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**1. Annual General Meeting - 2002**

Our guest speaker for this year's AGM was the distinguished Melbourne Rabbi, John Levy. His talk centred on the traditions of the P a s s o v e r celebration and the significant c o n n e c t i o n s between Jewish and Christian ritual stemming from this. The audience found his presentation most enlightening.

**President's Report to the AGM**

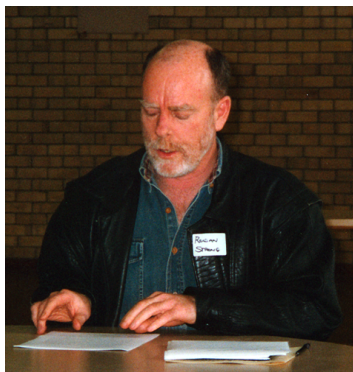
*This is an abridged version -
the complete text may be found on the Resources
Page of our web site at <http://www.ccwa.iinet.net.au/>*

Members could be forgiven for thinking that your Executive Council has not done much this year. All the activities publicised for this year have been advertised for the next couple of months, with this AGM, the annual Kristallnacht service, and public lectures on religion and law. For absence of activities earlier in the year, and throughout 2002, I feel I must take responsibility. If you remember in my 2002 report I referred to the lack of involvement in the scheduled activities and intimated that I thought the way forward to solving this was to have less activities of a more public nature. This has proved harder to organise than I imagined and I have insisted to the Executive that we stay with this idea. The end result has been that there have been rather fewer activities than is desirable. For that I am

to blame, a fault which was compounded by the fact that I was absent overseas for a couple of months in the middle of the year. I realise, therefore, I need to listen to others more, and that I need to cease to be such a gatekeeper of the ideas of others in the planning our scheduled activities. It may be that my time as Chairperson is fast approaching and that new visions are needed.

I want to say this, not only because of you deserve an explanation as members, but also to exonerate your Executive Committee. This group has, as usual, worked hard and been willing to tolerate my autocratic tendencies for far longer than is probably good for either myself or the Council. I want to thank them all, on your behalf, for another year's service. Particularly I want to acknowledge the enthusiasm of a now retired member, Fr Pat Ahearn, who was one of the original working group who established the Council. No one who has ever met Pat can doubt his sincerity and commitment to Christian and Jewish relations which has by no means ceased now that he has retired from the Executive, and he remains a vitally interested member in the Council's work. Pat has been replaced as the Roman Catholic representative on the Executive by Fr Gerard Beeson who continues the tradition of personal involvement by his church. I am sure the others will understand if I further draw members' attention to the high level of personal commitment and time of Valerie and Ed Scott, our secretary and treasurer respectively. Encapsulating, as they do in their own household, Christian and Jewish relations, it is fair to say that not much of a practical outcome in our activities over these last seven years would have been possible without their continued sacrifice of time and talents on behalf of the Council. All other members, our Vice-Chairperson, Norm Hoffman, and other committee members, Ken Arkwright, Graham Nielsen our publicity officer who maintains our web site conscientiously, Abe Sher, and Marie Wilson, also deserve the Council's gratitude for their continued service. To Judith Arkwright, whose hospitable courtesy in having her home invaded by monthly council meetings and facilitating discussion with coffee and cakes, both my heart and my waistline thank you, as do all the members of the Executive through me.

By having the annual general meeting of the Council earlier this year it is fully intended to have a program of events ready to go before the members by the beginning of this year. To this end, the Chairperson promises to be less of an autocrat and more of a true chairperson in the belief this will



remarkably assist our 2003 outcomes.

I also need to report that during this year the committee of the Australian Council of Christians and Jews has come to life. This has happened through scheduled telephone conferences which involve myself as your Chairperson. It is

anticipated that this will involve greater sharing of information so that publications such as the *Christian and Jewish Scene*, published by the Australian Council, will involve much more publicity of our own events, in addition to those of other states. Currently under discussion in this committee is the thought of a national conference perhaps in 2004.

Revd Dr Rowan Strong - 22 September 2002



2. IVF and Stem Cell Research

For some time now there has been a good deal of media coverage and discussion in Parliament on the topic of Embryonic Stem Cell Research and in recent times we have been asked to canvass the CCJWA faith communities as to their views and teachings on this controversial topic. Here are the responses we have received from Anglican Primate, Archbishop Peter Carnley and Perth Hebrew Congregation Rabbi, Dovid Freilich.

The Anglican View

We come to this topic with a shared commitment. Not least is the fundamental belief that because God created us as unique human individuals, all human life is sacred. Thus the question of when precisely a human life may be said to have begun, and when an embryo is to be accorded the status of an individual human being- with legal rights to protection and care- becomes absolutely and literally vital.

Given that twinning can occur up to the fourteenth day of this process, it is not logically possible to talk of the conception of a unique human individual (as distinct from the fertilisation of an ovum) prior to the completion of this process. The process of conception is a 14-day process, and there is a fundamental difference between fertilisation and conception.

Up to 14 days we are dealing with human genetic

material which should be treated with respect and not frivolously. But the inevitable loss of fertilised ova, as happens in nature, is not to be regarded as the killing of conceived individuals or the slaughter of human subjects.

