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P A P E R S
towards a biblical mind

Mercy not sacrifice

Mosaic law in Christian social ethics

by Jason Fletcher

The ordinances of the LORD are sure and altogether righteous. They are more precious than gold, than much pure gold; they are sweeter than honey, than honey from the comb.

Psalm 19:9–10

Now that faith has come, we are no longer under the supervision of the law.

Galatians 3:25

There is perhaps no part of divinity attended with so much intricacy, and wherein orthodox divines do so much differ as stating the precise agreement and difference between the two dispensations of Moses and Christ.

Jonathan Edwards¹

Summary

Rather than neglect Mosaic law, Christians have a theological responsibility to seek in the law given to shape the nation of Israel insight into God's will for nations generally. This is so because Mosaic law was never intended exclusively for Israel; its ethical principles originate in the character of God and are foundational to the creation order. Moreover, Jesus does not abolish Mosaic law but authoritatively reveals its underlying ethical intent, and Paul, although critical of the misuse and powerlessness of the law, also affirms its abiding ethical authority.

Introduction

A limited political agenda

The recent US election raises a pressing question: what should a Christian social agenda look like? The answer of the American evangelical community, 75 per cent of whom backed President Bush, seems clear enough: the culturally conservative agenda centred on abortion, gay marriage and stem cell research. 'Moral issues' were cited in exit polls as the most influential factor affecting voting overall, eclipsing the economy, terrorism, Iraq, healthcare, taxes or education.² For this reason Jerry Falwell, founder of the Moral Majority, could describe the Christian voter's decision as a 'no-brainer'; Kerry was self-evidently a non-option.³

What is bewildering to many UK Christians is the seemingly exclusive association in the US between an 'evangelical' political agenda and a significant but narrow set of moral questions, which due to a more liberal political culture in the UK are at the margins of its party politics.⁴ What about, we might ask, America's 44 million medically uninsured citizens, or the rule of law and civil rights, or the legitimacy of the Iraq invasion? What about a society's responsibility for the poor or the environment? What about debt, unemployment, free trade or globalisation? These issues significantly impact the lives of countless human beings. Ought they not to register on the conscience of the church?

My point is not to suggest how my fellow American evangelicals should have voted; I found it an uncomfortable decision. Rather, it is a more general one that collectively we need a broader social vision.

Towards a more rounded social ethic

So why do serious Christians, who are committed to the authority of Scripture, seemingly fail to embrace or advocate a far-reaching social agenda? It seems to me that among the various factors there is a theological reason why the coherence and scope of evangelical social ethics is limited: a disregard of, or lack of confidence in applying, the ethical norms of the Old Testament and Mosaic law ('the Torah') in particular. This matters because, unlike the New Testament which is focused on the life of the church, the Old Testament is explicitly concerned with the life of a nation.

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1 Jonathan Edwards, 'Inquiry Concerning the Qualifications for Communion,' cited by Willem VanGemeren in 'The Law is the Perfection of Righteousness in Jesus Christ', in Wayne Strickland et al, *The Law, the Gospel and the Modern Christian*, Grand Rapids: Zondervan 1993, p.14

2 From a CNN poll quoted in *The Times*, 4 November 2004.

3 BBC Radio 4 *Today Programme*, 1 November 2004.

4 See P. Riddell, 'On God and sex there is a moral divide between Britain and US', *The Times*, 10 Nov. 2004.

Since the Torah was intended to guide the social and political shape of that nation, serious engagement with its detailed principles holds out the prospect of a more rounded social ethic.

For example, the concept and administration of justice in Mosaic law is highly relational, seeing crime primarily as the rupturing of relationships – between offender and victim or offender and community.⁵ This relational focus provides criteria for measuring the relative seriousness of various offences, and hence is able to shape priorities in criminal justice and sentencing policy.⁶ The Torah also strongly affirms the rule of law and a decentralised constitutional structure which helps foster civic responsibility.⁷ It presents us with an economic model that assumes a free market for goods while preventing an overly skewed distribution of wealth through, for example, restrictions on land, labour and capital markets.⁸ It accords the extended family political significance, expecting that it, along with the wider community, will assume an active responsibility for welfare provision.⁹ Regarding immigrants, Israel's laws governing 'the alien' have much to teach us.¹⁰ Equally the Torah's insistence that human beings are the stewards of creation could not be more relevant today.

