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## The Task in Hand

The call for justice has become pervasive in the twenty-first century world. Indeed, it has reached the point where the word seems to be emptied of any real meaning. It is invoked by people on all sides of every argument to justify their position, regardless of the merits of their case or the means that they use to arrive at their goals. It has virtually become a legitimizing cover for 'getting what I want'.

In the present book I am particularly interested in the use of the term in the church. It is understandably a topic which has raised a good deal of interest over the years, not least by those who want to emphasize the degree to which the Bible has a distinctive contribution to make to the development of policy as well as to the formation of individual or personal lifestyles. The considerable success of the 'Jubilee 2000' campaign is a good example of this, though of course that is only one among many. Concerns for fair trade, smaller debt relief charities, human rights organizations and a myriad other valuable causes routinely appeal to one or another scriptural saying or principle. Sometimes, indeed, these seem to have become such an ingrained part of our cultural heritage that many who use them have probably forgotten — if ever they were aware — where they first originated.

Without in any way wanting to denigrate or belittle the valuable work that is promoted under the banner of justice, I sometimes observe the possibility that there can develop a danger of self-satisfaction in claiming to have fulfilled some higher, because biblical, injunction. The use of slogans bedevils church life as much as political life and it can be harmful. A text or two taken out of context is used to brand one course of action, and before we know what is happening there is a temptation to criticize those who may see things somewhat differently. Such a narrow and restricted understanding of the riches that are to be found within the diversity of scripture makes popularizing politicians of us all, with the woeful divisions into groups that almost become sects in consequence.

In order to counter this danger, there is a need, therefore, to reflect on the ways in which scripture can be more fruitfully engaged. The Old Testament, with which I am here primarily concerned, is a work not just of many different types of literature but one which may have been written over a period approaching a thousand years. During those centuries the many writers lived in politically and culturally variegated circumstances, whether in a sovereign independent state, or in a vassal and tribute-paying state, or in forced or voluntary exile or diaspora, or as a minor province in a world empire that effectively meant that they were a colony. Allocating the various books and parts of books of the Old Testament to one or another of these situations is not always easy, but it stands to reason that the impact on the topic of justice must have been considerable.

To put the matter at its simplest, the opportunities for implementing justice on a national level will have varied widely according to the degree of political independence that the nation enjoyed, while at the level of the individual the social and economic circumstances in Judah, Babylon or elsewhere were clearly so different from one another that the scope for manoeuvre must have been significantly impacted. In addition, it is probable that circumstances will have developed over the course of time, so that

the expectations for the implementation of justice will also have changed. To overlook such obvious matters in the interests of a superficially unified blueprint for action turns out, paradoxically, to be impoverishing. Flattening the rich variety of scripture — a variety that addresses many different possible scenarios and situations — has a tendency to reduce the imaginative application of the vision for justice to a checklist of platitudes which we can tick off as though we had achieved all that is required. As we shall see, however, an appreciation of the dynamism of the scripture's portrayal in fact heightens the challenge, as well as the encouragement, to more creative thinking on this crucial topic.

This widespread confusion should not deter us, however, from trying to arrive at a more legitimate understanding and implementation. I am aware that debates about justice are conducted at the highest intellectual level in works that challenge most of the rest of us as readers.<sup>1</sup> In the present book, however, I am concerned to engage with the topic at a far more accessible level. On the one hand, for reasons that I shall explain in a moment, I want to narrow the focus of discussion to what we should generally call social justice. Not only is this a prominent feature of the Old Testament writings; it also has the advantage of being sufficiently explicit to enable me to investigate the particular question that I have in mind in a manageable way.

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1 I need only refer for illustration to the great works, often hailed as classics, of John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), and *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001), and of Amartya Sen, *The Idea of Justice* (London: Allen Lane, 2009). From the more specifically Christian perspective, see the rather different approach of Oliver O'Donovan, *The Ways of Judgment* (Grand Rapids, Michigan: Eerdmans, 2005). He recognizes the variety of senses of justice, but adopts a more rigorous line than will be favoured here. For more accessible introductions to the varieties of justice, see Michael J. Sandel, *Justice: What's the Right Thing to Do?* (London: Allen Lane, 2009), and Walter J. Houston, *Justice— The Biblical Challenge* (London: Equinox, 2010), 2–4.

