

The Centre for Enterprise, Markets and Ethics

Theology and the Market Series

The Economic and Social Teaching of the Hebrew Scriptures

Edited by Revd Dr Richard Turnbull

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We are a think tank based in Oxford that seeks to promote an enterprise, market economy built on ethical foundations.

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We publish a range of material, hold events and conferences, undertake research projects and speak and teach in our areas of concern.

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Theology and the Market

Our Theology and the Market series is the more academic of our publications series.

Our aim is to explore the central role of the market economy built on ethical foundations. We want to encourage business professionals, church leaders, policy makers, academics and other interested groups to think deeply about the foundations of economic life. Our authors bring their intellectual and academic skills to this task.

Contributors are free to debate the intellectual arguments and express opinions. These views are not necessarily those of CEME, its Board or staff, but will we hope stimulate further discussion and reflection.

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Introduction

Revd Dr Richard Turnbull

The Hebrew Bible, or the Old Testament in the Christian tradition, challenges us to think very carefully about how the values, ethics and purposes of material from the Ancient Near East is relevant for today.

The Centre for Enterprise, Markets and Ethics brought together four distinguished scholars and thinkers to address this question. Can these ancient texts be of relevance to contemporary social and economic issues?

The papers in this publication are those presented to the conference and vary in style and approach. Our writers, united in the belief of the principle of relevance, help us explore the context, meaning and intent of aspects of the Hebrew Scriptures in relation to social and economic matters, seeking to allow the texts to speak for themselves rather than imposing a predetermined outcome on the material.

The role of money, interest, responsibility for the poor and the social fabric of society are at the heart of these papers. They investigate the nature of justice and responsibility in the context of a prevailing conservative social fabric. What precisely was the teaching around interest and loans? Were interventions on behalf of the less fortunate intended to be temporary in order to assist them in getting back on their own feet? What was the historic rabbinic teaching around these matters of loans and interest? Did it apply to commercial transactions or only to the personnel? What was the role of the inherited 'wisdom' tradition bringing wise experience to bear on these ethical questions?

The horizons of the Hebrew bible and contemporary society are, of course, very different. Nevertheless, ethical principles are established on whose application to our own society we would do well to reflect. What is most remarkable is, in fact, just how relevant this material is for us today. The need and encouragement of commerce, the problems of financial and social exploitation, weights and measures, loans and interest, the relationship of distributive and interventionist justice, personal as well as social responsibility, wise ethical decision-making – all these questions travel from then to now.

We hope these papers will stimulate readers to further and deeper exploration.

Chapter 1

Social teaching in the Old Testament

Revd Professor John Barton

The Old Testament has a bad name among many people, including many Christians, as a book about bloodshed and vengeance, ‘an eye for an eye and a tooth for a tooth’. It is the last place many people would look for positive social teaching. At the same time, the modern Church has in many ways discovered Old Testament *prophecy* as rather an exception to the general rule about the pre-Christian character of the Old Testament, seeing in the prophets a drive to social justice in particular that has much to say to the modern situation. Where once the word ‘prophet’ raised in the minds of Christians the idea of messianic prophecy, to call someone a prophet nowadays means primarily to see them as one who proclaims the demands of God in the social and political sphere, and for whom justice is a major concern. The prophets will figure a lot in this paper, though I shall begin with some of the legal material in the Old Testament.

If we start from the popular idea of the Old Testament as a book of unthinking and uncaring vengeance, a lot of it will surprise us by how modern and how reasonable it turns out to be once you actually read it. Its laws require justice in something very like our sense, justice in daily life, in the conduct of law courts, in commercial practice and in general personal relations.

Deuteronomy, for example, stresses the need for harmony in daily living among neighbours:

You shall not watch your neighbour’s ox or sheep straying away and ignore them; you shall take them back to their owner. If the owner does not reside near you or you do not know who the owner is, you shall bring it to your own house, and it shall remain with you until the owner claims it; then you shall return it. You shall do the same with a neighbour’s donkey; you shall do the same with a neighbour’s garment; and you shall do the same with anything else that your neighbour loses and you find. You may not withhold your help. You shall not see your neighbour’s donkey or ox fallen on the road and ignore it; you shall help to lift it up.
(Deut. 22.1–4)

Mores strikingly still, in Exodus and in Deuteronomy: ‘When you see the donkey of one who hates you lying under its burden and you would hold back from setting it free, you must help to set it free’ (Exod. 23.5; cf. Deut. 22.4).

Bribery and corruption in public life are condemned, not only in the laws but also in the wise sayings found in Proverbs, and there is a great emphasis on the need for probity in commercial transactions. Here are some examples:

You shall not have in your bags two kinds of weights, large and small. You shall not have in your house two kinds of measures, large and small. You shall have only a full and honest weight; you shall have only a full and honest measure. (Deut. 25.13–15)

A false balance is an abomination to the LORD, but an accurate weight is his delight. (Prov. 11.1)

Partiality in judging is not good. Whoever says to the wicked, ‘You are innocent’, will be cursed . . . (Prov. 24.23–24)

You shall not spread a false report. You shall not join hands with the wicked to act as a malicious witness. You shall not follow a majority in wrongdoing; when you bear witness in a lawsuit, you shall not side with the majority so as to pervert justice. (Exod. 23.1–2)

You shall take no bribe, for a bribe blinds the officials, and subverts the cause of those who are in the right. (Exod. 23.8)

Like our laws, the laws of the Old Testament recognise the importance of intention in deciding whether or not an action is a crime, citing the case of two people who are felling trees, when the head of one of the axes flies off and kills one of them accidentally: the one who was wielding the axe is then not regarded as a murderer (Deut. 19.4–7). Or someone who keeps an animal that turns out to be dangerous is punished if he knew about the danger, but not so heavily if he did not: this comes in the ‘law of the goading ox’, of which prototypes existed in other ancient Middle Eastern cultures from at least the early second millennium BC:

When an ox gores a man or a woman to death, the ox shall be stoned, and its flesh shall not be eaten; but the owner of the ox shall not be liable. If the ox has been accustomed to gore in the past, and its owner has been warned but has not restrained it, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death. (Exod. 21.28–29)

This is a position not unlike our laws about dangerous dogs, though admittedly we do not exact capital punishment; the principle involved is clearly a just one, however.

Like us, the ancient Israelites who wrote the Old Testament believed in distributive justice. They thought that people should get what they deserved, that justice should apply equally to all, that

its course should not be perverted through sectional interest or taking bribes. They thought that the intention behind an act mattered, that one should weigh up what people could have reasonably foreseen as the effect of their actions. They believed certainly in punishment for crime, but they thought that it should be set at an appropriate level – sometimes a higher level than we do, but still proportionate. It is in that context that we should read the law about giving an eye for an eye and a tooth for a tooth. It does not mean that retribution is always to be exacted unforgivingly, and it almost certainly does not mean that crime is to be punished with bodily mutilation, a thing that Old Testament law hardly ever countenances, by contrast with many other legal systems in the ancient world and indeed in the medieval or modern periods. What it means is that punishment should be measured, and Jewish law has always understood it in terms of compensation – the value of an eye for an eye, and so on. One is not to be deprived of one's life for damaging an eye; there is not to be disproportionate vengeance. The New Testament of course says that Christians are to replace revenge altogether with forgiveness, but Old Testament law is not legislating for personal attitudes but trying to implement a workable legal system, and in that some principle of proportionate punishment seems essential. Contrasting Old and New Testament teaching on this subject is thus not comparing like with like.

Now against that background – a legal system not identical in any way to ours but based on similar principles – there are a couple of major surprises in the Old Testament.

(1) The first is that the Old Testament knows not only distributive justice but also what we might call interventionist justice. To get into this, we might consider the case of king Jehoiakim, who ruled Israel in the late seventh century BC. He was the son of king Josiah, whom the Old Testament remembers as a particularly righteous king. Jehoiakim went in for building works on a large scale (a new palace of cedar wood from Lebanon), and apparently exploited the workforce, at least according to the prophet Jeremiah, who says this about him:

Woe to him who builds his house by unrighteousness, and his upper rooms by injustice; who makes his neighbours work for nothing, and does not give them their wages; who says, 'I will build myself a spacious house with large upper rooms', and who cuts out windows for it, panelling it with cedar, and painting it with vermilion. Are you a king because you compete in cedar? Did not your father eat and drink and do justice and righteousness? Then it was well with him. He judged the cause of the poor and needy; then it was well. Is not this to

know me? says the LORD. But your eyes and heart are only on your dishonest gain, for shedding innocent blood, and for practising oppression and violence. (Jer. 22.13–17)

Here there is certainly a concern for ordinary justice: workers should be paid their wages. But we also meet a concern for what is called ‘justice and righteousness’, *mishpat* and *sedqa*, which becomes a stock phrase in all the prophets, and which means more than giving to each his or her due. It requires rulers, and especially the king, to intervene in social affairs to redress a balance that has gone wrong, in which the poor and other people who cannot defend themselves – often summed up in a stereotyped phrase as ‘orphans and widows’ – are positively favoured. This attitude is commended in Proverbs:

Do not rob the poor because they are poor, or crush the afflicted at the gate [which means, in the courts], for the LORD pleads their cause and despoils of life those who despoil them. (Prov. 22.22–23)

If a king judges the poor with equity, his throne will be established for ever. (Prov. 29.14)

. . . it is not for kings to drink wine, or for rulers to desire strong drink; or else they will drink and forget what has been decreed, and will pervert the rights of all the afflicted. Give strong drink to one who is perishing, and wine to those in bitter distress; let them drink and forget their poverty, and remember their misery no more. Speak out for those who cannot speak, for the rights of all the destitute. Speak out, judge righteously, defend the rights of the poor and needy. (Prov. 31.4–9)

The ideal ruler is thus not simply an impartial judge but one who actively seeks out the cause of those in distress and intervenes to improve their lot. This ideal ruler is described at length in Psalm 72, which is nicely paraphrased in the well-known hymn ‘Hail to the Lord’s anointed’:

He comes with succour speedy
To those who suffer wrong;
To help the poor and needy
And bid the weak be strong;
To give them songs for sighing,
Their darkness turn to light,
Whose souls, condemned and dying,
Were precious in his sight.

What all this reminds us of is that ancient Israelite society was not a modern welfare state, and it was easy therein for the weak to go to the wall – as indeed it still is, even in a welfare state. Justice was understood not simply as maintaining law and order and punishing crime but as positively intervening to implement what we refer to as social justice. There was no ideal of equality in Israelite society, no sense that getting rich was wrong or that poverty could be totally eliminated, but there was a sense that the cards were stacked against certain people and that the task of a good ruler and his government was to redress the balance. How exactly one is to try and implement this insight of the Old Testament's in modern British society I am unable to say, and certainly it cannot be equated with any particular political programme that is on the table for us. But there is an underlying principle that must apply in some way for people who still regard the Old Testament as part of their Holy Scriptures. The principle is what liberation theologians identified as the Bible's 'preferential option for the poor', a certain leaning over backwards to confer more rights on precisely those people who find it harder to obtain even the rights they officially have.

It is this ideal that passed into the minds of the great Israelite prophets; it may even be that they to some extent discovered the principle, at least in its practical working out, though some such idea had been part of the ideology of kingship in the Middle East from time immemorial. But the prophets filled it with a new sense of urgency and judged the upper classes of their day very strictly according to how far they had heeded it. We find this already in the first of the great prophets, Amos, who worked in the eighth century BC, more than a hundred years before Jeremiah, and who condemns the ruling class of his day for their neglect of justice and righteousness. This is the kind of thing he has in mind:

. . . they sell the righteous for silver, and the needy for a pair of sandals [probably 'sell' here means selling their legal rights for even trivial bribes] – they who trample the head of the poor into the dust of the earth, and push the afflicted out of the way, . . . they lay themselves down beside every altar on garments taken in pledge [whereas the law said that if you took someone's garment in pawn you had to let him have it back before sundown, which in practice meant that if someone was down to his last outer robe you couldn't take it in pawn at all]; and in the house of their God they drink wine bought with fines they imposed. (Amos 2.6–8)

Again he condemns those who 'turn justice to wormwood, and bring righteousness to the ground!' (5.7), and he reserves particular criticism for people who live in luxury (or what then

passed for luxury – probably still less luxurious than most of our daily lives), while ignoring the poor around them:

Alas for those who lie on beds of ivory [that is, decorated with ivory], and lounge on their couches, and eat lambs from the flock, and calves from the stall; who sing idle songs to the sound of the harp, and like David improvise on instruments of music; who drink wine from bowls, and anoint themselves with the finest oils, but are not grieved over the ruin of Joseph [meaning the kingdom of Israel, which according to Amos was on the brink of destruction]! (6.4–6)

Finally, he attacks people who exploit the poor by shady commerce:

Hear this, you that trample on the needy, and bring to ruin the poor of the land, saying, ‘When will the new moon be over so that we may sell grain; and the Sabbath, so that we may offer wheat for sale [holidays get in the way of trading]? We will make the ephah small and the shekel great, and practise deceit with false balances, buying the poor for silver and the needy for a pair of sandals, and selling the sweepings of the wheat.’ [The ephah is the measure for selling, so a small one means giving short measure; the shekel is the weight for measuring out silver, so an overlarge one means charging more than you should.] (8.4–6)

This tradition of criticism passed on to Isaiah, Amos’s younger contemporary, and thence to Jeremiah, as we saw earlier. Isaiah is particularly exercised by the injustice of pushing people off their ancestral land, which apparently went on by something like compulsory purchase and offended against the age-old provision against disturbing boundary-markers – people who do that are cursed in Deuteronomy 27.17: ‘Cursed be anyone who moves a neighbour’s boundary marker.’ Isaiah says: ‘Ah, you who join house to house, who add field to field, until there is room for no one but you, and you are left to live alone in the midst of the land!’ (5.8). It may remind us of the action of king Ahab, in a much earlier time, when he forced Naboth off his ancestral vineyard and was condemned for it by the prophet Elijah (1 Kings 21.1–16).

The point here is that there was not necessarily anything actually illegal in this kind of activity. Ahab offered Naboth full monetary compensation for his vineyard. It is condemned by the prophets as against justice and righteousness, not necessarily as directly against the law. The same is true of the excessive luxury singled out by Amos: there was no law against feasting and singing, but for the prophet these things are inappropriate at a time of national danger, and especially when it is through exploitation of the poor that the rich have enough money to afford their indulgences. Similarly, with Jeremiah’s attack on Jehoiakim’s building works: they are not

against the law but they do offend against justice and righteousness because they are carried out through something verging on slave labour. What the prophets attack is at least in part the infringement of the ideal for rulers, rather than literal lawlessness – far more respectable activities than actual crime. But these things offend against what I called interventionist justice, the ideal that those who have enough and are in positions of power have a duty to the downtrodden. Given the Old Testament's public image, then if people are surprised to find it defending normal human perceptions of justice, they might be even more startled to learn that it champions this kind of positive discrimination in favour of the lowly.

(2) A second feature of the Old Testament – and especially the prophets – that may be surprising is their attitude to and involvement in the domestic politics of their day. The rediscovery of the political dimension of Old Testament prophecy was one of the great achievements of biblical study in the nineteenth and twentieth centuries. As I said at the beginning, instead of concentrating on the ability of prophets to predict the future (and especially the messianic future, which Christians saw as fulfilled in Jesus Christ), scholars recaptured the awareness that the prophets had contributed materially to what their own contemporaries thought about political life. All of them, as we have seen, spoke out against injustice and oppression of the weak by the strong, and this message has become widely known not only within the churches but to people at large, so that if someone is said to be making a 'prophetic' utterance, we all know that that will not mean predicting the future but denouncing corruption or greed or exploitation in society. The Christian churches have regained an awareness that the prophets were concerned about the social ills of their day, and that they can continue to challenge us in our day to consider how just we are in our dealings with each other. They spoke out against bad and oppressive government and predicted that God would punish rulers who practised it by letting them be deposed from their positions of power as their countries were enslaved by the great powers.

Isaiah is a particularly central figure in all this, but in his message there are indeed some surprises. Despite the fact that much of the book of Isaiah almost certainly comes from later periods, especially the collections in chapters 40—55 and 56—66, which we know by the names of Deutero- and Trito-, or Second and Third Isaiah, there is enough in chapters 1—39 that by general consent does go back to the prophet himself for us to be able to form quite a clear picture of his message about domestic politics. I want to concentrate on one chapter, chapter 3 (including the first verse of chapter 4).

Like the rest of Isaiah 1—39, this chapter consists of a number of separate oracles that may come from different periods of the prophet's activity. But despite this, it makes a coherent

impression. Its argument is that because of the disordered life of the ruling classes in Jerusalem, there will be both social chaos and a military defeat, resulting in such a dire situation that, as we read in 4.1, very few men will be left, so that women – in a society in which not to be under the protection of a man was disastrous – will be reduced to asking those who do remain to marry them and so ‘take away our disgrace’. This seems similar to the situation envisaged in 3.6–7, where the country will be so ravaged that it will be impossible to find anyone willing to take responsibility for ruling it. People will be so ruined that anyone who still has a cloak he can call his own will qualify as ‘rich’ and so eligible to rule, but the country will be in such a state that no one will be willing to take it on. The impression is of an overwhelming physical and human disaster. The chapter witnesses to a coherent message probably going back to Isaiah himself, that social and political bad practice are leading to a situation in which an enemy – no doubt the Assyrians – will come and devastate the country, leaving no one fit to rule and wiping out much of the male population.

