

A CHRISTIAN VIEW OF JUSTICE

ROGER RUSTON O.P.

It should be of supreme interest to anyone who is trying to come to a true christian understanding of justice to discover as far as possible the attitude of Jesus to matters of justice. There are a number of gospel passages which suggest that he was not at all interested in the concept of justice as *fairness*. In his teaching there are strong indications that, with God, people do not get what they deserve, that one's recompense does not bear any relation to one's effort or merit. It is indicated moreover that such a rejection of justice as fairness should be adopted by men in their dealings with one another because that is the way God deals with men. I am not putting it this way merely to shock. I think that a critique of justice as strict fairness is explicit in the teachings of Jesus and that we must pay attention to it if we are to arrive at the notion of justice which his teachings do uphold, in continuity with the rest of Scripture.

Some of the sayings which suggest Jesus's indifference to strict fairness are these: The parable of the workers in the vineyard (Matt. 20:1-16a); The parable of the prodigal son (Luke 15: 11-32); the refusal of Jesus to divide the inheritance between two brothers (Luke 12:13-15); the sayings in the sermon on the mount, Matt. 5:44 (par. Luke 6:32-36), about loving your enemies, "so that you may be sons of your Father who is in heaven, for he makes his sun to rise on the good and the evil and sends rain on the just and the unjust."

The parables of the workers in the vineyard and the prodigal son say very much the same thing about the justice of God towards men. The point of the first is that all the workers get a full day's wage—one denarius—despite the fact that some of them had only started work at the 11th hour. This caused the men who had been working all day under the scorching heat to complain that an injustice had been done to them. The owner of the vineyard was being unfair to them. His answer was that he was entitled to give what he chose and that they should not complain if they got what they agreed to, ending with the enigmatic saying, "Is your eye evil because I am good?"¹ Clearly this parable is about entry into

¹ Perhaps asking them whether their giving the evil-eye treatment to the late-comers was really a just consequence of his own generosity; so Green in *The Gospel According to Matthew*, ad loc,

the kingdom of God and is probably about the generosity of God to the outcasts and sinners such as Jesus gave his attention to. As a saying, it would be aimed at the scribes and Pharisees who protested about this. But it could also be taken to refer to the entry of the gentiles into the kingdom, since there is an interesting rabbinic parallel² which gives exactly the opposite message to that of Jesus, i.e. that the labourer who had worked all day would get a far greater reward than the latecomers. He is Israel and the others are the gentiles. But whatever the application of the parable, Jesus seems to be correcting a current view about the justice of God. It can be seen now perhaps in what sense Jesus is indifferent to justice in the sense of fairness.

The parable of the two sons gives precisely the same message. The faithful son, the hard worker, complains bitterly when the young waster returns and is treated like a prince, despite the fact that he only did so when his money had run out and it was the only course open to him. "You call this justice?" you can hear the elder son say. So the workers in the vineyard and the elder son are—like most men of most epochs—obsessed by the notion of strict fairness, that everyone should get what he deserves. The obsession tends to manifest itself only when there is a danger of someone else getting *more* than he deserves. But that is human nature. But neither the owner of the vineyard nor the father of the sons cares much about strict fairness. They are interested in something else. If both of them are meant to epitomise God's attitude to men, then the message is that God is interested in the salvation of men rather than in meting out just rewards. The justice of God's salvation does not presuppose that anyone earns it.

This comes out too in the reply of Jesus to the man who asked him, "Teacher, bid my brother divide the inheritance with me." But he said to him, "Man, who made me a judge or divider over you?", and he follows this up with a warning against all covetousness and with the parable of the rich man who built bigger barns to store his crops on the very night he was to die. The trouble with the man who wanted Jesus to arbitrate over the inheritance is that he assumes that Jesus, being a holy rabbi, versed in the law, will be interested in seeing justice done in this respect. But he isn't. He is interested only in seeing a man alive to God, rendering himself fit to enter the kingdom. If a person is interested only in getting what he deserves, then he is not interested in the kingdom of God. God doesn't give a man his legal rights. He gives him—or wishes to give him if he will accept it—*life*, no matter how good he has been, no matter what he deserves. People who are interested only in getting what they deserve wouldn't want the kingdom of God if it were offered to them. Jesus said of people like that,

² See Green *ibid.*

“Truly, they have their reward”.

