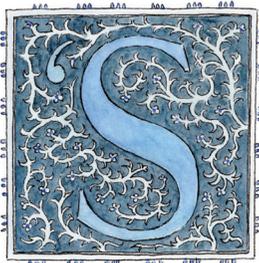


Reclaiming Biblical Social Justice



“SOCIAL JUSTICE” is a foundational biblical value. But its ancient meaning has little to do with the modern catchphrases and ideologies that are part of contemporary social justice discourse, like socialism or “equality of outcomes.” Instead, the Bible gives us a much more complex vision of “justice and righteousness” to describe the ideal social order. This vision includes notions of self-reliance, protection of private property, and personal responsibility for oneself and one’s dependents, principles that seldom appear in contemporary conversations.

The Bible offers profound wisdom about creating a society that cares for the underprivileged. Amos, the eighth-century B.C.E. prophet, declared that nations do not even deserve to exist if they build their wealth by trampling on their most vulnerable members. While this applied to all nations, it was particularly incumbent upon the Jews, precisely because they are God’s Chosen People (Amos 3:2). Amos further stresses that immoral behavior cloaked by conspicuous piety is nothing more than cheap performative politics. “Spare me the sound of your hymns and let me not hear

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the music of your lutes; but let justice (*mishpat*) well up like water, righteousness (*tzedakah*) like an unfailing stream” (Amos 5:23–24).

Amos’s warnings remain just as essential in 2021 as they were nearly 3,000 years ago, especially in countries like America and Israel, which have strong religious traditions and pride themselves on notions of exceptionalism. A society that invokes God, but does not follow His ways, ultimately takes God’s name in vain. Precisely for that reason, we must identify the key elements necessary to build a just and righteous society, and communal leaders must draw from the full scope of the tradition’s wisdom if they are to speak in its name. While the Bible’s agrarian society differs greatly from modern industrial economies, we can nevertheless identify eight essential principles, stemming from both the letter and spirit of ancient norms, to guide contemporary thinking and practices.

1 | EQUALITY BEFORE THE LAW

Justice and righteousness cannot be accomplished by distorting the law, either to favor the rich or the poor. “You shall not render an unfair decision. Do not favor the poor or show deference to the rich,” God commands (Leviticus 19:15). Preferential legal treatment for the powerful or wealthy is wrong, but so are Robin Hood ethics that undermine legal equality or penalize honest financial success. Similarly, the Torah repeatedly demands that *all* people, native-born citizens and resident aliens alike, live under one legal

system. “The same ritual and the same rules shall apply to you and to the stranger who resides among you” (Numbers 15:16).

2 | MAINTAIN HUMAN DIGNITY FOR ALL

Equality before the law, however, does not mean mandating equal outcomes. Thriving societies will have socioeconomic gaps, and the Torah calls upon the financially successful to help prevent the less fortunate from falling into destitution, while protecting private property and prohibiting coveting another’s possessions. When encountering the needy, the Torah commands, “Open your hand and lend him sufficiently to provide what he is missing” (Deuteronomy 15:8). The Sages later expanded this commandment to include outright charity. Loans or charity to support someone’s basic needs are a far cry from the equal redistribution of wealth, but they can ensure a minimum standard of living for all.

Even in an ideal society, people will have varying means at their disposal, but everyone is entitled to the dignity of a rich spiritual life. People’s limited means should not limit their ability to stand before God—thus the Torah allows people to bring a wide range of items, from expensive sheep to simple flour, to utilize for sin offerings at the Temple (Leviticus 5:1–11).

Preserving human dignity also inspires the Torah’s laws regarding the Sabbatical and Jubilee years. Every seventh year, the Sabbatical year for the entire community, the Torah mandates the remission of all loans and the liberation of slaves. In the 50th, Jubilee, year, land titles were also restored to their original owners. The rationale behind these emancipation orders was to affirm the theological value of individual liberty: Humans, created in the image of God, are meant to be servants of God, not “servants to servants,” i.e., other human beings (Leviticus 25:55). This emancipatory system ensured that slaves and others on the verge of debt-driven

enslavement would regain control of their basic freedom, their land, and the fruit of their labors.

3 | ETHOS OF SELF-RELIANCE

These laws did not redistribute commodities, currencies, and other sources of wealth. Immediately after the Sabbath, Sabbatical year, or Jubilee, people are expected to return to work and use their restored economic tools to provide for themselves such that they will not become destitute again. The Sages saw work as a noble pursuit and a way to avoid reliance on society. “A person should always hire himself to lowly work rather than require support,” they declared (Bava Batra 110a). A just and righteous society thus promotes the values of self-reliance as well as providing economic opportunities to achieve that goal.