Everything in Isaiah 3 concerns domestic political and social issues, apart from the implication that divine punishment for disorders in that realm will lead to international consequences, in the form of invasion by the Assyrians. But the social attitudes implied in the chapter turn out to be puzzling if you arrange them on the kind of political map we work with nowadays.

To begin with, many of Isaiah’s attitudes are from our perspective obviously left of centre. He is not concerned with recommending the accumulation of wealth in the society of his day but with condemning those who are wealthy for the way they behave towards the poor and disadvantaged. We see this especially in the oracle that begins in verse 13, which is a law-court scene with YHWH as the prosecutor – ‘The LORD rises to argue his case’ – but then also as the judge: ‘he stands to judge the peoples.’ This combination of course is usual in the Old Testament: God is both prosecutor and judge. Describing Israel as God’s vineyard (cf. chapter 5), the prophet condemns the ‘elders and princes’; that is, both local leaders and officials in Jerusalem: ‘It is you who have devoured the vineyard; the spoil of the poor is in your houses. What do you mean by crushing my people, by grinding the face of the poor? says the Lord GOD of hosts’ (v. 14). This is very close to Amos’ condemnation of ‘they who trample the head of the poor into the dust of the earth, and push the afflicted out of the way’ (Amos 2.7), or those who ‘trample on the needy, and bring to ruin the poor of the land’ (8.4).

A further ‘left-wing’ aspect is Isaiah’s condemnation of the luxury indulged in by the rich, and it is here that his attack on the women of Jerusalem belongs. In verses 16–17, the rich women think of nothing but their personal appearance, and the implication may well be that they are rich

enough to do this because of money taken from the poor, though admittedly this is not spelled out. Amos again certainly saw matters in this way: when he attacks the women of Samaria as ‘cows of Bashan’, he says that they ‘oppress the poor’ and ‘crush the needy’ – that’s how their husbands get enough money to pay for their parties (Amos 4.1–3). Their punishment, as so often in Isaiah, takes a tit-for-tat form, what we might call poetic justice, in that in the coming siege they will replace all their fine clothes with sackcloth and ashes, and possibly even with nakedness.

So far Isaiah is clearly a prophet in the sense that term has come to have in modern political contexts: one who speaks up for the poor and attacks the idle rich who make money at their expense. But there are other aspects of his message in Isaiah 3 that are puzzling on this interpretation, because in them he also shows signs of what might nowadays be called a rather right-wing stance. Chapter 3.1–5 is filled with dismay at the breakdown of traditional order in society, with the loss of ‘warrior and soldier, judge and prophet, diviner and elder’, and especially because into the gap will come the rule of ‘boys’ and ‘babes’, and a society where ‘the youth will be insolent to the elder’. What is in mind when it is said that ‘boys’ will rule is unclear. It is presented here as a punishment, but again of a tit-for-tat kind, because in verse 12 it is said to be one of the ways the people are already in the wrong: ‘My people – children are their oppressors.’ Some commentators think this relates to the young king Hezekiah or even the early years of Ahaz, in which case it would have to be from relatively early in Isaiah’s activity; others more that it reflects a king who takes counsel with young and inexperienced advisers, rather like Rehoboam in 1 Kings 12.

But Isaiah also adds ‘and women rule over them’, and what this refers to is completely unclear. It might reflect what he sees as the excessive influence of one of the queen mothers or the figure known in Hebrew as the *gebirah*, who was sometimes the queen mother but evidently not always; if it does not mean that, then we do not know who Isaiah has in his sights. Whoever is intended, however, we find that this champion of equality and the rights of the poor does not tolerate rule by women, and we may suspect that his invective against the women of Jerusalem was not wholly guided by the belief that they were responsible for exploiting the poor but also by a general dislike of prominent women in general – whether to call this misogyny is debateable (it may be a slightly anachronistic term), but at any rate he is hardly a proponent of equal rights for women, rather a ‘patriarchal’ figure. He believes in the traditional orders of society, in which accepted authorities should be in charge. I suppose it is obvious that the prophets are not proponents of modern democracy, but it takes oracles like these to remind us of that. It is as obvious to Isaiah that women ought not to rule as it is that children should not. One of the ways ‘Jerusalem has stumbled and Judah has fallen, because their speech and their deeds are against

the LORD, defying his glorious presence' (3.8) is that the traditional, proper forms of government have been replaced by a topsy-turvy state of affairs in which the young and the women are ruling over the old and the men, and that ought not to be so.

Now while I am happy to read Isaiah's condemnations of oppression and rapacity, I am uncomfortable to find that he espoused traditional order to the extent of wanting to exclude women from positions of influence. One of the hermeneutical problems in using the prophets for today's political discourse seems to me to be that they do in fact combine elements that strike us as broadly left-wing with others that are broadly right-wing. Indeed, I think that the truth is that the prophets' political ideal or vision does not really correspond to any modern political stance, and one effect of biblical criticism is precisely to show us that their mental world is in important ways different from ours. How we cope with that when we come to try to apply them to our situation is one of the questions I want to raise through this paper. Let me develop the idea of Isaiah's political vision a little, drawing on material from outside chapter 3.

Isaiah begins with a picture of the world in which God – YHWH, the God of Israel – is the creator and preserver of all things and all people, and occupies by right the supreme position over all that he has made. The essence of morality for human beings consists in maintaining the ordered structure that prevails under God's guidance in the natural constitution of the world. The keynote of the whole system is *order*. This is similar to the ethical systems found among Israel's neighbours, and quite reminiscent of what the Egyptians called *ma'at*, the principle of order in the world that it is the job especially of rulers such as the Pharaoh to maintain by acting justly and keeping society well ordered. For the individual, conformity to order entails knowing and keeping to one's assigned place in the scheme of things and avoiding any action that would challenge the supremacy of God or try to subvert the orders he has established. This, I believe, is the basic premise from which Isaiah's thinking about social matters begins, and unless we grasp it, we shall not see how what Isaiah says hangs together. It is in many ways quite a conservative political philosophy, yet at the same time it does allow an emphasis on what we call social justice as well.

Sin takes its rise from disregard for the order implanted in the world by God. The most obvious manifestation of this is what Isaiah, in agreement with the Israelite wisdom tradition, calls folly, *nebalah* – a kind of perversity only humans seem capable of, because the natural world preserves order much more readily than humans do: 'The ox knows its owner, and the donkey its master's crib, but Israel does not know, my people do not understand' (Isa. 1.3). Human beings' moral blindness is culpable because it denies God the respect that is his due and prefers the purposes

of mere mortals to those of the creator. This produces a disregard for the orders in society that ought to reflect God's ordering of the universe and were laid down long ago: that means that people get above themselves. Now this has two consequences that in the modern world tend to be regarded as belonging to opposite kinds of society. On the one hand, it results in a kind of social anarchy, understood as those who ought to be ruled trying to rule themselves: servants taking over from their masters, the young ordering the old about, women ceasing to be subservient to men – all things that Isaiah deplors. On the other hand, it also leads people to forget that being in a position of authority involves obligations as well as rights. It leads those who run things to forget the principle recognised in many traditional societies and conventionally known as *noblesse oblige*; that is, being in an exalted social position means you have more obligations to those beneath you, not fewer, and that you are obliged to look after their interests as well as your own. Thus Isaiah can condemn the royal official Shebna in chapter 22 for making himself a rock-hewn tomb, a great status symbol, when he has no family in Jerusalem; that is, when he is not an aristocrat, which to us sounds snobbish. But he can equally condemn those who abuse their position of power to dispossess their fellow-Israelites of humbler birth of their land and houses. For him, both are equally examples of a disregard for the proper orders of society.

So we have in Isaiah an example of a way of approaching political ethics that thinks in terms of a hierarchically ordered universe whose moral pattern ought to be obvious to anyone who is not self-blinded by moral depravity. The question for a modern use of Isaiah in thinking about social ethics and the political institutions that a country ought to have if social ethics are to be good and wholesome is this: how far can we detach the particular insights into human beings' moral obligations to each other, obligations of social justice and fairness, from the whole package of ideas in which they're bound up in Isaiah's own thought – a package that includes some quite conservative and authoritarian ideals? If Isaiah is to be an authority for us, how do we distinguish between what is good and capable of being appropriated in a modern society from what is just the product of his cultural background? When we appeal to the prophets as teaching social justice, which we are right to do, how far do we need to buy into the more socially conservative side of their teaching at the same time? Maybe we can say that the social justice teaching is the permanently valuable thing, the social conservatism simply the time-bound wrapping in which it comes to us; but somehow this does not sound totally honest – we need to have some defence against the accusation that we are just picking and choosing.

What is clear is that the political and social map against which Isaiah – and with him other prophets – makes sense is a different map from ours, and in trying to use the prophets today we need to be aware of this and not simply equate their society with our own. Yet at the same time there may be generalisable moral principles that do ‘travel’ from their situation to ours. Biblical specialists can at least set out some raw material on which ethicists can go to work. As a footnote: despite the fact that Catholic social teaching originally derived from natural-law principles rather than from Scripture, the scriptural witness seems to me very similar; and, if I am right about Isaiah, then at least in his case something quite like natural-law reasoning lies at the foundation of that exposition too. I have not drawn out the parallels, since I am no expert on Catholic social teaching, but I believe they are actually quite close.

Chapter 2

Learning from the economics of Deuteronomy

Revd Dr Ben Cooper

Introduction

The Czech economist Tomas Sedlacek is currently the Chief Macroeconomic Strategist at one of the Czech Republic's largest banks. In the mid-2000s he submitted a PhD thesis to the Charles University in Prague, which was rejected for being of 'questionable scientific value'. He had a revised version of the thesis published anyway, and it became a bestseller in Czech. The work was even turned into a three-man play that did very well at the Prague National Theatre.¹ In 2011, Sedlacek's book was published by the Oxford University Press in English, with the title *The Economics of Good and Evil*. It is a stimulating read. The main argument is that economists and others interested in economics would do well to open themselves up to outside ideas, especially ideas from the past, spread but forgotten throughout human history:

I argue that there is at least as much wisdom to be learned from our own philosophers, myths, religions, and poets as from exact and strict mathematical models of economic behavior. I argue that economics should seek, discover, and talk about its own values, although we have been taught that economics is a value-free science. I argue that none of this is true and that there is more religion, myth, and archetype in economics than there is mathematics.²

We live in a time in which politics has become polarised, and dissatisfaction with economic debate, and the methods of economic science, is at unprecedented levels. In the USA, according to Jonathan Haidt in his excellent book *The Righteous Mind*, the polarisation seems to be between liberalism and conservatism – with libertarianism as a minority stance, angrily looking on from the sidelines.³ On the surface, politics in the UK is somewhat messier. We have old-school socialists and old-school nationalists, and in the middle a central block of metropolitan liberals,

¹ Just imagine living in a culture in which they turn economics monographs into popular plays . . . It doesn't look as though it was a very good play, but nonetheless – just imagine!

² Tomas C. Sedlacek, *Economics of Good and Evil: The Quest for Economic Meaning from Gilgamesh to Wall Street* (Oxford and New York: Oxford University Press, 2011), p. 9.

³ Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (London: Penguin, 2012).

spanning the party boundaries. But perhaps Brexit has shown us that across the country there is the same 50–50 liberal–conservative, left–right polarisation that we might find in the USA. The economic arguments deployed across this divide, thrown like hand grenades in a kind of ideological trench warfare, now feel very tired. As do some economic *methods* – though things may be changing. Certainly, dissatisfaction with economics as taught at undergraduate level seems very high. It was a striking moment in 2011 when students at Harvard walked out of one of Greg Mankiw’s introductory economics classes, in protest at what they saw as its limitations (and ideological and methodological bias).

Tomas Sedlacek’s suggestion is that to break this impasse, we should look elsewhere. More particularly, we should go back to the historical roots of economics – its roots as a branch of moral philosophy, with an interest in domestic affairs as well as the affairs of commerce and nations. Indeed, one way to do this is to engage with ancient texts, which relate to the moral and economic spheres of life in a way we have shied away from in modern times. *What if* the underlying problems facing us in economics go beyond the merely structural or technical? What if the fundamental issues causing problems both at the level of regular economic activity and economic intervention are *moral* issues – failures of value, principle and character?

The claim in the twentieth century was that economics could and should be value-free. This claim, as everyone should have known at the time, is nonsense. Even as economics claimed to be value-free, the discipline was certainly not *perceived* so. Neoclassical economics, for example, was often seen as promoting a kind of libertarianism – sometimes unfairly, sometimes not.⁴ But actually, not many people are libertarian in their ethics. Thus there was a problem, a clash – hence the students walking out of that lecture at Harvard.

How, then, can we relearn to do economics unashamedly and transparently as moral philosophy again? Well, look to the Ancients. Sedlacek considers a variety of ancient texts from the Epic of Gilgamesh all the way through to the – not so ancient – work of Adam Smith. One source he uses is the Hebrew Scriptures. On that basis, he might be enthusiastic about what we are attempting in this collection of papers! My contribution is to introduce a small part of the Hebrew Scriptures: the *Mishpatim* of Deuteronomy 12–26, in fact a tiny part of the material we find there. I am hoping that we shall nonetheless be able to learn some good things. Even if we take this as just one ancient text among many, there will be things to learn about how to deal

⁴ By ‘libertarian’ I am following Haidt in meaning an ethical stance with a narrow focus on freedom and liberty to the exclusion of any other consideration – a position very suspicious of *any* freedoms being constrained, especially by the state.

with those without access to any means of production, about how to see people through a crisis and get them back on their feet, and about how to conduct oneself in business.

The *Mishpatim*

So what are the *Mishpatim*? The noun *mishpat* is used in a variety of contexts across the Hebrew Scriptures, usually to talk about a judicial judgement of some sort. But I am especially interested in how it is used in Exodus 21 and Deuteronomy 12 in the form *Hammishpatim*, *The Judgements*, to introduce long sections of legal material. In both cases, this material follows the foundational ethical stance found in the ten ‘words’ or commandments – in Exodus 20 and Deuteronomy 5. In Deuteronomy we also have the foundational stance summarised in 6.4–5 like this (beginning with the Hebrew word *shema*):

Hear, O Israel: The LORD is our God, the LORD alone [*or* the LORD our God, the LORD is one]. You shall love the LORD your God with all your heart, and with all your soul, and with all your might.

On the basis of this foundational ethical stance and the close, covenant relationship YHWH is cutting with his people, we then get in the *Mishpatim* the judicial wisdom of YHWH applied across various scenarios. As Peter Enns explains, ‘these are commands from God for the regulation of Israelite civil cases.’⁵ Adjudication in such cases was the responsibility of the priests (Exod. 28.15–30). When Exodus 21.6 talks of taking someone ‘before the gods’, this probably means ‘that civil cases were to be taken before the “judges”’.⁶ This then is legal material for the Judges of Israel (Exod. 18.17–26; Deut. 16.18–20) to use as issues are brought before them, with the expectation that these wise judgements can be applied across a variety of similar circumstances. This is really important to grasp! It is essential to understand that the *Mishpatim* do not present us with ideal ethical states but rather practical judicial wisdom in the messiness of the real world; that is, they represent what has been called a ‘retrieval ethic’. Take Michael Hill, for example: ‘the goal is then to retrieve as much good as one can in the situation and limit as much harm as is possible.’⁷

⁵ Peter Enns, ‘Mishpat’, in *New International Dictionary of Old Testament Theology and Exegesis*, vol. 4, ed. Willem A. VanGameren (Grand Rapids, MI: Zondervan, 1997), pp. 1142–4.

⁶ Ibid.

⁷ Michael Hill, *The How and Why of Love: An Introduction to Evangelical Ethics* (Sydney: Matthias Media, 2002), p. 133. Compare James Robson: the laws ‘were God’s ways of controlling, circumscribing or maintaining something as

This material is hard work for modern readers. By engaging with the ancient Near East, we are going back two or three thousand years, and from a UK context making a journey of over three thousand miles. It is therefore unsurprising to find ourselves in a very different place – a very violent place, for one thing; a place with customs so different it is often hard to see what is going on. The ethics we encounter here often clash with the ethical instincts of twenty-first-century Western people. There is, for example, a concern for purity and distinctiveness in the biblical material that feels quite alien. On issues of sexuality and gender, in particular, there is a widening gulf between this ancient text and modern, Western sensibilities. Frankly, much of it jars.

Jonathan Haidt again gives us a useful perspective here, helping us to be aware of the strength of moral instincts – their stubborn reluctance to change, and their impregnability to argument and reason. The illustration Haidt uses is of a rider on an elephant, the rider representing our moral reasoning, the elephant our moral instincts.⁸ The rider thinks he is in control, that the elephant follows his direction. But in Haidt's variation, the elephant just goes where it wants, the rider making excuses for it. This corresponds to compelling experimental evidence that most of our moral reasoning is in practice devoted to defending and justifying our moral instincts, rather than forming and shaping the values from which instincts emerge. An awareness of this problem should help us guard against knee-jerk reactions to ethical stances we find distasteful on first encounter. At the very least, we can be encouraged to understand a given ethical stance within its original cultural context as best we possibly can, before rejecting it out of hand. This is the approach I am suggesting we take with the *Mishpatim* of Exodus 21—23 and Deuteronomy 12—26.

Learning from the background assumptions

The first thing to note from the *Mishpatim* concerns what is *not* said. The *Mishpatim* cover a vast array of different scenarios and issues, but they do not cover everything. They certainly do not fully describe the 'perfect' society; they are not set out as some sort of cultural blueprint. This fits their character as judicial wisdom: their purpose is to deal wisely with moral failure or establish patterns and practices to avoid it.

