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The Essence of Western-Christian Influence in Talmudic Legal Tradition

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Abstract

This paper examines the interdisciplinary approach of religion and law in the contexts of legal traditions of the world wherein the Talmudic legal tradition has been studied with the core aspects of Western-Christian influence over it. It starts with a brief introduction of the origins of Christian influences as propounded within western approaches going back to the era of the Roman Period being Christianised. We have attempted to study and interrogate the theoretical assertions of 'Traditions' provided by Patrick H. Glenn in the context of Western-Christian dominance originating within revolutionary historical phases. It was also an endeavour of this study to better understand the exchange of traditions within western dominance by judging one's juxtaposition of internal rationality within their orbit. The process continues with the analysis of the 'identity persuasion' and the 'proselytizing character' of traditions. The various aspects of the Talmudic legal tradition have been dealt with herein covering a Rights based approach with identity features and Western-Christian influence in its origins having a basic structure with the 'Talmud' at its cores. The basic nature of 'Talmud' in both civil and criminal laws has been dealt with and we have sought to understand its relevance.

Keywords: Tradition, Western, Christian, Talmud, Law.

"International Law, in the meaning of the term as used in modern times, did not exist during antiquity or the first part of the middle ages. It is in its origin essentially a product of Christian Civilization and began gradually to grow from the second half of the middle ages". (Oppenheimer, 2008)

Introduction

The study of religion and law is a field that has, up to this point, been dominated by studies focused on western traditions. The development of religious law and law influenced by religion in the Jewish, Christian, Islamic, and Hindu contexts have received extensive study from theologians and religious scholars. It has been discovered that western legal systems have influenced all the legal traditions, which is an incorporation of Christian-Catholic versions. It is an "accommodation and recognition of the principle of natural right, which is closely connected to attributive justice, which is natural religion, 'Natural Law'", "it is another argumentative base in some eyes, another spreader of confusion in much political and religious debate and in respect to civil law has to do with efforts to connect natural law talk with religion. In nations where most natural law talk is webbed with religion, nations that have inherited a broad but

still defined religious tradition reference to it would, in many eyes, be less provocative than citation of particular scriptures as revelations of God. Theological virtues such as humility, faith, love, and hope in a Catholic (or a Protestant natural law setting) depend on reference to supernatural revelation by a gracious God. But to its advocates, natural law is simply natural. It informs and should be binding on all. The Natural law argument, of course, is not always specifically religious, according to most definitions of religion. Stoics advanced the argument that there was the good life, and laws supporting it and this is majorly supported by the west. In the Christian world, Aquinas was the supreme correlator of philosophical natural law claims and Christian intentions: "What God intends is written into the way the universe is made, and humans are to discern it and follow it when fashioning positive law" (Oppenheim 2008).

One should note that some in the Thomist tradition are now speaking now of Aquinas's grounding not in natural law so much, as in reason and decisions about virtue (Oppenheim, 2008). As for Grotius, "natural law defines a basic set of religious principles, such as that there is one personified God, who is to be honoured by man, who punishes and rewards" and he further mentions that "natural religion is identical to the religion of old Israel" (Grotius, 2004). It has been asserted that *"*any human being is required to pay due regard to the one true God", to whom all humans will be indebted their obedience to the rudimentary values of swearword and qualifying reasonableness, and in this "Polytheism is regarded as opposing to natural law as is atheism" (Grotius, 2004). Herein, the law which has been regarded as natural law was in connection with the one God of Christianity. But the historical essence was quite different from this, in its initial days, "the Christianity, Christian dogmatic and Christian ethics, had no reason to be concerned about the law, or about international relations as such"(Stumpf, 2005). Stumpf has said that:

> "…they had been devoid of political relevance, and Christian jurisprudence, defining the relationship between the Christian community and the hostile political authority of the pagan Roman Empire which got reformed during the fourth-century post-Christian era, and this has been caused due to the conversion of the Roman King into the Christian religion and further announcing Christianity as a religion of the State" (Stumpf, 2005).