So far, what I have said may seem reasonable but rather remote from the question of justice between men. But I am coming to that. In the passage from the sermon on the mount which I mentioned above, a direct connection is drawn between God's behaviour and what is required of the disciples of Christ. I will quote it again in St Luke's version: “If you love those who love you, what credit is that to you? For even sinners love those who love them. And if you do good to those who do good to you, what credit is that to you? For even sinners do the same. And if you lend to those from whom you hope to receive, what credit is that to you? Even sinners lend to sinners, to receive as much again. But love your enemies, and do good, and lend, expecting nothing in return; and your reward will be great, and you will be sons of the Most High; for he is kind to the ungrateful and the selfish. Be merciful, even as your Father is merciful.” (6:32 ff)

Now this passage and its immediate context are full of good things, but let me point out just one or two that are relevant to our theme. In the first place it is clear that the behaviour expected of the disciples of Jesus is not that of behaving with strict fairness towards others. Of course they are not to be unfair, but more than fair, in the way God is to men as we are told by the two parables I have mentioned: generous in the way that God himself is generous, giving to others what they have not earned and what they do not deserve. This is summed up in Luke's version by the resounding command, “Be merciful, even as your Father is merciful”. Now in his parallel to this saying, Matthew has, “You, therefore must be perfect, as your heavenly Father is perfect”. (5:48) They both, in effect, say the same thing, but Matthew uses a more formal term (in keeping with his theological interest in the Sermon on the Mount), where Luke gives us the content of this “perfection”. It is mercy, of the generous kind that we are discussing. It is clear from the context of the saying in Matthew's gospel—the very end of the “antitheses of the law”—that this perfection is not a matter of abiding by the letter of the law in our behaviour towards others, but of fulfilling its true purpose by realising its inner spirit.

So we are told two closely related things about this perfection,

- 1 that it is not abiding by the letter of the law when to do so would be to miss the very purpose of the law, and
- 2 that it is not a matter of doing justice in the sense of strict fairness by giving people exactly what they deserve, no more no less. It is shown too, that the interests of men in this respect ought to be the same as the interests of God.

What these interests are can be further illustrated by turning to the common original of both Matthew's and Luke's versions of this saying in Leviticus Chap. 9. It can be taken for granted, I think, that both gospel writers, and certainly Jesus himself,

would have assumed a knowledge of the scriptures in their hearers; if not an active knowledge, then at least a willingness to acquire it. I will present evidence for this assumption in a moment. If we look in Lev. 19, we find "You shall be holy; for I YHWH your God am holy". Then follows a heterogeneous collection of laws, a good half of which are humanitarian in nature, summed up in verse 18, "You shall love your neighbour as yourself". These included a law against gleaning and stripping bare the vineyard so that the poor and the immigrant stranger may gather what is left; a law against holding back workers' wages; a law against partiality in judgment; a law against oppressing the immigrant stranger. So to act by these laws is at least part of what it means to be holy (there are also laws about purity, sacrifices and avoidance of strange religions and other things.) Jesus, in his teaching, clearly elevates the command to "love your neighbour as yourself" above all the others and seems, if we are to accept the evidence of the sermon on the mount, to concentrate entirely on what I have called the 'humanitarian' aspect of the law. To realise this is to be holy, or "perfect", or "merciful".

Now this glance back at the content of the law—what God really requires in human behaviour—has brought me to the verge of an alternative view of justice: one not based on strict legality or fairness, but on something else. But before I elaborate on that I will make a fresh start from another gospel text: the parable of the rich man and Lazarus in Luke 16:19-31. It looks at first sight like a folk tale about the reversal of fates, the kind of thing that would have instant appeal for any simple people living in poverty and under oppression. But there is much more to it than that. And the clue to the greater depths of the story lies in the hint at the end that we should look in the Old Testament: "If they do not hear Moses and the prophets, neither will they be convinced if some one should rise from the dead." So Jesus is saying that there is ample guidance in the scriptures for anyone of his time who wants to know how God wishes him to behave towards the poor. Jesus as I said, assumes a willingness to find out what is commanded in the scriptures of the Old Testament and takes a lot of it for granted in his teaching, giving valuable indications as to where to look for it, as for instance in the key quotations from Leviticus 19. Furthermore it is a presupposition of all the New Testament writers that their message is already contained in the scriptures, if only men had the ears to hear it. Those who cannot accept Christ cannot accept the word of God in the Old Testament, and for the same reasons. Together with the remark at the end of the Lazarus story, this is most obvious in the gospel of John, 5:46-47: "Do not think that I shall accuse you to my Father; it is Moses who accuses you, on whom you set your hope. If you believed Moses, you would believe me, for he wrote of me. But if you do not believe

