Wealth And Poverty: A Jewish Analysis

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WEALTH AND POVERTY
A JEWISH ANALYSIS

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Preface and summary

There are two major differences between this Report - a Jewish analysis of poverty - and recent reports from the Christian churches on such social issues. First, Jewish leaders have been far less eager to pronounce publicly on and seek attention for their views on social issues. Second, the emphasis of so many Christian pronouncements has been exhortatory, perhaps they would prefer "prophetic", a call to care and conscience for those in need. The virtues of that approach are obvious but so are the vices it - can and has led to a simplistic and even a one-sided representation of complex issues and was criticised as such in a collection of essays commissioned by the Social Affairs Unit and published by the Society for Promoting Christian Knowledge in 1984, The Kindness that Kills: The Churches' Simplistic Response to Complex Social Issues." Whereas The Kindness that Kills was a "devastating attack" on current Church thinking, the aim of this report and others in the series Taking Thought for the Poor, is more constructive, to show what positive thinking would be like.

This Jewish analysis certainly lacks some of the simple clarity of Christian pronouncements but it exhibits a balance and sensitivity in its interpretation of a Biblical attitude to poverty which some of the Christian calls to caring lack.

Jews and Christians share a common sacred text, the Old Testament. That text has also shaped our secular culture. This analysis of how the rabbinic tradition has interpreted that text's teaching on poverty should therefore be of interest not only to Jews and Christians but to all who are personally concerned for the poor or trying to work out government policies based on thoughtful compassion.

The rabbinic tradition is clear on several matters concerning the Bible (Old Testament) and poverty: poverty is evil and precisely because it is no one should impoverish himself to relieve the poverty of others. The best charity is that which helps the poor rise from poverty to independence and work - out of "welfare dependency". Thus while poverty relief is a positive value it must not, no more than any other value, be espoused simplistically but with regard to other values, such as economy and efficiency, with which it may conflict. For example, while protection of workers from exploitation is important, more important is preserving their freedom to work for whom they choose under conditions they choose.

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The rabbis define the poor, for practical purposes, both as those below subsistence level and those whose income has substantially fallen, but there is no egalitarian concept of poverty as having less than others, no relative poverty in the socialist sense. Nor is income redistribution to the poor the only or even the most important means by which Judaism would have them helped - it also makes them identical to the rich in terms of religious practice, the Law and the Sabbath. Further, the rabbinic tradition is a tradition for all the Jewish people - an impartial tradition - not a side-taking tradition. "...the one thing Judaism rules out ab initio, by specific Biblical command, is a bias to the poor".

Digby Anderson, 1985
How can we guess what an ancient text - the Bible - would have said about modern social issues such as poverty?

The subject to which I shall give a response from the Jewish tradition is poverty, and the related issues of work, wealth creation, and income distribution. Taking the Jewish religious experience as a model: how does, or can, a religious tradition contribute to social, economic and political thought? And equally importantly, how can it contribute to the human realities which are the context of action in this area?

There is a problem here from the outset: Judaism, like Christianity, represents a tradition. It is validated by an ancient text, the Bible, and in turn seeks to understand, or to justify, its programme in the present by reference back to that text. But how can it be so? The Bible does indeed have a great deal to say about the poor, about work, and about social justice. But it spoke to another age, and the realities of a relatively primitive economy. It has nothing to say about high technology, residual unemployment, trade unions and trans-national corporations. How then are we to make the interpretive leap to what the Bible would have said had it been written today?

I am not sure how to answer that question, or even who is best qualified to do so: a literary critic, a historian, a theologian or a prophet. All I can do is to illustrate, by means of examples, what happened when the Jewish tradition was faced with just this problem.

Deriving practical policies from values - the cutting edge of rabbinic thought

A word then, about the sources I shall be using, and where their interest may lie. Judaism and Christianity have a common background in the Bible, or what Christianity would call the Old Testament. From there on their paths diverge. One route led on to the New Testament and the Church Fathers. The other proceeded though the debates of the rabbis, ultimately to be collected into a vast literature of law, ethics, homily and legend, of which the most influential works are the Mishna, codified in the early third century, and the Babylonian and Jerusalem Talmuds, compiled several centuries later. The first point, therefore, is that what I shall be describing is an alternative interpretative history that can be mapped out for the Bible.