Certainly, when it comes to issues and scenarios we would generally categorise as 'economic', there is much left unsaid. There are few details about how one should go about most of the tasks

close to ideal as was practical'; James Robson, *Honey from the Rock: Deuteronomy for the People of God* (Nottingham: Apollos, 2013), p. 184.

⁸ Haidt, *Righteous Mind*, pp. 52–6.

involved in household management, farming, trade or indeed commerce in general. It seems that the Israelites were simply expected to know how to do such things and get on with them. The *Mishpatim* only kick in when things go wrong – or are in danger of going wrong.

It seems appropriate at this point to see Exodus and Deuteronomy within the wider context of the Torah, acknowledging the background established in Genesis 1. The first chapter of the Torah establishes the cosmos as a productive space within which humanity is given dominion and is sent to subdue and multiply (Gen. 1.26–30). This is qualified by the cursing of the ground in Genesis 3.17–19: productivity becomes *hard* work but the expectation of human productivity remains. As the Torah unfolds, the Land promised and given by YHWH is presented along similar lines: as a productive space, where through hard work the Israelites may receive YHWH's blessing.

So if we define what we now call 'capitalism' very roughly and broadly as individual families being given responsibility to work, grow and multiply – doing so with a creative freedom – then we could perhaps conclude that it is taken in the *Mishpatim* of Exodus and Deuteronomy that such activity is happening as a matter of course. This seems to me foundational to a biblical understanding of economics. More particularly, it is foundational to a biblical understanding of poverty. Where people have the opportunity and freedom to exercise creative productivity, poverty tends to decrease. Where they do not (for whatever reason), poverty will tend to increase. This is also what we see – again very roughly – across economic history. My own view, then, is that Christians who are serious about tackling poverty should be enthusiastically and unashamedly pro-capitalist (in this very broad understanding of the term). We conclude that capitalism is never something to be scrapped or abandoned entirely, only ever reformed.

This is very far from saying that the Scriptures are libertarian in their ethics. If the *Mishpatim* were libertarian, we might expect them to be pretty much silent on economic issues. However, as we will see shortly, they do indeed limit economic freedom, prescribing intervention when things go wrong or to prevent them doing so. It would seem there is more to biblical ethics than individual economic freedom – much more. Indeed, libertarianism is exposed as narrow and naive under the light of biblical teaching, not least because it is clear across the biblical narrative that broken people will tend to abuse their freedom.

So it needs to be said that if individuals or families are using their creative freedom to work, grow and multiply for purposes *other than* displaying the good character of God (for self-serving or destructive purposes), then what emerges from capitalism will be a grotesque counterfeit of how things should be. We find a clear polemic against this in the Prophets: for example, in the portrait of the King of Tyre in Ezekiel 28.

Learning from the how the *Mishpatim* deal with brokenness

1 The Exodus *Mishpatim*

Before turning to the *Mishpatim* of Deuteronomy, it will be helpful to consider very briefly the more concise *Mishpatim* of Exodus 21—23, where we can see how they function as a retrieval ethic. The background or foundation to these laws lies in the ten ‘words’ of Exodus 20. These strongly imply a concern for neighbour and brother expressed in not harming one’s neighbour physically, verbally or even implicitly and internally, through envy (20.13–17). This implied concern for neighbour runs through the legal material of the Torah. In Leviticus 19.18, for example, the concern is expressed as a prohibition against revenge or bearing grudges. This verse also famously expresses the concern more positively: ‘love your neighbour as yourself.’ This was then taken by many teachers of the Law – including, in the New Testament, Jesus, Paul and James (Matt. 19.19; 22.39 and parallels; Rom. 13.9; Gal. 5.14; James 2.8) – as a summary of the ‘horizontal’ aspects of the Law, alongside the summary of the ‘vertical’ aspect summarised in the *Shema* of Deuteronomy 6.4–5.

The issue the *Mishpatim* then address is: what happens when this concern for others is absent? What can be done to retrieve or restore some order when social order is disordered by hearts that have no concern for others? Or to use the terminology of love that dominated later interpretations of the Law: how can we limit the damage done when love is lacking?

There are two key principles that seem to operate through the *Mishpatim* to limit the damage caused by a lack of concern for others. The first is the principle of restitution. Suppose something happens to destroy or upset good community order – for example, a theft. The party at fault is compelled to restore things (Exod. 22.1–15) – for example, by paying back double (22.4). The second principle is of retribution. Suppose something *irreversible* happens, which cannot be restored, such as destruction or serious injury. The guilty party is then compelled to participate in and suffer from the disorder. This is the principle behind the *Lex Talionis* of Exodus 21.23–25: ‘If any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.’ This does not of course restore things to how they were before, but it does restore a semblance of equilibrium to a highly disordered situation.

So when damage or harm is done, the *Mishpatim* will do as much as is possible to restore things – either through compensatory payment or a levelling of order through the guilty party sharing proportionally in the disorder they have created. If an Israelite with a concern and love for

himself but hard heart towards others believes that the *Mishpatim* will be faithfully applied to him, then they will serve to *internalise* the worst of the external actions he might be tempted to perform. He behaves *as if* he has a concern for others. This is not the same as a genuine concern or love for others, of course, but generates a rough approximation to what a good society should look like, at least in regard to the worst kinds of disorder. In short, the *Mishpatim* artificially compensate for the lack of love that would otherwise wreck the nation.

2 The Deuteronomic *Mishpatim*

The Deuteronomic *Mishpatim* are much longer than those we find in Exodus, filling some fifteen chapters of material. The self-presentation of Deuteronomy is a collection of sermons given by Moses, preached to God's people in the region of Moab on the borders of the Promised Land, at a key moment of decision for the people of God. It is a pivotal book in the Old Testament storyline, which simply wouldn't make much sense were it not there. The basic call of Deuteronomy is to 'choose life' – to commit covenantally to YHWH and receive his blessing; as opposed to rejecting him and facing the covenantal curses described in the latter part of the book (e.g. 30.19). At least this is the basic call issued through Moses at Moab; the ultimate purpose of the book is rather more subtle (as we shall return to briefly in the conclusion). But in terms of the basic call, part of committing covenantally to YHWH is to commit to putting the judicial wisdom of the *Mishpatim* into action. Sprinkled throughout the *Mishpatim* we have reminders of the conditional promise of blessing (e.g. 12.7, 15; 15.4; 22.7). In 14.29, 23.20 and 24.19, the motivation is 'that YHWH your God may bless you'.

The *Mishpatim* sit as a kind of legal addendum to the second of Moses' speeches, which spans chapters 5—11 and includes both the ten commandments (or 'words') and the *Shema* of 6.4–5. Discerning any coherent order in chapters 12—26 is at first rather hard. However, a good case can be made that the presentation roughly follows the order and pattern of the ten commandments.⁹ We shall begin by looking briefly at some *Mishpatim* that expand and apply the Sabbath commandment (Deut. 5.12–15) to some issues we might classify as 'economic'; and then turn to some that expand the final three commandments, which prescribe a concern for one's neighbour or brother. In both cases, we shall see how the *Mishpatim* here act as a retrieval ethic for the nation, much as we saw in the book of Exodus.

⁹ See J. G. Millar, *Now Choose Life: Theology and Ethics in Deuteronomy* (Leicester: Apollos, 1998), pp. 106–8.

A Love of God as the redeemed people of God

The motivation given for the Sabbath command in Deuteronomy – unlike the version given in Exodus 20 – is founded on the identity of Israel as those who have been redeemed from slavery:

Remember that you were a slave in the land of Egypt, and the LORD your God brought you out from there with a mighty hand and an outstretched arm; therefore the LORD your God commanded you to keep the sabbath day. (5.15)

The themes of remembrance, redemption from slavery, Sabbath, and themes from the Exodus story in general, recur throughout the *Mishpatim* of 14.22—16.17. This begins with instruction on tithing, with an emphasis on remembering, honouring and rejoicing in YHWH:

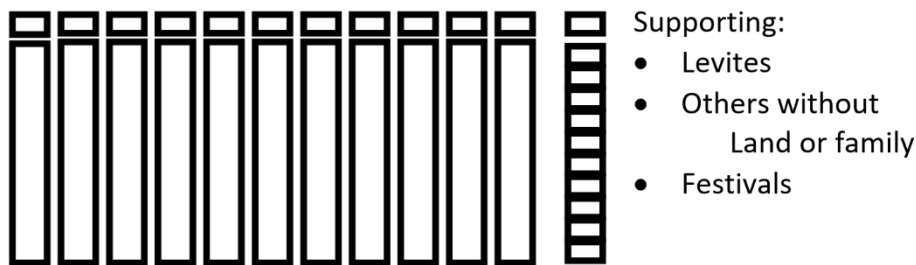
Set apart a tithe of all the yield of your seed that is brought in yearly from the field. In the presence of the LORD your God, in the place that he will choose as a dwelling for his name, you shall eat the tithe of your grain, your wine, and your oil, as well as the firstlings of your herd and flock, so that you may learn to fear the LORD your God always. (14.22–23)

To ‘tithe’ is simply to give a *tenth*. This text talks about setting aside a tenth to be eaten with rejoicing in the presence of YHWH (Deut. 14.22–26) and, every third year, all the tithes being used to support the Levites, foreigners, fatherless and widows (Deut. 14.27–29). What we have in Deuteronomy is not, however, the only instruction on tithing in the Torah. Leviticus 27.30–33 talks about setting aside a tenth as holy to YHWH; Numbers 18.21–25 talks about every tithe being used to support the Levites. As you might imagine, there is no small debate about how to reconcile these different instructions concerning tithing. The answer is probably not to add them all together, but to recognise just one ‘tenth’ to be put aside by God’s people – though perhaps for different things in different years.¹⁰

The emphasis here is that when the produce is offered, a feast should be held, a physical reminder – in his presence – to fear YHWH, their God who provided it. If the distance is too great for the people to get to Jerusalem, then they can exchange the produce for ‘money’ (that is, silver), and then exchange it again when they get to the feast (Deut. 14.24–26). The Levites back home should not be missed out in this (v. 27). Every third year, instead of taking the produce away, it is stored locally so that others without access to land – the *ger* or resident aliens, the orphans and the widows, and not excluding the Levites of course – may share in the produce

¹⁰ Richard E. Averbeck, ‘Maser’, in *New International Dictionary of Old Testament Theology and Exegesis*, vol. 2, ed. Willem A. Van Gemeren (Grand Rapids, MI: Zondervan, 1996), pp. 1035–55, at 1039–50.

(vv. 28–29). In short, as in Figure 1, those with access to land are to give a flat 10 per cent of their produce to support those without such access – that YHWH their God may bless them (v. 29).



Eleven tribes with access to Land, tithing...

Figure 1: The tithing principle

Why a tenth? It may simply be that a tenth is enough to show one really cares about something or someone, without being so much that it incapacitates the giver – hence Abram giving a tenth to the King of Salem in Genesis 14.20 (in line with what kings could generally expect from their subjects in the ancient world). But there may be a more practical reason. Israel had twelve tribes, one of which – the tribe of Levi – was set aside without any land to serve as priests. It was then left to those who did have access to land to support them. Fixing giving at a tenth was a practical way to achieve this. The Levites were relatively small in number compared to the other tribes (Num. 3.39), so setting aside a tenth was more than enough to cover them and others without access to land (the foreigners, fatherless and widows), with some to spare for occasional communal feasts to remember YHWH and celebrate his blessing.

Some in Israel did not have access to land, whether by design or misfortune. A people with a deep concern for others would have been able to cover this and provide for them without regulation. But the people of Israel were not such people (just like the rest of humanity) – hence the *Mishpatim* on tithes. A people totally devoted to YHWH (as per the *Shema* of 6.4–5), rejoicing in his blessing, would not have needed a prompt to fear him or celebrate together in his presence. But the people of Israel were not such people – hence the Deuteronomic emphasis in setting aside produce for just such a purpose.

The *Mishpatim* on remitting loans and bonded labour begins in Deuteronomy 15. In the background now are the redemption of the people from slavery in Egypt, and the Sabbath pattern of rest after seven periods of time:

Every seventh year you shall grant a remission. And this is the manner of the remission: every creditor shall remit the claim that is held against a neighbour, not exacting it from a neighbour who is a member of the community, because the LORD's remission has been proclaimed. (15.1–2)

One means of helping a neighbour who has fallen on hard times, for whatever reason, is through a loan – and by ‘hard times’ in the context of the ancient Near East we almost certainly mean *really* hard times. Deuteronomy 15.1 tells the creditor in some sort of loan arrangement to grant ‘a remission’ every seventh year. What kind of loan arrangement are we talking about? The text does not say explicitly, and there is some debate about this. Probably it is most straightforward to take it as a remission of the loan itself.¹¹

We can see how such judgements in Deuteronomy support the long-term welfare of debtors, protecting them from what we might now call a ‘poverty trap’; but might it mean potential creditors not lending to the needy when they see the seventh year coming? Deuteronomy 15.9–10 describes this as a ‘wicked thought’ and commands instead, ‘Give liberally and be ungrudging when you do so, for on this account the LORD your God will bless you in all your work and in all that you undertake.’ Translate such a command to a modern, anonymous, commercial setting and it might sound like mere wishful thinking. But in the context of close kin-like relationships between fellow Israelites, in covenantal relationship with YHWH their God, it makes more sense.

The Deuteronomic *Mishpatim* on bonded labour (Deut. 15.12–18) are very similar to those in Exodus 21, including the remission in the seventh year and the option to remain in service permanently. Here, there is an additional encouragement to be liberal and generous in the release: ‘giving to him some of the bounty with which the LORD your God has blessed you’ (Deut. 15.14).

For both the remission of loans and bonded labour, as with many of the Exodus *Mishpatim*, the implied principle is one of restoration. When a fellow Israelite falls on hard times, the exhortation is to not take advantage of the situation, leaving them trapped in poverty, but to intervene in a *temporary* manner to help them back to productive activity, as in Figure 2. Again, the background assumption is that productivity is good, part of what it means to be human – a responsibility.

¹¹ Robson, *Honey from the Rock*, p. 191.

This is more than a technical mechanism of welfare. The choice of seven years is no accident, of course. It serves as a reminder of the redemption of the Exodus, and the dynamic of God's purposes – heading in the direction of rest and blessing.

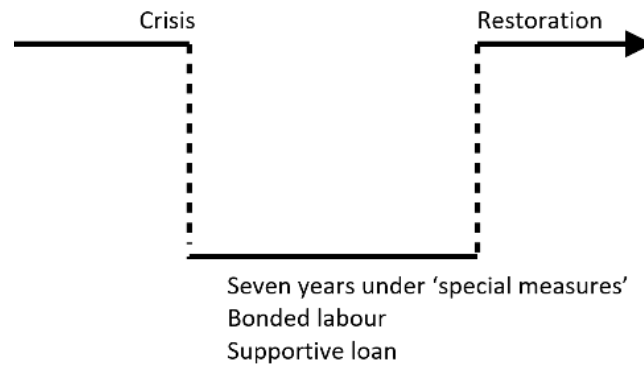


Figure 2: From crisis to restoration

So we are beginning to see how what we would now call 'welfare' worked in Israel. Suppose someone falls on hard times. The compounding problem is that the hearts of their neighbours are flawed and the brotherhood in the community weak. They are perhaps slow to step in, quick to exploit weakness, slow to let go. Hence the *Mishpatim*: supporting those who are unsupported, encouraging the helping of those in need and acting to restore those in need to productive freedom.

B Concern for neighbour and brother as the redeemed people of God

After a section dealing with sexual purity (22.13—23.18), roughly corresponding to the commandment against adultery in 5.18, the *Mishpatim* turn to a miscellany of scenarios broadly linked by encouraging a respect for the rights of others. Those issues we might label 'economic' can be related to the commands against stealing (5.19) and – in terms of motivation – coveting (5.21).

The *Mishpatim* in Deuteronomy 23 make it clear that any loan made to a fellow Israelite should not involve charging at interest:

You shall not charge interest on loans to another Israelite, interest on money, interest on provisions, interest on anything that is lent. On loans to a foreigner you may charge interest, but on loans to another Israelite you may not charge interest. (19–20a)

One puzzle here is the apparent double standard. How can it be wrong to charge interest to another Israelite, a brother, and yet fine to charge a ‘foreigner’? I have argued elsewhere that the distinction here between ‘another Israelite’ and a ‘foreigner’ was to protect those in close relational proximity to the creditor from *any possibility* of exploitative lending, such that the creditor would benefit from their poverty.¹² ‘Foreigners’, on the other hand, represented more distant, anonymous, ‘commercial’ transactions – creditor and debtor benefiting mutually from the loan (see Norman Solomon’s paper here – Chapter 3). But the key thing to note is how the prohibition deals with the temptation to exploit a brother – an act we could liken to stealing from him.

A similar concern undergirds the *Mishpatim* that cover the payment of workers in Deuteronomy 24.14–15: ‘You shall not withhold the wages of poor and needy labourers, whether other Israelites or aliens who reside in your land in one of your towns’ (v. 14). Once again, the exhortation is not to benefit economically from the poverty of others – indeed, the poverty of *anyone*, whether ‘Israelites or aliens’. Again, we can liken the withholding of wages from someone to stealing from them.