his writings, how will you believe my words?" I would go so far as to say that the New Testament is opaque and at the mercy of alien ideas if we do not take the trouble to consult what it took for granted: the word of God in the scriptures.

Now, in the case of the Lazarus story we do not have to look far to find out what parts of Moses and the prophets Jesus was referring to. The law of Leviticus 25:35 for instance: "And if your brother becomes poor, and cannot maintain himself with you, you shall maintain him; as a stranger and a sojourner he shall live with you. Take no interest from him or increase [i.e. do not treat him like a serf], but fear your God; that your brother may live beside you. You shall not lend him your money at interest nor give him your food for profit. I am YHWH your God, who brought you forth out of the land of Egypt to give you the land of Canaan, and to be your God." And Deuteronomy 15:7-11: "If there is among you a poor man, one of your brethren, in any of your towns within your land which YHWH your God gives you, you shall not harden your heart or shut your hand against your poor brother, but you shall open your hand to him, and lend him sufficient for his need, whatever it may be. . . . You shall give to him freely, and your heart shall not be grudging when you give to him; . . . For the poor will never cease out of the land; therefore I command you, you shall open wide your hand to your brother, to the needy and to the poor, in the land." So these two laws alone are sufficient to condemn the hard-hearted behaviour of the rich man in the parable. Note that these are *laws*, commandments of God, and not mere recommendations to "charity" as something over and above the law. Similarly the great formula of Leviticus 19:18, taken up by Jesus as the summary of the law, "You shall love your neighbour as yourself", is a commandment, not a mere recommendation. The rich man then was disobeying some of the fundamental commands of God's laws in ignoring the poor man who was, in biblical terms, his brother. They were, after all, both sons of Abraham. The warning of the parable is that if you don't learn to live with your brother now, in this life, you won't be able to live with him in the next. Nor will you be able to live with your father.

According to the law then (as well as the prophets, to whom I shall refer in a moment), the poor man has rights because he is poor. Lazarus's claim on the rich man is staked out clearly in the scriptures: as the rich man's brother he was entitled to to be helped, to be lent money free of interest, so as to recover himself from destitution. "Lazarus typifies those whose rights can never be enforced, whose debts press just so far as the debtor chooses to recognise them, and whose claim is abject and often silent."³ There

³ D. Derrett, *Law in the New Testament*, p. 89. The chapter gives an illuminating discussion of this parable.

are indications in the law moreover, that the true owner of everything—of the Promised Land in this case—is really God, and that when the Israelite gave to him in sacrifice (the firstborn of the flock, for instance) he was giving back to God what was God's all along. And also, when he gave to the poor, he was simply redistributing God's wealth. Thus we find in Leviticus 25 an elaborate law for the redistribution of wealth in the community, which I will discuss towards the end of this paper. But in verse 23 we find: "The land shall not be sold in perpetuity (i.e. not permanently alienated from the poor farmer who has to sell it to pay his debts); *for the land is mine*; for you are all strangers and sojourners with me. And in all the country you possess, you shall grant a redemption of the land." It is clear from the whole of this chapter that there is no absolute right to possessions which are acquired by purchase from the poor who sell out of necessity, even though the purchase is perfectly legal. It must be restored to him at a certain time, called here the year of jubilee. But more of this later.