The second point: the Talmudic literature is not so much a book or a collection of books, as the edited record of centuries of sustained argument over every issue which touched the life of the Jew. Argument is necessary to establish a community of practice. For this reason - and it was a point which medieval Christian disputants found hard to understand - Judaism evolved very few authoritative stances on matters of dogma, attitude or value-structure. On value-judgements, therefore, the traditions will range from broad consensus to radical divergence. On specific rulings, however, where the issue was often a conflict of values, the tradition is more definitive. How did one translate values into practical policies - that is, into law - in a world of limited resources and conflicting claims: That is were rabbinic thought has its cutting edge.

The consensus: poverty is an unmitigated evil, worse than fifty plagues

First, then, the values themselves. On poverty there is unusual agreement. It is an unmitigated evil. On this the rabbis would have agreed with Aristotle: no-one would call the virtuous man who suffered happy unless he were merely arguing for argument's sake.1 Poverty, said the rabbis, is a kind of death.2 Poverty in a man's house is worse than fifty plagues.3 Nothing is harder to bear than poverty; for he who is crushed by poverty is like one to whom all the troubles of the world cling and upon whom all the curses in Deuteronomy have descended. If all other troubles were placed on one side and poverty on the other, poverty would outweigh them all.4 These, and other rabbinic sayings, are the simple perceptions of those who knew deprivation from the inside; who lived it and knew it had no saving graces.

This was their experience, but it was experience bounded by certain shared assumptions. First: that man as an
embodied soul cannot reach stable religious heights without attending to the needs of the body: if there is no meal, they said, there can be no Torah.5 Second: that the gifts of God are to be found in this world as well as the next, and that the ability to enjoy is itself a religious experience. One of the early Talmudic teachers put it sharply: in the world to come a man will have to face judgement for every legitimate pleasure which he denied himself.6 Third, and perhaps the strongest of their concerns: poverty meant a particular kind of humiliation. Work at anything, they said, rather than be dependent on others.7

There is a marked absence in the literature of any tendency to see poverty as a blessed state, or as conducing to any virtue. The many verses in the Bible which picture Divine identification with the poor were restricted to their two primary meanings: God loves the poor in spirit; and God is the spokesman of the poor when they are oppressed. The rabbis found nothing in the Biblical text to suggest that an abandonment of worldly goods is desirable: to the contrary, asceticism was an implicit disavowal of this world, which God created and pronounced to be good. Nor did siding with the poor mean embracing poverty. No poor man was ever helped by knowing that a saint had joined his ranks, or that prayers were offered on his behalf, or that his condition recapitulated the indigence and poverty of the son of God, or that he was being spared the temptations of this transient, corruptible flesh. He was helped only by being given the chance not to be poor.

Thus no-one should impoverish himself to relieve the poverty of others

These attitudes found specific expression in Jewish law. Despite the extreme emphasis in Judaism on charity, the transcending virtue, nevertheless, no-one may relieve the poverty of others at the cost of impoverishing himself. Jewish law, for instance, considers the case of someone who, in an excess of self denial, donates all his property to religious causes. Such an act is declared to be “not piety but folly”.8 The rabbis made a rare and special enactment at Usha, that one may not give away more than a fifth of one’s possessions.9 They also forbade the collectors of communal charitable funds to solicit a contribution from someone who is known to be over-generous.10

The best charity is that which helps the poor dispense with charity

In the other direction, one law is worthy of particular attention. The sources discuss the various gradations of charity: from those who give grudgingly to those who give less than is proper, to those who will wait until they are asked, and so on upwards, to the point where the giver does not know to whom he is giving and the recipient does not know from whom he takes - the state of minimum humiliation. There is, though, a higher level; and here I quote from Maimonides’ definitive codification: “The highest degree, exceeded by none, is that of the person who assists the poor by providing him with a gift or a loan or by accepting him into a business partnership, or by helping him find employment - in a word, by putting him where he can dispense with other people’s aid”.11

The ruling is remarkable. Charity is adjudged a virtue, presumably, because it is a sacrifice for the good of others; in this case, though, the sacrifice is non-existent - a loan, a partnership, finding him a job. Nothing more clearly defines the pace of charity in the system that this: it may be the highest virtue, but better is the world where it is not needed. Charity is not justified by the good it does to the soul of the giver, but by the degree to which it removes the misery of the recipient, physical and more especially psychological. An act which enables him not to need charity is higher than any charity.

Already in setting out these propositions, one aspect of the rabbinic method should be apparent. Specific moral concepts may not be used as prescriptions for action without taking into consideration context and consequence. Charity is right; but it does not follow that the more charity the better. In each case a policy is to be judged by its long-term effects in removing poverty and the conditions associated with it. The fact that the sages had to make a formal enactment prohibiting excessive self-sacrifice shows religious authority in a highly unconventional role. The act discloses that over-generosity was an actuality - the sages never legislated against a remote possibility.12 Yet the rabbis ruled against a seeming virtue. For obvious enough reasons. Impoverishing oneself transgresses a prior duty: that one should oneself endeavour not to need it. And it destroys one’s wealth-creating possibilities, and so is in the long-run detrimental to the poor. Simple pursuit of a value may defeat the ends which make it a value.

