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Rabbi Jonathan Sacks and Covenant in a Liberal Society

The Abrahamic Politics of Freedom

1. Rabbi Jonathan Sacks, *The Great Partnership* (2007), 134–135

Outside Israel, all religion in the ancient world was essentially conservative. It canonised the status quo. It explained why kings are born to rule and why people have to obey. There is a hierarchy in society just as there is in heaven, among the sun, the moon and the stars, the 'great chain of being'. Without order, there is chaos; without power, there is no order. That is why the gods have given power to their representatives on Earth, and their authority cannot be challenged without provoking the potentially fatal anger of the gods themselves.

The Hebrew Bible inverts this entire way of seeing the world. God is against the established powers, chief of them Mesopotamia, satirised in the story of the Tower of Babel, and Egypt, the longest-lived and most powerful empire of the ancient world. Nothing amuses and angers God more in the Bible than people setting themselves up as demigods, as many ancient rulers did and as tyrants have continued to do ever since, among them, in the twentieth century, Stalin, Mao and President Kim Il-Sung of North Korea.

The story of the Exodus, with its plagues and the division of the Red Sea, is not just about freedom. If it had been, the story could have been told without any of the miracles. It is about God taking a stand against Pharaoh, and by implication all absolute rulers who claim to be god, child of the gods or chief intercessor with the gods. **One of the key biblical projects is to demythologise and secularise power.**

Here the revolutionary power of monotheism is expressed to the full. In polytheistic religions, a god or gods reign supreme over a certain area. There is a chief god of Egypt (Ra), of the Moabites (Chemosh), of the Babylonians (Marduk) and so on. They are part of the national myth. Their standing among the gods rises or falls with the fate of the nation.

For the first time monotheism introduces a radical split between God and the people. The God of the Israelites is not only the God of the Israelites but of everyone. His power extends not only over their territory but everywhere. Such a God cannot be identified with the power of this or that nation. The point of the plagues is not to hasten the freedom of the Israelites but to show Pharaoh that God's power extends even over Egypt. The story of the Israelites in Egypt is above all a religious critique of political power. Nothing could have been more counterintuitive to the ancient world than the idea that the supreme power intervenes in defence of the powerless.

2. Rabbi Jonathan Sacks, *Not in God's Name* (2015), 174–175

That, paradoxically, is the religious significance of liberal democracy. Western democracy is not Athenian democracy. It is a rare phenomenon in political history because of its modesty, its sense of limits, its self-restraint. The liberal democratic state does not aspire to be the embodiment of the good, the beautiful and the true. It merely seeks to keep the peace between contending factions. It is procedural rather than substantive. It makes no claim to represent the totality of life. It knows, with Oliver Goldsmith, 'How small, of all that human hearts endure / That part which laws or kings can cause or cure.' In the eloquent words of Michael Novak:

> In a genuine pluralistic society, there is no one sacred canopy. By intention there is not. At its spiritual core, there is an empty shrine. That shrine is left empty in the knowledge that no one word, image, or symbol is worthy of what all seek there. Its emptiness, therefore, represents the transcendence which is approached by free consciences from a virtually infinite number of directions.

That is what makes liberal democracy, however odd this sounds, the best way of instantiating the values of Abrahamic monotheism. It does not invite citizens to worship the polis, nor does it see civic virtue as the only virtue. It recognises (unlike Jean-Jacques Rousseau) that politics is not a religion nor a substitute for one. The two are inherently different activities. Religion seeks truth, politics deals in power. Religion aims at unity, liberal democracy is about the mediation of conflict and respect for diversity. ...

More important still is what liberal democratic politics achieves. It makes space for difference. It recognises that within a complex society there are many divergent views, traditions and moral systems. It makes no claim to know which is true. All it seeks to do is ensure that those who have differing views are able to live peaceably and graciously together, recognising that none of us has the right to impose our views on others. Coerced agreement is not consent, said the Jewish sages. Give to Caesar what is Caesar's, and to God what is God's, said Jesus (Matt. 22:21). There is no compulsion in religion, says the Qur'an (2:256). Democratic politics has no higher aspiration than to allow individuals freedom to pursue the right as they see the right, with this proviso only, that they extend the same right to others. It seeks the maximum possible liberty compatible with an equal liberty for all.

