of the world to come' (BT Berachot 27b). Thus, the Sabbath possesses a unique quality because it provides a fleeting glimpse of the time of redemption when Christians and Jews and the rest of humanity 'shall sit under their vine and under their fig

tree; and none shall make them afraid: for the mouth of the Lord of hosts has spoken it' (Mic 4:4).

Conclusion

This study has identified four features of the Jewish understanding of justice. Each is relevant to contemporary society as exemplified by the United Nations Universal Declaration of Human Rights. They are:

- the dignity and value of each human being;
- the equality of each human being;
- human responsibilities;
- freedom.

Although all four categories are fundamental to the Jewish–Christian relationship, I suggest that human equality, in particular, has provided a theological basis for the vast improvement of Christian attitudes towards Jews and Judaism.

Edward Kessler is Founder and Executive Director of the Centre for Jewish–Christian Relations in Cambridge. He received his PhD from the University of Cambridge and also has Masters Degrees from Harvard University and Stirling University. He has worked in the field of Jewish–Christian relations for many years and has published a number of works in this area.

NOTES

1 The rabbis used the root of *halach* ('to walk' or 'to go') to describe Jewish law (*halachah*), which deals with the rules and regulations by which the Jew 'walks' through life.
2 M. Pirkei Avot 1:2: 'The world stands upon three things: Torah, worship and the performance of deeds of lovingkindness'.
3 Note influence of BT Sotah 14a, as mentioned above.