The dangers of generalising from Biblical sources can be illustrated in a more striking way. And here, as a preface, we should remember that the rabbinic sages saw it as their function simply to safeguard the structures of Mosaic law. They were heirs to an unbroken tradition, a covenant whose terms were immutable. The radicalism of the manoeuvre we are about to consider is, therefore, remarkable.
Values such as redistribution to the poor not to be pursued simplistically: an example in which redistribution yields to economic growth

The Bible contains a great many laws whose function is the redistribution of income, set primarily against the background of an agricultural economy. Various portions of the harvest were set aside for the poor - the corner of the field, the forgotten sheaf, and so on (Leviticus 19:9; Deuteronomy 24:19-21). On the third and sixth year of the seven-year cycle, they were given a tenth of all produce (Deuteronomy 26:12). And on the seventh year, all outstanding debts were remitted (Deuteronomy 15:1-2). This last provision was clearly open to circumvention; and the Bible proceeds to warn against it.

Be careful that you do not have base thought and say to yourself "The seventh year is approaching, and it will be the remission year." You may look unkindly on your impoverished brother, and not give him anything. If he then complains to God about you, you will be guilty of a sin. (Ibid 15:9)

Here then was a periodic redistribution measure, designed to relieve the poor of accumulated burdens of debt. The danger was that the wealthy would simply not give loans prior to the seventh year; hence the invocation of Divine concern - always an accompaniment of a law which is difficult to enforce. What happened to this law in a more complex economy? The Mishna records one of the most daring of all rabbinic invocations: "When he say that the people refrained from giving loans to one another and thus transgressed the Biblical warning…Hillel enacted the prosobol". The prosobol was technical device whereby a loan was transacted through the court, ceased to be an agreement between individuals, and so bypassed the terms of the year of release. Hillel - perhaps the founding father of rabbinic Judaism - had set aside the law.

How he had the authority to do so is a technical question which need not concern us. But why he should wish to do so is another matter. In effect, he had abrogated an established right of the less-well-off. And Hillel was himself a man whose poverty was legendary.

With the transition from an agricultural to a more commercial economy, loans had become less a response to a disastrous harvest than a normal precondition of trading. A moral appeal to cancel debts was accordingly less likely to succeed and less plausible. The Biblical law, whose original intent was explicitly to benefit the poor, was now working to their disfavour: they could not obtain loans in certain years. Clearly forfeiting the redistribution in their favour would be more than compensated by the assistance they would receive in building up their own trade. Here was an instance, drawn from the Second Temple period, of redistribution yielding to economic growth - on moral grounds agreed to be strong enough to justify inverting a Biblical procedure.

Resolving conflicts of values by practical historical experience

A similar process can be seen in the case of work. First the value. To earn a livelihood, especially by manual labour, was something to which the sages attached religious significance. It made man, in their phrase, "partner with the Holy One, blessed be He, in the work of creation". And it made him independent, equally essential to the religious personality. "Six days shall you labour" was no less of an imitation dei than "On the seventh day shall you rest". Great is work for it honours the workman. All study of the Torah which is not accompanied by work is in the end futile and the cause of sin. These were characteristic maxims.

One of the religious obligations of father to son was to teach him a trade, "and whoever does not teach his son a trade teaches him to become a robber". The rabbinic comment on the Biblical phrase, "therefore choose life", was "that is to say, a handicraft".

Work, though, can never be a supreme value in the Jewish tradition, since there are inbuilt limits to its practice. One day in seven was set aside to rest; and the Sabbath cannot be construed as a day of leisure either, in the modern sense of the work. Essentially it was a day of establishing alternative values, and, par excellence, it was the day of continuing education for the community, through the public teaching of the Torah.