3. Rabbi Jonathan Sacks, *The Dignity of Difference* (2nd ed.; 2003), 133–134

Three things about the Sinai covenant are revolutionary. The first is that one of the partners is God himself. The idea that God might bind himself to a formal agreement with a group of human beings was unprecedented. It was the theological precursor of constitutional monarchy. The second is that the other partner is not – as in all other ancient treaties – a leader or king, but the entire people, each one of whom, by being given the right of assent or refusal, is granted the dignity of citizenship. The third is that God, by inviting the people to signal their willingness to enter the covenant before communicating its terms, is in effect making it conditional on their agreement. To put it in the language of the American Declaration of Independence: there is no legitimate government without "the consent of the governed," even when the governor is

Creator of heaven and earth! Here, even more than in the citystates of ancient Greece, is born the idea of a free society. Never before, and rarely since, has the dignity of the human person in the presence of God – the citizen of the nation of faith under Divine sovereignty – been so singularly elevated.

4. Rabbi Jonathan Sacks, *To Heal a Fractured World* (2005), 167

The existence of a covenant with God means that all human sovereignty is delegated, conditional and constitutional. This gives rise to the principles of crimes against humanity and justified civil disobedience. If there is a conflict between the laws of humans and the law of God, the latter takes priority. This is the greatest single safeguard against tyranny, totalitarianism and the rule of might over right. It is also the principle that brought into being one of the great moral institutions of humankind: the prophet, the world's first social critic.

Dignity and Welfare

5. Rabbi Jonathan Sacks, *Radical Then, Radical Now* (2001), 120

Tzedek, the Bible's welfare legislation, is built on the premise that freedom has an economic dimension. Not only does powerlessness enslave, so too does poverty. So no one is to forfeit his independence or dignity. One may not take a person's means of livelihood as security for a loan or hold on to items of clothing they need, nor may one delay payment to an employee. The vision of tzedek—a republic of free and equal citizens—is best expressed by the prophet Micah: "Every man will sit under his own vine and under his own fig-tree and no-one will make them afraid."

6. Rabbi Jonathan Sacks, *The Dignity of Difference* (2003), 118

Everyone must have a share in the land. In the course of time, some—through poverty, bad harvests or other misfortunes—will be forced to sell. One year in 50, therefore, all land is to be returned to its original owners so that no one is denied his or her ancestral inheritance. The connection between economic equity and political freedom is explicit: 'Consecrate the fiftieth year and proclaim liberty throughout the land to all its inhabitants. It shall be a jubilee for you; then shall each of you return to his inheritance; then shall you return, each of you, to his family'. (Leviticus 25:10).

What these periodic redistributions testify to is the biblical awareness that an equitable distribution will not emerge naturally from the free working of the market alone. It is no coincidence that the single most effective recent campaign for international debt relief—Jubilee 2000—was drawn directly from the biblical idea of the Jubilee year. ... The sabbatical and Jubilee years act as a corrective to the market by restoring a level playing field to those who have been forced to sell either their labour or their land. They break the cycle of poverty and dependence.

7. Sacks, "Global Covenant: A Jewish Perspective on Globalization," in John Dunning (ed.), *Making Globalization Good* (2003), 223–224

The Bible is acutely aware that the workings of the free market can create, over time, inequalities so great as to amount to dependency and which can only be removed by periodic redistribution. Hence the sabbatical year in which those who had sold themselves into slavery through poverty were released, and all debts cancelled. In the jubilee year, ancestral land returned to its original owners. The idea was from time to time to restore a level playing field and give those who had been forced to sell either their labour or their holdings of land the chance to begin again. … There can be no doubt that some of the economic surplus of the advanced economies of the world should be invested in developing countries to help eradicate extreme poverty and hunger, ensure universal education, combat treatable disease, reduce infant mortality, improve work conditions, and reconstruct failing economies. As with tzedakah, the aim should be to restore dignity and independence to nations as well as individuals. Whether this is done in the name of compassion, social justice, or human solidarity it has now become a compelling imperative. The globalization of communications, trade, and culture globalizes human responsibility likewise. The freedom of the few must not be purchased at the price of the enslavement of the many to poverty, ignorance, and disease.

