

### **Class 3: Between Charity of Israel and the Nations (part 1) “the Biblical World”**

Today's class and next weeks will be clarifying the ideological or religious difference between religious charity as pioneered by the Jewish religion (then adopted by Christianity and Islam) in contrast to what is found among the nations of the world. Today's class will be devoted to the Biblical world and next week to the time of the Mishnah and Talmud, that is after the destruction of the second Temple.

Today's class is built upon the research of the Bible scholar Moshe Weinfeld. However, the reading will be from the Benny Porat article you are already familiar with, which summarizes Weinfeld's findings. As you shall see one can find many of the same social institutions that we have discussed from the Biblical period (such as remission of loans, freeing slaves, even restoration of property) amongst other nations of the same time. One can even find the distribution of charity to the poor. Please look at the last page of the reading the appendix where you can see translations of texts from this time. There are however two (related) differences between the two. In short: among the nations of the ancient near east (the time of the Bible), these acts are not part of the religion but part of “political” policy. They are not religious obligations that bind all individuals (including the rulers) but are rather the prerogative and initiative of the King, the ruler and notice when the ruler feel the need to act! A second aspect relates to the personal responsibility of the individual (instead of only institutions) to care for the poor. For this Porat directs our attention to the laws relating to the harvest or in lending to the person who needs help.

Please read the short reading (only 4 pages!), I have highlighted the important sections, and think about the following questions.

**Summary Questions:**

What can be learned from the source depicting the acts of King Ammisaduqa?

What is important about the timing of Pharaoh Ramses' acts of kindness?

In what way are the actions of Pharaoh Ramses different than those of King Ammisaduqa with regard to the poor?

How do scholars explain the good deeds of monarchs in the ancient near-east?

What motivation lies behind "to do justice in the land" regarding the actions of monarchs in the ancient near-east?

In what central way is the Biblical model of welfare different than that of the other nations?

How central is the King to the laws relating to social welfare in the Bible?

What does Porat think can be derived from various social laws from the harvest time (and lending money) which is different from the other nations?

What does Porat mean when he writes about "social justice as a legal issue"?

## 2.2 Social justice as a legal issue

A wide range of actions intended to help the weaker social strata were known in early antiquity: declaring a remission of debts, freeing prisoners and slaves, suspending taxes, and more. In some languages and at some places, measures such as these were referred to with the very rubric used in the Bible: “to do justice in the land.”<sup>7</sup> Ancient Near East scholars have pointed out that these practices, while intended help the weak, take place within a political context. They are always effected by decree of the king and at his initiative. It is the monarch who decides whether, when, and how the weaker classes should be helped; see Appendix.

Acts intended to generate social reforms were taken when the king saw fit, or more accurately, when he saw the need or the opportunity to endear himself to his subjects and ensure the tranquility of his kingdom: on ascending to the throne, say, or at times of war.<sup>8</sup> Bestowing such concessions allowed the king to advance his own political interests while clothing his machinations in the rhetoric of social justice.

Another substantial difference between the proclamation of “liberty” in Egypt and Mesopotamia and in Israel was that the motivation for this proclamation among the kings of the ancient Near East was the wish of the monarchs to win over the hearts of the people ... which explains why this was usually done when they ascended the throne. While the kings ameliorated the condition of the poor by establishing “uprightness” or “freedom,” their motivation for this was the wish to appear in the eyes of the people as just and upright kings, and not a genuine concern for improving the lot of the poor among their people. In ancient Greece, where this practice also took root, the tendency of the rulers to act in this way was looked upon with suspicion, for which reason the institution of cancellation of debts was a punishable offense, and anyone attempting to realize it was cursed.<sup>9</sup>

The biblical approach differs markedly. While the social measures legislated in the Torah were for the most part familiar—remission of debts, emancipation of slaves, restoration of property to its owners, and so on—the initiative for implementing these steps is no longer the king’s, but a matter of statutory law. The Bible regularizes acts of social justice. The steps to be taken, and the timing of these steps, are no longer discretionary, but fixed and known in advance to all. The ruler cannot take such steps

7 See M. Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Minneapolis and Jerusalem: 1995), 75, 84.

8 Biblical examples include Pharaoh’s freeing prisoners on his birthday (Genesis 40:20), and Ahasuerus’ proclaiming a tax amnesty in honor of the new queen’s coronation (Esther 2:18).

9 Weinfeld, n. 7 above, 11.

whenever he finds it politically expedient, but is required to abide by the statutory schedule.

In bringing actions undertaken for the benefit of the weak under the umbrella of the law, the biblical approach to social justice was tantamount to a revolution. It ensured that the measures in question indeed served their declared purpose, and were not undertaken merely to advance the interests of the throne. To further enhance provision of social assistance, the biblical system also set in place other principles, to which we now turn.

### 2.3 Personal responsibility

Who bears financial responsibility for supporting the disadvantaged? On the biblical model, are those in need to seek out wealthy individuals for help, or can they seek succor from an anonymous source, such as a charity fund?

