

Editorial

That law is an essential part of all human enterprises is beyond the pale of argument. Religion, which to many is the supreme human enterprise, offers various visions of law, as intended to guide humans spiritually. They range from knowledge of reality as such, rendered into directive terms for human spiritual conduct, to specific commandments of God for the same purpose. There are also all kinds of positions in between.

However, there are some things which run through all the different visions, marking commonly shared areas. Among these, two stand out: Firstly, that the law that has come to the preview of human knowledge, impinging upon human consciousness, is, by its own terms, though differently grasped, the result of some purely vertical impact from beyond the realm of the merely human, demanding a vertical relation in response as well. Secondly, that the law calls forth a community to which is assigned a "place" marked out for its existence in the world as a whole and specifically in the human world, demanding within that place, and without, a special kind of horizontal relation. The ramifications of these are boundless, which not only would keep the followers of the various visions searching and examining themselves *ad infinitum* but would engage for ever those who pursue them intellectually for the sake of study for ever.

In this issue of the *Journal* we have been fortunate in gathering together the gist of different visions of law in World Religions, in a way that has been practically possible for us as well as feasible within the space available.

Rabbi Zeplovitz starts off the volume with a discussion of Jewish Law in a manner that is clear, erudite and eminently instructive. Law in Judaism, he writes, is referred to as *Halakha*, from the Hebrew, meaning "to walk", signifying the way one lives, i.e., "the path which directs the adherent to live a full and meaningful life connected to God and to

others." He points out the central importance of the legal tradition in Judaism. "Law is the gift of God's love", and its special goal is "to establish responsibility between humanity and God, between people and in our own selves". Obviously, the idea of *covenant* between God and people, as being at the heart of law, is something specially to be noted in the making of law in Judaism. The Rabbi would remind the reader that God himself is the source of the Jewish law. The linking of the law with "God's creative power (evident in the Creation)" is no doubt very illuminating, and is to be viewed as a very special feature of how Judaism understands law.

Dr. Westerholm in the article, "Law and the Early Christians" examines the relation of early Christians to the Mosaic law. It is made clear what it is that the first Christians understood as law. They were reacting positively or negatively as also critically to the law that was there in Christianity's parent faith. In the article, Paul's approach to the problem, which eventually set forth norms for Christianity's position, is discussed very illuminatingly.

To be sure, the early Christians, as Dr. Westerholm points out, conceived law in the terms that prevailed in the tradition within which Christianity arose. They obviously viewed that law as *the* law, to which they developed a new critical relation, neither positive nor just negative. They, however, challenged it from standpoints of their new faith. It is also appropriately pointed out that the early Christian leaders like Paul could get no clear-cut guidance from the teachings or the attitude of Jesus himself in this matter, and hence had to struggle to find a solution.

Now, it is evident from the early documents that while the early Christians offered alternatives to the law by other theological concepts and did not offer an *alternative concept of law* in any radical sense--which would have been a *prima face* impossibility--they did develop some codes of conduct for the Christian community in public worship, in private as well as corporate life, etc., as implicates of their new faith. But they would not have thought of them as law replacing the old law--and quite appropriately so. But the fact remains that there came into

being codes of conduct, gradually instituted. And most of all, the leaders instituted the rites of initiation and Lord's Supper which remained as the core of a system of sacraments. These rites, however, cannot be viewed now, and could not have been viewed then, except as required, which means as law. The sacramental rites are no doubt defined as means of grace, but insofar as they are to be observed necessarily they can be covered under the concept 'law' though differently than the law of the old dispensation. And the Christian church, the new community, under the new dispensation, enacted a vast net-work of rules, starting from the rudimentary, early system of rites and codes of conduct. These add up to law of a kind, from which developed much Christian law.

Professor Hussain in his fine piece, "The Concept of Law in Islam" begins by rejecting the common misconception of Islam as overly legalist. But he does point out that in Islam law occupies the most important position. "Muslims believe", he writes, "that law, like all things, to be deeply rooted in the Divine." He points out that the Arabic word for law, *shari'ah*, usually translated "way" or "path", is parallel to the Jewish usage of *halakha*, meaning the way one should walk. Now, "the Qur'an, as the supreme source of guidance for Muslims," he states, "though not a book of law, contains many statements about what is not lawful, and what type of conduct is to be expected from those who call themselves Muslims". And he adds, "for this reason the Qur'an is the first source of law in Islam".