8. Rabbi Jonathan Sacks, *The Home We Build Together* (2008), 131

Social capital is not, in and of itself, a complete solution to social ills. Communities can be narrow and exclusive as well as generous and inclusive. Strong communities can come into conflict with one another ... Nor are they evenly distributed throughout the country and the population. Relying on voluntary help can leave some far less supported than others. That is why state action is necessary. The Bible itself recognizes this. Hence the laws about cancellation of debts in the seventh year and the return of land to its original owners in the Jubilee. Private charity and communal provision are not in themselves sufficient to correct the huge inequities and inequalities that arise from any economic order. What is important is the balance. State must be supplemented by society, and contractual relations by covenantal ones. A good society needs both justice and compassion. Justice can be established by law; compassion flows from the human heart.

Beyond Liberalism/Libertarianism

9. Rabbi Jonathan Sacks, *The Politics of Hope* (2000), 145–146

The cultural contradiction of libertarianism is simply this. A liberal society depends on the existence of non-liberal institutions. Without them we erode the ecology of civil society without which order can only be sustained by a Leviathan of the state. Liberal society and its economic counterpart, the market economy, are predicated on virtues that cannot be accounted for in terms of liberalism itself. They depend precisely on a willingness to forgo individual advantage for the sake of collective good. The political animal of Hobbes and the economic animal of David Ricardo were portraits of humanity operating within a society of strangers. ... However,

there is something in human nature that requires us to seek more, or other, than a society of strangers—to seek friendship and trust, to bring stability and predictability into interpersonal relations, and to constitutionalise love in the form of marriage and parenthood. ... Applied to politics and economics, the Hobbesian story yields order. Applied to morality it yields disorder and dehumanisation. ... Liberalism, in short, cannot be the whole truth of our social situation. It is one story, and we need two. ...

Religion, the great truth about man's search for meaning, trespassed during the Middle Ages into two realms not its own: factual knowledge and political power. The result was ignorance and persecution. That was why the Enlightenment was necessary. Liberalism, the great truth about coexistence in diversity, trespassed during the twentieth century into a neighbouring field, morality, the great truth about living together in trust, and it too brought harm: broken families, abandoned children, the 'new barbarism' of post-modernity. Extending beyond its scope, it threatened to destroy its own foundations. That is the tale of the two stories. Now the question is: can we restore civility and begin to build the good society?

10. ***The Dignity of Difference*****, 157**

The consumerization of society has left us freer to choose almost everything: what to do, where to go, how to live and with whom. But that freedom simultaneously dissolves the very things that once gave permanence and dignity to a life. Marriages become fragile. Attendance at places of worship declines. Voluntary groups are more fragmented and ephemeral. It becomes hard for individuals to find stable networks of support at the very time they need them most. It becomes even harder to say why we do what we do. Politicians value us for our vote, advertisers for what we buy, but who is left to value us for what we are? When contracts displace covenants and means replace ends, we are left with freedom without meaning, which is certainly more pleasant but not necessarily more fulfilling than meaning without freedom...

11. ***The Dignity of Difference*****, 194**

Two of the most influential works of Western modernity—Hobbes' Leviathan and Adam Smith's The Wealth of Nations—were predicated on the idea of man the maximizing animal. Politically this led to the social contract; economically to the division of labour and the free market. **Mankind, however, is not merely a maximizing animal. We are also, uniquely, the meaning-seeking animal. We seek to understand our place in the universe. We want to know where we have come from, where we are going to, and of what narrative we are a part.** We form families, communities and societies. We tell stories, some of which have the status of sacred texts. We perform rituals that dramatize the structure of reality. We have languages, cultures, moralities and faiths. These things are essential to our sense of continuity with the past and responsibility to the future. Without them it is doubtful whether we would have reasons for action at all beyond the most minimal drives for survival. That is why religion is a persisting feature of the human situation, and will not disappear so long as we ask the most fundamental questions of why we are here and what kind of world we seek to create.