This has resulted in the authority of the state getting transferred into the hands of Christians either enforcing it with means of force and hence, establishing Christian theological morals in the state's practice (Huber, 2001).

However, "Christianity did not have to invent a completely new system of law of its own, but could rely on the basis which had already been provided by the pagan Roman law" (Landau, 1991). "Roman law consists of the 'Hellenic-Jewish' ways of doing justice wherein equity to be proved in comb ability with Christian beliefs, fashioned by the '*twin-fold love commandment of the Gospel*' and hence, 'Roman law became Christianised'. There was a mutual influence of "Roman law and Christian ethics on each other" (Stumpf, 2005), and in this developmental discourse the Christian law influenced the Roman law, in this way the Roman empire became the first "earthly manifestation of the Christian empire" (Stumpf, 2005). Hence *"the Roman republican became the Christian republican"* (Holtzmann,1953). This further leads to one more precise characterization of the "Christian tradition of public international law" (Stumpf, 2005).

There was an emergence of dualism with spiritualism at one side along with the temporal power in the Western Christian tradition exemplified by "the doctrine of the two swords" (Preiser,1984). As per this doctrine, "the Roman Empire holding the temporal sword is responsible for the earthly affairs of humans in which he can use force to enforce it" (Stumpf, 2005). It has been considered that there was little study over 'religion and law' outside the West and there are only a few treatises by scholars from the non-western world, but still some with very interesting features involved. However, overall, there hasn't been much to choose from. After making some broad remarks about the origins of Christian legal traditions, we shall

go into the topic further by briefly reviewing the main Talmudic legal tradition exponents and the Christian influences on them, beginning with the "Theory of Traditions."

Theory of Traditions

The origins of Western legal tradition had passed through extraordinary revolutions which are known as: “the Russian Revolution, the French Revolution, and the American Revolution” which are also known to be the three main revolutions in which people had participated at large. Another great revolution known as the Great Rebellion (1640-1660 CE) was termed as such by its enemies and in other terminology it is known as ‘restoration of freedom’ so named by its proponents, which was also the fourth major revolution known as the English Revolution and it was also known as Glorious Revolution at its near end during (1688-89 CE) (Wyon,1887). After the English Revolution, the fifth major revolution which took place was the Protestant Reformation which began in Germany and it had “a nationalist character with the clashes between the Papacy and Luther ending with the establishment of religious peace among the German Principalities”. There is one more major revolution which was the sixth major revolution and it is the one which is a major subject of the study known as the Papal Revolution (1075-1122 CE). Because of all these major revolutions, we can see that “the history of the west has been marked with many catastrophes in the contexts of political, legal, economic, religious, cultural, and other social beliefs, values and goals” replacing one or another in proportionality (Berman, 1983).

> “The above six great revolutions were not only revolutions which have arisen as a symbol of voice for people’s uprising, apart from that they created a system of governments in new forms with ‘structures of social and economic relations’, between ‘Church and State’, new structures of law, as well as new visions of community, with new perspectives on history with new sets of universal values and beliefs” (Rosenstock,1938)

However all of that was in Western oriented Christian influences. This has given “a new greatly revised system of law” in every six revolutions conceived as total social transformations replacing all old legal traditions either the Bolshevik, French, American, wherein there have been some major revisions after each of these revolutions.

It is important to know about the theory of traditions in general which also includes the legal traditions in particular. A famous scholar H. P. Glenn has worked a lot on the theories of traditions and especially the ‘legal Traditions’. Glenn brilliantly put together the various legal traditions theories whether they be “commercial laws, Civil laws, or the Constitutional obligations” (Glenn, 2014) or “the laws relating to ‘traditional knowledge’ being challenged by the ‘intellectual property rights’ in modern debate during the neo-economic regime of commercialization” (Glenn, 2014), being a legacy symbol of modern imperialist colonialism. As to this: “the notion of tradition after neglect has recently received new attention because of the ‘postmodern shift’ towards ‘self-expression’’(Inglehart,1995). They have also tried though him to give meaning to the notion of “rational-legal authority” by defining it and also trying to give essence to “understanding legal traditions” or “traditions in law” which seems to be a bit confusing in order to have a clear image so as to understand “rationality within traditions” (Glenn,2014).