To summarize the point I am making: according to the law of the Old Testament, invoked by Jesus in the parable, the poor man has rights, and the rich man is, in a sense, his debtor, even though in this life these rights and debts cannot be enforced. The rich man then, is not merely 'uncharitable' in our modern sense; he is *unjust* according to the law of God. He may well have come by all his riches by perfectly legal means and, in human terms, legitimate enterprises.⁴ But in holding back his wealth from his poor brother he is unjust in the strongest sense of the term. This injustice then has very little to do with being "unfair" according to any contracts made, or any human legislation. So the justice to which it is contrary cannot be based on notions of strict fairness at all, but on something quite different. And that basis is what I will call for the moment, the *preservation of the community*. This is what I believe to be the true foundation of justice in the Bible. I will now try to show what I mean by this.

I hope it is clear from what I have already said, that the fact that Jesus rejects any preoccupation with justice as "fairness" does not mean that fairness plays no part at all in the justice which God requires from men. On the contrary, Moses and the prophets give adequate testimony to God's concern with fair wages, just measures in the market place, rejection of bribes and so on. It is taken for granted that God requires fair dealings between men. But human notions of justice only go so far in doing their proper job, which is to preserve the community. They have a tendency to fail

⁴ However, the reference to the "mammon of injustice" in Luke 16:9 and 11 and Jesus's warnings against serving mammon indicate that in his eyes—in common perhaps with other rabbis of his time—great riches were always under suspicion of having been gained by injustice. Derrett (*op. cit.* Chap. 4) thinks that the "mammon of injustice" in the parable of the unjust steward indicates that the master's wealth had been gained by usury, forbidden by law between Jews.

badly under stress—usually, I believe, stress of abundance rather than scarcity, but that is another topic. What seems to us to be fair in matters of recompense for work done, price for goods produced, etc. is often against the interests of the community as a whole because it is against the interests of the poor. Let me mention here just one reason why I think this to be true. There is in our society a very common understanding of justice which we could call the “contract concept” I say “concept” rather than “theory” because I am referring primarily to a fairly unreflective level of understanding rather than to any well-developed philosophical theory of contract such as that of John Rawls, for instance. However I do believe that unreflective understandings of this kind owe a great deal to previous philosophical versions of the contract theory of justice. These have always sought to trace all justice between men back to some contract or agreement, whether expressed or tacit. That is, justice is fundamentally what we bargain for. There is no justice until people enter into agreements with one another; then to keep these agreements is just and to violate them is unjust.

Now the great weakness of the concept from a humanitarian point of view is that all contracts and agreements start from *the way things are*. And the way things are is always the product of some previous injustice.⁵ In the market on which our world-society is founded, we make bargains with people who are already disinherited, already pauperized by the appropriation of their ancestral common lands, already made slaves of some single-product economy such as motor cars or sugar, already proletarianized and reduced to the status of people who have nothing to bargain with but their bodies. Then we make contracts with them from a position of freedom, where they are enforced by necessity. Clearly then, an understanding of justice which is based only on the observance of contracts or agreements made, the payment of “fair” wages, or “fair” prices, only goes so far towards preserving a healthy community. This is true of the international community as it is of the national community. What I am saying has implications for the way we treat the poor nations of the world with their single-product economies and their ruined native industries, as well as for the way we treat the poor in our midst. So this common understanding of justice has a fundamental flaw in it. This observation helps us to understand even better than before the indifference of Jesus and the biblical tradition to notions of strict fairness. There are conditions of society in which they are helpless to bring about real justice.

⁵ This is a commonplace of historians, whether they are discussing the legitimacy of kings, the title to landed property, the right of colonial rule, the creation of the working class.

I am proposing then that the best notion of justice is one which, in accordance with the teachings of scripture, is based on the concept of preserving the community. Now this could mean many things and could, like all verbal formulas in morals, be used to support the most outrageous injustices towards individuals. I will have to be more precise and I will try to refine the idea by reference to the prophets. Briefly, I think that the biblical teaching is that all conspicuous difference between rich and poor puts the community under strain until there comes a point when we can no longer say that there is a real community at all. There can be no real community between the rich and the destitute (as there was none between the rich man and his brother Lazarus), even though they live in the same town and are nominally governed by the same laws. A community in which the laws are used by the rich to disinherit the poor is a community in name only. A community in which some people bargain from a position of freedom—freedom to move their factory elsewhere, freedom to hire immigrant workers who will accept less pay, freedom to invest their money in something else—and in which the others are forced to bargain from necessity: this is not a real community, but only a semblance of one. True justice demands not merely a redistribution of wealth, but also a redistribution of power.