However, to claim such things about the Torah invites ripostes such as, 'Should we also stone rebellious children?' or 'Should we advocate slavery?' This paper assumes that a responsible interpretive method is able to demonstrate the reasonableness of these provisions within their cultural and covenantal context and then take us to meaningful, if at points radically challenging, contemporary application.¹¹ A second assumption which cannot be argued here is that as Christians we have an obligation, rooted in the 'creation mandate'¹² and in 'love of neighbour', to seek the welfare of the societies in which God has placed us.

But even assuming these things, is it theologically appropriate to turn to the Torah for authoritative ethical insight about the conduct of nations? Given the nature and purpose of the Torah and the nature of the God who gave it, I will argue that it was always intended to be applied beyond the borders of Israel and that despite our dramatically different salvation-historical context, it retains a universal ethical relevance.

The nature of the Torah

Although 'the Torah' (or 'the law') can be used in the Bible more broadly, in this paper it will refer to the main legal sections of the Pentateuch.¹³ In the Old Testament the word can, like our modern concept of law, refer to commands to obey, but it can also refer to teachings or guidance, which is why it can embrace narrative when used of the entire Pentateuch. Kaiser defines *torah* as 'directional teaching or guidance for walking the path of life.'¹⁴ As such, the Torah was not seen as a flat, wooden or static collection. A discretionary element existed in its application, which helps explain why Moses placed such a premium on appointing judges who were 'capable men', 'men who fear God' and 'trustworthy men who hate dishonest gain'.¹⁵ When Moses 'expounded' the law,¹⁶ he

made it freshly relevant to his audience forty years after Sinai. In a very different historical context the psalmist seeks to 'walk according to the law of the LORD', a law which he can describe as giving freedom, light to the eyes or as making wise.¹⁷ As Wright says: 'When we try to see what light the Scriptures of Israel shed on our own world, *we are doing what God intended should happen*.'¹⁸ (italics original)

It is also significant that the Torah was not seen as 'a single slab of undifferentiated duties'. Rather, as Wright points out, some injunctions are given priority over others; there is a 'scale of values'.¹⁹ Although every detail matters,²⁰ the prophetic cry 'I desire mercy, not sacrifice'²¹ indicates that some laws or principles have weightier moral significance than others, a vital point to remember when translating the Torah's norms into new contexts.

The purpose of the Torah

In addition to understanding what the Torah is, understanding what it was for sheds further light on the question of its abiding relevance. God's purpose in giving the Torah is intertwined with his purpose in calling Israel, as we can see in the following three events in Israel's early history.

First, the call of Abram. At a low point in the history of nations, and, significantly, at the very moment when the Genesis narrative zooms in on one man and his descendants, the ultimate universal scope of God's redemptive concern is made explicit: 'all peoples on earth will be blessed through you.'²² The point is familiar but fundamental – Israel exists for others.

Second, three months after they left Egypt, the people of Israel arrived at the foot of Sinai upon which Yahweh came down to give the law. Exodus 19:3–6 functions like a prologue to the whole Sinai drama. Yahweh reiterates his purpose in choosing Israel and revealing himself to them: 'You will be for me a priestly kingdom and a holy nation'.²³ Of this Janzen writes: 'Israel is commissioned to act as a mediator of God's revelation to the peoples of the earth... [which] surely includes both living out God's will (sampled in the Torah) before the nations and teaching it to the nations'.²⁴ This priestly function is confirmed by the consecration of the whole people through the sprinkling of blood, in the same way that Aaron and his sons were later sprinkled with blood as the priesthood *per se*.