Thinking about traditions is never an undisputable process and it is also not so simple, when it comes to thinking of a single tradition it seems to be inadequate and camouflaged, but on the same hand speaking about many traditions can also create problems (Glenn, 2014). Though suffering from such ambiguities due to western lies combining ‘culture’ within ‘system’ giving culture and legal culture quite similar propositions within western traditions (Glenn, 2014), it has been realised that it requires “a necessity of collaboration amongst jurists” (Glenn, 2014) who belong to various traditions in resolving of problems such as “life-threatening,

patrimonial, commercial, gender-related, criminal or environmental etc" (Glenn, 2014). As to Carlos Fuentes, "it is to 'overcome separation', in what ways"? (Winter, 1995).

The history has to be examined so as to know exactly what the tradition is and it should be examined with the present in focus. The teachings of the past with the present critically examined can give more advanced results over traditions, 'gaining theoretical perspectives' from the historical approach in a critical way which can give one an understanding of traditions but it is also quite difficult or either not possible for those who just think it is a one-sided way with a particular approach towards a single tradition; there a can be traditional as well as non-traditional societies and thereby their legal systems based on those particular systems. Western societies differentiated them apart from formal ones which were not quite rightly true.

Unlike the modern western world societies, the traditional ones are somewhat different and they are greatly distinguished from the "modern, post-modern or post-industrial" (Glenn, 2014) structures of the western imperialist world. They are greatly juxtaposed with the liberal or self-determining ideas having diverse education systems and values to, and are what the western people used to think in general. Traditions had been provided with so much power by the West that it now becomes uneasy to remove them, leaving uprisings over its demand spreading over into each society like what exists in legal traditions at large such as in Civil laws especially, despite some trying to remove this (Glenn, 2014). Therefore 'traditions' do exist but everyone has a choice of being an adherent to it or not, by criticising it and moving from it to another.

Karl Popper pointed out, "… the rationalist who says such things is … very much bound by a rationalist tradition which traditionally says them. This shows the weakness of certain traditional attitudes towards the problem of tradition" (Popper, 1969).

The works of Karl Popper give back the essence of human reasons in history going far back to the philosophy of the ancient Greeks and to Egyptian pyramids which can be considered more appropriate (Brown, 1996). He also asserted that: "Much of western thought has tended to the rational, but the rest of the world sees this as the leading characteristic of the western tradition" (Glenn, 2014). Furthermore, it is said that "others have spoken, less charitably, of a "herd of autonomous minds" (Rosenberg, 1959). Overcoming the disparities that existed in European cultures and were visible in their roots of traditions during the 17th century enlightenment, becomes possible through the study of the history of attitudes towards tradition, "tradition itself has to be overcome, or destroyed, as an operative social concept" (Shils,1981) to prevail contemporary rationality. However, it has been said that: "history with its effects tells that we all are part of tradition, or traditions" (Glenn, 2014) and "western societies are traditional ones, thus western law is traditional law, as what acknowledged by western lawyers as well" (Glenn, 2008).

The discussion on 'theory of tradition' within historical essence has provided some descriptive views about 'rationality of traditions' in theoretical aspects as well. Popper has tried to elucidate the same thing in his ways with the use of the word 'towards' giving an idea that: "it is not totally or exactly possible to describe the traditions as rational in all together", which means that no theory of traditions can be fully rational but it is just to include some thoughts in a framework which can be helpful, which he didn't clarify (Popper, 1969).