Finally, the *Mishpatim* cover the issue of honesty in exchange in 25.13–16:

You shall not have in your bag two kinds of weights, large and small. You shall not have in your house two kinds of measures, large and small. You shall have only a full and honest weight; you shall have only a full and honest measure, so that your days may be long in the land that the LORD your God is giving you. For all who do such things, all who act dishonestly, are abhorrent to the LORD your God.

Stones, or ‘weights’, might have been used to measure out silver for exchange. A ‘measure’ (*ephah*) would have been used for measuring out grain. False weights and measures are effectively a means of stealing during the process of exchange and are thus abhorrent to YHWH.

C So what then can we conclude?

We have looked briefly at some of the legal material in the *Mishpatim* of Exodus, and that roughly pertaining to what we would now call ‘economic issues’ in the *Mishpatim* of Deuteronomy. The question is whether there is anything valuable we can infer or conclude from this material that might be useful for our own economic situation. These are important

¹² Ben Cooper, *The Ethics of Usury* (London: Latimer Trust, 2012).

questions, because the instinctive response from mainstream economics – at least until fairly recently – has been an emphatic ‘We don’t even want to consider this!’ Remember that Tomas Sedlacek’s PhD thesis examining the economics to be found in ancient texts was rejected as being of ‘questionable scientific value’.

But I want to argue from even a brief look at this ancient text that we find considerable value. We considered earlier the basic call in Deuteronomy, presented in Moses’ exhorting the nation on the Plains of Moab to ‘choose life’ (e.g. 30.19 – but repeated across the book in many ways); that is, to commit covenantally to YHWH and receive his blessing – as opposed to rejecting him and facing the covenantal curses described in the latter part of the book. A curious feature of Deuteronomy, however, is that there is no expectation that the nation in the end will obey the exhortation. Indeed, at least four times it is made clear that the nation will fail (perhaps most strikingly at 31.15–29); that is, their hearts will ‘turn away’ (30.17). This weakness of the heart is something we have already seen implicit in the *Mishpatim*. I have argued that the *Mishpatim* are designed to deal with the social damage done when the human heart fails – or to prevent the damage happening in the first place, as far as possible. The curious exhortation of Deuteronomy – ‘Do these things and live (although it is clear that you won’t)’ – places it within a much wider narrative spanning the canon of Scripture. With respect to the Christian canon and understanding, the unresolved problem of the heart in Deuteronomy finds its resolution in the cleansing of the heart – and conscience – through faith in Christ Jesus (e.g. Heb. 10.22).

Even apart from these larger theological considerations, the book of Deuteronomy and its *Mishpatim* teach us to do economics as practical, social, moral philosophy. They even give us a particular approach to some enduring economic problems. We have seen that they suggest, for example, a general approach to intervention: *only intervene when necessary* – but then do intervene. With regard to poverty, they suggest supporting those who do not have access to other forms of support – but only if they *really* don’t. And with regard to unexpected poverty, they suggest *temporary intervention* to get people back on their feet – out of any ‘poverty trap’, as we would now say. There are of course huge differences and changes to take into account between Deuteronomy and its ancient Near Eastern setting and the world as it is today, so we cannot reasonably expect this text to supply a comprehensive approach for modern purposes.¹³ But the *Mishpatim* are engaged with a similar kind of ethical thinking to that we should be engaged with –

¹³ These differences and how to take them into account are discussed at greater length in Ben Cooper, *The Economics of the Hebrew Scriptures* (Oxford: Centre for Enterprise, Markets and Ethics, 2017), pp. 32–8.

the process of building a practical 'retrieval ethic'. How can we best order society given constraints that are not only physical and technological but also moral?

In other words, while the *Mishpatim* do not give us all the detailed answers, or at least not explicitly and directly, they do begin to teach us to approach economics in a way we seem to have lost the ability to do – to our considerable cost.

Chapter 3

Interest and usury: Scripture, Talmud and the Jewish tradition

Rabbi Dr Norman Solomon

On usury in the ancient world

Credit is necessary for all but the simplest commerce. The earliest written evidence of loans comes from Babylonian loan tablets dated to about 2400 BCE onwards, when taxes were paid in barley, and people – nothing changes! – fell into arrears and had to borrow. We read, for instance, ‘40 grains of silver and 900 (?) liters of barley, U-garina holds over Puzur-Eshtar’, but it is unclear whether interest was involved. Another tablet, concerning a loan of silver, is precisely dated to the seventh month of 1720 BCE and specifies the addition of ‘standard interest’; not long before this, Hammurabi’s code had set rates of interest at $33\frac{1}{3}$ per cent per annum for grain and 20 per cent for silver.¹ Debtors who defaulted could be enslaved to pay off their debts (compare the story of Elisha and the widow of the prophet in 2 Kings 4); occasional cancellations of debt servitude by royal decree foreshadow the biblical Jubilee. Instances of interest-free loans from temple funds for those in need indicate an awareness of the social dangers of exploitation of debtors, but there is no evidence of a general ban on interest in any Near Eastern law code before the Bible.²

The charging of interest can never have been popular – except among lenders. Aristotle found it ‘unnatural’. Some kind of acquisition, he tells us, is a necessary part of the household art (*οἰκονομική*) – we have to acquire those goods necessary for life and useful for the community or household. To this natural demand there is a limit. But wealth-getting has no limit; money in itself is not of value. Using money merely to produce money – charging interest – is therefore intrinsically wrong: ‘Usury is most reasonably hated, because its gain comes from money itself

¹ Recent scholars have proposed later dates for Babylonian history. Paragraphs 66–98 of Hammurabi’s Code, dealing with commercial and agricultural law and with borrowing on interest, are partly obliterated; I rely on the translation in Béatrice André-Salvini, *Le code de Hammurabi, Nouvelle édition revue et augmentée* (Paris: Louvre, 2008), p. 79. The $33\frac{1}{3}$ per cent and 20 per cent figures are derived from grain and silver measures; whether they are per annum or for a determined period is unclear.

² Some information in this paragraph is taken from Marc van der Mierop, ‘The Invention of Interest: Sumerian Loans’, in William N. Goetzmann and K. Geert Rawenhorst (eds), *The Origins of Value* (Oxford: Oxford University Press, 2005), pp. 17–30.

and not from that for the sake of which money was invented.³ In *The Athenian Constitution* (6.1), he notes with approval how Solon made the people free for all time by prohibiting loans secured on the person, and enacted cancellations of debt. There is no suggestion, however, that Solon prohibited loans on interest, provided they were not secured on the person; moral condemnation does not amount to legislation.

In Rome, the social unrest provoked by interest is indicated by attempts first to reduce the rate of interest and then, with the *Lex Genucia* introduced in 342 BCE by Lucius Genucius, Tribune of the Plebs, to ban interest altogether.⁴ Interest-bearing loans were eventually sanctioned, and a maximum rate fixed. Exactly what the maximum rate – the *unciarium faenus* – was is debated by scholars, who have come up with figures ranging from 1 per cent to 100 per cent per annum.⁵

Tacitus, reflecting on abuses in the time of Tiberius, writes:

Moneylending has been a problem in Rome since long ago and a most frequent cause of sedition and discord, and it was therefore repressed even in earlier times when morals were less corrupt. First, the sacred Twelve Tables prohibited anyone from exacting more than one twelfth, when previously the rate had depended on the caprice of the wealthy.⁶

Tacitus does, however, observe that the first effect of the Senate's efforts to enforce adjustment of debts was a drying up of the money supply, only resolved when Tiberius injected a hundred million sesterces into the system. Centuries before Tacitus, Scripture had warned: 'Be careful that you do not entertain a mean thought, thinking, "The seventh year, the year of remission, is near", and therefore view your needy neighbour with hostility and give nothing' (Deut. 15.9); Deuteronomy, well aware that without the expectation of proper return people are disinclined to lend, takes pains to stress that charitable loans should nevertheless be made.

³ *Politics*, 1.3.8–23, trans. H. Rackham, Loeb Classical Library (London: Heinemann; New York: Putnam's Sons, 1932).

⁴ Livy, *Ab Urbe Condita*, VII:16.1 and 42.1.

⁵ See, for instance, p. 180, n. 4 of *Histories*, Vol. IV, trans. John Jackson, Loeb Classical Library (London: Heinemann; New York: Putnam's Sons, 1925–37). Jackson, who favours 1 per cent per annum, also explains that *uncia* being a twelfth, others hold the rate to be $8\frac{1}{3}$ per cent (a twelfth of the capital); if this was a monthly amount, it would lead to 100 per cent per annum.

⁶ *Annales*, 6:16.

This is the nub of the question to be faced in connection with interest. Compassion and charity demand interest-free loans. Commerce, especially in more complex economies, depends on the availability of credit, which will dry up if interest cannot be charged.

The biblical sources

The Hebrew Scriptures not only moralise on the social evils of interest but legislate against the charging of interest.

Israelites are forbidden to charge for lending money or food to fellow Israelites:

If you lend money to my people, to the poor among you, you shall not deal with them as a creditor; you shall not exact interest from them. (Exod. 22.25)

If any of your kin fall into difficulty . . . you shall support them . . . Do not take interest in advance or otherwise make a profit from them . . . (Lev. 25.35–36)

On loans to a foreigner you may charge interest, but on loans to another Israelite you may not charge interest. (Deut. 23.20)

Ezekiel lavishes praise on the virtuous son of a wicked father who ‘withholds his hand from iniquity, takes no advance or accrued interest’ (Ezek. 18.17; also vv. 8, 15); among the sins of Jerusalem, however, we read ‘you take both advance interest and accrued interest, and make gain of your neighbours by extortion’ (Ezek. 22.12). Jeremiah (15.10) bemoans that fact that he is reviled even though he has neither taken nor received interest, while the apocalyptic writer of Isaiah 24.2 threatens both the taker and the giver of usury with destruction. A Psalmist declares that those with a rightful place on the holy mountain are those ‘who do not lend money at interest and do not take a bribe against the innocent’ (Ps. 15.5); Proverbs (22.7), after reflecting that ‘the borrower is slave to the lender’, contends (28.8) that ‘One who augments wealth by exorbitant interest gathers it for another who is kind to the poor’; that is, God will transfer the ill-gotten gains of the extortionist to those who are truly generous.

Since the loans with which Scripture is primarily concerned are acts of benevolence to the poor, a distinction is made between fellow-Israelites, towards whom the Israelite has a responsibility of care, and foreigners (*nokhrim*), to whom the Israelite has no such responsibility. The term *nokhri* (foreigner) used in Deuteronomy is carefully chosen; the *nokhri* is not to be confused – though KJV makes this error – with the *ger* (stranger, resident alien), towards whom Deuteronomy repeatedly states that Israelites *do* have a responsibility of care.

The context in all these passages is personal, not commercial; Scripture is concerned that the exercise of benevolence to the poor should not be a cover for exploitation. Exodus specifies loans of money (*kesef*, silver); Deuteronomy adds food – loans of grain are a common topic in other ancient Near Eastern sources.⁷ When Nehemiah (5.7–10) condemns the wealthy of Judea for their usury, he likewise focuses on exploitation of the poor rather than on loans for commercial ventures. The Bible envisages a community of self-sufficient smallholders, dependent on credit only in exceptional circumstances.

Philo of Alexandria, writing in the early years of the first century CE, adduces the laws on interest as:

proofs of the legislator's humanity and fellow feeling . . . the outcome of the lessons which he learnt from the holy oracles . . . He forbids anyone to lend money on interest to a brother, meaning by this name not merely a child of the same parents, but anyone of the same citizenship or nation. For he does not think it just to amass money bred from money as the yearlings are from cattle. And he bids them not take this as a ground for holding back or showing unwillingness to give free gifts to those who are in need . . . if they are unwilling to give, they should at least lend with all readiness and alacrity, not with the prospect of receiving back anything except the principal.⁸

The diatribe with which he follows these words is a sad reflection on what he may have observed in his native Alexandria:

But there are some who have reached such a pitch of depravity that, when they have no money, they supply food on loan on condition that they receive in return a greater quantity than they gave. It would be long before these people would give a free meal to beggars if they create famine when they have plenty and abundance and draw a revenue out of the wretches' empty stomachs and as good as measure out food and drink on a balance to make sure they do not overweight the scale. So then [Moses] absolutely commands those who shall be members of his commonwealth to discard such methods of profit-making, for

⁷ William H. C. Propp, *Exodus 19—40: A New Translation with Introduction and Commentary* (New York and London: Doubleday, 2006), pp. 259–60.

⁸ *On the Virtues*, 80–83, in Philo, Vol. VIII, trans. F. H. Colson, Loeb Classical Library (London: Heinemann; New York: Putnam's Sons, 1926–62).

these practices show the marks of a slavish and utterly illiberal soul transformed into savagery and the nature of wild beasts.⁹

The great lending dilemma

Specialisation and cooperation have enabled human success at all stages of economic activity, from basic survival as hunters and gatherers to the most complex of modern industrial and technological economies. Yet success in winning resources is not matched by success in sharing them equitably; in all ages and all economic systems there have been winners and losers.

Tension arises. On the one hand, there is the need for generating resources; that is, wealth. On the other hand, there is a need to ensure that no one loses out, for instance – as in pre-modern societies – by selling one's freedom in return for basic needs of life.

The dilemma is seen most clearly in the case of interest. Large-scale borrowing for commerce generates wealth; there is no obvious injustice in demanding a return for commercial loans, and the prospect of fair return is the principal motive for commercial lending. At the personal level, on the other hand, the charging of interest for modest borrowing for life necessities can be highly exploitative and deserving of censure.

It may be that the Bible is concerned only with the second kind of borrowing. However, the texts do not make this distinction, so both Jews and Christians have taken the biblical ban on interest as applying across the board. So far as Judaism is concerned, attempts to circumvent the ban, however devious or far-fetched they may seem, are essentially ways to resolve the great dilemma: how is it possible to enable the generation of wealth for the common benefit, while at the same time ensuring that the poor and needy are not exploited?

The rabbinic era

Of the many forms of Judaism that existed in the first two centuries CE, the one that survived and set the future pattern of Judaism is 'rabbinic' Judaism, or the Judaism of the Sages, which received its classical formulation in the Mishnah, compiled in Galilee early in the third century. The Mishnah – both the whole work and its individual paragraphs are known by this name – takes the form of a law code, though its scope is wider and its construction looser than, for instance, the Roman codes compiled in the same period in nearby Berytus (Beirut). Though it contains many statements with theological implications, Mishnah is primarily a work of *halakha*

⁹ Ibid., 86–87.

(law, in a broad sense), not theology; even within law, centre stage is taken not by broad principles – though they are occasionally articulated – but by specific case law derived in the main from Scripture.

The Bible's rules on interest did not suffice for detailed guidance in the range of economic situations faced by Jews in third-century Palestine. The Sages therefore interpret and elaborate, differentiating clearly between those laws they regard as mandated by the Written Torah (the Five Books from Genesis to Deuteronomy) and supplementary laws they introduce themselves, whether as safeguards ('a fence around the Torah') or to deal with novel situations. They interpret Scripture on the basis of three assumptions: it is free from error, comprehensive, and free from redundancy.

Mishnah was adopted as a guide by the Jewish courts, which under Roman and Sasanian (Iranian) rule were allowed to govern internal affairs of the Jewish communities. Its provisions were therefore minutely scrutinised, 'edited' and adapted to changing circumstances both in Palestine and Babylonia; the discussions have come down to us as recorded in the *Gemara* (completion), or Talmud.

Here are some of the passages from Mishnah and *Gemara* that frame subsequent rabbinic discussion of interest.

*Rabbinic Text 1: Mishnah Bava Metzi'a 5:1 (60a)*¹⁰

The opening paragraph of the section of Mishnah that directly addresses the topic of usury connects with Leviticus 25.36. Since Scripture uses two different terms for interest (*neshekeh* and *tarbit*), literally biting and increase, it appears that there are two forms of interest. How do they differ from one another?

¹⁰ Some of the material in this section is taken from my *The Talmud: A Selection* (London: Penguin Classics, 2009), pp. 473–7.

What is *neshekeh* [biting] and what is *tarbit*? [increase]?¹¹

What is *neshekeh*? If someone lends a *sela* for five *dinars*, or two *seabs* of wheat for three [*seabs*], this is forbidden, since it ‘bites’.

And what is *tarbit*? ‘Increase’ of fruit. How is this? Someone paid one gold *dinar* per *kur* for wheat, that being the [market] price [at the time of purchase], then the price rose to 30 [silver] *dinars*; [the purchaser] said to [the vendor], Deliver my wheat, as I wish to sell it and buy wine; the [vendor] replied, [Don’t bother;] I’ll treat your wheat as worth 30 [*dinars*] per *kur*, and let you have wine [for its value] – but he has no wine [in stock].¹² (Mishnah *Bava Metzj’a* 5:1)

The first illustration establishes unequivocally that the prohibition of interest applies equally to both money and goods; seed corn, commonly borrowed for repayment from the new crop, features later in the chapter.

The second illustration covers the ‘disguised loan’. The vendor is not exchanging wheat (‘owed’ to the purchaser) for wine, which would be legitimate; since he has no wine, he is in effect ‘borrowing’ the purchaser’s money, which may change value relative to wheat during the period of the loan, thereby giving rise to the possibility of interest – whether from vendor to purchaser or purchaser to vendor is immaterial. Nowhere is it suggested that the *rate* of interest is relevant; whether high or low, *any* payment of interest is prohibited.

Gemara (Talmud) is our principal source for received interpretation of the Mishnah, on which it forms a commentary; it reflects discussions of the Mishnah in Palestine and Babylonia to about the seventh century.