Finally, on the border of the promised land, in a context of pre-conquest covenant renewal, Moses reiterates Israel's mission and explicitly links this to the commands given at Sinai: 'Observe them carefully, for this will show your wisdom and understanding to the nations, who will hear about all these decrees and say, "Surely this great nation is a wise and understanding people".'²⁵

Theological foundations

The link with wisdom in the passage just quoted is telling. The wisdom tradition assumes that God created an orderly universe in which his design for living is embedded into its fabric, and which can be known through generations of accumulated experience.²⁶ Although the conceptual link between *torah* and wisdom was not explicitly developed until the late OT period,²⁷ Moses seems to share the basic view that the Torah illuminates a universally accessible and relevant 'design for living'.

This association is hardly surprising in light of the creational context of the Torah. Genesis asserts that Yahweh the Creator is sovereign over all created things and that all human beings are

17 E.g. Ps. 119:1, 32, 44, 98; also Ps. 19:8.

18 Wright, 2004, p.65.

19 Wright, 2004, pp.305–314.

20 Deut. 8:3; Matthew 5:18; 23:23,

21 Hos. 6:6.

22 Gen. 12:3.

23 Ex. 19:6.

24 Waldemar Janzen, *Exodus*, Believers Church Bible Commentary, 2001, p.239. See also Wright, 2004, p.64 on this theme.

25 Deut. 4:6–7.

26 W. Janzen, *Old Testament Ethics: a paradigmatic approach*, Louisville: Westminster/John Knox Press, 1994, p.119.

27 W. Brueggeman, *Old Testament Theology*, Minneapolis: Fortress Press 1997, pp.592–3.

5 Jonathan Burnside, in *Jubilee Manifesto*, Schluter and Ashcroft (eds.) IVP, forthcoming 2005. See also J. Burnside, and N. Baker, (eds.), *Relational Justice: repairing the breach*, Waterside Press 1994, reprinted 2004.

6 Jonathan Burnside, *Signs of Sin*, Sheffield Academic Press, 2002.

7 B. Logson, 'Multipolarity and covenant', Cambridge: Jubilee Centre, 1991. See also Nick Spencer, *Apolitical Animal? A biblical perspective on engaging with politics in Britain today*, Cambridge: Jubilee Centre, 2003.

8 See Paul Mills, 'The divine economy', *Cambridge Papers*, Vol. 9 No. 4, 2000.

9 See *Jubilee Manifesto*, forthcoming 2005.

10 Nick Spencer, *Asylum and immigration: a Christian perspective on a polarized debate*, Paternoster, 2004. For an accessible introduction to the application of ethical principles from the whole of Scripture (including Mosaic law) to contemporary issues, see Nick Spencer, *Votewise: helping Christians engage with the issues*, SPCK, 2004.

11 See Wright, 2004 on interpretive method. For solutions to many 'difficult' laws see also Julian Rivers, 'The moral authority of Scripture', *Cambridge Papers*, Vol. 13 No. 3, 2004. See also *Jubilee Manifesto*, forthcoming 2005.

12 See R. Macaulay, 'The Great Commissions', *Cambridge Papers*, Vol. 7 No. 2, 1998.

13 These are Ex. 20:2–23:33, the book of Leviticus and Deut. 5:6–21 and chs. 12–26.

14 W. C. Kaiser, Jr., 'The Law as God's gracious guidance for the promotion of holiness', in W. Strickland *et al.*, 1993, p.193.

15 Ex. 18:21.

16 Deut. 1:5.

equal in status and dignity as his image bearers. The universal implications of these truths find repeated expression in the songs of Israel – God is our Maker, the only God who is King over all the earth.²⁸ As such, all creation should rejoice and all peoples joyfully acknowledge the benevolent authority of the King.²⁹

Clearly, Israel understood that Yahweh is no mere tribal deity. Their lawgiver is the Creator and cosmic Ruler. It is, therefore, the prerogative of this God to exercise judgement. All nations, as Amos 1–2 asserts, are accountable. But, we might ask, to which standard? Although the Israelites were conscious that receiving the Torah was both a unique privilege and responsibility because it was a greater and more authoritative light by which to live, it would seem that what God required ethically of the nations was entirely consistent with, even identical to, what he required of his people. Thus Jeremiah could declare: ‘If they [Israel’s neighbours] learn well the ways of my people and swear by my name...then they will be established among my people. But if any nation does not listen, I will completely uproot and destroy it.’³⁰

This is possible because the integration point of the respective ethical lights of both the Torah and wisdom, as well as ‘natural law’ and conscience,³¹ is God himself. Righteousness derives from him and so is conceived in the Old Testament as singular and universal. ‘The covenant righteousness required of Israel was not private or exceptional but universal and foundational... The Old Testament reveals a cosmic righteousness that is normative for all people.’³² It assumes God’s moral consistency.

