

Kohelet Discussion – Re’eh August 2023

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I’d like to discuss passages from this week’s parsha, Re’eh, as well as a related parsha, Behar, where we learn the laws of Shemita and Yovel/Jubilee (Behar) . The sections I will cite lay out the Torah approach for how Jewish society is expected to view and regulate debt. The idea of loan forgiveness on a regular seven-year cycle (Shemita) and then a complete reversion of land ownership back to ancestral heritage claims, every fifty years (Yovel/Jubilee), has frequently been discussed at Kohelet as perhaps merely a Utopian ideal. I would like to bring some relevant historical facts to the discussion of debt and debt-relief which suggest otherwise and then to distinguish what is special and unique to the Torah’s approach to generosity, debt, and debt relief as compared to wider Mesopotamian practice.

Throughout Mesopotamia (Persia, Egypt, Babylonia and Syria/Akkadia), kings found Clean Slate edicts (debt amnesties) to be a powerful and practical mechanism to accomplish several important political and economic objectives. There is documentary evidence for debt amnesty throughout the region at least as far back as the 3rd Millennium BCE, through the reign of Hammurabi, and continuing during the Greek and Roman Empires.

Specifics vary, but typically kings would provide people land to farm in return for taxes, obligatory labor for the common benefit (e.g. building city walls, watercourses, infrastructure...), and military service. In hard times, such as after a drought, people would find themselves needing extra loans to buy food, supplies, and to pay taxes. The creditors for these loans were often local wealthy landowners. These loans were usually in the form of high compound-interest debt which would inevitably mount due to the disparity between one’s ability to repay a fast-growing interest using the income generated from their labor and land. This usurious algorithm invariably resulted in the termination of a debtor’s land rights and ultimately to various forms of debt peonage, servitude, oppression, and at its most extreme, chattel slavery. The rich get richer...

It may be evident, then, why an indebted and struggling populace paying interest and providing debt-coerced labor to powerful local creditors (what we might now call oligarchs) worked against the interests of the king (and the community). The monarchs would suffer a loss in their ability to raise labor, to draft men for military service, and to raise a maximal amount of taxes, so it was clearly in their interest to forgive these personal debts. Clean Slate edicts also boosted their popularity as such moves engendered gratitude from the people. Often, a newly crowned king’s first act would be to reset the economy by declaring a Clean Slate edict (almost synonymous, as that is what an edict was most commonly known to be). Thus, political tension between wealthy creditors (vying for land and power) and monarchs over this issue played out rather continuously throughout the history of the region and was, by some accounts, the basis of the conflict that led to the collapse of both the Greek and Roman Empires.

As such, these edicts were a common phenomenon in the region both before, during, and after biblical times. However, the Torah's implementation is distinguished by several important aspects that set its approach apart from the rest. Below are passages from Re'eh relevant to this discussion:

From Devarim Chapter 15:1-18 (Stone p.1015) "Shemita":

"At the end of seven years you shall institute a remission (Shemita). This is the matter of the remission: Every creditor shall remit his authority over what he has lent his fellow; he shall not *press* his fellow or his brother, for He has proclaimed a remission for Hashem. You may press the gentile; but over what you have with your brother, you shall remit your authority. However, may there be no destitute among you; rather Hashem, will surely bless you in the land that Hashem, your God, will give you as an inheritance..." The parsha goes on, elaborating rules that provide a vision for a Jewish society where fellow Jews treat each other as family (i.e. "brothers"), act in a generous and open-handed manner towards each other (including the needy), allow the land to lay fallow, and freely give loans even as the Shemita approaches:

"If there shall be a destitute person among you, any of your brethren in any of your cities, In the land that Hashem, your God, gives you, you shall not harden your heart or close your hand against your destitute brother. Rather, you shall open your hand to him; you shall lend him his requirement, whatever is lacking to him. Beware lest there be a lawless thought in your heart, saying, 'The seventh year approaches, the remission year,' and you will look malevolently upon your destitute brother and refuse to give him – then he may appeal against you to Hashem, and it will be a sin upon you. You shall surely give him, and let your heart not feel bad when you give him, for in return for this matter, Hashem, your God, will bless you in all your deeds and in your every undertaking. For destitute people will not cease to exist within the land; therefore, I command you, saying, 'You shall surely open your hand to your brother, to your poor, and to your destitute in your Land.'" Going yet further, the Torah states that a Hebrew man or woman who has become a bondsman (subject to certain rights) to another Jew must be released in the seventh year, starting their newfound freedom with livestock, grain, and wine provided by their former master.