In this case, the *Gemara* first clarifies the Mishnah. Does it *really* differentiate between *neshekeh* and *tarbit*? The conclusion is that it does not; the prohibitions are coextensive, and the Mishnah’s second illustration is a rabbinic extension of the prohibition of interest.

¹¹ These two terms – or their cognates – are used in Leviticus 25.36 and in Proverbs 28.8 to denote payment of interest; in Psalm 15.5 and in Deuteronomy (above), only *neshekeh* appears. Jacob Milgrom (*Leviticus 23—27: A New Translation with Introduction and Commentary*, Anchor Bible (New Haven, CT and London: Yale University Press, 2001), p. 2209), translating as ‘advanced or accrued interest’, summarises the views of scholars ancient and modern on the two terms; there is no consensus, nor is there consistency among the translators. Examples: ‘usury . . . increase’ (KJV Lev. 25.36; ‘usury . . . unjust gain’ (KJV Prov. 28.8); ‘advanced or accrued interest’ (JPS 1999 Lev. 25.36); ‘loans at discount or interest’ (JPS 1999 Prov. 28.8).

¹² 4 silver dinars (denarii) = 1 sela; 25 silver dinars (denarii) = 1 gold dinar (aureus).

The second point established by the *Gemara* is that all the laws on interest apply equally to loans of money and to loans of commodities.

Now, nothing in the Torah is redundant, so why are interest, robbery and overcharging all specified? Do they not all amount to the same offence, misappropriation of another's property? *Gemara* proceeds to demonstrate the fundamental coherence of the Torah's provisions – none of the provisions could be inferred from the others; for example, interest might be permitted even if theft was banned – and the heinousness of misappropriation of others' possessions.

Concluding this section, *Gemara* targets people who attempt to circumvent the law:

Rava asked, Why does the Torah mention the Exodus from Egypt in connection with interest, the tzitzit (fringes) and weights? The Holy one, blessed be He, [thereby] declares, It is I who distinguished between the drop that was a first-born and the drop that was not,¹³ and it is I who will punish whoever assigns his money to a non-Jew in order to lend it to an Israelite on interest, and whoever submerges his weights in salt, and whoever puts vegetable dye on his fringes and claims it is the [real] blue!¹⁴

Rabbinic Text 2: Mishnah Bava Metzi'a 5:4a (68a)

An outright ban on all loans was neither practicable nor the perceived intention of Torah. A later Mishnah in the same chapter hints at the form that a legitimate commercial loan might take.

You may not set up a trader [to market your produce] for half profit, nor [loan him] money to buy fruit at half profit, unless you pay him wages as a hired worker. (Mishnah *Bava Metzi'a* 5:4a)

I could, of course, simply pay the trader a fixed sum for his labour in marketing the produce for me. The problem here – as the Talmud understands it – is that if I simply hand over my produce to the trader to sell without establishing a proper partnership, *halakha* would construe the produce in the possession of the trader as half deposit and half loan; in case of accident or loss, the trader would be responsible for replacement of the 'loan' at the original valuation. The trader thus retains the loan in consideration of labour he provides; his labour is therefore a form of interest through which he pays for the loan. The 'remedy' is that he should be paid for his labour on that part of the produce which constitutes the loan.

¹³ Only God could know who were in fact the firstborn.

¹⁴ The authentic blue dye (cf. Num. 15.38) was extracted from a mollusc.

This analysis has a consequence that in later centuries became the basis for converting apparent interest-bearing loans into legitimate business deals. It implies that the trader, who has no responsibility for that part of the produce he holds as a deposit, is free to trade with it and profit from it; any profit he makes is not regarded as interest and conversely, he is not responsible for any loss. To put it another way (though this is not how the Talmud expresses it), the ‘deposit’ share of the produce is the basis of a joint commercial venture, the profits – or losses – from which are shared by both parties.

Rabbinic Text 3: Borrower to Lender

The *Gemara* (69a) then cites the opinion of the fourth-century Babylonian teacher Rava that there are two possibilities for legitimate payment in connection with a loan:

1. Rava said: It is permissible to say to some one: ‘Here are four *זוזים* [for you]: lend money to so-and-so.’ Why [is this permitted]? Because the Torah only forbade interest paid by the borrower to the lender, not money paid by a third party to facilitate the loan.
2. Rava also said: It is permissible to say to some one: ‘Here are four *זוזים* [for you]: tell so-and-so to make a loan.’ Why [is this permitted]? Because he takes the money as payment for speaking [to the lender]. It is of course likely, and perhaps intended, that the ‘four *זוזים*’ will end up in the pocket of the lender; but though this looks like an interest payment, it is legitimately paid by the borrower to an intermediary, not to the lender, and not for the loan, but for services rendered.

Rava and his colleague, Abbaye, were renowned for their construction of hypothetical cases (הוויית דאביי ורבא), so it would be rash to infer that deals of this kind were common practice in Jewish Babylonia; but some centuries later, in Europe, his ruling was to become significant.

Rabbinic Text 4: Partnerships (Gemara Bava Metzi’a 70a)

Business partnerships, where the parties pool their resources and share profits and losses pro rata, are legitimate. But what if one of the parties wants his investment protected against loss? Does such a guarantee effectively convert the investment to a loan rather than a deposit, making it subject to the ban on interest? The following somewhat enigmatic statement suggests that this is the case:

The Rabbis taught: Close to profit and far from loss – *wicked*. Close to loss and far from profit – *virtuous*. Close to both or far from both – *normal practice*. (*Gemara Bava Metzi'a* 70a)

The point seems to be that in a genuine joint business venture, all parties share profits and risks equally; where one party seeks a guarantee against loss, he is not sharing in the venture but merely contributing a loan that he expects to be repaid regardless of the success or otherwise of the venture; in this case, any profits would be forbidden as interest payment on the loan.

Rabbinic Text 5: Interest from non-Jews

Mishnah *Bava Metzi'a* (BM) 5:6 (70b) explicitly permits both lending to an 'idolater' on interest and borrowing from him, but the *Gemara*, notwithstanding the biblical provision, in two places glosses the prohibition of lending on interest with the constraint 'even to a non-Jew' (b*Makk* 24a; BM 70b). Both contexts are homiletic rather than legislative; the *Gemara* is saying that though it is in principle permitted to lend to a non-Jew, it is unethical. It is habit-forming, and could lead to lending on interest to a fellow-Jew (BM 71a); moreover, as R. Nahman says in the name of R. Huna, no good will come of it since, as King Solomon (reputed author of Proverbs) said, 'One who augments wealth by exorbitant interest gathers it for another who is kind to the poor' (Prov. 28.8). But although the Talmud clearly frowns on lending on interest to non-Jews, it concedes that if one needs to do so to make a living it is, to that extent, permitted (BM 71a). It is in the light of this that the following Talmudic passage must be read:

The Rabbis taught: An Israelite may lend the money of a foreigner with the agreement of the foreigner, but not with the agreement of an[other] Israelite. How is this? If an Israelite borrowed money from a foreigner on interest and wished to repay him, and another Israelite [intervened and] said, 'Give me the money and I will repay you on the terms you would repay him,' this is forbidden; but if [the first Israelite] stood [the second] next to the foreigner [to transfer the loan], that is permitted. Likewise, if a foreigner borrowed money from an Israelite on interest and wanted to repay, and an[other] Israelite [intervened and] said, 'Give me the money and I will repay you on the terms you would repay him,' this is permitted; but if [the foreigner] stood [the second Israelite] next to the first [to transfer the loan], that is forbidden. (bBM 71b)

The point here is that, provided the deal can be construed as a loan provided by the non-Jew, even though it originated from a Jew, it is permitted to take interest; the 'foreigner' is not seen to

be acting as agent of the Jew (which would make the Jew liable for his actions), but as acting on his own initiative.

In medieval Europe neither Jew nor Christian was comfortable with this discrimination. Jews found themselves in the position of being relied upon by Christian princes for loans while being denounced by Church leaders for charging interest. The great biblical commentator David Kimḥi (Narbonne 1160–1235) has this in mind in his explanation of the words of praise in Psalm 15.5 for those ‘who do not lend money at interest’:

The Torah forbade the taking of interest only from an Israelite, but it is permitted from a foreigner. No such distinction is made regarding robbery, theft, the return of lost objects or overcharging, for it is forbidden to overcharge, rob or steal from a foreigner; however, interest which is taken from him with his agreement is permitted. But an Israelite is obliged to act with kindness toward his fellow-Israelite, and an interest-free loan is an act of kindness, sometimes even more than a gift, for many people are embarrassed to accept a gift, but not embarrassed to accept a loan. However, an Israelite does not have this obligation towards a gentile . . . since for the most part they hate Israelites. However, if the gentile does indeed show kindness and benevolence toward the Israelite, the Israelite must in turn show him kindness. I have written at length since Christians say that David (the presumed author of the Psalm) did not distinguish between Jew and gentile; this is incorrect, since David would not have forbidden something which the [divine Torah expressly permits].

On Christianity and interest

There is a widespread impression that the medieval Catholic Church banned the taking of interest, opening the way for Jews to lend money, and that Calvin, with the Reformed Churches, legitimised Christian lending on interest. The facts are otherwise. The Church, like the Jews, struggled to reconcile traditional teaching with economic reality.

Canon 17 of the Council of Nicaea (325 CE) is explicit:

Forasmuch as many enrolled among the Clergy, following covetousness and lust of gain, have forgotten the divine Scripture, which says, ‘He hath not given his money upon usury’, and in lending money ask the hundredth of the sum [as monthly interest], the holy

and great Synod thinks it just that if after this decree anyone be found to receive usury, whether he accomplish it by secret transaction or otherwise, as by demanding the whole and one half, or by using any other contrivance whatever for filthy lucre's sake, he shall be deposed from the clergy and his name stricken from the list.¹⁵

Put plainly, it is unseemly for clergy to lend money on interest. It might be unseemly for laymen too, but there is no outright ban. Pope Leo I (440–61) extended this to all Christians,¹⁶ so that usury became regarded in Western Christendom as a 'mortal, enduring and inexcusable sin'.

Gratian's *Decretum*¹⁷ (c.1150) appears to carry a general prohibition, and was followed by Thomas Aquinas,¹⁸ but the growth of the banking industry in Northern Italy indicates that the ban was not universally followed. Dispensations and indulgences were readily granted; the world was already heavily dependent on capital and credit.

Christians continued to lend on interest, to the extent that Canon 25 of Third Lateran Council (1179) threatened persistent violators with excommunication:

Nearly everywhere the crime of usury has become so firmly rooted that many, omitting other business, practise usury as if it were permitted, and in no way observe how it is forbidden in both the Old and New Testament. We therefore declare that notorious usurers should not be admitted to communion of the altar or receive Christian burial if they die in this sin. Whoever receives them or gives them Christian burial should be compelled to give back what he has received, and let him remain suspended from the performance of his office until he has made satisfaction according to the judgment of his own bishop.¹⁹

As time went by, blame for usury was shifted on to the Jews, who were in fact minor players. Alessandro Nievo, in his *Consilia Contra Judaeos Fenerantes* (c.1450), went so far as to argue that Jewish money-lending ought to be forbidden on the basis of the Church's responsibility for Jewish souls; usury was a mortal sin, and the Church had no authority to grant a dispensation for it.

¹⁵ From https://earlychurchtexts.com/public/nicaea_canons.htm; accessed 6/11/18.

¹⁶ NB: Western, i.e. Roman, Christians only; Eastern Christians did not follow.

¹⁷ q. 3, C. IV and q. 4, C. IV; <http://www.newadvent.org/cathen/15235c.htm>; accessed 10/12/18.

¹⁸ *Summa Theologica: Secunda Secundae quaest*, 46.

¹⁹ <https://www.papalencyclicals.net/Councils/ecum11.htm>; accessed 6/11/19.

Was there, perhaps, some difference between ‘interest’ and ‘usury’? The Roman jurist Azzo of Bologna, in the twelfth century, was the first to make a distinction between *interesse* (fair compensation for loss, in particular for delay of payment) and usury, a mortal sin; the distinction was eventually, if reluctantly, accepted by the Church, permitting Christians to charge what were considered reasonable rates of interest for loans of money. The distinction has no counterpart in the Bible or any traditional Jewish sources; in those circumstances in which it is forbidden to lend money on interest, it is forbidden equally whether the rate charged is high or low.

In sum: no one, Christian, Jew or ancient philosopher, was comfortable with the idea of lending money on interest. They may have legislated to reduce or ban interest, especially on loans to the poor, but this left them with the problem of how to handle the basic needs of commerce, a problem that grew more acute as the economy increased in complexity.

Medieval Ashkenaz

By the eleventh century, if not earlier, the text of the Babylonian Talmud was received in the West as an authoritative guide to practice; the Talmudic text as commonly studied today is essentially that edited by Rashi (1040–1105) on the basis of manuscripts available to him. Rashi and his followers, the Tosafists (glossators) of the Rhineland and North East France, an area known in Jewish tradition as Ashkenaz, developed new methods of textual study, and sought to implement in their communities rules derived from their interpretation of Talmud.

Occasionally – notably in the case of loans on interest – there appeared to be some discrepancy between Talmudic rulings and established custom. For instance, whereas the Talmud discouraged, if it did not condemn outright, lending on interest to non-Jews, this had become common practice; it was difficult to see how the communities of the Rhineland and North East France could survive without it. Rashi’s grandson, Jacob ben Meir (1100–71), known as Rabbenu Tam, attempted to justify the status quo:

Nowadays it is the common custom to lend [on interest] to non-Jews. Rabbenu Tam says this is because we take the more lenient view in matters of rabbinic law . . . but even on the more stringent view it would be permitted [to us] since we have to pay taxes to the king and princes, so all [our lending on interest] is [in the category of] what is necessary for survival. Moreover, we live among non-Jews and could not earn a living if we did not do

business with them, so it would be pointless to ban [lending to them on interest, as the Talmud does, on the grounds that] ‘we might learn from their deeds’.²⁰

This view became widely accepted among medieval European Jews and was codified in Karo’s authoritative *Shulḥan Arukh* (YD 159:1). Rabbenu Tam argued that social circumstances had significantly changed since the Talmudic period, and Jews had become economically dependent on the surrounding non-Jewish world; moreover, the Germanic law under which Jews had to operate had thrown up novel legal categories that could not be simply ignored.

If lending to and from non-Jews could be justified, what of lending by one Jew to another? Leave aside charitable loans, which were always made available interest-free within the community to those in need. There was surely no way that interest could be charged, consistently with biblical and rabbinic law, on commercial loans between Jews.

Or was there? Jews certainly were supporting each other with commercial loans at interest in eleventh-century Ashkenaz, and the rabbis did their best to square the practice with Talmudic norms. Haym Soloveitchik, in an admirably illustrated reconstruction in his seminal article on pawnbroking, observes that, owing to a chronic lack of currency, remuneration often took the form of paying off one debt with money obtained by incurring another, using a transferred pawn.²¹ Jews had recourse to this kind of arrangement when lending to each other, aiming to circumvent the ban on charging interest to a fellow-Jew by involving a gentile intermediary. There were two methods:

1. The simplest way was to repackage the loan through a non-Jewish intermediary, by means of a pawn transfer (*pignus pignoris*). Three persons are involved: Jew 1, Jew 2 and a gentile. The gentile borrows, say, £100 for 2 months at 4 per cent per month from Jew 1, against the deposit of a vase worth £200. A month later Jew 1, who needs ready cash, borrows £100 from Jew 2 (no interest), deposits the vase with him, and arranges to split with him the 8 per cent interest the gentile will pay Jew 1 the following month on redeeming the vase.

Bottom line: in month 2, J1 had possession of the loan of £100 from J2, and J2 received £4 interest for the month; the interest did not pass from J1 to J2.

²⁰ Tosafot BM 70b s.v. *tasbikh*.

²¹ Haym Soloveitchik, *Collected Essays, Vol. 1* (Oxford: Littman Library of Jewish Civilization, 2013), p. 71.

2. There is a second way, known as *Schadennehmen*, ‘acceptance of loss’, since it is accomplished by the Jew accepting responsibility for the loss incurred by postponing redemption of the pawn. Jew 1 borrows £100 from the gentile at 4 per cent per month. At the end of a month the gentile comes to collect £104. Jew 1, lacking liquidity, demurs and makes the following proposal: Here is a silver plate worth £208. Take it to Jew 2, who will loan you £104 at 4 per cent per month; Jew 2 obliges. At the end of the second month Jew 1 gives the gentile £108.16 to redeem the plate from Jew 2 and return it to him (Jew 1).

Bottom line: J1 borrows £100 for 2 months. J2, who is the ultimate source of the finance, receives £8.16, the amount of interest, indirectly from J1 on redemption of the pawn; however, this sum is not paid as interest from J1 to J2.²²

Both methods work by assigning a debt to a non-Jew, thereby releasing it from the prohibition of usury; although a Jew receives interest that has been paid by another Jew, the construction is such that he does not receive it from the Jewish borrower. This accords with Rava’s observation – Rabbinic Text 3 above – that the Torah only forbade interest paid by the borrower to the lender.