I believe it can be shown that the destruction of the ancient Israelite community in a way analogous to those I have mentioned is the basic crime which provoked the condemnation of God by way of his prophets. This is particularly true for the first of the great writing prophets, Amos, who was active around 760 - 750 BC in the Northern Kingdom of Israel in the reign of Jeroboam II. It was a time of great, if temporary, prosperity for Israel. There was a flourishing international trade, especially with the Phoenicians, as we can tell from the large stone houses with their elaborate ivory and cedar furnishing, remains of which have been found in excavations at Samaria,⁶ and which are mentioned specifically by the prophet. But not all dwellings were of this kind. It seems fairly certain that a deep economic division that cannot have been much more than 100 years old was by this time fully established in Israel. Excavations at the site of the old capital Tirzah from a level which corresponds to some time earlier in the previous century show a homogeneous community of simple stone houses, none more wealthy or elaborate than any other, testifying to the social equality of the families who dwelt in them.⁷ Then at the next higher level, corresponding to an 8th century occupation, there appears a very conspicuous division of quarters in the city, marked by a long straight wall dividing the rich from the poor houses. The

⁶ See P. R. Ackroyd on Samaria in *Archaeology and Old Testament Study*, ed. D. Winton Thomas, Oxford 1967.

⁷ See R. de Vaux on Tirzah, *ibid.* P. 376.

rich houses were large with double stone walls, well trimmed, with many rooms around a central courtyard, whilst the poorer houses were small and huddled together, in which “the technique of an earlier age perpetuated themselves in a steady decline”.⁸ This class division was something quite new in Israel though not, apparently, new to the surrounding non-Israelite peoples. It seems that pagan economic structures were being adopted at the same time as pagan worship—the worship of Baal—against which the earlier prophets had fought so fiercely. So the reign of Jeroboam II was a period of considerable affluence for some in the community and considerable decline for others. The leading men of Israel eagerly adopted the material and moral standards of the other ruling classes in that part of the world. As they became rich, they found ways of parting the poor people from their property, of lending money to the poor landowners who found themselves quickly in debt and who consequently found their ancestral land expropriated and themselves and their children finally sold into slavery among their compatriots. All this can be deduced from the writings of Amos, whose preaching activity occurred during this period. This may have been the first time in the history of Israel that Israelites had made slaves of each other. There are specific laws against the practice in the Old Testament and the large number of laws relating to the release of Hebrew slaves and commanding their humane treatment, which we find in Leviticus and Deuteronomy, bear witness to the fact that the practice was widespread from the time of Amos onwards. Both Leviticus and Deuteronomy were finally compiled and partly written long after the time of Amos and both show the influence of the prophetic tradition that begins with him. It may well be that the bulk of the humanitarian laws such as we find in Leviticus 19 and 25 and in Deuteronomy are due to the influence of the prophets and are a conscious attempt to return to the values of the Old Israel of free men living in harmony and worshipping YHWH as equals, which became the somewhat idealised picture as soon as it was appreciated that the old order had been destroyed. “You don’t know what you’ve got until it’s gone”, as the song says.

Here are some of the specific crimes of which Amos accuses Israel: in Chap. 1 there is a series of solemn oracles against the nations, largely for war-crimes, such as ripping up pregnant women, stealing men for the slave trade and desecration of the dead. Then suddenly, YHWH turns on his own people Israel, not for war-crimes this time, but for crimes against the poor in their midst: “selling the just man for silver and the needy for a pair of shoes”, which seems to relate to selling a man into slavery because of debt.⁹ Since it is the just man who is sold, this indicates the inno-

⁸ Ibid. p. 378.