Since Torah study was a primary religious act, and could not be encompassed in a lifetime, it gave rise to a certain measure of value conflict. Most shared the view of the second century teacher, Rabbi Ishmael, that one should simply strike a balance between work and study; but his contemporary, Rabbi Shimon bar Yohai, took the view that "If a man..."
ploughs at ploughing time and reaps at reaping time...what is to become of his Torah?" Evidently he felt that any time spent on work represented an unacceptable dereliction of duty. This was the kind of argument that was resolved simply enough by historical experience. Two centuries later, Abaye comments: "Many tried the was of R Ishmael and succeeded. Some tried the way of Rabbi Shimon and it did not succeed".20

Conflict of values: "rights" of employees not protected because such protection would interfere with their higher right to offer their services as they choose

There is a large body of Jewish law about relations between employer and employee. But here again, we notice the way in which the transition between value and law is not a simple one. For instance, the Bible contains legislation about slavery. It is apparent that these laws are all in one direction: protection of the rights of the slave, against both abuse and a loss of his own sense of freedom. They are, or were certainly understood to be, moves in the direction of its abolition; and slavery had already ceased to be a live institution during the Second Commonwealth.

One of the provisions of that law, to be found in Leviticus, is "Thou shall not rule over him with rigour" (Leviticus 25:43). The law, both in context and terminology, is a specific reminder of the experience of the Israelites as slaves in Egypt, where "all their bondage wherein they made them serve was with rigour" (Exodus 1:14). The interpretation of the early sages is an interesting on, in that they understood rigour to mean "that which breaks the spirit" and so read the law as relating to what we might now call job satisfaction. Two things were prohibited under this rubric: asking a slave to do something which the master did not need, but was demanded merely as an assertion of his authority; and asking a slave to do something which had no specific end-point - the example they gave was "Hoe under this vine until I return". 21

We would naturally expect that such sensitive concern for the psychology of the worker would be transferred in at least equal measure to an employee. In fact, though, a clear distinction was made: One might not make rigorous demands of a slave; but one may of a hired employee.22 The reason is obvious enough. In the case of the slave, the law was designed to place severe limits on the rights of the master over the person of the slave. In the case of a free labourer, his relationship to an employer is grounded in freely contracted mutual agreement. And since at any stage the labourer could retract his services, no protection was necessary. On the contrary, it would serve as a constraint on his right to offer his services as he chose.

Another case: a Biblical right to end contract - not to strike

The right of the labourer to retract is another case in point. The ruling that "an employee may retract even in the middle of the day"23 , a third century provision, was based on a careful thinking-through of the verse, "For to Me the children of Israel are servants; they are My servants who I brought out of the land of Egypt".24 To be a servant of God precluded being the servant of anyone else, so that dependence and slavery were fundamentally at odds with the lesson of the Exodus. This mean that no-one could acquire ownership in a human being; no-one could bind himself contractually to an employer in such way as to preclude the possibility of his opting out at any stage, should he so choose.

This looks like a very early anticipation of the right to strike. But again, it is not so. The right of an employee to retract meant that he could terminate his contract. A strike has precisely opposite aims, to preserve a contract but to change its terms.26 And in recent centuries the question of the right to strike arose and was subjected to deliberation. But no-one who considered the question felt that there was any guidance to be gained from Biblical verse, or from the law of retraction. The similarity disappeared as soon as the two cases were analysed.27

The rabbinic definition of poverty: charity to those beneath subsistence level and the relatively poor - not relative to others but to their own previous condition

Let me now consider the question of definition as it was approached by the rabbis. What is poverty? Well, it depended. Were we talking about value or about law? Here, for instance, is a conversation between four second-century rabbis. "Who is wealthy? He who has pleasure in his wealth": this is the view of Rabbi Meir. Rabbi Tarfon said: "He who possesses a hundred vineyards, a hundred fields, and a hundred servants working in them". Rabbi Akiva said: "He who has a wife who is comely in good deeds". Rabbi Jose said: "He who has a toilet near his table".28

This was the kind of table-talk in which the rabbis delighted, coming at a subject from all angles, and perhaps not too
seriously. Rabbi Meir gives a philosophical answer: wealth is a state of mind, rejoicing in what you have, whether it is much or little. Rabbi Tarfon won't have any of it: wealth is wealth, and let's not evade the issue. Rabbi Akiva tells us frankly that someone who has a good wife is wealthy whatever else he lacks. And Rabbi Jose replies in the spirit of "If I were a wealthy man". If only I didn't have to go so far to the toilet, that would be riches indeed.

But this sort of brainstorming definition is clearly distinguished from the careful parameters of practical policy-making. There was, already at the time, a system of organised communal charity collection and distribution, and one needed to know who was poor in such a way as to be entitled to support. Naturally one turned to the Bible for clarification.