One point of consideration is that theories themselves are developed under the rationalist approach and the western theories are also a part of such a development process no matter whether they are individualistic. As to Alisdair MacIntyre, various western traditions like the Aristotelian, Augustinian, Scottish and Liberal; all seems to be having rationalist approach within their theories' (MacIntyre, 1998). However, it is to apply their western ways of rationalistic logic above other rationalist traditions, "biased by the imposition of one tradition of thought upon others" (Glenn, 2014). It has been suggested that one should avoid reading theoretical writings on traditions which are of western origins and their rejection as to the recent calls by some other scholastic writings such as by Islamic scholars (Izdebski,1987), But

if the rejection of theoretical writings of western origin lead to any particular positive results is also not much accepted and western tradition should include counter formulae and not just be initiating one totally above other and later accepting the practice of 'thinking multiple traditions'(Glenn, 2014) which still waits for formulations in history.

It has been said that:

> "Thinking theoretically about tradition means suspending conviction in a given tradition at least to the point of hearing, and learning, from another tradition. It means living, however briefly, in a middle ground, described recently as 'the place in between: in between cultures, peoples, and in between empires and the non-state world of villages… [where] diverse peoples adjust their differences', which is a part of the process of overcoming separation" (White, 1991).

Similar propositions come over religious traditions when we accommodate religions with traditions. There can be commensurable meanings within religious traditions at its core and also differences, especially when Christian/Chthonic influence exists in the western system either its theories being under Augustinian traditions, Aristotelian, Scottish or either so-called liberal traditions. Traditions have much to do with time either in its past or present.

A Talmudic Legal Tradition

The Talmud (תַּלְמוּד), is legal system that tries to promote a religious ideology including a norms that deal specifically with the relations between the Divine and human. It was the centrepiece of Jewish cultural life and thus core to "all Jewish thought and aspirations", also serving as "the guide for the daily life" of Jews (Safrai, 1969). In the milieu of Talmudic law this area is known as precepts between the Creator and people. There are about 613 laws mentioned in the Talmud - the 613 commandments by Maimonides. The Talmud comprises of a number of rabbinic teachings which interpret and develop Torah law to make it pertinent to the daily life of Jews- especially in the first five centuries CE. The Rabbinic tradition as expressed in the Talmud is also referred to as the Oral Torah (Kraemer, 1989). Many Jews consider the Talmud to be as holy and obligatory as the Torah. The Talmud was established in centres of Jewish scholarship in both Babylonia and Palestine. The chief repositories of the Oral Torah are the Mishnah, compiled between 200–220 CE by Rabbi Yehudah haNasi, and the Gemara, which is a series of commentaries and deliberations on the Mishnah, and these together form the Talmud, which is the core text of Rabbinic Judaism (Boyarin, 1989). The Talmud consists of the Mishna (repeated study, legal opinions and debates), the Gemara (completion), and supplementary materials. The Mishna is in essence a collection of initially oral laws complementing scriptural laws (Schumann, 2012).

It has been commonly understood that "'Talmud' is the most important single element in the Jewish legal tradition having no equivalent in other legal traditions". "Jewish people have maintained their identity for thousands of years, and Talmudic law has played a very huge part in this process. It represents one of the oldest, living, legal traditions in the world; after chthonic law, it may be the oldest, depending on one's view of the current status of Hindu law" (Grayzel,1984). This means it was one of the earliest to separate itself, "in a definitive and lasting way, from chthonic law and others which did so, perhaps even earlier, have since lost their grip" (Glenn, 2014).

The Talmudic legal tradition continues, however, with great vitality, and is now also attracting interest from outside itself, in western legal theory (Glenn, 2014). Talking about the starting point of the Talmudic legal tradition is not an easy question to answer. "There were Jewish

people, and Jewish law, long before Moses, and they worshipped the same God (Yahweh[1] or Jehovah) which Jewish, Christian and Islamic people worship today. In the 13th century BCE, there was a revelation of God's word to Moses which completely changed the existing law of Jewish people (Sinai,1994) and constituted it as divine law, which was a new beginning to Jewish law with a new covenant and law subsequently in its name" (Glenn, 2014).