Dr. Arapura writes on "Law in the Brahmanic *Dharma-sastras*," with focus on the text attributed to Manu. He gives evidence to show that law here (as dharma) is based on the Vedic cosmology of creation by God. [This is rather similar to the Jewish view as presented by Rabbi Zeplovitz.] He points out, however, that the whole Manu Code had for its starting point the question of the laws appropriate for the different castes--something very specific. Arapura suggests that in the actual direction which the law took--affecting caste obligations, moral conduct, and even food--had been heavily determined by the "law" of the *gunas*, or qualities, constituting *prakrti*, or Matter, and hence all things, beings, persons and groups in society, put forward by early Samkhya. The

make-up of even persons and classes and the food we eat, differ on account of this constitution. At the back of it all, Arapura points out, stands the law of *karma*, which respects no persons. All these, he says, have influenced the direction that the law took.

In Jainism and Buddhism we come to a totally different approach to law. These great religions deal with law without reference to God. The automatic law of *karma*, with no need for a God, has always been part of all Indian traditions. But the Brahmanic vision of law, with God as the source, adjusted itself to this law as it did to the Samkhyan law of the *gunas*. But Jainism and Buddhism, with which the law of *karma* has been entirely at home, kept to the general line which did not need a God for their visions of law.

Dr. Soni writes on "Jaina Dharma as law of beings and things". He points out that the Jainas refer to cosmology as well as to universal history, for which they use the word 'dharma'. But the use of dharma to signify the law of beings and things is very remarkable, though the concept underneath it cannot be unrelated to cosmology and universal history. The Jaina vision of law, fundamentally governing beings and things, expressed in religious life, Dr. Soni points out, takes on a very strong ascetic character, and hence is filled with strict rules such as *ahimsa*. The natural framework for the ethical code of conduct, the strictest conceivable--is the relentless law of *karma*. And it is by overcoming *karma*, it is pointed out, that one attains liberation. In the religious life, then, the law of beings and things is translated into a code of mighty ethical striving--of a special kind.

Dr. Raj Singh deals with law in early Buddhism under a broad heading that incorporates *bhakti* in Buddhism and dharma of the Buddha. He points out some significant uses of the word dharma in early Buddhism, two of which are very appropriate for the concept of law. These two, respectively, have the sense of: "proper conduct, moral conduct and duty"; "reality or the way it is". [In Buddhism this latter is also understood as the law of becoming.] Dr. Singh discusses *Buddha-dharma* in terms of these and he makes a further, very valuable

contribution, by linking *Buddha-dharma* with *bhakti*. *Bhakti* in Buddhism thus acquires--different from *bhakti* elsewhere--a new essence of spiritual becoming in accordance with the universal law of Becoming.

Dr. Mol furnishes a general discussion, essentially from the angle of his discipline, i.e., Sociology of Religion, on "Religion and Law," with particular stress on the issue of sexuality. Dr. Mol states, "the further back one goes in evolutionary history, the more inseparable and indistinguishable law and religion appear to be." Rules and regulations, he says "can be traced back to the contributions they made to the refinement of the group". He shows that they are not merely proscriptions and prescriptions inasmuch they also entailed commitment and loyalty to these very things. Dr. Mol also demonstrates the other side of the relation between law and religion, namely, conflict between them. In this dual light, of inseparability and conflict, he suggests implicitly the way to review many things which dominate human life. However, he has selected sexuality for special scrutiny, and delivers some very valuable findings.

Finally a very special issue is being discussed by Dr. Bilimoria as a case study involving a large and complex nation, i.e., India, which affirms its secular character. Many matters concerning law in World Religions are brought face to face with secular individualism in a special way in the nation of India. Hence the relevance of Dr. Bilimoria's article, "Personal Law, Legal and Constitutional Issues: Debates over Uniform Civil Codes in Modern India."

Now, this series of extremely useful discussions included in this volume makes some valuable contributions to the subject, "law in the world religions". But admittedly, the vistas that will be opened up are limitless.

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