Soloveitchik observes that by the eleventh century:

pledges were re-pledged, given as gifts, and provisionally sold in the normal course of business . . . [the rabbis] . . . could not restructure European business practices to align them with the halakhah. If they were to rule that the transference of pledges was not valid, then Jews would simply cease to have their cases adjudged by Jewish law, and the end of Jewish autonomy in the Middle Ages would soon be in sight.²³

The ‘pawned pawn’ is not without problems in *halakha*, concerning ownership of the debt, ownership of the pawn, and gentile agency. Such methods were not regarded as acceptable in other parts of the Jewish world; differences in rulings on the topic between the Sefardi Karo and the Ashkenazi Isserles in the sixteenth century are quite marked.²⁴

²² Cases as reconstructed by Soloveitchik, *ibid.*, pp. 73–6. For the sake of simplicity I have glossed over the vexed question of agency: clearly, the halakhists regard the gentile as acting on his own initiative rather than as agent of the Jew.

²³ *Ibid.*, p. 87.

²⁴ On this, see *Shulḥan ‘Arukh: Yore De‘ah*, 168/9:9–10.

Beyond Ashkenaz

There is no doubt, however, that the Sefardic Jews of Southern Europe were also engaged in money-lending. Claude Denjean has examined documents from the archives of Christian notaries relating to money-lending practices in Puigcerdà²⁵ in the Comté de Cerdagne, then under Aragon, c.1300. Puigcerdà was an important trading centre for leather and fabrics, and reliable cash flow was essential; by no means all, or even most of the lenders were Jews.²⁶ Denjean reckons that in 1260 not more than 1 in 1,000 of the population of Puigcerdà were engaged in money-lending, but the proportion rose considerably around 1300 with an influx from Perpignan;²⁷ she questions whether lending was the profession of those involved or just a sideline. Between 1315 and 1325, numerous acts of *accapitus* and *in atentia* are noted, where land is made over for a period to the lender while the borrower continues working on it to pay off the debt. *Mutuum* contracts are common,²⁸ benefiting smallholders. Unfortunately, the documentation, deriving from Christian notaries, gives no indication of the nature of contracts between Jews, so we are left guessing whether these conformed to the standards of the Northern rabbis or were in line with the rather stricter rulings of the Sefardic rabbis.

The Cairo Geniza is another particularly rich source for documents from this period, since much correspondence from all parts of the Jewish world found its way to the Jewish community of Fustat, Cairo, where cast-off material written in Hebrew script was routinely consigned to the synagogue depositary (*geniza*). Mark R. Cohen has assembled Geniza documents, most of them appeals for charitable loans, together with grants and lists, from eleventh- to thirteenth-century Egypt. Chapter 4 of his *Poverty and Charity in the Jewish Community of Medieval Egypt* is headed 'Debt and the Poll-Tax'; it is clear that wealthy Jews often responded to appeals from their brethren who got into debt as a result of not being able to pay the Jizya, a special tax levied on non-Muslims. However, the collection throws no light on commercial borrowing.

²⁵ Puigcerdà is the capital of the Catalan comarca of Cerdanya, in the province of Girona, Catalonia, northern Spain, near the Segre River and on the border with France (it abuts directly onto the French town of Bourg-Madame).

²⁶ Claude Denjean, *Juifs et Chrétiens: De Perpignan à Puigcerdà: XIII^e–XIV^e siècles* (Canet: Editions Trabucaire, 2004), ch. 5, deals with 'prêteurs juifs, prêteurs chrétiens'.

²⁷ *Ibid.*, p. 87. A diagram on p. 92 gives a range of numbers from 5 to 185.

²⁸ *Ibid.*, pp. 121–2.

Theology and the classification of the usury ban

Halakhic decisions are based on case law rather than broad theological considerations or ‘natural law’. Even so, appropriate principles may be inferred from the way laws are presented, not least from the way they are classified.

Moses Maimonides (1135/8–1204) twice codified the whole of *halakha* (Jewish law) under fourteen categories (‘books’ or ‘sections’). The first time, in his comprehensive *Mishneh Torah*, completed in Egypt in the 1170s, he incorporated lending and interest in the ‘Book of Judgements’, among laws governing hiring, deposits, pleas and inheritance. More than a decade later, in the philosophical *Guide for the Perplexed* (3:39), he transferred the section on Lender and Borrower to the division enumerating those commandments that are ‘manifestly useful through instilling pity for the weak . . . giving strength in various ways to the poor, and inciting us not to press hard on those in straits’.

What lies behind this change is the question as to whether a borrower is getting something, viz. the use of money, for which it is reasonable to expect to pay. The Talmud (bBM 61a) distinguished interest from theft; whereas the borrower agrees to pay interest, the owner of an object does not agree to have it stolen. But is it just that the creditor should receive interest? Is he suffering loss – the inability to use his money during the period of the loan – for which he should be compensated? If so, there is no inherent injustice in charging interest, provided it is not excessive. This seems to be Maimonides’ mature view, leading him to interpret the prohibition of taking interest not within the category of natural justice but as intended to stimulate assistance of the poor by acts of benevolence. The Christian theologian Albertus Magnus (1193–1280), who based the doctrines of just price and usury on the duty of love, took a similar view.

Maimonides’ later classification of the ban on interest was followed by Jacob ben Asher (1269–1343) in his *Arba’^a Turim*, prototype for Karo’s *Shulhan Arukh*, subsequently the most authoritative Code of Jewish law. Ben Asher incorporated the usury ban in *Yore De’^ah* (##159–177), the section of his work that contains the chapters on charity, though some aspects, in particular contract law relating to borrowing, were incorporated in *Hoshen Mishpat* (##39–74), the section on judgements.

Israel Isserlein and the *heter isqa*

With the rise of mercantilism and the growth of banking in the fifteenth century, exponents of *halakha* came under even more pressure to find ways within Jewish law to facilitate economic

activity by enabling one Jew to invest money with another without infringing the ban on interest. Genuine partnerships had always been possible, where risk was shared proportionately by the parties. But was it possible to invest with minimal risk (as we routinely do nowadays when depositing in a bank on fixed interest), and how could such investment be distinguished from a loan?

The document that emerged and is still enacted in some form today is known as the *heter isqa* ('permission for trade/investment'). It is first encountered in the responsa of Israel Isserlein (1390–1460) of Regensburg²⁹ in reply to the following question: 'Reuben wishes to hand his money to Simeon to lend on interest. He wants [to receive] a fixed sum [in return] and also to receive assurance that he will not lose the principal. Is there a permissible way in which he can do this?'

Isserlein commences cautiously, stating that although there are ways this can be done, he is reluctant to say what they are, as he is afraid they will be abused and bring the Torah into disrepute; however, 'For the ways of the LORD are right, and the upright walk in them, but transgressors stumble in them' (Hos. 14.9).

The essence of his solution is that Reuben (the lender) should retain full liability for the money, even in the event that Simeon (the borrower) is negligent; that is, Reuben remains owner of the money and carries the full risk of loss. The theory behind this is that by retaining full liability, he remains legally owner of the money; though physically deposited with Simeon it is not technically a loan, for which Simeon would be responsible, but a deposit. At the same time, Reuben can ensure that he will not actually lose the principal through Simeon's negligence or wilful action by stipulating that, should the money be lost, he would accuse Simeon of wilful negligence, and the only witnesses he would accept to establish Simeon's innocence would be such as the rabbi and the cantor, who are presumed to be unlikely to be in a position to give this testimony.

Isserlein's 'solution' is derived from Rabbinic Text 2 above. The Polish Rabbi Isaiah Menahem ben Isaac (d. 1599), also known as Mendel [Menahem] Avigdors or Maharam, was the first to issue the *heter isqa* as a form with blanks to be filled in by the user, though his version was based on dividing the investment into two periods of time rather than into a loan and deposit.³⁰ With modifications, these early drafts of the *heter isqa* have been adopted as the standard method by

²⁹ תרומת הדשן שב, וראה עוד בלבוש יורה דעה קסז

³⁰ This is based on the Jerusalem Talmud *Bava Metzri'a* 5:6.

which to transform what would otherwise be a forbidden interest-bearing loan into a permitted business partnership.³¹

Modern banking, where depositors expect their money to be held securely on interest and repayable on demand, is difficult to fit into this pattern. Isserlein may not have been aware of the notion of limited liability which, by the fifteenth century, was being applied under English law to monastic communities and trade guilds with commonly held property; the first limited liability law in the modern sense was enacted by the state of New York only in 1811. Some halakhists, such as Shimon Gruenfeld (1860–1930) of Munkacs, Hungary (now Mukachevo, Ukraine), have argued that limited liability companies, such as banks, are not subject to the laws of interest. A similar line was taken by Moshe Feinstein (1895–1986), who in New York in 1970 penned a reply to Yehoshua Meir Frischwasser (Freshwater) of London in which he argued that (a) a Jewish-owned bank would be obliged to write an individual *heter isqa* for each Jewish borrower and to explain the contents in such a way that they understood, but that (b) such a requirement did not apply to a limited liability company, since shareholders were not personally liable.³² Other respondents, notably Shlomo Zalman Auerbach of Jerusalem (1910–95), have not accepted limited liability as exempting from the rules of interest.³³

The Keter Foundation for Torah-based Economics (מכון כה"ר לכלכלה על פי תורה), one of several organisations dedicated to purposes of that kind in contemporary Jewry, has issued two downloadable proformas for the use of Jews engaged in commerce and investment. Here I offer a rough translation of the simpler one,³⁴ which is close to that in common use in Israeli and other Jewish-owned banks. Translation is tentative, since there is no precise correspondence between concepts in rabbinic and Western law systems.

³¹ The development of the *heter isqa* is covered in Hillel Gamoran, *Jewish Law in Transition: How Economic Forces Overcame the Prohibition against Lending on Interest* (Cincinnati, OH: Hebrew Union College Press, 2008), ch. 7, esp. pp. 152–75.

³² Responsa *Igrot Moshe: Yore Deab* 2:63. In a later (1974) responsum (*Yore Deab* 3:41), addressed to his son-in-law, Feinstein endorses Maharam's *heter isqa*, at least for bankers, and subject to several provisos. Related matters are dealt with in responsa 39–42.

³³ מנחת שלמה 1:28.

³⁴ Accessed 13/12/18.

I, the undersigned . . . [A] . . . acknowledge receipt from . . . [B] of the sum of . . . [X] as *isqa*³⁵ to [date] and have undertaken to invest the *isqa* money in select operations which are likely to bring profit.

In case I wish to make use of the money for my private purposes or payment of my debts, I make over to the aforementioned . . . [B] . . . by effective transfer a share, equal in value to the money I have received, in all my dealings [and] I hold that amount as *isqa*. Whatever profits I receive from the *isqa* are to be shared equally with . . . [B] . . . Should there be losses (God forbid!) they will be borne two-thirds³⁶ by the donor . . . [B] . . . and one third by me, the receiver. My word with regard to losses or the absence or level of profit may be accepted only [on the basis of] a serious oath [by me], while holding a Torah scroll. We have nevertheless agreed between us that should I wish to give the donor the sum of . . . [X] . . . and return the principal to him, I may retain any excess profit and will be exempt from any oath or burden of proof in that respect. Should the money remain in my possession after the stipulated date, and for as long as I retain it, it is agreed by us that I should continue to hold it as *isqa* and subject to all the aforementioned conditions. All this is enacted by *qinyan sudar*³⁷ in accordance with rabbinic ordinance in such a manner that there is no *asmakhta*³⁸ and all is fixed, clear and confirmed. To this I append my signature . . . [A] . . .

This document is clearly based on Isserlein's model, harking back to Rabbinic Text 2, cited above.

Conclusion

Some of the so-called 'solutions to the problem of interest' may seem contrived or devious, if not incomprehensible. Yet seen in a broader context they are expressions of an ongoing attempt to wrestle with the 'great lending dilemma', viz. that whereas commercial investment generates wealth, and – arguably – justifies a return in the form of interest, the charging of interest for modest borrowing for life necessities can be highly exploitative and morally unacceptable. The

³⁵ Literally, 'business', the point being that the sum invested is not a loan but a deposit for use in business dealings.

³⁶ Tosefta *Bava Metzj'a* 4:11 rules that acceptance of two-thirds risk instead of the normal 50 per cent is equivalent to receiving payment for services rendered (BM 68b/69a).

³⁷ The standard form of transfer by exchange of an object.

³⁸ *Asmakhta* is the technical term for an agreement that is unenforceable due to lack of intention by the parties concerned.

line between the two forms of lending cannot be sharply defined. The uneasy distinctions made by the rabbis between a loan and a business investment signal a conscience sensitive to the need to preserve religious values and traditions, in particular free assistance to those in need, while at the same time concerned to enable economic activity for the common benefit.

So much for interest and usury. But there is another side to the traditional Jewish response to the 'great dilemma', entirely free from controversy and legal fiction: the institution and growth of charitable foundations to provide interest-free loans for those in need.³⁹ Such foundations have long been a normal part of Jewish community life worldwide; they comprise the essence of what the prophets and law-givers of ancient Israel were asking us to commit to, rather than the international banking system. Banking systems may come and go, but the ways of the Lord are for ever.

³⁹ There is a long history of free loan societies in Jewish communities. Still today such organisations take a leading in role in providing interest-free loans to low- and moderate-income people facing financial emergencies (see for instance <https://hfls.org/about/mission-history/>; <https://jewishfreeloan.org/>; accessed 6/10/18).

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Chapter 4

Social implications of Hebrew wisdom literature

Revd Professor Paul Fiddes

The wisdom movement in society¹

Today we are overloaded by information, delivered to our ears and eyes on a 24-hour basis by the computer, smartphone, tablet and cable television. Through social media, apps tailored to our interests, news and lifestyle channels and unrequested links to consumer websites, we are exposed to a never-ending stream of facts, some genuine and some dubious. In the face of this constant flow of information, of invitations to a knowledge that is instantly accessible, the term ‘wisdom’ has marked something of a reaction. One often hears it said that what is needed is ‘less knowledge and more *wisdom*’. This word is in the air in many settings. For example, in an article in the *Harvard Business Review*, management consultants have recently complained that business schools have ‘lost their way’ in concentrating on teaching a ‘scientific-rationalist approach’ to strategic management and in neglecting the fostering of skills of judgement based on (what they call) ‘wisdom and experience’.² Another piece in the *British Journal of Management* urges that what needs to be recovered is a wisdom that offers what the writer calls ‘a relational mode of knowing’,³ and the authors of an article in the journal for *Industrial and Corporate Change* call for what they regard as ‘knowledge acquired from practical experience that enables one to make prudent decisions and take action appropriate to each situation’.⁴

All these pieces name the wisdom they seek as *phronesis*, a term used by Aristotle to describe practical wisdom gained from experience, a skill that becomes essential when there are no clear rules for action and judgement has to be used.⁵ *Phronesis* appears in a number of places today

¹ This article extensively repeats material from the author’s recent book, *Seeing the World and Knowing God: Hebrew Wisdom and Christian Doctrine in a Late-Modern Context* (Oxford: Oxford University Press, 2015), but in some respects the argument has been reshaped for relevance to the conference in which the paper was given.

² Warren G. Bennis and James O’Toole, ‘How Business Schools Lost their Way’, *Harvard Business Review* 83:5 (2005), pp. 1–11, esp. p. 6.

³ Elena P. Antonacopoulou, ‘Making the Business School more ‘Critical’: Reflexive Critique based on Phronesis as a Foundation for Impact’, *British Journal of Management* 21:s1 (2010), pp. 6–25, esp. p. 7.

⁴ Ikujiro Nonaka and Ryoko Toyama, ‘Strategic Management as Distributed Practical Wisdom (Phronesis)’, *Industrial and Corporate Change* 16:3 (2007), pp. 371–94, esp. p. 378.

⁵ Aristotle, *Nicomachean Ethics*, trans. D. Ross (Oxford: Oxford University Press, 1980), 1140a.20, 1140b.6.

where the lack of wisdom is lamented – in documents on social policy, medicine and education. This kind of wisdom is one strand within the ancient Hebrew idea of wisdom, or *hokmah*, but the point of this paper is that the Hebrew *hokmah* also contains another dimension missing from the Greek *phronesis*, and that we should be aware of this as we think about our social and economic situation today.

This is not the place to debate the origins of the wisdom enterprise in Ancient Israel. Suffice it to say that this movement gave to us the books of Proverbs, Job and Ecclesiastes in the Hebrew Bible, containing wisdom collected over a period of some 600 years, from the early monarchy to the third century BC. Later products of this school of thought can be seen in the Greek books called The Wisdom of Jesus Ben Sirach (translated from Hebrew into Greek) and the (so-called) Wisdom of Solomon in the Greek Septuagint.

Reading this literature, we catch a glimpse of a class of people called ‘the Wise’, a diverse group of literate people who probably included scribes, teachers, public administrators and royal advisors.⁶ They are interested in forming what they call the ‘righteous’ person, the *saddiq*, but this does not essentially mean an individual who has his or her own private virtues. Righteousness is about one’s role in *society*; it is being rightly related to others, fulfilling the claims laid on a person by the community. Such claims include dealing honestly in business transactions, telling the truth as a witness in the lawcourt and helping others, especially the poor. We read in the book of Proverbs:

When it goes well with the righteous, the *city* rejoices; . . .
By the blessing of the upright a city is exalted,
but it is overthrown by the mouth of the wicked. (11.10–11)⁷

Being rightly related to society involves being ‘in order’, fulfilling one’s place in an ordered world, and here there is probably influence from Egyptian wisdom, where a key goddess was named *ma’at*, meaning order – which also indicates truth and justice.