The point is reiterated by the prophets. Looking to the ‘last days’ Yahweh says through Isaiah: ‘The law will go out from me; my justice will become a light to the nations.’³³ So Brueggeman writes: ‘It is affirmed that the nations, like Israel, are subject to the Torah of Yahweh... The Torah is not exclusive Israelite property. It belongs to the nations as much as Israel’.³⁴

The dawning of a new age

The New Testament asserts that in the person and work of Jesus a new age has dawned: ‘The time has come...the kingdom of God is near!’³⁵ It sets before us an inaugurated eschatology: something decisive has taken place in human history, but has yet to be realised in full. Hence the shorthand: ‘now and not yet’.³⁶ This turning point in salvation history has significant implications for the abiding relevance of the Torah. Hebrews tells us that the sacrificial system, the temple and the Levitical priesthood were as a shadow to the reality of Christ. The Christian is under no obligation to observe prescriptions pertaining to them. The same can be said of the ‘boundary markers’ distinguishing OT Israel from the gentile world now that the door to the covenant community has been flung open. All foods are ‘clean’; circumcision is unnecessary as is observing special days, months, seasons and years.³⁷

The point at issue here is this: is the entire Torah, including its ethical principles, simply a shadow of the greater reality in Christ? Does the Torah belong to an age of moral infancy? Jesus’ teachings about the law in the Sermon on the Mount and Paul’s critique of the law in Galatians shed light on this critical question.

The sermon on the mount

In Matthew 5:11–16 Jesus calls his disciples, like the prophets, to be salt and light in the world, before explicitly affirming the abiding relevance of the Torah in verses 17–19. There, prior to setting forth the ‘You have heard that it was said... But I say to you...’ antitheses which might be seen as a revolutionary rejection

of the Torah’s authority, Jesus says: ‘Do not think that I have come to abolish the Law or the Prophets; I have not come to abolish but to fulfil them.’ ‘To fulfil’ is taken by some to imply termination. On this view, Jesus does not abolish the Torah *per se*. Rather, as that to which the OT Scriptures point, Jesus transcends the Torah with a superior revelation, in his teaching and example, of the will of God.

The concept of termination, however, seems unwarranted by the textual evidence. Jesus’ repetition of ‘not abolish’ illustrates his positive attitude to the Torah and the temporal references in verse 18 point to the continuing relevance of the Torah until the final culmination of God’s purposes at the end of time. Far from denying the Torah’s authority, Jesus then forcefully affirms its abiding relevance in the new age by saying that those who practise and teach it will be great in the kingdom of heaven. To do so is a critical component of our prophetic witness in the world.

The striking antitheses that follow illustrate Jesus’ rejection of approaches to the Torah common in his day. He vehemently opposes the superficial externalism of the scribes and Pharisees. Their ‘fence for the law’ was designed to protect Torah-observance with detailed rules and regulations, whereas Jesus’ overriding concern, as illustrated by his attitude to the Sabbath,³⁸ was for the inner dynamic or intention of the Torah. Elsewhere he criticises the Pharisees for failing to grasp the meaning of the phrase ‘I desire mercy, not sacrifice’.³⁹ Similarly, his summary of the Torah in terms of love of God and neighbour and the ‘golden rule’ illustrates his keen sense of the weightier matters.⁴⁰ The antitheses are best understood, then, as an intensification of the current understanding of the Torah’s demands. ‘As Messiah and Son of God, Jesus neither rejects nor even corrects the law; rather through his messianic authority Jesus reveals the ultimate meaning of the law.’⁴¹ Thus, we should ask: ‘What is the will of God that stands behind a particular commandment, and how may we be obedient to that will?’