On the other hand, rather than just seeking to arrive at a definition of social justice, which might then be set alongside others for comparison and contrast, my aim is to ask the more fundamental question: how, according to the biblical writers, do we know what is the socially just thing to do in any given set of circumstances? This is an important question but one which people rarely consider. It is all very well preaching sermons or writing books about the practice of justice in the biblical world. The danger is that we stop there and conclude that we have met the conditions. The nature of society and the way of life in ancient Israel were so very different from that in the modern world that a narrow biblical description can stop short of asking the more pressing questions of how to apply those insights to the modern world of capitalist enterprise, of global travel and trade, of warfare and violence on a scale which even the ancient Assyrians could not have imagined, of democratic institutions at national and local levels, and of media by television, radio, print and internet communication which now dominate and often, it seems, manipulate public opinion.

None of this is even remotely envisaged by the Bible and yet it makes much of the world in which we live into what it is. How, then, can we use biblical modes of thinking to inform our modern choices? Is it arbitrary or are there some principles that will help us? My exploration of some significant passages in the Old Testament with these questions in mind will, I hope, suggest the beginnings of an answer. Of course, from a Christian point of view this would need to be supplemented, and perhaps modified, by perspectives based on the New Testament. But if I am right in the line of argument that I shall advance, we shall see that this in fact takes its perfectly natural place in the biblical picture as a whole.

### Narrowing the field

It is well known among biblical scholars that there is a pair of Hebrew words that are frequently combined to suggest more or less what we mean by social justice. In English translations

they are usually rendered 'justice and righteousness'. In Hebrew the two words are *mishpat* and *tsedaqah*.<sup>2</sup> Each of these words on its own is of rich and wide-ranging meaning which we cannot trace further here. While 'justice' and 'righteousness' are their commonest English equivalents, a glance at any reputable Bible dictionary will quickly reveal that even these grand words are approximate at best and in many ways overly restrictive.<sup>3</sup> Even so, while the combination is most indicative for our topic (and of course this includes examples where the two words are used each in parallel lines in poetry), we shall find that their occurrence individually (including related forms from the same roots), as well as with one or two other key terms, can be taken from the context (e.g. when dealing with relationships between people) to be also a useful guide.

These two words have often been commented on as central to our topic by scholars who in other respects differ widely from one another. Probably the fullest scholarly treatment (though by no means the only one) is that of Moshe Weinfeld, and I shall refer to his work from time to time in what follows to provide more detailed support of points that I necessarily touch on more briefly.<sup>4</sup> However, we might note

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- 2 For convenience sake, I use here and throughout this book a simple form of transliteration that may be easily followed by those who do not know Hebrew even though I am well aware that from a technically formal point of view it is not strictly accurate. In the present instance, we are concerned, of course, with the hendiadys **משפט וצדקה** a phrase which additionally in poetry can be distributed over parallel lines.
- 3 See, for instance, B. Johnson, 'משפט', in G. Johannes Botterweck, Helmer Ringgren and Heinz-Josef Fabry (eds.), *Theological Dictionary of the Old Testament* (Grand Rapids: Eerdmans, 1998), ix. 86–98, and David J. Reimer, 'צדק', in Willem A. VanGemeren (ed.), *The New International Dictionary of Old Testament Theology and Exegesis* (Carlisle: Paternoster, 1997), iii. 744–69.
- 4 Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Jerusalem: Magnes, 1995). Note should be taken also of the substantial response to some aspects of Weinfeld's work (though not, I think, in ways that are unhelpful to my general argument) by Bernard

that it is also attended to carefully in less technical works,<sup>5</sup> and I discovered recently that it is also used fully in Miranda's influential and radical work of a previous generation.<sup>6</sup> In the course of his discussion (on page 93, with full references on p. 107) Miranda summarizes that the two words appear as a direct pair in thirty-one passages while they appear a further twenty-three times in strict synonymous parallelism in poetry.

The reason for thinking that these words are almost a technical term for social justice comes from those passages where their content is more fully spelt out.<sup>7</sup> In Job 29, for instance, Job lists what were clearly considered to be the standard and well-recognized acts of one who was acting in a wholly just manner, and in the course of the passage he states that they are in accordance with justice and righteousness (italicized here for clarity's sake):

... because I delivered the poor who cried,  
and the orphan who had no helper.