⁹ See H. W. Wolff and J. L. Mays in the commentaries on Amos, ad loc.

cent party in a law-suit, so it is an unjust judgment that results in his being sold and his land confiscated. The mention of sandals probably refers to a legal ritual for the transfer of land (Mays). "They trample the head of the poor into the dust of the earth, and turn aside from the way of the afflicted; a man and his father go in to the same maiden . . ." This may refer to sexual exploitation of slave women. "They lay themselves down beside every altar upon garments taken in pledge; and in the house of their God they drink the wine of those who have been fined. . . ." So they celebrate their religious feasts on the proceeds made from the unjust confiscation of the poor man's goods. These are the crimes of Israel, on a level with the war-crimes of other nations. It is significant that the same word (*pesha*), unquestionably the gravest word for sin (von Rad), is used for both kinds of crime. It implies rebellion or revolt, in this case against YHWH himself and his universal rule over mankind. YHWH is no less the God of the nations than he is of Israel and he brought them up to their present land too (Amos 9:8). Both the war-crimes of the nations and the internal injustices of Israel are violations of his created order. And it is for this reason that YHWH will destroy his people just as he will destroy his other enemies. He will destroy it because it is no longer a community in which the rights of the poor and helpless are respected, i.e. it is no longer a community at all. It is dead. And for this reason it will be wiped out, as indeed the kingdom of Israel was, very shortly afterwards by the Assyrians. So YHWH will, "on that day", the Day of YHWH when he is to take vengeance on his enemies, destroy them all. "On that day I will punish Israel for his crimes . . . I will smite the winter house with the summer house; and the houses of ivory shall perish and the great houses shall come to an end, says YHWH" (3:24-15). So the Day of YHWH, originally a notion belonging to the holy war tradition, is turned against his own people. "Woe to you who desire the day of YHWH, why would you have the day of YHWH? It is darkness, and not light. . . ." (5:18)

Other accusations follow, notably that the rich have "stored up violence and robbery in their strongholds" (3:10) i.e. the rich furnishings and treasures of their town-houses are nothing but materialised violence and injustice. The place where most of the injustice actually takes place is "in the gate", that is, in the local courts of the town gate, where cases of property were decided by the free men of the community. In this institution there were no professional judges, but all free men with legal rights acted as judges and there was no clear distinction between advocate, witness and judge as there would be in our courts.¹⁰ The function of the court was to make sure that the weak of the community would

¹⁰ L. Kohler, *Hebrew Man*, p. 156.

get an equal hearing with the strong: that the cause of the “fatherless and the widow” and the “stranger within the gates” who had no civil rights, would be treated with respect. To judge does not mean establishing the facts of a criminal offence and then judging and sentencing on the basis of this establishment of fact, but, in Hebrew, “to judge” and “to help” are parallel ideas (Kohler). So close is the idea of judgment tied to the notion of helping the weak of the community that the very word for “to judge” in the Old Testament may often be translated as “to help”, “to vindicate” or even “to save”. So “to judge the poor” does not mean to condemn the poor, but to make sure that the poor man gets his rights. This was precisely what was not happening in the Israel of Amos’s time. The old institution of the court in the gate was failing to preserve the life of the community in the face of the new economic divisions. There were many who were no longer powerful enough to defend themselves, who perhaps no longer had sufficient independence to risk offending the rich, who would influence or even judge most cases because of their status and power in the community.

So the message of Amos is the coming judgment of God on the society in which the cause of the poor and oppressed is not heard, in which bribes are offered and taken by the rich and in which the needy is “turned aside at the gate” (5:12). The function of the court in the gate was not some impersonal, objective justice in our sense, but the salvation of the just party and the protection of the social order. “This was particularly important in the case of the weaker members of society who, left without power and influence, could not maintain themselves in the social order apart from the judgment of the court.”¹¹

Now this judgment is the fruit of *justice*. The word usually translated in the Old Testament as justice, *sedequah*, does not stand for some abstract objective adherence to the law, still less to any notion of contract such as I discussed earlier. It is a relational concept and it means “conduct loyal to a relationship, far more than mere correctness or legality”.¹² It is the relation between fellow Israelites, brothers under the same father, which makes up this justice. Without it the community could not exist. And so, of necessity, it includes a demand for kindness, compassion, almsgiving and rescue of the poor man and his lands when the need for these things arises. So it is in the Old Testament that the just man comes to be the same as the man who shows love and compassion. The word usually translated as “loving kindness” or “steadfast love” (*hesed*) goes so frequently together with justice (*sedequa*) and judgment (*mispat*) that their equivalence is clear. Psalm 89, for

11 J. L. Mays, *Amos*, on 5. 7-11.

12 G. von Rad, *Old Testament Theology*, vol I, p. 373.

instance:

“I will sing of thy steadfast love, O Lord, for ever . . .
justice and judgment are the foundation of thy throne;
steadfast love and truth go before thee”.