Christian and Western Influence

The first five volumes of the Hebrew Bible include the Talmudic law (Rosen, 2000) and "these first five books in what the Christian world knows as the Old Testament constitute the Torah" (Glenn, 2014) which generally means divine wisdom, and therefore refers to the totality of divine teaching (Goldenberg, 1984). It may also mean almost everything; it may refer more specifically to what is called the 'written Torah' that is also known as 'the Pentateuch' and this tradition being religious tradition things always get complicated in it. It has been commonly found that "the written Torah generated comment and explanation, by the sages, and the tradition of Talmudic law became more developed". Alongside the written Torah in the late 10th to the 6th century BCE, an oral tradition developed which was not simply hearsay as it was said to be, and as started with Moses' oral teachings and explanations it was considered equal in status to that of the written teaching (Eruvin,1975). This oral tradition was also divine, wherein the written 'Torah' even served as a mnemonic device for recalling the fuller explanation of what has been known as 'oral Torah'. Thereby in this way, we have three Torahs altogether, all of them representing the divine will, wherein an all-encompassing "a Torah, a written Torah, and an oral Torah", and leading it to what has been called the 'Talmud' (Glenn, 2014).

"Besides the written Torah, alongside it we have an oral Torah which has also written but still referred to as oral Torah which is known as the 'Mishnah'. The word 'Mishnah' comes from a root which means 'to study' and it is, therefore, a written and extended study of the (original) written Torah, the Pentateuch" (Lifshitz, 1996). As a written exposition of the law, it invited more written expositions, its interpretation went on through the declining years of Roman law, and the rise of Christianity. The recordings of such oral Torah bear the name of the Talmud. "The Talmud, in its two forms, is accordingly the basic book of the law of the Talmudic, Jewish legal tradition, the 'supreme authority for Jewish law and thought" (Cohen, 1969) and everyone was obliged to study it. The Talmud was written and then this stopped and no one signed it as well, and it was said that, 'The Talmud was never completed' (Steinsaltz, 1976). As the French saying states a door was closed but a window was opened' and this gives an enormously powerful idea, rich in religious and legal significance (Glenn, 2014).

"The tradition of Jewish Talmud recognises a notion of 'the law of the land', which has consequences both within the tradition and for its relations with other traditions" (Glenn, 2014). The Talmudic law has long been known for formal courts (Exodus, 18:26). There is a system of Rabbinic courts in Talmudic legal tradition which take over in civil matters like family issues. These courts have to be presided over by the religious clerics of high supremacy of knowledge and practice of the Talmudic law, who have been appointed through a process and they are paid for the serving tenures. "The religious character of the law is often reflected in the composition of such courts and their functioning. Similar to Islamic law and the common law, there is no appeal system with no immunity" (Glenn, 2014). However, there are high courts in the form of a Small Sanhedrin, for capital offences, and the Grand Sanhedrin for first instance court on general questions, though no strict precedent or *stare decisis* existed (Dorff & Rosett,1988).

The Sanhedrin ceased to 'exercise its judicial function in the early years of the common era'. The institution of 'bet din' continues to function around the world, for the Jewish population,

[1] Yahweh would be a later derivation of the original Yhwh, ancient Hebrew is written without vowels, and would be an archaic form of the verb to be. So, in telling Moses who he was God would have been saying simply 'I am who I am', or in the language of Exodus 3: 14.

with the object of restoration of harmony between the parties. The process is expeditious and yet inexpensive (Glenn, 2014) and therefore there are indications of increasing use of the beth din, which may be invoked by the non-Jewish parties if the other party is Jewish. The law applied by them in these covers the entire field of western private law, which is highly developed in commercial matters, and it also reflects the exclusion of Christians by Jews from farming and land holdings (Roth, 1648). There is an absence of the principle of *res judicata* and that is why it has been pointed out, "if there is no doctrinal notion of *res judicata*, what place could there be for precedent or *stare decisis*" ?(Cohn, 1971).