Personal responsibility is a central pillar of the Torah's social legislation. Responsibility for helping the disadvantaged falls not on public institutions, but squarely on the shoulders of the individual, who is obligated to help the poor and needy with whom he comes in personal contact. The Torah does not mandate establishment of public institutions for collecting money from the wealthy and distributing it to the poor, but rather, the transfer is accomplished directly.

This is evident, for example, in the precepts of gleanings, forgotten produce, and corners of the field. These commandments, as we saw, obligate the owner of a field to set aside a portion of his yield for the poor. This portion is transferred directly to the poor, with no mediation: "When you reap the harvest of your land, you shall not reap all the way to the edges of your field, or gather the gleanings of your harvest. You shall not pick your vineyard bare, or gather the fallen fruit of your vineyard; you shall leave them for the poor and the stranger..." (Lev. 19:9–10).

This policy of direct contact between helper and beneficiary is manifest in the formulation of the obligation to lend to the poor: "do not harden your heart and shut your hand against your needy kinsman" (Deut. 15:7). Maimonides articulates this obligation more explicitly still: "He who, seeing a poor man begging, turns his eyes away from him and fails to give him alms, transgresses a negative commandment, as it is said, 'Do not harden your heart and shut your hand against your needy kinsman.'"<sup>10</sup>

Note that the biblical verse Maimonides invokes terms the poor person "your kinsman," even though it is not referring literally to a member of the wealthy person's family. This device is used often in the Bible, as when fellow Israelites are referred to as "your brother" or "your friend." The family metaphor evokes social solidarity, and sends a message of interpersonal responsibility. When a needy person approaches his wealthy

<sup>10</sup> *Code*, Laws concerning Gifts to the Poor 7:2.

neighbor for assistance, he need not hope the latter will exhibit good will and generosity, but can rely on the legal obligation imposed by the Torah. Only much later do we see the rise of communal institutions such as charity funds, that serve as intermediaries between rich and poor.

In effect, the Torah broadens the scope of the social assistance that has up to this point been viewed as the province of the ruler, requiring it to be extended to the needy by their fellows.<sup>11</sup> This policy is not due to a lack of familiarity with the concept of public funding, which is indeed invoked in other biblical contexts. The story of Joseph recounted in Genesis, for instance, features public funding. Joseph, serving in a public capacity in Egypt, amasses a large quantity of grain during the years of abundance to ensure the Egyptians' survival during the coming years of famine.<sup>12</sup> Similarly, the Israelites' construction of the Tabernacle in the desert was accomplished through a public fund that solicited valuables from the Israelites. Thus the concept of a publicly funded institution was by no means unfamiliar, and could have been harnessed to support the needy. Yet in all matters related to support for the disadvantaged, the Bible deliberately chooses to impose responsibility directly on the individual.

This policy creates direct personal contact between the two sides of the socioeconomic divide. One who has means cannot avoid his disadvantaged neighbor by telling him to direct his requests to the public authorities, but must look him in the eye and open his purse to his needs. In section 10 below, where we examine the social institutions established by the Sages, we will consider the extent to which this 'personal responsibility' principle was preserved in the post-biblical period.

11 Weinfeld, n. 7 above, 17.

12 See Genesis 41. The food was not provided gratis, but this does not detract from the fact that this was a publicly-run aid operation.

13 As is clear from the account in the biblical Book of Ruth, the amount of food this yields is meager, sufficient only for day-to-day survival.

## Appendix Social justice in the ancient Near East

The following documents illustrate efforts undertaken in ancient Near Eastern societies to help the needy.

The first recounts a remission of loans ordered by King Ammisaduqa, who reigned in Babylon in the sixteenth century BCE, in an effort to ease the burden on debtors.

Whoever has given barley or silver to an Akkadian or an Amorite as an interest-bearing loan... and had a document executed—because the king has invoked the *misharum* for the land, his document is voided; he may not collect the barley or silver on the basis of his document.

If an obligation has resulted in foreclosure against a citizen of Numhia, a citizen of Emutbalum, a citizen of Idamaras, a citizen of Uruk, a citizen of Isin, a citizen of Kisurra, or a citizen of Malgium, in consequence of which he placed his own person, his wife or his children in debt servitude for silver, or as a pledge—because the king has instituted the *misharum* in the land, he is released; his freedom is effective.<sup>1</sup>

The second text speaks of Pharaoh Ramses IV (12<sup>th</sup> c. BCE), who, at the time of his coronation, announced several measures to be taken to benefit the needy:

Heaven and earth rejoice, for thou art the great lord of Egypt. Those who had fled have returned to their home-towns; those who were in hiding have come forth. The hungry are sated and rejoice, the thirsty are drunk. The naked are clothed in fine linen, the ragged wear fair garments. Those who were in bonds are free again; those who were in chains rejoice. The rebels in this land are become free men once more. High Niles are come forth from their caverns and make glad the heart of the people. The widows' houses stand open once more; they let the wanderers enter.<sup>2</sup>