Whatever the origin of these different terms, it is clear from the synonymic parallelism—typical of Hebrew poetry—that they come to the same thing in terms of behaviour. They refer to the same phenomenon. So again in Micah 6:8

“He has showed you, O man, what is good and what does YHWH require of you but to do justice, and to love compassion and steadfast love, and to walk humbly with your God”.

And Hosea 2:19

“And I will betroth you to me for ever; I will betroth you to me in justice and in judgment, in steadfast love, and in mercy. I will betroth you to me in truth; and you shall know YHWH”.

It is a fair summary of the evidence to say that, in the Bible as a whole, justice is the same as love and love is justice.¹³ There is not a division between them such as we are accustomed to, whereby love and compassion comes to mean something over and above what is strictly demanded according to justice. It is love and compassion that is strictly demanded because it *is* justice. The Bible—either Old or New Testament—does not recognise, as we tend to, two independent fields, one of strict justice, the other of love. It recognises only one. The outcome of our regrettable separation of these ideas is that on the one hand justice becomes controlled by ideas like merit or contract, and on the other hand love gets turned into “charity”, in the cold and condescending sense of that word, as something over and above what is strictly required.

This then is the basis of my thesis that justice in the biblical way of thinking—which is Jesus’s way of thinking—is founded on the need of preserving the community. I should add here that the community is not interpreted in any narrow, chauvinistic sense in the law or the prophets. See how many laws there are which aim at the protection of the stranger, the immigrant worker. Thus, Leviticus 19:33

“When a stranger sojourns with you in your land, you shall not do him wrong. The stranger who sojourns with you shall be to you as a native among you, and you shall love him as yourself; for you were strangers in the land of Egypt: I am YHWH your God.”

(A glance at the narratives of Genesis and Exodus shows that the Israelites in Egypt were understood to have been immigrants forced to labour in a foreign land due to economic necessity. It seems

¹³ Much more evidence to support this important conclusion may be found in J. P. Miranda, *Marx and the Bible*, SCM Press, 1977.

fair to call them and the later sojourners in Israel 'immigrant workers'. Their protection is commanded by several laws in the Pentateuch,¹⁴ usually justified by God's recollection of his mercy towards Israel when they were in Egypt.)

The experience of the damaging class division of the later kingdoms of Israel and Judah led, I think, to the astonishing laws relating to the redistribution of property which we find in Leviticus 25, from which I have already quoted a significant passage. These are the laws of the sabbatical year and the jubilee year. They purport to come from the mouth of Moses on Sinai, but were almost certainly written by the priests during the exile in Babylon, being based perhaps on more ancient laws.¹⁵ At this time there may have been a strong tendency to idealise the past of Israel, to get back to the happy days before things started to go wrong. This tendency started with Amos, as we have seen. If the full regulations were ever put into practice after the exile it was probably not for very long. But they do testify to an ideal of the just community, in which there are built-in safeguards preventing the rich getting forever richer while the poor become forever poorer. So we read that every seventh year the land must be left unsown and the vineyards unpruned, so that all may live off what the land produces of itself, including the poor and even the wild animals. If a social purpose had been found for what was originally a religious law of sabbath rest (Noth), it is in any case an expression of the belief that the land belongs to God, who means its benefits to be shared by everyone, rich and poor, wild beast and tame. The idea of the sabbath year grew directly out of the law of the sabbath day, one of the explanations of which is purely humanitarian:

"Six days you shall do your work, but on the seventh day you shall rest; that your ox and your ass may have rest, and the son of your bondmaid, and the alien, may be refreshed."