Thus, we observe an open, chthonic-style procedural and adjudicative framework in which access to legal representatives is not restricted by formal hurdles or constraints. "The law applied can be thought of as 'substantive', as opposed to procedural, and Talmudic law as substantive law plays the same role in the tradition as does substantive law today in the civil or common laws" (Glenn, 2014). It has also been noted that the "western and Islamic lawyers will recognize in Talmudic law almost all the private law they know themselves, though some later fields such as copyright and corporations may be absent from the original texts. There is also much law that western lawyers do not know as law, such as that relating to diet, hygiene and ritual. The particularity of Talmudic law is not so much in its substance but its methods" (Glenn, 2014).

In the case of family law, the character is consensual, "the religion exercising no formal or bureaucratic control over familial relations" (Epstein, 1927). The norms relating to marriage are close to those of many European countries (Steinsaltz,1996), like polygamy authorized by texts, but an object of a rabbinical ban, perhaps influenced by Christian practice, and now it is generally obsolete (Falk, 1968). Civil courts are filled with larger questions as to the relations between religious and secular law (Mielziner, 1901). In the matters relating to a property, cases of urban development overcome both chthonic and Jewish religious teaching, though religious obligations limit some forms of use (Horowitz, 1953). In the matter of the contract, there are many western choices found (Steinsaltz,1996). In a general way, the law of obligations recalls that of Rome, or even of the early common law (Steinsaltz,1996). Also, in the matters of civil wrong caused by fire, oxen or other, the similarities in the application of the law are found with those in the agricultural worlds of Rome and England (Finkelstein, 1981). "The religious character of the law is evident by what is known in the civil law world as the natural obligation" (Glenn, 2014).

As in Roman law, no sharp or structural division is made between delict and crime, the similarity of teachings through sanctions may be monetary or corporal (Steinsaltz,1996). Western thought has become indispensable due to the diaspora in the western world. "The first block of western information which created difficulties for the Talmudic tradition, however, was that of Christianity" (Glenn, 2014). There was a criticism by Jesus and his disciples of the Talmudic tradition, Paul concluded that "Christ is the end of the law" (Romans 10: 4), and Christianity proposed the end of the law, so there would be a new world free of legal constraint and many found these new proposals irresistible, and for them, it was the end of Talmudic law.

We have seen that there is much essence of western law in Talmudic legal traditions in the form of influence or patterns following similar ones to Roman law or English common law or French law in place, Nonetheless , it has been considered that Talmudic law "doesn't have the same role as western law, and it also doesn't study like western law and ultimately it is not being structured like western law". In order to determine the precise nature, we shall look further at some immediate parallels and differences. The law in tradition as '*Halakha*'[2]; and the '*Aggadah*',[3] are the two laws (Neusner, 1992, 2001), and we have a separation here which distinguishes itself from chthonic tradition. The separation is not the separation of law and morals as is known in the west. The Jewish tradition is normative or legal in much the same

[2] For the two as 'law' and 'lore', the former is concerned with 'the inner life of Israel at home'.
[3] The latter with 'Israel in the world beyond'.

measure as it is a religious tradition. The divine character of the norms has pushed Talmudic law to cover almost all of life (Goldenberg, 1984), which 'can never be reached by western law'. "Since the law is God's, obedience to it is affirmative of love of God; the place left for ethics is necessarily reduced, though the law is profoundly infused with ethics. People have spoken of theocracy" (Taylor, 1989). Nicolaides and Duho (2019) interestingly assert that:

> Individuals living in the western Christian world base their ethical beliefs and their be-haviour on the Decalogue (Ten Commandments') that were handed to Moses on Mount Sinai. Ethics is then a series of laws and principles that individuals shouldtry to live by. So, there is then a deep connection between ethics and the Abrahamic religions' Holy Scriptures of Judaism Islam and Christianity and also the ethics of great western philosophers, predominantly from Classical Greece