From Behar (Vayikra 25:10) p.699: "You shall sanctify the fiftieth year and proclaim freedom ("dror")¹ throughout the land for all its inhabitants; it shall be the Jubilee... You shall return each man to his ancestral heritage."

What is special about the Torah Laws with regard to debt is that the Shemita and Yovel are cyclical, predictable events designed to proactively defuse the credit bomb and resultant economic ruin caused by the rigid enforcement of debt and the problem of compounding interest. But most critically, these rules are embedded in the context of a moral code that elevate communal ideals which synergistically support a kind and cooperative community. Not only are we instructed not to charge interest to one another, the Torah goes well beyond in asking us to adopt a generous, sharing spirit with the aim of minimizing destitution in our communities. Most fundamentally, these appeals to our generosity come

¹ "Dror" may be a cognate of the Akkadian term for debt-relief, "Anduratum".

from God. These simple yet exceptional principles of behavior, far beyond the norm for regular commerce, appeal to a person's better nature with the aim of reducing destitution.

It is worth noting that there is an analogous relationship between the traditional social contract between and king and subjects (i.e. service and taxes in return for land tenure), and the contract between God and the Jewish People vis-à-vis inheriting the Land of Israel. God declares that the "Land belongs to Me" and is granted to the Jewish People with the expectation that they uphold a moral contract. And central to this contract is the Torah's concern is that we abide by laws that do not promote the enslavement of Jews by Jews. We are again reminded that we were slaves in Egypt.

A further elaboration of these issues can be found in Chapter 5 of Nehemiah. Briefly, Nehemia was a mid-5th century governor of Jerusalem who oversaw the rebuilding of the walls of Jerusalem after the Babylonian exile. This chapter vividly illustrates the problems of corrosive debt and the virtues of generosity and community spirit. In his verses we clearly see the societal blight caused by debt and how it adversely impacts a community. We learn that the Jews were charging interest to one another, and that debt had led to land forfeiture, the break-up of families, debt servitude, and child slavery. Nehemiah scolds the people and they agree to forgive the debt, stop charging interest, and even pay back the interest they've taken. We then learn of Nehemiah's altruistic refusal of taxes due to him as governor as well as his generous support to the people in the form of daily feasts with the laborers. Although it is not recited as a Haftarah any time during the year, it would seem to make an ideal companion reading to Re'eh. To allow time for discussion I am going to omit a section of this talk which includes Chapter 5 of Nehemiah, along with some background and references, but I hope you will take a look at it once it appears on the Kohelet website.

To conclude, the Torah envisions a society built upon a foundation of debt forgiveness, cooperation, and generosity in a world where destitution and debt was (and is) the order of the day. We see evidence that Mesopotamian Clean Slate edicts were, in fact, a common occurrence driven by political expedience. Apparently, Jewish society fell short of implementing the Torah's vision for regular, dramatic structural adjustments to the economy in the form of Shemita and Yovel. One could suppose that it was the cyclical nature of the Shemita and Yovel that hindered their realization, but a more fundamental explanation might be that those with wealth and power don't often voluntarily relinquish their influence. Should we then consider these laws "Utopian" by dint of the failure by Jewish society to enforce these rules?

Let's also consider the many other prescriptions in this parsha (and throughout the Torah) that are concerned with compassionate help for the needy. The central Jewish practice of Tzedakah (compassionate giving) expresses the core values of generosity presented in Re'eh and Behar. Tzedakah has arguably been among the most spiritually fulfilling and cohesive forces for Jewish communities over history. In my opinion, we have maintained a commendable track record of achieving a measure of the Torah's aspirations for the kind treatment of the poorest among us. However, from biblical times until the present one could argue that there are signs of rapidly increasing wealth disparity worldwide that debt amnesties would likely ameliorate.