⁶ See R. B. Y. Scott, ‘The Study of the Wisdom Literature’, *Interpretation* 24:1 (1970), pp. 20–45, at p. 29; James L. Crenshaw, *Old Testament Wisdom: An Introduction* (Louisville, KY: Westminster/John Knox Press, 1998), pp. 20–4; Carole R. Fontaine, ‘Wisdom in Proverbs’, in Leo G. Perdue et al., *In Search of Wisdom* (Louisville, KY: Westminster/John Knox Press, 1993), pp. 100–8.

⁷ Biblical quotations are from NRSV, other versions as stated, or are author’s own translations/adaptations.

The wisdom literature is, at its foundation, about social life. And for a large part of the period in which it was written, it envisages a society of *stable* relations in rural and urban life. It portrays the blessings bestowed by an orderly and righteous life and warns against actions and attitudes that threaten this life. It depicts this stability, even when we know there were in fact huge turmoils in ancient Israelite society – upheavals from social change such as the wealthy acquiring the fields of small farmers, the urban class getting richer at the expense of the rural population, and the constant threat of invasion from superpowers. The wisdom literature reflects virtually none of this. It is concerned with common, everyday experiences like coping with arrogance, laziness and anger, and knowing when it is the right time to speak. And it seems to be applicable to a wide range of people, not to one particular class such as the rulers (though there are special instructions for the behaviour of kings). It is not, for instance, directed towards the cultivation of military virtues, like much of Greek wisdom.

The advantage of this kind of social wisdom is that it seeks to build a good life despite the shifting fortunes of the moment. It looks for deep, underlying patterns in life, habits that can be cultivated over time. It takes the long view, where politicians are always tempted to take the short view. The problem is that it may get increasingly conservative about maintaining the existing order, and not be able to cope with either the sudden threat or the sudden opportunity of a crisis in society. I want to suggest in this paper that there *are* the seeds in Hebrew wisdom to rise to a challenge, even to be entrepreneurial. In the first place, however, let me say what this wisdom is.

A wisdom of observation

As they show themselves to us in their writings, the Wise are fairly confident that they can cope with experience through careful observation of how things are. From their own experiments in living, and from the reports of others back through the generations, they can deduce the reasonable thing to do in any particular circumstances. Their technique is to collect and pass on deductions from experience, on the assumption that the natural and human world is amenable to being understood by patient investigation, built up over many years.⁸ From this observation of

⁸ For the experiential method of wisdom, see Gerhard von Rad, *Wisdom in Israel*, trans. J. Martin (London: SCM Press, 1972), pp. 24–50, 74–82, 113–20; H. H. Schmid, *Wesen und Geschichte der Weisheit* (Berlin: W. de Gruyter, 1966), pp. 155–60; W. Zimmerli, ‘The Place and Limit of the Wisdom in the Framework of the Old Testament Theology’, *Scottish Journal of Theology* 17:2 (1964), pp. 146–58; R. E. Murphy, ‘The Interpretation of Old Testament Wisdom Literature’, *Interpretation* 23:3 (1969), pp. 293–7; W. McKane, *Prophets and Wise Men* (London: SCM Press, 1965), pp.

the world, the Wise find patterns of meaning and detect regularities that can offer guidance to those willing to listen to their teaching. Their observations are fixed in proverbs, riddles and lists of natural phenomena, by which they begin to bring some order to a vast and complex area of investigation. So, for example, they note *analogies* between events in the natural and human world, pointing out that ‘This is like that’. Here is an example:

Three things are stately in their tread;
four are stately in their stride:
the lion, which is mightiest among beasts
and does not turn back before any;
the strutting cock, the he-goat,
and a king striding before his people. (Prov. 30.29–31 RSV)

The lion, the cock and the goat are all like a king leading his people – we cannot miss the tone of social satire in this saying. Most frequently the Wise observe the link between cause and effect, warning that ‘If you do this, then that will happen’. For instance: ‘Pride goes before destruction, and a haughty spirit before a fall’ (Prov. 16.18). It is these cause–effect patterns from experience that have the largest place in the Sentence Literature of the book of Proverbs, which now occupies most of chapters 10—29 of the collection and which is a kind of textbook of wisdom in different editions. Much of the material in this collection goes back to the early period of Israel’s monarchy, but it contains some gathered over several hundred years.

Sayings can combine both the elements of analogy and consequence, as does this one: ‘The beginning of strife is *like* letting out of water [analogy]; so quit before the quarrel breaks out [consequence]’ (Prov. 17.14). The consequences of allowing a quarrel to get under way are, it is implied, as disastrous as the small trickle of water from a dam which, if not mended, will become a flood.

Thus, when the Wise have to cope with a situation, to ‘steer’ their way through the maze of events, they appeal to the guidelines gleaned from experience; these represent order won from the chaos of life. As the opening to Proverbs urges us:

. . . for gaining instruction in wise dealing,
righteousness, justice, and equity . . .

46–51. A challenge to the idea of a distinctive educational technique has, however, been mounted in R. N. Whybray, *The Intellectual Tradition in the Old Testament* (Berlin: W. de Gruyter, 1974), pp. 69–70.

let the wise also hear and gain in learning,
and the discerning acquire skill,
to understand a proverb and a figure,
the words of the wise and their riddles. (Prov. 1.3–6)

Observation and divine purpose

Since the wisdom material is in the Old Testament, or the Hebrew Bible, we may be expecting to find an ethical code that underlines this approach to living in society. Surely, we might say, the writers *must* have the Ten Commandments in mind, and the covenant that God made with Israel with the *obligations* it imposed on the human partner. In fact towards the end of the age of wisdom writing, wisdom does become equated with the Torah, the sacred law of Israel.⁹ But for the longest part of the period of the wisdom movement, there is no reference to the covenant made with Moses, or the requirements laid on the nation in response to an exodus from slavery in Egypt, or even the more unconditional covenants made with Abraham and David. This was just not the way the Wise were thinking, and the way they *were* thinking set a tone that would persist even with the final stage of wisdom-as-Torah.

This is a wisdom of observation: the writers are telling us what they see as they look at society and the natural world, and they draw their conclusions from it. If there are rules, they are ‘rules of thumb’ – working with the consequences and comparisons that just happen in the way that things are. There are many wisdom sayings in the book of Proverbs that contrast good and evil, or the righteous and the wicked in society. For example:

The evil bow down before the good,
The wicked at the gates of the righteous. (14.19)

Evil will not depart from the house
of one who returns evil for good. (17.13)

However, ‘good’ and ‘evil’ are not defined theologically in terms of obeying or sinning against a divine norm. Good is what builds up the society and leads to a flourishing life, for oneself and others. Evil is what breaks down the society and diminishes the welfare of oneself and others. Of the many pairings of the righteous and the wicked, only a few mention Yahweh (the God of

⁹ There are hints in Proverbs 1–9, but the identification only clearly emerges in Ben Sirach, with footnotes added to Job 28 (v. 28), and Koh. 12 (v. 12). See Fiddes, *Seeing the World and Knowing God*, pp. 326–34.

Israel) at all. For example, in what is thought to be some of the oldest material in Proverbs, chapters 10—15, there are 37 sayings about the righteous and the wicked, and only three of these relate the righteous to Yahweh.¹⁰ In 47 sayings that pair the righteous and the wicked in Sentence Literature outside this collection, again only three mention Yahweh.¹¹ Typical are such sayings as:

The righteous gives good advice to friends,
but the way of the wicked leads astray. (Prov. 12.26)

As observers, the Wise simply record ambiguities they see in the situation, quite often without attempting to resolve them. With the issue of poverty, for example, the Wise may observe that it is caused by the poor themselves, that it is caused by others, that it can be of value or that it's just a fact of life as God has created it. We read:

The rich and the poor have this in common:
the Yahweh is the Maker of them both. (22.2, cf. 29.13)

Dispassionately, the wise man observes:

The wealth of the rich is their fortress;
the poverty of the poor is their ruin. (10.15)

Wealth is indeed often portrayed as a blessing, a result of good behaviour, but it is also dismissed as not being of ultimate value:

Whoever trusts in his possessions will fall,
but the righteous will flourish like foliage. (Prov. 11.28)

When the Wise come to offer reasons or motivations for acting in a certain way, a large number of sayings make no mention of divine sanctions, whether Yahweh's approval or disapproval. The motivations mentioned are quite pragmatic, based on experience of the way things are likely to work out:

Do not involve yourself in financial obligations.

¹⁰ Prov. 10.3; 15.9; 15.29. See Fiddes, *Seeing the World and Knowing God*, p. 118.

¹¹ Prov. 17.15; 18.10; 21.3. See Fiddes, *Seeing the World and Knowing God*, p. 119.

Reason: If you have nothing with which to pay
your bed will be taken from under you. (Prov. 22.26–27)

Or:

Do not visit your neighbour too often.

Reason: in case he grows tired of you and then hates you. (Prov. 25.17)¹²

But all this does not mean that God, Yahweh, is left out of the picture. In quite a number of sayings in the book of Proverbs, motivations for social behaviour *do* appeal to God. For example:

Do not rob the poor.

Reason: For Yahweh will plead their case
and deprive of life those who have deprived them. (Prov. 22.22–23)

Do not shift the widow's boundary mark.

Reason: For her defendant [Yahweh] is strong
and will bring her case against you. (Prov. 23.10–11)

There is no appeal to a religious law here, but a sense that God is at work in the very order of things. While the prophet backs up his social teaching with the claim 'I *hear* God speak – this is the Word of the Lord', and the priest admonishes us to *read* what is written in the law of Moses, the wise person exclaims: 'I see.'¹³ To observe properly the patterns of the world is to be confronted with the Maker of all. So sayings that mention Yahweh's will and purpose are simply placed alongside sayings that do not. The Wise are not deducing some kind of natural law that God has placed in creation, as if they can read off a list of principles and mandates. Nor is this an ideology of a fixed order in the world such as we find in the Egyptian idea of *ma'at*.¹⁴ It is rather that the Wise think they are finding the divine purpose in the very process of living, in the very activity of seeing how things work out. There is an openness to discovery here about what the divine purpose might be, rather than a preconceived code of principles.

So if we return to the issue of the poor in society, the Wise think they have discerned that Yahweh has a concern for the poor. The righteous person is kind to the poor (Prov. 14.21),

¹² So von Rad, *Wisdom in Israel*, p. 89.

¹³ There is a cameo picture of this 'seeing' in Prov. 7.6–7.

¹⁴ See Fiddes, *Seeing the World and Knowing God*, p. 116

lends to the poor (19.17), shares bread with the poor (22.9) and stands against a ruler who oppresses the poor (28.3). This is because such a person is actually lending to Yahweh (19.17), who gives the light of the eyes to both the poor and the rich (29.13), and because ‘Those who mock the poor insult their Maker’ (17.5). The righteous person thus defends the rights of the poor, who are defended by Yahweh. We read:

The righteous know the rights of the poor;
the wicked have no such understanding. (Prov. 29.7)

And:

Speak out, judge righteously,
defend the rights of the poor and needy. (31.9)

We must not think that the Wise exactly have a view of what *we* now call ‘human rights’. The point is that the poor have a way of being rightly related to society; their neighbours have obligations to them if they are to be in the right with God and others.

Now, in talking about discerning the purpose of God in careful observation of society, I am well aware that I am skating over huge issues about the development of wisdom thinking. Some scholars have taken the juxtaposition of apparently secular and religious sayings in the proverbial writings as being evidence that the wisdom enterprise was religious from its very inception in Israel. Some scholars, such as Gerhard von Rad, have argued that it was precisely because knowledge of Yahweh was strong in the whole of Israel’s life that the Wise were ‘able to speak of the orders of the world in quite secular terms’.¹⁵ Others, such as William McKane, maintain that wisdom in Israel began as a secular venture and *became* Yahwistic as time went on; so the sayings appealing to Yahweh in the book of Proverbs are not part of the earliest wisdom, but a modification of earlier, wholly secular sayings.¹⁶ The picture is a complicated one, but in this paper I am simply speaking about wisdom teaching in its mature period, when observation of the world *did* mean finding the purpose of God within it.

A significant part of that purpose is to do with the consequence of acts. Generally, righteous conduct is linked to prosperity, being happy and enjoying honour in the community: doing *good* and having *goods* are linked. Wicked conduct will usually lead to disaster and contempt in the eyes

¹⁵ Von Rad, *Wisdom in Israel*, p. 63.

¹⁶ McKane, *Proverbs: A New Approach* (London: SCM Press, 1970), pp. 10–22.

of neighbours. About this the Wise are confident:

Wicked men are overthrown and are no more,
but the house of the righteous will last. (Prov. 12.7)

Or:

In the house of the righteous there are provisions in abundance,
but the income of the godless is ruined. (15.6)

This is often called a law of retribution, but it is more of a natural cause–effect nexus that the Wise *think* they can observe to be valid:

Whoever digs a pit falls into it,
and whoever rolls a stone, it rolls back on him. (Prov. 26.27)

Sometimes this act-and-consequence linkage is associated with blessing or punishment by Yahweh, but this is less a direct intervention by God in the order of things than a conviction that God establishes the order, watches over it and can be encountered within it. For example, whoever lends to the poor will be ‘repaid in full’ by Yahweh (Prov. 19.17). It is easy to see, however, how this observation of how things generally go in life could harden into an inflexible dogma, and into a judgemental approach to those who fell on hard times.

In fact the social teaching of the Wise does tend to be conservative, valuing inherited community values that ensure someone is ‘right’ with their neighbours: the righteous man will be diligent in work, kind to the poor, ready to help, temperate in nature, truthful in witness, careful in speech, respectful to the king. The righteous woman will be thrifty, hard-working, capable in administering her household, and a teacher of wisdom to her children (Prov. 31.10–31).

However, these virtues are not embodied in a law code of ethics, nor in the fixed social hierarchy that is a feature of Egyptian *ma’at*; they are rooted in a discernment of the purpose of Yahweh in the patterns of the world that is built up over the years and passed on. In principle, this means that the Wise are open to a disturbance of their view of what a just order is. *In principle*, the encounter with Yahweh in the everyday *might* lead them into newer paths of social behaviour than the ones they have inherited. But any change will be bound to come slowly. Such openness to God comes to a sharp focus in a group of sayings to which I now want to turn.

Observation with humility

For there is a dual mood in this wisdom literature. Alongside confidence there is a strong note of

caution. For all the hard discipline, the teacher of wisdom was prepared to recognise an element of the unpredictable in all calculations; there are unknown factors with which the wise person must reckon.¹⁷ They know that the multiplicity and variety of the world order with which the Wise are dealing can never be completely mastered, and always has the capacity to surprise. Here is a witness to this from a wise man writing in the book of Proverbs:

Three things are too wonderful for me;
four I do not understand:
the way of an eagle in the sky,
the way of a snake on a rock,
the way of a ship on the high seas,
and the way of a man with a girl. (Prov. 30.18–19)

This beautiful little piece is an attempt to catalogue similar phenomena, namely the movement of something through some element: the eagle through the air, the snake over rock, the ship through water and the human being in and through the body. Despite his confidence in cataloguing, the wise person here admits a limit in understanding: ‘Three things are too wonderful for me; four I do not understand.’

So the Wise are aware of the uncertainties that arise out of the very material they are dealing with. There is a hiddenness about wisdom, but not because it is concealed somewhere – for instance, in heaven. It is hidden because of the complexity of the world, its vast scope, on which the Wise can never get a complete grip.¹⁸ Now it is in this situation that talk about God seems most at home. There are unknown factors with which the Wise must reckon, and it is in this context that it becomes appropriate to talk about God. In a significant group of sayings there is a recognition of something that cannot be calculated in experience, and in this connection the name of Yahweh, God the Lord, is invoked – referring to Yahweh’s presence or purpose or activity.¹⁹ This cluster of sayings connects Yahweh explicitly with the *limits* of human wisdom. Here is an example from Proverbs 16:

The plans of the mind belong to mortals,
but the answer of the tongue is from Yahweh.

¹⁷ See von Rad, *Wisdom in Israel*, pp. 97–112; Crenshaw, *Old Testament Wisdom*, pp. 123–5, 189–90.

¹⁸ This is my argument in my *Seeing the World and Knowing God*; see pp. 108–10, 144–9, 233–5.

¹⁹ Prov. 16.1, 2, 3, 9, 20, 33; 19.14, 21; 20.12, 24; 21.30, 31.

All one's ways may be pure in one's own eyes,
but Yahweh weighs the spirit. (16.1–2)

So people can plan to say something in their mind, but there is something they cannot control about the way their words actually come out, and God has a part to play there. There is a sense of limitation upon human wisdom and a cautiousness in using the guidelines of experience. There is something uncertain too about the achievement of happiness (16.20), victory in battle (21.31) or the choice of a right wife (19.14). In the last case we read:

House and wealth are inherited from parents,
but a prudent wife is from the LORD.

These proverbs urge that in all these areas there needs to be a humility before *God*. This humble approach to life can take the form of admonitions about 'the fear of the Lord', a phrase that appears some nine times in the Sentence Literature of Proverbs.²⁰ The primary meaning of this phrase is a humility in the midst of calculations.

Scholars who believe that earliest wisdom in Israel was essentially a secular enterprise will find this humility before God to be a development, not characteristic of the early period;²¹ it is wisdom getting religious as time goes on. However, we notice that there is a *continuity* between sayings in the wisdom collections of Proverbs that do not mention God and those that do. The sense of limitation on human wisdom, a cautiousness in using the guidelines of experience, may be present in all these sayings. For example, with the text 'The human mind plans the *way*, but Yahweh directs the *steps*' (Prov. 16.9), we may compare a similar saying that does not invoke God: 'There is a *way* that seems right to a human being, but its end is the way to death' (Prov. 16.25). So there is a kind of humble 'fearing' that can be both secular and religious, with a shifting borderline between. One saying, for instance, simply commends 'fearing', in a kind of secular version of the 'fear of the Lord':

A wise man is a *fearer* and turns away from evil,
but a fool throws off restraint and is careless. (14.16)

²⁰ Seven examples of the formula with the noun (Prov. 10.27; 14.27; 15.16; 15.33; 16.6; 19.23; 22.4) and two with the verb (14.2, 26).