Rights-based approach

"Talmudic law is criticized in contemporary states, however, precisely on these grounds of equity and equality, the legal traditions which do not explicitly ensure equality of opportunity and participation are criticized for failing to meet formal western ideals of individual equality" (Minow, 1987). Talmudic law is aware of the concept of rights, as an element on the periphery of its base of information. Talking about the rights of individuals, there is no language of rights in the Talmud and no existence of a single word which conveys the same bundle of prerogatives as does the word 'right' in western languages (Novack, 1996). The tradition itself did not enunciate a doctrine of individual entitlement but rather a doctrine of individual obligation, or mitzvah. It has been found that there is a place for 'obligation' in 'mitzvot' Talmud Torah and this obligation feature provides for the place for right or individual prerogative in it, "the ultimate justification for rights, exists in the Talmud, and this is probably true" (Novack, 1996). So, one can say that rights therefore implicitly exist in the Talmud (Fishbane,1988), as that it does exist in all other traditions today and it accords due place to individual interest, or power, and constitutes a unique instrument for ensuring both equality and progress.[4] "Talmudic tradition is enriching western thinking on how rights can be justified, or criticized, moreover, it is enriching western thinking on how law can be conceived, seeking more alternative models" (Stone, 1993).

Concerning the talk about the Jewish identity, like other identities, it is defined by the recall and use of information, or memory of what has been stated through the Torah or Talmud and there have been great controversies over this question of Jewish identity, 'largely concerning constituting the members of the state of Israel' (Steinsaltz, 1996). Agreeing on the Talmudic law, one can become Jewish, even assuming Jewish identity (Lewis, 1995). Jewish people have been forced to live in 'compulsory communities' (Gordis, 1978) and also expelled from western nations like England, France, Spain, Italy, and Germany, which further reinforced a sense of identity and "today the identity of Jewish people appears to overcome the threat of external aggression…though the state of Israel is never been recognised internationally and never been entirely secure due to the alternatives given by other traditions" (Glenn, 2014). Although the Talmudic law relies on Talmudic sources and not on external ones, however, the contributions seek to expand information, wherein "people who are Jews can thus seek to integrate external ideas into Talmudic thought, or they can simply act according to external thought and in both the cases the total identity of Jewish tradition, and Jews people, is being altered". and we already have the elements of Greek, Roman, Islamic and Middle-eastern thought (Goitein, 2003). With this diasporic effect into the western world, "*western thought became unavoidable*" and in this, a very problematic effect was created by Christianity dominating in western states (Glenn, 2014).

[4] The individual in the Talmud.

"'Do not mistreat an alien or oppress him, for you were aliens in Egypt' (Exodus 22: 21) and also; "When alien lives with you in your land, do not mistreat him. The alien living with you must be treated as one of your native-born. Love him as yourself, for you were aliens in Egypt'" (Leviticus 19: 33 – 4)

Conclusion

As "*the Talmud does not teach that it must be universalized*"[5] it is evident that Talmudic tradition believes and adheres to a single set of systems for its people that is 'Jews'. For others hardly any space been provided but the introduction of Western Christian (Chthonic) versions has mingled the approaches within it for secular ways to persist. "It became a way of adapting the ancient concept to the new needs created by the Christian social and political order. Natural law, *jus naturale*, came to be seen as the necessary rules of law, private or public" in its formation and adaptability (Khan, 2001). In this way, also "the theory of natural law had created the ideological basis for the rise of the modern state" (Khan, 2001). It has been found that in Talmudic tradition salvation may be achieved outside of it and there is no need for others to convert to it, and this is even not welcomed (England,1987).

It has been found that in the current world "the identity of Jewish people appears to have overcome the threat of external aggression, though the state of Israel may never be entirely secure" and some maintain that there are more threats from within, given the alternatives of other traditions, as various western thoughts become unavoidable. "The history of Jewish religion and Talmudic law has been one of preservation, not conquest or aggression. The state of Israel may pursue some aggressive policies, but the state is not coterminous with Jewish religion or Talmudic law" (Glenn, 2014). If the Talmud is to be used to justify aggression, this will have to be by means of defence, against external aggression, which is like the 'Iroquois peace', can be used with fatal results, however exceptional it may be (Glenn, 2014).

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[5] Though there are the Noahide laws (given to children of Noah), seven in number, of universal application (prohibition of murder, theft, sexual immorality, etc.)

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