

## LEGALITY AND MORALITY

A commentary on *Parashat Bechukotai*

By Sam Grant

*Parashat Bechukotai* translates to ‘in my statutes.’ It comes at the end of the book of Leviticus which up until this point has focused on the concept of what is and what is not holy. The main focus of this *Parashat* consists of G-d promising blessings for the Jewish people if they obey his laws and commandments, followed by a list of dreadful curses and calamities that will ensue if they do not:

“I will lay your cities in ruin and make your sanctuaries desolate...I will make the land desolate, so that your enemies who settle in it will be appalled by it.” (Leviticus 26:3, verse 31)

This *Parasha* is all about rules, following them or not following them. Rules are important. In the UK, the ‘Rule of Law’ is one of the fundamental doctrines of the UK’s uncodified constitution. The key ideas that the ‘Rule of Law’ espouse are that no one is above the law and that we are all equal before the law. This, wrote A.V Dicey, the famed 19th Century constitutionist, ensures a ‘government of law’ and not a ‘government of men.’ (*Introduction to the study of the law of the constitution*. A. V. Dicey, (1915))

This is not to say that the law occasionally cannot be ‘an ass.’<sup>1</sup> The laws set in Parliament are set by humans and interpreted by humans who are liable to the same prejudices and foibles as we all are. Law can be and has been used to oppress. It has been used by the powerful to ensure that the voiceless remain voiceless. Legality does not always equate to morality and vice versa.

Yet, laws are important, even when we need to challenge them. Laws and rules act as a guideline for acceptable behaviour, and when working at their best, ensure a level of equality within society. We can challenge unjust laws without challenging the very concept of the Rule of Law. Law and morality are in a constant state of conversation and tension.

René Cassin, as the Jewish voice of human rights, upholds the importance of the Rule of Law. Yet, will speak out when rules are unfair or when they prevent individuals from accessing justice altogether. This is why we campaign for an end to the indefinite detention of migrants in the UK or for better protection of survivors of human trafficking. Current legislation does not ensure fairness for all and we should speak out when this is the case.

The danger of not keeping our legal system in check with an evolving concept of morality may not be as gruesome or divinely inspired as spelt out in *Parashat Bechukotai* but will certainly cause human suffering nonetheless. Making sure that our legal system is infused with, challenged by and in conversation with human rights norms is part of the ‘Eternal Vigilance’<sup>2</sup> required to uphold a fair society.

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1. A quotation often used to show the law being at odds with common sense. Originally taken from a 17th Century play, made famous by Charles Dickens in *Oliver Twist*, and used by various tabloids in the 20th and 21st Centuries when they dislike a legal judgement.

2. Quote from Thomas Paine ‘Eternal Vigilance is the Price of Liberty.’ “ Thomas Paine: *The American Crisis*, No.