The proof text here was the verse: "Thou shalt open thy hand wide to him, and shall surely lend him sufficient for his need, in that which he lacks" (Deuteronomy 15:8). The reference was to a loan, but the logic applied equally to a gift. What hen was meant by the two phrases, "sufficient for his need" and "that which he lacks"? Here is the ancient unpacking of the verse:

Sufficient for his need means you are commanded to maintain him, but you are not commanded to make him rich. That which he lacks means even a horse to ride on and a slave to run before him. It is told of Hillel the elder that he bought for a certain poor man of good family a horse to ride on and a slave to run before him. On one occasion he could not find a slave to run before him, so he himself ran before him for three miles.

There are, therefore, two elements in the rabbinic definition of poverty: first, an absolute subsistence level, covered by the phrase "sufficient for his need". This included food, housing, basic furniture and, if necessary, funds to pay for a wedding. The second, dictated by the phrase "that which he lacks" introduces the notion of relative poverty, but in a restricted sense - relative not to others, but to his own previous condition, that to which he had become accustomed. This accords with the rabbis' insistence that poverty - in the sense in which the Bible was concerned with it - had psychological as well as physical reference.

Clearly one needed further clarification of what constituted being accustomed. The story of Hillel referred to a "poor man of good family", implying that he had been accustomed to a certain lifestyle from birth. Was the law restricted to such cases? Most thought not. But in practical terms a more fundamental question needed to be answered. What was the purpose of the provision? Was it that the loss of what one was used to constituted a genuine need; or was it rather that it amounted to a public humiliation to be seen to be descending the social ladder? It made a difference. Maimonides, for instance, rules that someone who has lost his income but still possesses wealth, need not sell the family Gaugin, and may apply for support, so long as he does so from private benefactors; but he may not apply to the community funds in such a case. The logic seems to be that humiliation is the decisive factor. Public support cannot prevent this, by its very publicity, and is therefore restricted to providing subsistence needs. Not everyone agreed. In one area, however, there was a means test: the agricultural gifts to the poor specified in the Bible were restricted to those who owned less than 200 zuz. Here, it seems scarce resources forced the rabbis into preferring a distribution amongst those in greatest need.

Preserving the self-respect of the poor

The conception of charity in Judaism is distinctive. Although I have used the word, the Hebrew term used by both the Bible and the rabbis - izedakah - belongs to the notion of justice rather than benevolence; and reflects the idea that since all property ultimately belongs to God, it is a sense of equity rather than of generosity that commands giving to others. The giving of charity could therefore be coerced by communal sanction and was formally organised on a community basis. From the earliest rabbinic times there were such institutions as the tamhui, which distributed food daily to whoever applied; the kuppah, or community chest, which distributed money weekly to the poor of the city, together with specific funds for clothing, raising dowries for poor brides, and providing burial expenses for the poor. Clearly, though, the distribution of charity in certain cases - such as applying the rule of making good a person's previous living standards

- called for fine human judgement. Decisions were made by a panel of three scholars, and the responsibility that rested with them was formidable. Rabbi Jose said, and we can sense what he felt. "May my share of responsibility be among the collectors of the charity fund, and not among its distributors".

Poverty was therefore given a definition which went beyond a lack of basic necessities, and which called for case-by-
case investigation. The entire legislation was governed by fastidious regard for the feelings of the recipient of aid, for his preservation of self-respect. Clearly, though, the definition itself was cause and effect of a particular social structure, community-based and administered by delegates of the community. One can see the sensitive transition from the Biblical to a more trade and money-based economy. But how one would secure these same situational values within a modern political structure is altogether less clear.

Redistribution not the only solution: Judaism as religious democracy, same Law and Sabbath for all

But if we were to ask what a religious tradition can contribute to the problem of poverty, one would have to recognise that direct confrontation is only one part of the answer. Judaism, for example, is an all-embracing culture; and so it has many more resources at its disposal than, say, the politician or economist.

Fundamental to the rabbis' conception of Judaism, for instance, was the idea that its practice should never impoverish or be beyond the reach of the poor. It should be a classless religion. This was not a theoretical issue. Judaism did make economic demands, and it is important that these should not be divisive. Hence, for instance, the institutions that burials should be as simple as possible; and that on the special festive days when the girls of Jerusalem danced before the boys and wives were chosen, they would wear borrowed clothes "so as not to put to shame those who did not have".

Let me give an example here of the kind of situation that arose from time to time, and of a characteristic response to it. The festival of Passover involves a major upheaval in the running of a household. No leavened bread, nor anything containing a leavened ingredient, may be eaten or even kept in the home. Different utensils must be used for cooking and eating. The third century Babylonian community followed the rulings of their great leader, Rav. But one of his rulings had severe implications. Any earthenware pot that had been used for cooking during the year, and so had absorbed some leaven, must not merely be put away during Passover, but actually broken and disposed of. In effect this meant that families had to buy complete new sets of cooking equipment each year. This created a concentrated seasonal demand for earthenware pots; and in the free market, traders were quick to take advantage and raise their prices. It was the kind of situation of exploitation familiar to us from the prophetic literature.