²¹ E.g. McKane, *Proverbs*, pp. 279–81. This thesis has been contested by Stuart Weeks, *Early Israelite Wisdom* (Oxford: Clarendon Press, 1994), pp. 57–73.

The point in the sayings that *do* combine a sense of limit with a reference to Yahweh is not that God suddenly intervenes to trip the wise man up, or that God *only* acts where there are ‘gaps’ in human knowledge. Rather, the sayings affirm that God has the perfect wisdom to operate successfully in *all* areas, *including* those where human wisdom falters through lack of grasp on the situation. Where the human capacity to see is limited, God has total vision of everything that is there to be seen. God is always on the scene, always involved in the world, and the moments when a sense of the limits of wisdom is sharpest are only reminders of what is always the case, points of focus. We find that the limitation of the wisdom method arises out of the very material with which wisdom concerns itself; so we can picture this limit not as a boundary *beyond* which God is but as a continual extension of the known into the unknown. It is a question of complexity and multiplicity, of limitation consisting in the ‘limitless’ scope of things that cannot be grasped. What defeats wisdom is not a boundary but boundlessness. In this boundless expanse, God is at home as we are not.

Here is a little piece from Proverbs 30 that expresses this thought:

I have not learned wisdom,
Nor have I the knowledge of the Holy One.
Who has ascended to heaven and come down?
Who has wrapped up the waters in a garment?
Who has established all the ends of the earth? (Prov. 30.3–4)

Here the extent of wisdom is described in terms of the height, breadth and depth of the world – heaven, earth and sea. The writer complains that he is exhausted with trying to grasp it, and here he speaks for all students:

Thus says the man: I am weary O God.
O God, I am weary. How can I succeed? (30.1)

This humility in approach to the world should have prevented the hardening of an observation of general cause and effect into a dogma of retribution. The book of Job shows us that it often did not, depicting the protest of Job against being characterised as unrighteous because of the disasters that befell him. His so-called friends take it for granted that his misfortunes are a sign of some secret sin, or even sins of which he is not aware but God knows. At the end of the poem God vindicates Job, and the reader finds there is no easy answer to the problem of why good people suffer. Job is a late entrant on to the scene of wisdom literature, and it is often said

that it contradicts or seeks to reform the previous tradition of wisdom; I suggest it is rather a recalling of wisdom to its original wellsprings of wisdom, where a humility is cultivated that *should* counter dogma. Job, however, also needs to repent,²² since he has been working with the same laws of retribution as his friends but drawing a different conclusion; he has been demanding that God should *maintain* his prosperity because he is righteous. In Yahweh's response, given us by the poet, Job is made to recognise the vastness and multiplicity of a world he cannot control; even less can he control and 'box in' the creator of all this extent and diversity.

Another writer of this later period, who has given us the book called Koheleth, or 'The Teacher', protests similarly against the way the righteous seem to suffer and the wicked prosper. He cries 'Look at the tears of the oppressed, with no one to comfort them! On the side of the oppressors was power . . .' (4:1). His conclusion, more radical than Job, is that wisdom is not just elusive but useless in the kind of life we have to lead. He tells us a little story that seems to him to sum this up:

There was a little city with few people in it. A great king came against it and besieged it, building great siegeworks against it. Now there was found in it a poor wise man, and he by his wisdom delivered the city. Yet no one remembered that poor man. So I said, 'Wisdom is better than might, yet the poor man's wisdom is despised.'

Koheleth's mantra or tagline is: 'futility, all is futility' (e.g. 1:2), and his words give us a clue as to why he finds it so. He is looking for the 'all'; he wants everything to add up, to make a whole, to produce one total sum that will make sense in all circumstances:

See, this is what I found, says the Teacher, adding one thing to another to find the sum, which my mind has sought repeatedly, but I have not found. (Koh. 7:27)

He can no longer live with uncertainties, with fragments. Yet the mainline tradition of wisdom knows that life is like that.

Humility in the face of the unknown *may* be a check against conservatism in society, placing a question mark against established patterns of behaviour, as it does finally in Job. But it may also, ironically, result in lack of change. Patience can certainly prevent hasty decisions that will later be regretted, and the writer of the Wisdom of Ben Sirach knows this:

²² See Job 42.1–6.

The patient man will content himself until the right moment,
and then joy will burst forth for him. (Sir. 1:23)

Yet caution and patience in the face of the unknown can also lead to inactivity and suppress what we might now call entrepreneurship. Then the *impatience* of a Koheleth may be a healthy reaction. Another dimension of Hebrew wisdom does, however, help to open up the scope of action, and I suggest we call this a wisdom of participation.

Wisdom as participation

Alongside the wisdom of observation, combining both confidence and humility, we find a second major portrayal of wisdom in this literature. This is characterised by the appearance of a personified figure of Wisdom, usually depicted as an attractive and enticing woman, who walks along the paths of the world. Lady Wisdom is out on the road of life, issuing an invitation to those who are foolish to come and live and learn with her. She cries out her invitation in the streets and in the marketplace, like a wisdom teacher setting out a prospectus, inviting pupils into her school; ‘You who are ignorant,’ she cries, ‘turn in here’ (Prov. 9.4; cf. 8.1–5).²³ This Wisdom danced on the earth at the beginning of creation when God made the mountains and the seas; she played on the earth and delighted in the company of newly created human beings (Prov. 8.30–31). This Wisdom walks through the world here and now, following the path of the sun from its rising to its setting on the far horizon (Ben Sirach 24—26); she seeks for somewhere to dwell, longing for those who will make their home with her. She looks for those who will walk with her, for ‘Her ways are ways of pleasantness, and all her paths are peace’ (Prov. 3.17).

While the wisdom of observation is a hard and disciplined skill, resulting in a great deal of uncertainty as well as knowledge, this Wisdom is available, offering herself to human beings, out on the road of life. We read:

For she herself ranges in search of those who are worthy of her; on their daily path she appears to them with kindly intent, and in all their purposes meets them half-way . . . a concern for learning means love towards her. (Wisdom of Solomon 6.16–17, NEB)

²³ See R. N. Whybray, *Wisdom in Proverbs* (London: SCM Press, 1965), pp. 76–104; Leo G. Perdue, *Wisdom and Creation: The Theology of Wisdom Literature* (Eugene, OR: Wipf & Stock, 1994), pp. 77–100; Paul Joyce, ‘Proverbs 8 in Interpretation’, in David Ford and Graham Stanton (eds), *Reading Texts, Seeking Wisdom* (London: SCM Press, 2003), pp. 89–101.

The point of the image is to hold out a promise of having a *relationship* with Wisdom, to be in tune with the wisdom that shapes the world, to walk with her and dwell with her. Alongside the wisdom of observation, there is a wisdom of participation. Using a later image, there is a spirit of wisdom with which the wise can be filled (Wisdom of Solomon 7.23—8.1). God comes into this aspect of wisdom, because Lady Wisdom is presented as keeping company with God, knowing God intimately; indeed, she is an extension of God’s own personality – significantly female. While the wisdom of observation is very close to the *phronesis* of Aristotle that has interested modern practitioners in various areas of society, Hebrew *Hokmah* adds this element of participating in the wisdom of God that has often in Christian tradition been called *sophia*.

This has led some scholars to propose that there are two totally different kinds of wisdom in view – a human wisdom and a divine wisdom. There is, they suppose, a practical wisdom, collecting guidelines from experience (observation or *phronesis*), and there is theological wisdom that only God bestows (participation or holy *sophia*).²⁴ Lady Wisdom would then be a kind of mediator of transcendent reality, a bridge between divine and human life.²⁵

But this, I believe, is a total misreading of the pictures of wisdom. Lady Wisdom is a thoroughly practical woman; she is depicted as a wisdom teacher, looking for pupils to instruct in the art of seeing the world properly. Above all, God is represented in the wisdom texts as exercising a highly *practical* kind of wisdom in creating and sustaining the world. In the poem of Job 28, a riddling question is posed:

But where shall wisdom be found?

And where is the place of understanding? (v. 12)

Wisdom is said to be at least partly hidden to human beings, but not because it is a divine quality that God can conceal in heaven. Wisdom is hidden, as in the book of Proverbs, because of the extent and complexity of the world under observation.²⁶ God knows wisdom because God

²⁴ See H. Ringgren, *Word and Wisdom* (Lund: Haken Ohlssons, 1947), pp. 93–4; von Rad, *Wisdom in Israel*, pp. 144–57.

²⁵ Rudolph Bultmann even postulates an ancient ‘wisdom myth’ in which Wisdom descends from heaven, searches for a home on earth, is rejected by all and returns to heaven, where she now dwells hidden from mortal beings; see Bultmann, ‘Der Religionsgeschichtliche Hintergrund des Prologs zum Johannes-Evangelium’ (1923), repr. in *Exegetica* (Tübingen: Mohr, 1967), p. 16; similarly, U. Wilckens, *Weisheit und Torheit* (Tübingen: Mohr, 1959), p. 181.

²⁶ For the following, see my argument in Paul S. Fiddes, “‘Where Shall Wisdom be Found?’ Job 28 as a Riddle for Ancient and Modern Readers”, in John Barton and David Reimer (eds), *After the Exile: Essays in Honour of Rex Mason* (Macon, GA: Mercer University Press, 1996), pp. 171–90; so later David Clines, “‘The Fear of the Lord is Wisdom’

knows the *world* perfectly; wisdom is presented as an *object* that God surveys, counts, establishes and searches out:

God understands the way to it,
and he knows its place . . .
When he gave to the wind its weight,
and apportioned out the waters by measure;
when he made a decree for the rain,
and a way for the thunderbolt;
then he surveyed it and counted it;
he established it, and searched it out. (Job 28.23–27)

Like the practical wisdom of the Wise, God's wisdom as creator is a matter of observing and handling the world. Wisdom is depicted as an object of God's activity because his surveying of wisdom is synonymous with his operation on the world in creation. It was when God gave 'weight', 'measure', 'decree' and 'way' to the elements (vv. 25–26) that he did corresponding things to wisdom: he 'surveyed' it, 'counted' it, 'established' it and 'searched it out' (v. 27). The two sets of activities are not even cause and effect; they are identical. When God gave proportion to the world, that *was* his searching out of wisdom. To know wisdom is to handle the world successfully. The riddle of Job 28 asks: 'Where is the place of wisdom?' The answer is: 'Wisdom is not found in any particular place, but lies in knowing every place.'

Human wisdom is then bound to be limited, but it is not of a different kind from divine wisdom. God is supremely wise, the supreme interpreter of the world. Observation and participation – *phronesis* and *sophia*, we might say – are thus not two wisdoms but one, displaying two different *aspects* of wisdom. On the one hand, wisdom comes from observation, from the careful collecting of evidence; it is a technical skill requiring discipline and humility, or the 'fear of the Lord'. On the other hand, wisdom has a personal, relational quality, symbolised by the figure of Lady Wisdom; wisdom is learning to be attuned to creation and to its creator, vibrating with its rhythms of life, and living in sympathy with others. In this theological dimension, the Wise live in a world in which they are always receiving the offer to participate in God's own wisdom,

(Job 28.28)', in Ellen Van Wolde (ed.), *Job 28: Cognition in Context* (Leiden: Brill, 2003), pp. 57–92, who cites and approves my argument (p. 76). Now see Fiddes, *Seeing the World and Knowing God*, pp. 229–38.

seeing the world as God sees it. Technical and relational wisdom thus belong together, each assisting the other.

In ancient Hebrew wisdom, the wisdom of observation, handed on from generation to generation, tends to conserve what are held to be social values and virtues in a community. But there is still a potential for change, responding to the challenge of new circumstances and uninhibited by any fixed code of behaviour. This potential comes first, I have been arguing, from a humble acceptance that even the wise do not know the whole story and are facing the mystery of God's action. Second, perhaps more powerfully, it comes from a sympathetic engagement in what are felt to be rhythms of love and justice, carrying participants towards a flourishing of social life. These two dimensions of wisdom still, I suggest, have much to offer to us today as we think about living together in society.

Centre for Enterprise, Markets and Ethics – Board Members

Lord Griffiths of Fforestfach (Chairman) – Lord Griffiths has a background in academia, politics and business. He taught at the London School of Economics, was Professor of Banking and International Finance at the City University and Dean of the City University Business School. He was a director of the Bank of England from 1983 to 1985. He left the Bank of England early to serve at No. 10 Downing Street as Head of the Prime Minister’s Policy Unit from 1985 to 1990. Since then, he has been Vice Chairman of Goldman Sachs International and an international advisor to Goldman Sachs.

Carl Ferenbach – Carl is Chairman and co-founder of High Meadows Foundation, High Meadows Fund, and High Meadows Institute. Among other appointments he serves as Chairman, Environmental Defense Fund and Environmental Defense Fund Europe, an international environmental advocacy NGO. He is a member of the Advisory Board of Princeton Environmental Institute and a retired two-term trustee of Princeton University. Carl Ferenbach was a co-founder of Berkshire Partners LLC, a private equity investment firm based in Boston, MA. He was previously a Managing Director, now serving as a Senior Advisor. He and his wife, Judy, own High Meadows Associates, Inc., which owns and operates farmland in Southern Vermont producing maple sugar products.

Anne Devlin – Anne worked for twenty-two years at BP Oil International, ten of which as Crude Book Leader in Oil Trading in London. She has significant experience of energy markets including trading strategies and international contract negotiations. She retired from trading in December 2018. In February 2019, she joined the board of Terra Solar, a solar development business operating in Ireland, as a non-executive director. She is particularly involved in strategic development. Anne is the treasurer and a Trustee of Christian Responsibility in Public Affairs (CPRA). She holds a Masters in Management from ESCP Europe.

Joanna Moriarty – Joanna worked for many years in senior leadership at SPCK. She was responsible for the Publishing division, with strong lists in theology, biblical studies and spirituality across the full range of the Christian tradition. She is now a Director in the Charities and Social Enterprise practice at Green Park Executive Search, and leads the Faith practice, recruiting senior executives and trustees.

Philip Wood – Philip brings more than 30 years' experience in business and finance. A Chartered Accountant, he was a partner with Price Waterhouse before joining Reuters, where he stayed for 14 years in a number of senior management roles. Philip was on the board of a substantial West Coast USA public software company that was sold in 2014. He serves as a director of CfBT Education Trust and is a school governor in Sevenoaks. Philip is also a Trustee of Christian Responsibility in Public Affairs (CPRA).

Dato Dr Kim Tan – Kim is Chairman of SpringHill Management, a private fund management company specialising in biotech and social venture capital investments. He is a partner of several social impact funds including Inqo Investments (South Africa), Springhill Equity Partners (USA), Novastar Ventures (Kenya) and Garden Impact Investment (Singapore). He is the co-founder of the Transformational Business Network and is on the advisory boards of the John Templeton Foundation, Johnson & Johnson Citizenship Trust, PovertyCure and Sustainia.

Richard Godden – Richard is a corporate lawyer and has been a Partner in Linklaters for over 30 years, during which time he has advised on a wide range of transactions and issues in various parts of the world. He has held senior roles within the Linklaters' management including being Global Head of Client Sectors from 2003 to 2010 and a member of the firm's Executive Committee. Richard was secretary to the UK Takeover Panel between 1988 and 1990 and is now a member of the Panel Code Committee, which is responsible for the promulgation and amendment of the UK's securities rules relating to public takeovers. Richard is extensively involved with both business and Christian charities.

Complete list of CEME publications

Richard Turnbull, *Quaker Capitalism: Lessons for Today*, 2014.

Edward Carter, *God and Enterprise*, 2016.

Richard Turnbull (ed.), *The Challenge of Social Welfare: Seeking a New Consensus*, 2016.

Richard Turnbull, *The Moral Case for Asset Management* (jointly with New City Initiative), 2016.

Martin Schlag, *Business in Catholic Social Thought*, 2016.

Andrei Rogobete, *Ethics in Global Business*, 2016.

Ben Cooper, *The Economics of the Hebrew Scriptures*, 2017.

Lyndon Drake, *Capital Markets for the Good of Society*, 2017.

Richard Turnbull and Tim Weinhold (eds), *Making Capitalism Work for Everyone, Vol. 2*, 2017.

Richard Turnbull and Tim Weinhold (eds), *Making Capitalism Work for Everyone, Vol. 1*, 2017.

Richard Turnbull (ed.), *Understanding the Common Good*, 2017.

Andrei Rogobete, *The Challenges of Migration*, 2018.

Steven Morris, *Enterprise and Entrepreneurship: Doing Good Through the Local Church*, 2018.

Richard Turnbull, *Work as Enterprise: Recovering a Theology of Work*, 2019.

Edward Carter, *God and Competition: Towards a Positive Theology of Competitive Behaviour*, 2019.

Steven Morris, *Lessons from Family Business: Perspectives from Faith*, 2019.

Andrew Hartropp, *Corporate Executive Remuneration*, 2019.

Richard Turnbull (ed.), *The Economic and Social Teaching of the Hebrew Scriptures*, 2020.