Berit Ḥesed: Covenant, Society, Morality

12. ***The Dignity of Difference*****, 151–152**

Covenantal relationships—where we develop the grammar and syntax of reciprocity, where we help others and they help us without calculations of relative advantage—are where trust is born, and without them there would be no selves and no contracts. Contracts, social or economic, mediate relationships between strangers. But if we were always and only strangers to one another, we would have no reason to trust one another. The possibility would always exist, and always have to be taken into consideration, that the other will defect when it is in his or her interest to do so. A world systematically bereft of fidelity or loyalty would be one in which neither states nor markets would ever get under way. ... Or, to put it another way: markets depend on virtues not produced by the market, just as states depend on virtues not created by the state.

Where are they created? In families, communities, friendships, congregations, voluntary associations and fellowships of various kinds—in short, wherever people are brought together not by exchange of wealth or power but by commitment to one another or to a larger cause they serve in common. It was this insight that famously led Edmund Burke, reflecting on the French Revolution, to speak of the 'little platoons' as the birthplace of 'public affections'. It was this also that moved Alexis de Tocqueville to assert that it was American 'habits of association'—their tendency to form voluntary associations and join churches—that protected freedom through the exercise of citizenship.

13. ***The Politics of Hope*****, 63–64**

The driving force of the biblical drama is not self-interest but something else, for which the Hebrew word is **hesed**, usually translated as 'compassion' (a key word of politics of a certain kind). More accurately, though, **hesed** should be translated as '**covenantal obligation**'. It means the duties and responsibilities that flow from identification and belonging, the kind of relationship that exists between husbands and wives, or parents and children.

What constitutes society, on this view, is not a contract but a covenant (brit). One difference between them is that those bound by a covenant are 'obligated to respond to one another beyond the letter of the law rather than to limit their obligations to the narrowest contractual requirements'. Another is that covenants have a moral component that renders them more binding and open-ended than could be accounted for in terms of interest. ... To put it simply, parties can disengage from a contract when it is no longer to their mutual benefit to continue. A covenant binds them even—perhaps especially—in difficult times. This is because a covenant is not predicated on interest, but instead on loyalty, fidelity, holding together even when things seem to be driving you apart....

One of the key differences between a society based on contract and one built around the idea of covenant is what holds it together. A social contract is maintained by an external force, the monopoly within the state of the justified use of coercive power. A covenant, by contrast, is

maintained by an internalised sense of identity, kinship, loyalty, obligation, responsibility and reciprocity. These promptings cannot always be taken for granted and have to be carefully nurtured and sustained. Hence the centrality, within covenantal associations, of education, ritual, sacred narratives, and collective ceremony.

A social contract gives rise to the instrumentalities of the state—governments, nations, parties, the use of centralised power and the mediated resolution of conflict. It is the basis of political society. A covenant gives rise to quite different institutions—families, communities, peoples, traditions, and voluntary associations. It is the basis of civil society. This is one way of understanding the difference between man as a political animal and man as a social animal.

14. Rabbi Jonathan Sacks, *To Heal a Fractured World* (2005), 125

And finally there is **hessed**, usually translated as "kindness" but in fact meaning **covenantal love**. Hessed is the loyalty I owe to those who are members of my family—and a covenantal society is one in which all citizens form a single extended family, as the children of one God. Much of the Bible's welfare legislation, especially those provisions that concern rescuing someone from servitude, is introduced by such phrases as, "If your brother becomes poor." God Himself uses the language of family in announcing the redemption of the Israelites from Egypt: "My son, My firstborn, Israel." This is the origin of the concept of fraternity invoked in the French Revolution. As a secular concept, though, it has never succeeded because the necessary theological foundation—the brotherhood of man under the parenthood of God—is lacking. **Hessed** represents the idea that a gracious social order can never be constructed on the basis of rights and obligations alone. There are times when we must go "beyond the letter of the law", beyond the requirements of equity and reciprocity. **Hessed** is the personal, unquantifiable, I-Thou dimension of society, the compassion and humanity that can never be formalized as law but instead belong to the quality of relationships, to the idea that the poor, the widow, the orphan and the stranger are my brothers and sisters.