Rav's contemporary and friend, Samuel, responded immediately. He gathered the merchants together and informed them that unless they held their prices steady, he would pronounce in accordance with the more lenient tradition which held that old pots need not be broken, simply stored away. It worked.

Many, perhaps most, of the innovations of the rabbis had a similar motive. They were guardians of the tradition, but they were also guardians of the unity of the people; and they were aware that nothing could be more destructive of that unity than a Judaism that was identified with a particular economic class.

The most potent of all religious institutions were those which occupied the realm of not working. The first was the Sabbath, and no-one will disagree with Ahad Ha-Am's famous judgement that "More than the Jews kept the Sabbath, the Sabbath kept the Jews". It created an alternative world in which differentiations based on work, income, or expenditure had no room in which to operate. At all times, even in those many Jewish communities that lived in grinding poverty, one saved to dress and eat well on the seventh day. It was impossible, on the Sabbath, to internalise the pariah image that the outside world seemed to impose. The Sabbath created the coherence of the religious community. It also, perhaps, was decisive in preserving the attitudes which made the Jews so adaptable and socially mobile. It was, if you like, the insertion into the world of an alternative identity, in which the white tablecloth, the silver candlesticks, the leisurely meals, the assembled family, enacted rather than symbolised a freedom from the existing economic and social order.

This, it seems to me, is an important part of the place of religion within the system. Poverty restricts choice, as indeed does wealth: "the more property, the more anxiety", as Hillel used to say. But how significant the choices are that a given economic standing puts beyond one's reach is, by and large, culturally determined; and a religion succeeds or fails to the extent that it shapes that culture. Naturally Judaism could not rest content without its elaborate programme to alleviate poverty. But it was also well aware that, in most times and places, simple redistribution would not solve every problem.

The Talmud, for example, recreates the following imaginary dialogue between King David and his counsellors: At dawn the wise men of Israel came to him and said: Our lord, the king, your people Israel need sustenance. He said: Let them support one another. They replied: A handful cannot satisfy a lion, and you cannot fill a pit by the earth which
David proposed redistribution; his sages told him that the cake was not big enough, however it was sliced.

It followed that a major religious task was to maximise the range of significant choices available to a person regardless of income. Nor would Judaism ever have contemplated the obvious strategy of deriding this world for the pleasures of the next. The answer had to be substantive. On the Sabbath the poor man was wealthy, and not in any metaphorical sense. And since the sages had, as it were, dignified wealth by institutionalising charity, they also laid it down as a rule that even the person who subsists through charity must give charity, and be given enough to give it.41 Above all, they created a culture of study and education, which dominated their lives and to which access was universal and lifelong. They were aware of its democratising implications. They said: Israel had three crowns. The crown of kingship belongs to David and his sons. The crown of priesthood belongs to Aaron and his sons. The crown of Torah, which transcendeth them all, lies before you. Let whoever wishes, come and take it all.42

This, then, was the second great alternative world. Again, let me illustrate what I mean with a fragment of a Talmudic narrative. Shortly after the destruction of the second Temple, there was some opposition to the attempt by Rabban Gamliel, head of the Jewish community, to systemise the religious tradition and restrict the freedom of argument and opposing rulings. He was particularly harsh on his deputy, Rabbi Joshua, when the two disagreed on points of law. The scholars of the academy responded by deposing Gamliel; and in due course he visited Rabbi Joshua to apologise.

The description is graphic. Evidently stuck for a way of opening the conversation, he looked round Rabbi Joshua's house, noticed that the walls were black, and said: "Judging the walls, I can see that you must be a blacksmith". Rabbi Joshua replied: "Alas for the generation of which you are the leader, seeing that you know nothing of the troubles of the scholars and how they have to make a living".43

The story fascinates me, because it is apparent that Rabban Gamliel and Rabbi Joshua were able to work and debate together day by day in the academy, the one as its head, the other as his deputy, without the wealthy Rabban Gamliel being aware that Joshua was a poor man. To this day, this rings true as a description of the spirit of the learning community.

Its second implication, no less important, is that ignorance of the real economic difficulties of a people disqualifies a sage from being a leader.

Proper consideration of social issues: impartiality, expertise in facts and values, and tradition, the need to make decisions

Which brings me to my last point: the place of expertise; and the related question of the status and domain of religious judgement.