The Pauline critique of the law

When we come to Paul, however, we find a more negative tone towards the Torah which requires investigation. He is, of course, keenly aware that in Jesus God has done something new. That being so, it is quite appropriate that he should stress contrast over continuity. This is particularly so in Galatians, where he directly addresses the misuse of the Torah by Christians and seems to pit law and faith, law and freedom, and law and Spirit against each other.⁴² Trying to identify what Paul does and does not mean by each of these contrasts, and by his use of the phrase ‘the law of Christ’, will help clarify his attitude to the Torah.

When Paul contrasts law and faith, he is, more precisely, contrasting ‘works of the law’ based on human effort, with faith in Jesus Christ (or God’s promises) based on God’s grace as the means of justification.⁴³ Justification is unquestionably the focus of his letter. Evidently, the Galatians were falling for a perverted gospel whereby Gentile converts needed to be circumcised (and follow Jewish customs generally) in order to be put right with God and numbered among his people.⁴⁴ He appeals to God’s covenant with Abraham to argue that justification has always been on the basis of faith.⁴⁵ The so-called Judaisers misunderstood the law itself. It was never intended to impart life in an ultimate sense.⁴⁶ Justification has always been secured by grace through faith.⁴⁷

We need to understand Paul’s comments about freedom in the

28 Ps. 95:6; Ps. 97:7, 9; Ps. 47:2,7.

29 Ps. 96:11–12; Ps. 67:3–4.

30 Jer. 12:16–17.

31 As per Rom. 1:19–20; 2:14–15.

32 David Holwerda, *Jesus and Israel: one covenant or two?*, Grand Rapids: Eerdmans; Leicester: Apollos, 1995, pp.138–139.

33 Isaiah 51:4; see also 2:2–3.

34 Brueggeman, p.502.

35 Mark 1:15.

36 G. E. Ladd, *Theology of the New Testament*, Grand Rapids: Eerdmans, 1974.

37 Mark 7:19 (see also Acts 10–11); Acts 15 (also e.g. Gal. 6:15); Gal. 4:10.

38 Matt. 12:1–14.

39 Matt. 9:13; 12:7.

40 Matt. 22:34–40; 7:12; see also Matt. 23:23.

41 D. Senior, *The Gospel of Matthew*, Nashville: Abingdon Press, 1997, p.43.

42 According to Douglass Moo (in Strickland *et al.*) the most important extended teaching passages on the law in the NT are Matt. 5:17–48, Rom. 9:30–10:13 and Gal. 2:16–4:7.

43 Gal. 2:16; 3:2–5, 10.

44 Gal. 2:3, 15; 5:2, 11; 6:13.

45 Gal. 3:6.

46 Gal. 3:21; also 2:21.

47 Regarding the OT as an age of law and the NT as an age of faith distorts both testaments. See e.g. D. L. Baker, *Two Testaments, One Bible*, Leicester: Apollos, 1991.

light of his dominant concern with justification. He associates the law with being a prisoner of sin and then develops an extended argument about slavery, with which he can associate the law, before declaring: 'It is for freedom that Christ has set us free' and then warning: 'do not let yourselves be burdened again by a yoke of slavery.'⁴⁸ Does Paul reject the law entirely? The target of his polemic is surely narrower. The 'yoke of slavery' to which he refers consists in trying to be justified by the law. For Paul this is catastrophic since to do so is to be alienated from Christ and thus fully exposed to the unbearable weight of the law's demands,⁴⁹ that is, to be under condemnation. Because for Paul the law's principal function is to reveal sin, he can use the phrase 'under law' to refer to condemnation and powerlessness.⁵⁰ This is the conceptual context within which we should understand his seemingly sweeping statement: 'We are no longer under the supervision of the law.'⁵¹ He is making a point about justification not about ethics. We are free from condemnation.