(Ex. 23:12 cf. Deut. 5:14-15)

Deuteronomy 15 interprets the sabbatical year as a year of release, in which all Hebrew slaves—people reduced to tied labour through debt—shall be released and returned to their homes:

"If your brother, a Hebrew man, or a Hebrew woman, is sold to you, he shall serve you six years, and in the seventh year you shall let him go free from you. And when you let him go free from you, you shall not let him go empty handed; you shall furnish him liberally out of your flock, out of your threshing floor, and out of your wine press; as YHWH your God has blessed you, you shall give to him. You shall remember that you were a slave in the land of Egypt, and YHWH your God redeemed you; therefore I command you to do this."

¹⁴ Ex. 22:21; 23:9; Deut. 24:17-22; 27:19.

¹⁵ M. Noth, *Leviticus*, SCM Press, 1965 p. 185.

In Leviticus 25 the law about the sabbath year is followed by an elaborate law about the jubilee year, i.e. the fiftieth year, the one after seven times seven. The main purposes of it are a return of ancestral property to people who have been forced to sell it through economic pressures (“The land shall not be sold in perpetuity, for the land is mine; for you are strangers and sojourners with me”), and the return of slaves, with all their children, to their homes. The purpose of the whole thing must be the prevention of that process of pauperisation and enslavement which had worked so much social evil in Israel in the centuries before the exile. Idealistic it may be, but it testifies to a conception of the just society worked out by the priestly theologians pondering on the reasons for God’s punishment of his people. If just laws could be formulated for the periodic redistribution of wealth, then God’s community would not fall apart irrecoverably into free and slave as it had done before. The basic idea is that the land—and the wealth it produces—is God’s and that it is to be returned to those to whom he distributed it in the first place, when no Israelite family was left without the means for a decent life at a level of social equality with others. No one is to be reduced to a state of slavery or serfdom through the working of “economic forces” beyond his control.

In later times almsgiving was considered to be a sacred duty, because it became the chief means of redistributing the wealth of the land. When someone gave alms to a poor man he was giving what really belonged to the poor man (see above on the rich man and Lazarus). Once again, justice and charity are seen to be the same thing. So much is this true that in some of the Psalms and later writings of the Old Testament, the just man and the man who is liberal with gifts to the poor are synonymous. It is the necessary redistribution of God’s wealth. Thus Psalm 112:3, 9.

“Blessed is the man who fears the Lord,
who greatly delights in his commandments . . .
He has distributed freely, he has given to the poor;
his justice endures for ever . . .”

In Tobit and Sirach, almsgiving and justice are so closely associated as to be virtually synonymous.¹⁶ It is difficult for us to be aware of how much in ancient society—and in medieval society—almsgiving was a major means of redistributing the wealth of the community.

At the point where the thinking and legislation in Leviticus begins to be directed towards the future, we may perhaps speak of justice being founded on *creation* rather than preservation of community. It is the coming community of God’s Kingdom on which attention becomes fixed. The process seems to come to a head in

¹⁶ Tob. 4:7ff and 12:9; Sir. 7:10 and 12:3.

the Jerusalem community of the early chapters of Acts, in which the redistribution of wealth plays a major part (see Acts 2:43-47 and 4:32-37). Although there are no explicit references to the jubilee year, it could be that the concept had a profound effect on the practice of the early christians through its assimilation to the concept of the just society of the kingdom of God which was to appear at the end of the age. By selling what they had and distributing to each as any had need the early christians would be putting into practice at last what had always been the content of the law of God with regard to justice between men.

As followers of Christ, I don't think we can do anything less than try to extend these ideas to the world community. We cannot pretend that our treatment of people in various parts of the world whom we have exploited, disinherited or pauperised in the past does not lay us under the obligation to restore what has been taken, and to redistribute what has been produced. Development aid, for instance, is not something which we freely give out of the goodness of our hearts over and above the demands of strict justice. We owe it, if it is true that God's idea of justice is that which aims at the preservation—or creation—of the community in the way I have described. Of course, we live in a vastly different world from that of Jesus, still more from that of the ancient Israelites. But there are sufficient parallels, it seems to me, which enable us to see what the guidelines of our behaviour ought to be. It is still fundamentally evil that peoples and nations should be excluded from the goods of the earth through the workings of economic forces, the necessities of the market and the like, which are inventions designed to relieve us of the responsibility for having made the world the way it is. I believe that the biblical idea of justice—suitably interpreted for the world in which we live—remains the only one in which there is any hope.