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Jackson, 'Justice and Righteousness in the Bible: Rule of Law or Royal Paternalism?', *Zeitschrift für altorientalische und biblische Rechtsgeschichte* 4 (1998), 218–62, and "'Law" and "Justice" in the Bible', *Journal of Jewish Studies* 49 (1998), 218–29.

- 5 See, for instance, Christopher J.H. Wright, *Living as the People of God: The Relevance of Old Testament Ethics* (Leicester: Inter-Varsity Press, 1983), 133–47; Léon Epsztein, *Social Justice in the Ancient Near East and the People of the Bible* (London: SCM, 1986), 45–49. I have myself discussed some aspects of it in the book of Isaiah in *Variations on a Theme: King, Messiah and Servant in the Book of Isaiah* (Carlisle: Paternoster, 1998).
- 6 José P. Miranda, *Marx and the Bible: A Critique of the Philosophy of Oppression* (London: SCM, 1977).
- 7 It may be noted in passing that Hilary Marlow uses the same word pair and several of the same texts as I do in the course of this book to draw attention to some of the ecological aspects of injustice; see 'Justice for Whom? Social and Environmental Ethics and the Hebrew Prophets', in Katharine J. Dell (ed.), *Ethical and Unethical in the Old Testament: God and Humans in Dialogue* (Library of Hebrew Bible/Old Testament Studies 528; New York: T & T Clark, 2010), 103–21.

The blessing of the wretched came upon me,  
 and I caused the widow's heart to sing for joy.  
 I put on *righteousness*, and it clothed me;  
 my *justice* was like a robe and a turban.  
 I was eyes to the blind,  
 and feet to the lame.  
 I was a father to the needy,  
 and I championed the cause of the stranger.<sup>8</sup>

(Job 29:12–16)

Similarly, if more briefly, we find comparable definitions in some of the prophets. As in the passage from Job just cited, care for the alien, orphan and widow is mentioned as a typical, almost formulaic, way of characterizing what is most characteristic of 'justice and righteousness':

If you truly act justly with another, if you do not oppress the alien, the orphan, and the widow, or shed innocent blood in this place, and if you do not go after other gods to your own hurt . . . (Jer. 7:5–6)

Act with justice and righteousness, and deliver from the hand of the oppressor anyone who has been robbed. And do no wrong or violence to the alien, the orphan, and the widow, nor shed innocent blood in this place. (Jer. 22:3)

Render true judgments, show kindness and mercy to one another; do not oppress the widow, the orphan, the alien, or the poor; and do not devise evil in your hearts against one another. (Zech. 7:9–10)

It is worth noting at this point that the reverse is also true, namely that in their oppression of the people at large the wicked are said in explanation specifically not to care for this group of the needy:

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8 Unless otherwise stated I have used the *New Revised Standard Version* of the Bible for all citations.

They pour out their arrogant words;  
 all the evildoers boast.  
 They crush your people, O Lord,  
 and afflict your heritage.  
 They kill the widow and the stranger,  
 they murder the orphan ... (Psalm 94:4–6<sup>9</sup>)

while as a token of true repentance Isaiah urges his readers to

cease to do evil,  
 learn to do good;  
 seek justice,  
 rescue the oppressed,  
 defend the orphan,  
 plead for the widow (Isaiah 1:16–17<sup>10</sup>)

In Ezekiel 18 the prophet runs through several test cases of people who may or may not have acted justly, and each time he uses our word pair to introduce the list of actions involved. Bearing in mind the particular influence that Ezekiel's family background as a priest will have had on his choice of topics, we can see that included among more narrowly cultic concerns are the same ideals as in Job, Jeremiah and Zechariah:

If a man is righteous and does what is lawful and right (= 'justice and righteousness') — if he does not eat upon the mountains or lift up his eyes to the idols of the house of Israel, does not defile his neighbour's wife or approach a woman during her menstrual period, does not oppress anyone, but restores to the debtor his pledge, commits no robbery, gives his bread to the hungry and covers the naked with a garment, does not take advance or accrued interest, withholds his hand from iniquity, executes true justice

9 It should be noted that in the wider context of the Psalm our word pair occurs in verse 15.

10 God's words in the divine council in Ps. 82:1–4 are not dissimilar, and the same attributes mark the character of God in Deut. 10:18.



