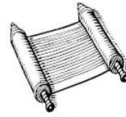


CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

WHEN THE TEXT IS SO WRONG, IT MUST BE RIGHT

Rabbi Aryeh Klapper, Dean

A crucial principal of the mental martial arts, as of the physical, is that any force exerted by opponents can be turned against them. One of my favorite examples of this is that one can defend against a charge of false advertising by claiming that the advertisement in question was patently absurd, so that no reasonable person would expect it to be true. Thus, “made from the best stuff on earth.”

A classic Jewish form of intellectual martial arts is to argue that a contradiction in a text is so obvious that it must be deliberate, and not a flaw in the argument. This form is useful in responding to Higher Critics of Torah—showing that the Torah contains indisputably deliberate contradictions makes it easier to argue that less stark contradictions are equally deliberate elements of a unified text.

Such an indisputably deliberate contradiction is found in Devarim 15, where verse 4 states:

אפס כי לא יהיה ברך אביון

Absolutely there will be no impoverished among you

Whereas verse 7 explains what one's charitable obligations are:

כי יהיה ברך אביון

when an impoverished person is among you

and verse 11 states unreservedly:

כי לא יחדל אביון מקרב הארץ

for the impoverished will not cease from the midst of the land

So which is it—will the poor surely vanish from the land, or certainly never do so? The classical Rabbinic response is to make the first statement conditional—“there will be no impoverished among you *if* you observe all My commands”—and the second actual—on the assumption

that in *every* generation not *all* commands will be perfectly kept, and/or that in *some* generation they will be inadequately kept. Nachmanides prefers to read the second as in the subjunctive, so as to preserve the *possibility* of a culture without poverty.

The implication of the Rabbinic reading is that poverty can disappear only as the result of Divine effort. Human beings can alleviate poverty, but not eliminate it. This seems to be true even when G-d blesses the land, in other words, even if there are sufficient resources to make poverty an issue of distribution rather than of absolute scarcity.

The available counter-suggestion is that human beings have a straightforward mechanism for eliminating poverty in an environment of plenty—socialism. It is tempting to resolve the Biblical contradiction by assigning poverty amidst plenty as the result of societal choices, whereas in a culture that has internalized Torah priorities, such inequalities would never arise.

Of course, one can respond pragmatically that a socialist culture is unlikely to remain a culture of plenty. A more interesting response would be to claim that a socialist culture is one of universal poverty, even if there is plenty for everyone. In other words, poverty is the absence of sufficient private property.

I regularly challenge students with an opposite question:

Does a socialist culture fulfill the mitzvah of tzedakah, or rather eliminate it? The goal of the question is to make them engage with Locke's argument that private property is justified as a means of inculcating the trait of generosity, and to consider whether economic inequality is per se troubling.

The mission of the Center for Modern Torah Leadership is to foster a vision of fully committed halakhic Judaism that embraces the intellectual and moral challenges of modernity as spiritual opportunities to create authentic leaders. The Center carries out its mission through the Summer Beit Midrash program, the Rabbis and Educators Professional Development Institute, the Campus and Community Education Institutes, weekly Divrei Torah and our website, www.torahleadership.org, which houses hundreds of articles and audio lectures.

I want to make the somewhat radical argument here that a socialist society fulfills the mitzvah of tzedakah, but that this is a terrible thing. Turning everyone into a giver means turning everyone into a receiver. Perhaps poverty should be defined as the condition in which one's capacity to live a normal life depends on the kindness of strangers.

Here is a thought experiment: Imagine a society which guarantees to all its members sufficient housing, clothing, food, medical care etc. to ensure that they will never involuntarily suffer hunger or pain owing to a shortage of personal resources. However, accepting those goods from a public agency is an acknowledgement that one has failed to earn enough income to provide for oneself. Are those who accept those goods impoverished, or not? They have no want or uncertainty, but perhaps they have lost dignity.

The counterargument is that a socialist society should be understood as a partnership rather than as a mutual charity society. However, partnerships generally assign benefits on the basis of contribution, not need.

A deeper response is to distinguish between the kindness of strangers and the dynamics of family. If I see you as an extension of myself, “from each according to his abilities, to each according to his needs” is not charity but good management. The question then becomes whether it is possible to construct a society which genuinely views itself as a family—i.e. to ask if the kibbutz model is scalable.

Framing the issue in this way may help explain the literary context of our contradictory Torah section, as follows: The guarantee that poverty will cease is preceded by the law of *shmittat kesafim*, which (at least prima facie) forgives all outstanding loans every seven years. The Torah emphasizes that this law applies only within the community, but that one is entitled or required to demand repayment from *nokbrim*, strangers. Perhaps the distinction between insider and outsider is essential for such economic levelling devices to be morally effective—as the communitarians teach, there can be no insiders unless there are outsiders—and only when we see our fellows as insiders can we regard forgiving a loan as a write-off in a partnership rather than as charity.

The guarantee that poverty will continue is followed by the rules of intra-Jewish slavery:

כי ימכר לך אחיך העברי או העבריה

ועבדך שש שנים ובשנה השביעית תשלחנו חפשי מעמך

וכי תשלחנו חפשי מעמך לא תשלחנו ריקם הענק תעניק לא
מצאנך ומגרנך ומיקבך
אשר ברכך ה' א-להיך תתן לו.
וזכרת כי עבד היית במצרים ויפדך ה' א-להיך על כן אנכי מצוך
את הדבר הזה היום.
והיה כי יאמר אליך לא אצא מעמך כי אהבך ואת ביתך כי טוב לו
עמך

ולקחת את המרצע ונתת באזנו ובדלת והיה לך עבד עולם ואף
לאמתך תעשה כן
לא יקשה בעינך בשלחך אותו חפשי מעמך כי משנה שכר שכיר
עבדך שש שנים

וברכך ה' א-להיך בכל אשר תעשה

*Should your brother the Jew be sold to you, or the Jewess
he will slave for you six years, but in the seventh year, you must send
him free away from you*

*When you send him free away from you, you must not send him away
empty; you must certainly give him severance; from your flocks, your silos,
and your vats with which Hashem your G-d has blessed you, you must give
him.*

*You must remember that you were a slave in Egypt, and Hashem
your G-d redeemed you; therefore I am commanding you this thing today.*

*When it happens that he says to you “I will not go out from you” -
because he loves you and your household, because it is good for him with
you.*

*You must take the awl and place it in his ear and in the door, and he
will become to you an eternal slave*

You shall do the same to your maidservant.

*It must not be hard in your eyes when you send him free away from
you because he has worked double the profit of a hiree for you for 6 years
and Hashem your G-d will bless you in everything you will do.*

I suggest that the pierced slave chooses economic security over autonomy, and therefore, even though his rights are guaranteed by law, he becomes a permanent charity recipient. If he were truly a member of the household he loves, he would not need the law.

Jews must remember that they were slaves in Egypt, and G-d intervened to redeem us. He then led us through a desert existence that often made us think fondly about the economic security of Egypt. Ultimately the responsibilities of freedom are what Torah demands we assume. Among those is the responsibility to ensure that our fellows are not enslaved by circumstances, and trapped either in want or dependence.

Shabbat Shalom!

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