Once we are clearer about what happens physiologically, we can begin to see what ethical norms should result, remembering that we still have considerable work to do of a detailed moral and legal kind.

*The Most Reverend Dr Peter Carnley AO,
Archbishop of Perth
and Primate of the Anglican Church in Australia*

The Orthodox Jewish View

Abortion is forbidden in Judaism, unless it is required to save the life of the mother, or if the birth of a child is going to severely jeopardise her health, with the possible risk to her life.

The key issue is whether pre-embryos are included in the prohibition of abortion. Consensus up to now, is that an embryo is not protected by the limitations on abortion until it is implanted in a woman. The Jewish perspective on abortion revolves around the foetus being in the woman. The logic of only ascribing humanity to an embryo once it is implanted in the womb is that if such an embryo were left undisturbed it would continue to grow and reach parturition unlike the pre embryo created by IVF which if left untouched in its test tube would die. The pre-embryo requires active intervention to even reach a situation which is considered to be truly potential life.

The alternative to this reasoning would be to argue that the killing of adult skin cells is forbidden since a person could potentially be cloned from any cell in an adult body. Judaism regards the saving of life as the most important duty. To do this we can even transgress any of our Torah laws with the exception of murder, adultery and idol worship. If a pre-embryo is not covered by the biblical commandment of; "You shall not murder," then allowing the destruction of a pre embryo for its stem cells in order to save or enhance life would be a religious duty.

There are many rabbis who oppose the deliberate creation of pre-embryos for the purpose of their destruction as it is felt it would cheapen the value of human life. This is a challenge which it is believed can be overcome by always consciously acting within the mindset of enhancing human life itself and gives us the opportunity to ensure that we remain the masters of our science and technology and not vice-versa. Being cognisant of the requirement of an ethical and moral use of science to better our lives would not cheapen the value of human life, but on the contrary elevate it.

Rabbi D Y A Freilich, Perth Hebrew Congregation

3. Modern Law – Biblical Roots and Conflicts

This is an abridged version of a lecture given at Perth Hebrew Congregation, Menora, Perth. on 23 October 2002 by Rabbanit Aviva Freilich, legal scholar and lecturer in Commercial Law at the University of Western Australia.

The full text may be found on the Resources page of our web site at <http://www.ccwa.iinet.au/>

Source and Development

Before discussing the content of Jewish Law, Rabbanit Freilich stated it was necessary to understand its source and development. The foundation of Jewish Law, is seen to be the *Torah*, which Jews believe is of Divine origin, given to Moses on Mount Sinai, three and a half thousand years ago. As well as being a history, it contains 613 commandments - not merely ten as generally thought.

The *Torah*, she said, could be likened to the Australian Constitution, except that the constitution can be amended, but the *Torah* is immutable because of its Divinity. As the 613 laws (*Mitzvot*) were not sufficient on their own, the *Torah* has been constantly interpreted, explained and applied by the Rabbis. This process Aviva compared with the Australian High Court's accumulated interpretations of the Constitution since 1901. This accumulated body of law is known as the *Talmud*; first oral, later written down. The *Torah* and the *Talmud* together constitute the Law and, along with all the rules of interpretation, embrace not only the ritual, but every aspect of life.

Human vs Divine Justice

In Judaism, law preceded the State, whereas in secular society, order developed first and law evolved later. In Judaism, law has precedence over the State, with the purpose of improving the life of the individual. In secular thought, justice is

measured according to the criterion of damage or benefit accruing to society. This difference stems from different distinctions being drawn between human and Divine justice. In secular society law has evolved for the benefit of society and the individual is subservient to the 'public good'; at the

same time the law ensures that this will cause the individual no harm.

Rabbanit Freilich cited customs of the ancient Greeks who customarily threw their elder parents

over cliffs when they were no longer regarded as useful to society. Also the Roman father, *Paterfamilias* had the power of life and death over his children and would kill a child found wanting; Plato sanctioned the killing of ugly offspring, extramarital unions, and the children of criminals and the elderly. When people ceased to be of benefit to society their lives were not protected by the law.

In Judaism, society is regarded as a collection of individuals. Only one man was created by G-d and the value of each individual life is priceless, no matter how weak or unbeneficial that individual may seem – no person's life may be sacrificed on behalf of the public good, because a whole world may not be destroyed for the sake of other worlds - each person is seen to have the potential to create a whole world. When Cain killed Abel he, in effect killed a whole world.

The second important concept is that Jewish law, stated the speaker, is that it not only includes law that we are familiar with, also a Divinely enjoined morality. In the ten commandments, 'Thou shall not kill' stands equally with 'Thou shall not covet'. The secular legal system has virtually lost its religious dimension and modern-day morality is, on the whole, quite separate and without sanction. There are no dividing lines between law and ethics in Jewish law; repayment of a debt is a *mitzvah*, a religious act, and charity is described as a court enforceable law. In Judaism charity is not optional.- it is a legal obligation.