15. *Not in God's Name*, 222–223

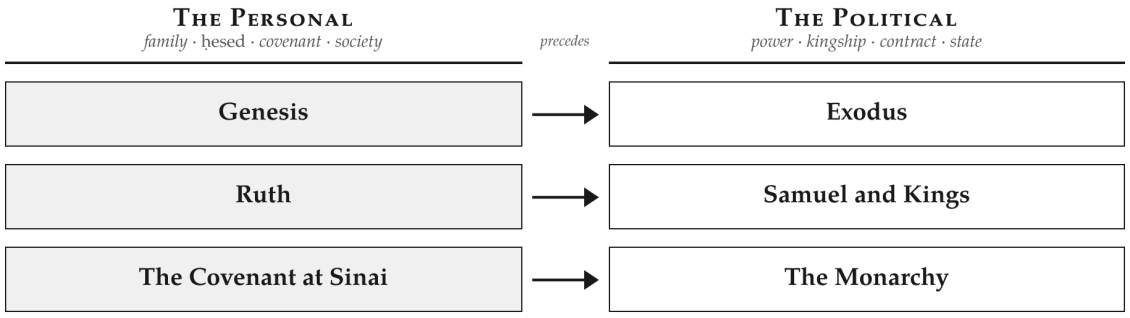
The book of Ruth is about **chessed**, usually translated as loving kindness. Perhaps a more accurate translation would be '**covenant love**', the love on which a covenantal society is based. It is a strong form of the 'affections of kindness and friendship' that Adam Ferguson, Adam Smith and others saw as the basis of civil society. The book is about kindness, loyalty, compassion, steadfastness: Ruth's to Naomi, Boaz's to Ruth.

What the Bible is doing by making Ruth the prelude to the history of Israel's kings, is stating, as a fundamental principle, the primacy of the personal over the political. ... That too is the function of the Bible's first book, Genesis. It tells the story of the patriarchs and matriarchs: Abraham, Isaac and Jacob, Sarah, Rebecca, Rachel and Leah. It too is strange. One of Judaism's early sages asked why we needed the book of Genesis at all. The Bible is the story of the Israelites as a nation. They did not become a nation until the beginning of the book of Exodus. Until then they were only a family. The answer is that Genesis stands to Exodus as Ruth does to the books of Samuel. It too is a prelude. Genesis is the pre-history of Israel's birth as a nation, as

Ruth is to Israel's birth as a kingdom. Like Ruth, Genesis is about human relationships: husbands and wives, parents and children, and brothers. It too is about the primacy of the personal over the political. It is about chessed: loyalty, love, marriage, the family, and kindness to strangers. Stephen Carter, the Yale law professor who has written books about the 'prepolitical' virtues, translates **chessed** as '**civility**'. ...

Governments are necessary. Otherwise there would be no rule of law, and no defence of the realm. But they are not the highest expression of human life. Love is. Not love in the romantic sense, but in the social sense of kindness to strangers.

The Primacy of the Personal over the Political



"Social covenant creates a society. Social contract creates a state."
The Home We Build Together, 106

See Jonathan Sacks, *Not in God's Name* (2015), ch. 13; *The Home We Build Together* (2007), 106, 221–22; *The Great Partnership* (2011), ch. 9; *Future Tense* (2009), ch. 8.

16. *Morality*, 228–229

A covenant generates a different kind of relationship altogether. Recall that what makes it different is that in a covenant, two or more individuals, each respecting the dignity and integrity of the other, come together in a bond of love and trust, to share their interests, sometimes even to share their lives, by pledging their faithfulness to one another, to do together what neither can achieve alone. Unlike contracts, which are entered into for the sake of advantage, covenants are moral commitments sustained by loyalty and fidelity, even when they call for sacrifice. They are about you and I coming together to form a "We."

A contract is a transaction. A covenant is a relationship. A contract is about interests. A covenant is about identity. That is why contracts benefit, but covenants transform. A covenant creates a moral community. It binds people together in a bond of mutual responsibility and care. It can be vast: there is, I believe, a covenant of human solidarity that binds all seven billion of us alive today to act responsibly toward the environment, human rights, and the alleviation of poverty for the sake of generations not yet born. A covenant can also be small and personal: the simplest instance is a marriage when husband and wife pledge themselves to one another in an open-ended commitment to share a life.