My question for discussion is:

Do you view the Shemita/Yuvel (debt amnesty) as a relic of biblical history, a utopian ideal, or as an enduring aspirational principle that should motivate us to support policies which lessen wealth inequality?

The historical context for the book of Nehemiah is as follows. About 90 years after the Jews of Jerusalem were exiled to Babylon, King Cyrus of Persia supported (both in policy and financial support) the return of Jewish exiles in Babylon to Jerusalem in order to rebuild the Second Temple. It was a time of turmoil and conflict between the 50,000 returning Jews and various elements of the population that had remained.

It is amidst this tumult that Ezra and Nehemiah arrived in Jerusalem (in the mid-5th century BCE). Ezra, who is credited with providing the authoritative text of the Torah, implemented the first public reading of the Torah in Jerusalem with the aim of imposing “the law of God of Heaven.” (Ezra 7:21) Soon after, Nehemiah arrived after being appointed Governor by Artaxerxes I. Among the many policies Nehemiah would implement, perhaps the ambitious project was the reconstruction of the city walls around Jerusalem.

444 BCE Nehemiah (Book of Ezra)

⁵ Now the men and their wives raised a great outcry against their fellow Jews. ² Some were saying, “We and our sons and daughters are numerous; in order for us to eat and stay alive, we must get grain.”

³ Others were saying, “We are mortgaging our fields, our vineyards and our homes to get grain during the famine.”

⁴ Still others were saying, “We have had to borrow money to pay the king’s tax on our fields and vineyards. ⁵ Although we are of the same flesh and blood as our fellow Jews and though our children are as good as theirs, yet we have to subject our sons and daughters to slavery. Some of our daughters have already been enslaved, but we are powerless, because our fields and our vineyards belong to others.”

⁶ When I heard their outcry and these charges, I was very angry. ⁷ I pondered them in my mind and then accused the nobles and officials. I told them, “You are charging your own people interest!” So I called together a large meeting to deal with them ⁸ and said: “As far as possible, we have bought back our fellow Jews who were sold to the Gentiles. Now you are selling your own people, only for them to be sold back to us!” They kept quiet, because they could find nothing to say.

⁹ So I continued, “What you are doing is not right. Shouldn’t you walk in the fear of our God to avoid the reproach of our Gentile enemies? ¹⁰ I and my brothers and my men are also lending the people money and grain. But let us stop charging interest! ¹¹ Give back to them immediately their fields, vineyards,

olive groves and houses, and also the interest you are charging them—one percent of the money, grain, new wine and olive oil.”

¹² “We will give it back,” they said. “And we will not demand anything more from them. We will do as you say.”

Then I summoned the priests and made the nobles and officials take an oath to do what they had promised. ¹³ I also shook out the folds of my robe and said, “In this way may God shake out of their house and possessions anyone who does not keep this promise. So may such a person be shaken out and emptied!”

At this the whole assembly said, “Amen,” and praised the LORD. And the people did as they had promised.

¹⁴ Moreover, from the twentieth year of King Artaxerxes, when I was appointed to be their governor in the land of Judah, until his thirty-second year—twelve years—neither I nor my brothers ate the food allotted to the governor. ¹⁵ But the earlier governors—those preceding me—placed a heavy burden on the people and took forty shekels^[a] of silver from them in addition to food and wine. Their assistants also lorded it over the people. But out of reverence for God I did not act like that. ¹⁶ Instead, I devoted myself to the work on this wall. All my men were assembled there for the work; we^[b] did not acquire any land.

¹⁷ Furthermore, a hundred and fifty Jews and officials ate at my table, as well as those who came to us from the surrounding nations. ¹⁸ Each day one ox, six choice sheep and some poultry were prepared for me, and every ten days an abundant supply of wine of all kinds. In spite of all this, I never demanded the food allotted to the governor, because the demands were heavy on these people.

¹⁹ Remember me with favor, my God, for all I have done for these people.

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REFERENCES

1. *...and forgive them their debts: Lending, Foreclosure and Redemption from Bronze Age Finance to the Jubilee Year*. Michael Hudson, Verlag Dresden, 2018
2. *Debt -The First 5000 Years. Tenth Anniversary Edition*. David Graeber, Neville House Publishing, 2014