Sanctity of Human Life

The speaker then raised the question of the sanctity of human life. This notion is part of our secular law, but because it is not enshrined in an immutable document, it is not particularly sacred; it is able to be changed, modified and diluted, if enough people are in favour of doing so. This is why we have debates on euthanasia, abortion and stem-cell research.

However, the sanctity of human life is a doctrine that pervades Jewish law. It is enshrined in the verse, 'these are the generations of man in the day G-d created man; in the likeness of G-d made they him' (Genesis 5:1). Human personality is in the likeness of G-d and every human being has infinite value. Life is given to humanity in stewardship and we are duty bound to preserve life and health.

The Biblical command, 'Do not stand idly by the blood of your neighbour'. (Leviticus 19:16) has been extended by the Sages to apply to a person who is able to save a life but does not. Thus, if one sees another drowning at sea or attacked by bandits or animals and refrains from rescuing them, they transgress this precept. This duty of rescue (which is not part of our secular law) flows from the concept of the sanctity of life – we are all responsible for the preservation of life.

A related principle is that no one person may be sacrificed to save others, since each person is of



unique and infinite value. The notion of saving life overrides all religious commandments – no ritual is more important, not even the Sabbath. From this comes the principle of prolonging life as long as possible. For example, if A threw a baby off a roof (to its inevitable death) and then B came along and stabbed it before its death, B is culpable for having hastened its death.

The *Talmud* says if two people have only one bottle of water between them, they should share it, rather than letting only one drink, even to allow that one person to definitely survive.

Suicide is regarded as a sin, although suicides invariably are regarded as the acts of those of unsound mind, with no true free will – in such case it would be no sin. One cannot even endanger one's own life, as per the commandment to build a parapet on the flat roof of a house. The audience was asked to compare the contemporary secular laws regarding wearing of seat belts in motor cars and fencing of pools. In Jewish law death is seen as a tragedy and there is a period of mourning, set aside for grief, meditation and spiritual improvement.

The idea of preserving life, our own and others', is expanded into a general notion of looking after others – 'Thou shalt not put a stumbling block before the blind', do not do anything that would tempt anyone to do wrong. Also, 'One must do what is right and good in the eyes of the Lord' (Deuteronomy 6:18) namely, the upholding of high ethical standards. This has spawned a host of Talmudic enactments, including the rule that gave an adjoining neighbour the option of first refusal to purchase ones' property – it was regarded an advantage to have one's properties adjacent to each other and therefore fair and just that a neighbour should have such first right of purchase.

Criminal Law

Jewish Law attaches responsibility for crime not only to its perpetrator, but also imposes a duty on those who could have possibly prevented it. The Biblical law which laid down that the elders of a city in whose vicinity a slain victim was found had to wash their hands, offer an atonement offering and declare, 'Our hands have not shed this blood, neither have our eyes seen it' (Deuteronomy 19). Murder was not only a crime against the victim, but a sin against G-d, in whose image man was made. When a murder occurs nearby, everyone is responsible. Did they neglect the person? Feed him? Befriend him?

In regard to murder, circumstantial evidence is not admissible in Jewish law. There had to be at least two credible witnesses as well as that of witnesses who had warned the offender. Without this evidence the offender could still be punished, but there could then be no capital punishment. Furthermore, in such cases, confessions had no legal validity, because of the Talmudic dictum that man cannot incriminate himself. Proof of guilt was

still needed.

Capital punishment was a law in theory rather than in practice. One Sage noted that a court that imposes such punishment on one person in seven years or even seventy years does a murderous act. Why? Because punishment is not retribution – no person is able to assess whether the punishment is equal to the crime, the purpose of punishment being a moral one and was meant to lead to remorse and repentance, not one of retribution.

An interesting aspect of Jewish criminal law, is seen in the different treatment of theft and robbery. The thief steals secretly, the robber openly and perhaps with force. Theft was considered the more serious crime, because by his furtiveness, the thief shows fear of human punishment but not the judgment of G-d. The robber shows fear of neither. Civilly, the robber had to restore the value of the stolen article, but the thief had to pay double.

Divine Origin of Jewish Law

Ending with references to criminal law, brings us back to the foundation of Jewish Law, its Divine origin. Although it has been to certain extent dynamic, responding to social change through the interpretation and application of the Rabbis (a process which goes on to this very day with all modern technological advances) the basic values of Jewish Law do not change. This may explain why the system has endured, even throughout the dispersion of the Jewish people.

In many ways it is more difficult to ensure the values that we all hold dear in our secular law, remain, because they are subject to change by popular motion. When it comes to ethical debates in our society, it's important that we all make ourselves heard. Christians and Jews, with their largely common values, need to be heard in these ethical debates.

Above all, it is important that while being true to our own principles and values, we are tolerant of the beliefs and values of others (as long as they do not seek to destroy ours) and never seek to impose our own doctrine on them.



4. Our Program for 2003

- *A Passover/Easter Encounter*
at 14:00 Sunday, 2 March
Temple David Undercroft
- Visit of Fr Paul Pawlikowski
President, International CCJ - 18-21 August
- Annual General Meeting - Sunday, 6 October
- Kristallnacht Service - Sunday 9 November