between contending parties, follows my statutes, and is careful to observe my ordinances, acting faithfully — such a one is righteous; he shall surely live, says the Lord God. (Ezek. 18:5–9)<sup>11</sup>

Andrew Mein has undertaken a detailed study of this list. As part of the argument towards his conclusion that its ethical content is part of a scaling down of sin and virtue to the more domestic and/or individual level appropriate to exile he emphasizes that the lists ‘contain a typically Ezekielian mixture of religious and social injunctions, but are for the most part concerned with family and business morality’.<sup>12</sup>

Another argument that helps strengthen the case is to observe that in later times, after the Old Testament period, the pair changed from ‘justice and righteousness’ to ‘justice and kindness’,<sup>13</sup> a combination that underlines the more humanitarian as opposed to purely judicial sense of the phrase.<sup>14</sup> What has not been noted so often, however, is that this combination appears already within the Old Testament, all three words appearing together in a single verse at, for instance, Isa. 16:5; Jer. 9:24; Ps. 33:5; 89:14.<sup>15</sup> This shows that the later usage is really just an abbreviation of a longer form

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11 There are variations on this list in verses 10–13 and 14–17, but not in ways that are significant for our purposes.

12 Andrew Mein, *Ezekiel and the Ethics of Exile* (Oxford: Oxford University Press, 2001), 190–202.

13 The Hebrew word is *chesed*, which is often translated ‘loving kindness’ in English versions of the Bible.

14 For references in Ecclesiasticus, some of the Dead Sea Scrolls and rabbinic literature, see Weinfeld, *Social Justice*, 19.

15 The point has, however, been taken into account by Gordon Wong, ‘Random Reflections on Law and Justice in the Bible’, in Daniel K. S. Koh and Kiem-Kiok Kaw (eds.), *Issues of Law and Justice in Singapore: Some Christian Reflections* (Singapore: Genesis Books and Trinity Theological College, 2009), 35–50 (47–49). More broadly, see Richard H. Hiers, *Justice and Compassion in Biblical Law* (New York: Continuum, 2009), 173–211.

of our phrase, so that the addition of the word '(loving)-kindness' is only a clarification of the meaning of the term, not a change in its meaning.

Finally, it ought to be mentioned that in the longer lived language of Mesopotamia the divine order was expressed by the Akkadian word pair *kittum-miṣarum*, 'firmness-equity', and that these became ideal characteristics of the king as well. They too were associated with social kindness.<sup>16</sup> The first of these words came to be represented in northwest Semitic languages as forms of *tsdq*, while the second is the equivalent of the Hebrew word for 'equity'. This too is found a number of times in connection with our words in the Old Testament, and several of the passages will be discussed more fully in later chapters of this book.<sup>17</sup> Apparently Hebrew *mishpat* was added to *tsedaqah* to become the standard word pair in the Hebrew Bible, though it is encouraging to see the earlier *meysarim* still retained with them from time to time.<sup>18</sup> This too supports the view that all this was standard vocabulary for social justice.

### The nub of the problem

So far I have made a preliminary case for the view that when we read of 'justice and righteousness' in the Old Testament we should think primarily of social justice. We have also seen that quite often certain typical examples of situations where social justice is necessary (in the care of aliens, orphans and widows in

16 See Weinfeld, *Social Justice*, 9–12, 29–30; Richard G. Smith, *The Fate of Justice and Righteousness During David's Reign: Narrative Ethics and Rereading the Court History According to 2 Samuel 8:15–20:26* (Library of Hebrew Bible/Old Testament Studies 508; New York: T & T Clark, 2009), 42–64. For wider considerations see J. Nicholas Postgate, 'Royal Exercise of Justice Under the Assyrian Empire', in his *The Land of Assur and the Yoke of Assur: Studies on Assyria 1971–2005* (Oxford: Oxbow Books, 2007), 47–56.

17 See, for instance, Isa. 11:4; 33:15; 45:19; Ps. 9:8; 45: 6–7; 58:1; 98:9; 99:4; Prov. 1:3; 2:9.

18 For comparable occurrences in Ugaritic and Phoenician, see Weinfeld, *Social Justice*, 25–26.

that form of society) are listed almost as stock phrases in order to make the point. That leaves open the possibility that more might be expected to be involved, but we are not always told what.