The ubiquity of Jewish law, its tendency to see each human activity as a potential sanctification, meant that sages required extensive expertise in the realities to which the Torah was applied. 44 To this day, leading rabbinic authorities will be asked questions from medical ethics to a mistake in Torah scroll; from business practice to the determination of the time of nightfall. Nor, given the situational character of much of Jewish law, can these questions be divorced from the specific human context in which they are asked.

This meant, in practice, that the sage had to be a man of the people; and there was always fierce opposition to the professionalisation of the rabbinate. The sage had to earn his living like anyone else; as sage he was unpaid. Many of the early rabbis were manual workers; 45 the medieval authorities were traders, shopkeepers, and often doctors. If they were often poor men, there was also a tradition that the wealthy would try to marry their daughters to scholars. So if the rabbi himself did not know the problems of large business or finance, his wife or father-in-law did.

To a large measure this was the source of rabbinic authority. Rabbinic Judaism came into being with the collapse of all formal hierarchies of religion: there was no Temple, no active priesthood, the supreme court had little power and was in decline. The sage had the authority only of his personal Torah learning and his practical wisdom; and the situation is essentially unchanged today, despite the apparent and alien intrusions of, say, the Chief Rabbinate in Israel. Informed
and informal consent picks out the leading sages of any generation; and those whose judgement carries weight are, more often than not, men with no formal standing in the community.

One incidental consequence is that there never has been, and could not be conceived, an identification of Judaism with any particular political stance. Another is that it was recognised from the earliest stage that there were vital religious questions which could only be answered on the basis of secular expertise. For example, the most sacred institutions like the Sabbath, the Passover and the Day of Atonement, must be set aside for the saving of life. But the diagnosis of a dangerous condition could only be given by a doctor. 46 This was the archetypal situation in which religious and secular experts had to work hand in hand to prescribe a course of conduct. The same is true about the most crucial political question, namely war. Jewish law allows the present state of Israel to wage war only on essential defensive grounds. But a rabbi has no special expertise in military intelligence and strategy. He is bound, on religious grounds, to yield to the judgement of experts, regardless of their religious standing and, more poignantly, always aware that they may just be completely wrong. It is an axiom of Judaism that "a judge must rule on the basis of the available evidence".47 There is neither religious nor secular infallibility; but decisions must nonetheless be made.

The point at which Jewish law takes off, on any issue to which there is not already an agreed ruling, is the question. Someone

- a doctor, perhaps, or a social worker, or a businessman - will turn to a rabbi or a scholar in whose judgement he has faith, and formulate a question. In the case, say of an issue in genetic engineering or business procedure, the onus is clearly on the questioner to supply the relevant facts in his presentation of the problem. He will be aware that, even though the rabbi will often consult independent experts, he is bound to present the issue as objectively as possible; for a slanted question will not elicit a balanced answer; and if the answer is imbalanced, it will not carry weight with the Jewish community. No rabbi would consciously allow himself to be used for the advocacy of a sectional interest or a particular ideological stance.

His role, once the question has been posed, is to analyse it into its component parts and to bring to bear all the resources of 2000 years of recorded debate. Where does this problem have an analogue in the past? What views were then proposed? How did tradition decide between them? Is the problem really comparable, or have changed circumstances altered the moral issue? The authority of the answer lies only in its cogency, and in the fact that it is a response to a question; to someone who wanted to know. The Jewish encounter with the policy issues of an age, in short, occurs when an expert in the facts seeks the guidance of an expert in the values; and there is nothing to compel that seeking, short of a continued demonstration that Judaism is in touch with life.

And impartiality means no bias to the poor: the rabbinic tradition is for all and is not partisan

Space has allowed me only this most sketchy of surveys. Of poverty at least, Judaism has an embarrass de richesse. The single point I might have made at the beginning but have chosen to leave to the end is that the one thing Judaism rules out ab initio, by specific Biblical command, is a bias to the poor. Precisely because its whole moral code is orientated towards compassion, the Bible uniquely found it necessary to command, "You shall not favour a poor man in his cause" (Exodus 23:3; see Leviticus 19:15). Compassion, the substrate of judgement, must not distort judgement. The preservation of impartiality, the balance of claims, the reciprocity or rights and obligations, the interdependence of apparently opposed interests, are values essential to the Jewish procedure. These are the characteristics that are often summed up by saying that Judaism is a religion of law. I prefer to describe it as the rule that moral passion must yield to moral rationality if it is to achieve its ends.