As for the Spirit, there is no doubt that for Paul the decisive change in God's dealings with humanity initiated at Pentecost has profound ethical significance: 'So I say, live by the Spirit, and you will not gratify the desires of the sinful nature.'⁵² The Galatians, by contrast, had renounced the power of the Spirit in favour of 'weak and miserable principles'.⁵³

Christian ethics is thus distinct from OT ethics in relation to inner transformation and power. Through the indwelling of the Spirit the Christian has become a 'new creation'.⁵⁴ Some, however, have pressed this reality too hard and have mistakenly seen in Paul's assertion 'If you are led by the Spirit you are not under law',⁵⁵ a rejection of external norms altogether, as if the inward illumination of the Spirit was entirely sufficient for knowing God's requirements. Such a view is inconsistent with Paul's realism about the on-going tension in the Christian's life between the 'flesh' and the Spirit, and his recognition that we await a future fullness.⁵⁶ Although the Spirit gives real power that can make a substantial difference, we remain fallen and thus prone not only to sin but to a distorted understanding of God's ways. Only when Christ returns and makes all things new will our internal moral compass be perfectly aligned with the will of God. Indeed, if Paul had conceived of a fundamental opposition between the law and the Spirit, how could he possibly describe the law as holy, righteous, good and spiritual?⁵⁷

It is untenable to maintain that Paul was antinomian. Some have argued, however, that he sets forth an alternative law to that of Moses for the Christian era – the 'law of Christ'. On this view, only the teachings of Christ and the apostles have current ethical authority. However, such a distinction would not appear to give

due weight to the underlying ethical coherence of the Torah to which Jesus points us, nor to the moral consistency of the lawgiver. Moreover, there is no evidence that Paul – who only used the phrase 'law of Christ' twice⁵⁸ – conceived of any such distinction in ethical content or ethical authority. On the contrary, his first explicit exhortation in Galatians, 'love your neighbour as yourself',⁵⁹ comes straight from Leviticus 19:18! Of this passage and its parallel in Romans, Cranfield states bluntly: 'To deny that this is clear evidence that Paul saw the law as having a continuing validity for Christians strikes me as exceedingly perverse.'⁶⁰

Conclusions

In my view, the Reformed understanding that the Pauline critique of the law has reference only to its soteriological function, is broadly speaking the correct one. However, the Reformed categorisation of the Torah into moral, civil and ceremonial components and its subsequent rejection of the abiding relevance of much of the latter two categories is unsatisfying because it unnecessarily restricts the Torah's ethical dynamism. Surely wherever we responsibly uncover the ethical intention of the Torah we authentically encounter the will of the living God.⁶¹

It is Jesus himself who definitively liberates us from the temptation to a legalistic or inappropriately literal adherence to the Torah. We reject legalism for an ethic of gratitude for our spiritual liberation secured at the cross, and we reject literalism in favour of a deeper engagement with, and discerning application of, the Torah's underlying values and ethical principles. Mercy not sacrifice!

And those ethical norms are not merely the 'house rules' of those who have chosen to enter the closed circle of the church, making no claim on those outside it with different faith-commitments.⁶² On the contrary, they are foundational and universal because they are rooted in the character of God and woven into the fabric of his creation. It is thus entirely appropriate, indeed necessary, to seek in the law given to guide the life of Israel, insight into God's will for the life of nations generally. Once we grasp this great truth, God's word equips us to speak not only to issues concerning 'life' or sexual ethics but to the whole breadth of concerns that define the life of nations, including poverty and welfare, economics and the environment, justice and civil rights, and so on. May Christians in many nations, including the US, turn again to those ancient texts of Exodus, Leviticus and Deuteronomy to discern the mind of God regarding the social order. For 'all Scripture is God-breathed and is useful for teaching, rebuking, correcting and training in righteousness.'⁶³

58 Also in 1 Cor. 9:21.

59 Gal. 5:14.

60 C.E.B. Cranfield, *On Romans and Other New Testament Essays*, Edinburgh: T&T Clark, 1998, p.112.

61 See Wright, 2004, p.288ff.

62 On this general point, see O. O'Donovan, *Resurrection and Moral Order: An Outline for Evangelical Social Ethics*, Leicester: Apollos, 1994.

63 2 Tim. 3:16.

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