The first occurrence of our pair of words together in the Bible is instructive in this regard. In Genesis 18 there is the puzzling story of how Abraham once entertained three men in his tent and how, after some discussion about his wife Sarah, Abraham set off with them when they decided to leave in order to move in the direction of Sodom. At that point in some way that is not explained, the story progresses on the basis of Abraham conversing with God alone.<sup>19</sup>

God meditates on the desirability of his letting Abraham know what he is planning to do next because Abraham has been chosen to become a great nation and one through whom all the other nations will come into blessing. And God continues: 'I have chosen him, that he may charge his children and his household after him to keep the way of the Lord by doing righteousness and justice; so that the Lord may bring about for Abraham what he has promised him' (Gen. 18:19).

There is no immediate explanation of what 'doing righteousness and justice' means here, and so it would be wise not to be too restrictive. Gordon McConville, for instance, expounds it primarily in line with political considerations.<sup>20</sup> Nevertheless, there are some clear indications in the wider passage that concerns close to what we should call social justice are also in view.

First, this is what we should automatically expect in view of our familiarity with the phrase from elsewhere in the Bible, and no doubt this will have been presupposed by the present author.

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19 On this passage as a whole, see, in addition to the commentaries, James K. Bruckner, *Implied Law in the Abraham Narrative: A Literary and Theological Analysis* (Journal for the Study of the Old Testament, Supplement Series 335; London: Sheffield Academic Press, 2001).

20 J. Gordon McConville, *God and Earthly Power: An Old Testament Political Theology, Genesis–Kings* (Library of Hebrew Bible/Old Testament Studies 454; London: T & T Clark, 2006), 44–46.

Second, the immediate continuation of God's soliloquy links his words closely with the sin of Sodom and Gomorrah: 'How great is the outcry against Sodom and Gomorrah and how very grave their sin! I must go down and see whether they have done altogether according to the outcry that has come to me; and if not, I will know' (Gen. 18:20–21). While the sin is again not further specified, Abraham's intercession that follows gives us a pointer by drawing a contrast between 'the righteous' and 'the wicked', and this in turn may be said to be illustrated by the story in the first part of chapter 19 which is based on proper attitudes towards hospitality towards strangers, something which we saw was fundamental to the definition of social justice within Old Testament terminology.

Third, Abraham's intercession seems further to play on God's purposes for his family when he says, 'Far be it from you to do such a thing, to slay the righteous with the wicked, so that the righteous fare as the wicked! Far be that from you! Shall not the Judge of all the earth do what is just?' (Gen. 18:25) With use of the same vocabulary as God had used concerning Abraham's family, this implies that within the fold of justice and righteousness there is an element of proportionality (we might almost say fairness) in which righteousness exceeds wickedness in effectiveness. Given the wider context of the story, it is clear that this is pitting some quality against a rigorous and narrowly legalistic understanding.

It looks, therefore, as though God wants Abraham's family to imitate him in his own concern for righteousness and justice. It starts by attending to the 'outcry' (verses 20–21; 19:13<sup>21</sup>) of the oppressed people in the cities — a word which is certainly related to social abuse elsewhere (e.g. Exod. 3:7; 1 Sam. 9:16; Isa. 5:7; Neh. 5:1; Prov. 21:13) — and includes movement to investigate the nature of the trouble and then quasi-judicial action to remove the evil. In principle, all that could be imitated in the human realm.

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21 Two closely related words for 'outcry' are used in these three verses, but as it amounts to little more than a variation in spelling it is difficult to think that there is any significance in the difference.

But what we are not told is how we should know what constitutes 'righteousness and justice' in the first place. We may well think that the sin of Sodom and Gomorrah as depicted in Genesis 19 is obvious enough not to need further discussion, but that hardly satisfies the question at issue. If Abraham is to 'charge his children and his household after him to keep the way of the Lord by doing righteousness and justice', we might suppose that further guidance would be helpful, for more than just such outrageous behaviour as that of the two cities seems to be in view. Again, a reply might be that it means a simple imitation of God's way ('to keep the way of the Lord'), but it is easier said than done to specify exactly what that entails.

So the nub of the problem is to track down what we can of how the Old Testament expects its readers to know what is included in the fifty or more appearances of the word-pair 'justice and righteousness'.