Judaism has no specific answers to the economic and social problems of our time: would that it had. What I have tried to show is the way in which a religion can be the effective context of debate, by cultivating open argument and valuing it as such, by seeing the argument itself as the religious experience, rather that then passion or the persuasion. I have described a particular model of the interaction between secular expertise and religious judgement, and the way in which that judgement might have authority. We have seen the range of was in which a religion might attempt to alleviate poverty; not least of which was the enriching of its cultural possibilities. And I hope we have seen some of the dangers or extrapolating from Biblical sources to changed economic circumstance.

The rabbis saw themselves as heirs to the prophets; but in fact they succeeded where the prophets failed, in capturing the imagination of all classes of society. This turned them from an opposition party into a kind of informal government, with all that entailed in terms of responsibility, impartiality, and consideration of consequences. The prophetic tone of
voice is essentially the voice from the sidelines. If rabbinic Judaism has anything to say across its borders, it lies in how the voice of religion might be central without being authoritarian, unifying without ceasing to be pluralist, and rational without lacking passion.

Notes and references

1. Nichomachean Ethics, I:5.

2. Babylonian Talmud, Nedarim 7b.


8. Maimonides, Hikhot Arakhin va-Harmin 8:13. Maimonides continues: "For he thereby destroys his own property and becomes dependent on others; compassion is not to be shown toward him".


10. B T Ta'anit 24a; Maimonides, Hilhot Mattenot Ani'im 7:11.


12. B T Eruvin 63b; Baba Metzia 46b.


14. See B T Yoma 35b.

15. The phrase occurs in B T Shabbat 10a. Compare Avot de Rabbi Nathan XI: "The Holy One, blessed be He, did not cause his Presence to alight upon Israel until they had done work, as it is said, Let them make Me a sanctuary that I may dwell among them" (Exodus 25:8). The whole passage is an amplification of Shemayah's pointed saying: "Love work, hate lordship, and seek no intimacy with the ruling power" (M Avot 1:10), and contains many aphorisms on the religious value of work.


22. Sifra, ibid; Maimonides, Hilkhot Avadim, 1:7.

23. B T Baba Kamma 116b.

24. Leviticus 25:55


26. Tosefta, Baba Metzia 11:23; B T Baba Batra 8b.

27. See Warhaftig, loc cit for a review of sources.


30. Maimonides, Hilhok Mattenot Ani'ım 7:3.


33. Mishna, Peah 8:8; Maimonides, Hilhok Mattenot Ani'ım 9:13.

34. The structure is set out in Maimonides, Hilhok Mattenot Ani'ım, ch 9. For a review of social practice, see Isidore Epstein, Social Legislation in the Talmud, London (undated), and Leo Jung, Human Relations in Jewish Law.


36. B T Sabbat 118b.

37. B T Moed Katan 27b; Maimonides, Hilhok Avel 4:1.

38. Mishna, Ta'anit 4:8.

39. B T Pesahim 30a. For a similar strategy in Temple times, see Mishna, Kerritot 1:7. For more recent examples, see Leo Jung, op cit, pp 106-113.

41. B T Berakhot 3b; see comments of Tosafot ad loc.

42. B T Gittin 7b; Maimonides, Hilkhot Mattenot Ani'im 7:5.

43. Maimonides, Hilkhot Talmud Torah 3:1, based on M Avot 4:12; Sifrei, Korah 229, B T Yoma 72b.

44. B T Berakhot 28a; compare J T Berakhot 4:1.

45. A judge was required to have expertise not only in Jewish law, but in the other disciplines which might be involved in cases on which he had to pass judgement - medicine, astronomy and so on; Maimonides, Hilkhot Sanhedrin 2:1.

46. Thus, Hillel was a wood-chopper (B T Yoma 35b in the text available to Maimonides) Rabbi Huna a water-drawer (Ketubot 105a), Rabbi Joshua a charcoal-burner (Berakhot 28a), Rabbi JHose b Halaffa a leather-worker (Shabbat 49b), and so on. For Maimonides, earning an independent living by means of a trade was essential to being a Torah authority. See his passionate onslaught against a professional rabbinate supported by communal funds: Commentary to the Mishna, Avot 4:7; Hilkhot Talmud Torah 3:10, 11. In a letter to his disciple, Joseph ibn Aknin, Maimonides advises him that "it is far better for you to earn a single drachma as a weaver, tailor or carpenter, than to accept payment for being a rabbi or religious teacher".

47. See Mishna, Yoma 8:5, 6; B T Yoma 83a. A review of the detailed provisions of the law is given in Sir I Jakobovits, Jewish Medical Ethics, Bloch, New York, 1975. ch 4.

48. B T Baba Batra 131a; Sanhedrin 6b.

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