A just and righteous economic system, according to the Torah, is one that builds a culture of economic growth while promoting a notion of human dignity that raises the living standards of the poor and provides opportunities for them to work for themselves.

4 | SHARED NATIONAL EXPERIENCES

To build a solid future, a caring society requires its citizens to share experiences in the present and memories of its past. The Torah ensured that all citizens, rich and poor alike, would share in the rest of the weekly Sabbath: “You shall not do any work—you, your son or daughter, your male or female slave, your ox or your donkey, or any of your cattle, or the stranger in your settlements, so that your male and female slave may rest *as you do*” (Deuteronomy 5:14). The goal, as the verse emphasizes, is not just that laborers have some respite, but that all members of society should share that experience, thereby creating a sense of commonality and solidarity.

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Similarly, the Torah mandates that resident aliens, widows, orphans, and slaves—society’s most vulnerable members—should take part in the seasonal agricultural festivals that commemorated central moments in shared Jewish history (Deuteronomy 16:11).

5 | DUTIES TOWARD THE VULNERABLE

A just and righteous legal system protects its most vulnerable members, preventing the strong from manipulating the weak while providing everyone with the opportunity to thrive. The Torah includes general directives such as “You shall not ill treat any widow or orphan” (Exodus 22:21). Then it goes further, mandating empathy: “If you take your neighbor’s garment in pledge, you must return it to him before the sun sets. It is his only clothing, the sole covering of his skin. In what else shall he sleep? Therefore, if he cries out to me, I will pay heed, for I am compassionate” (Exodus 22:25–26). Markets and morals can coexist if we remember that our transactions are with people created in God’s image.

Beyond these prohibitions, Jewish law also mandates proactive measures, including prompt payment of wages to laborers, interest-free loans, charitable tithing, and sharing parts of the fields that were not harvested. As scholars have noted, the Israelites were unique among all ancient peoples in crafting such a beneficent

system. Rulers of other peoples would frequently utilize amnesties and other acts of grace—but only to increase the poor’s dependence on their whims. The Torah, in contrast, demands these actions regularly, and not just from communal leaders but from all citizens. It imposes significant obligations for society members to care for one another.

6 | SOLIDARITY

The Torah frequently couches these commandments in terms that stress solidarity with those in need—they are “your brother,” “your neighbor,” “your kinsman,” and so on. The appeal is both moral and emotional: Help them because they are your own. Charity starts (but does not end) in an expansive home that includes your family but also your neighbors and countrymen. Similarly, the Bible invokes the Israelite enslavement in Egypt on over 30 occasions to remind the Jews of their own collective experience with dependency—couching law within an emotionally resonant national memory. Just societies are built on norms that both stem from and foster a shared narrative, which creates a sense of national destiny that leads citizens to focus as much on their mutual obligations and duties as they do on their individual rights and entitlements. In contrast, societies that support multiculturalism without concomitantly promoting shared visions or ideals are unlikely to nurture the necessary cohesion to foster mutual support.

7 | *TIKKUN OLAM* LEGAL REVISIONS

Turning acts of kindness into binding obligations runs some risk, since changing socioeconomic conditions can make laws obsolete and even counterproductive. As guardians of the biblical norms, the Sages acted to ensure that Jewish law would continue

to uphold the Torah's values, even under changing circumstances, and some of these enactments were made, in Talmudic jargon, "for the sake of *tikkun olam*." In contemporary parlance, this term has become synonymous with lofty, overarching goals of "mending the world," "repairing civilization," or, more generally, "social justice." Its original meaning, however, was more modest but no less important: Tinker with the law to ensure that legal norms continue to prioritize important values in new conditions and protect the vulnerable.

For example, at the end of the Second Temple period, Hillel the Elder saw that the Sabbatical-year loan remissions were discouraging loans to the needy. He famously created a *prozbul* document that essentially nullified the remissions requirement—a hallmark of the biblical socioeconomic order—to ensure that poor people would have reliable access to credit. Other enactments were significantly less drastic but helped people with great social vulnerability. For example, small emendations were made to the laws of agency and contracts to ensure that divorcées received alimony payments and did not have their marital status questioned. Redeeming captives is a great mitzvah; nonetheless, caps were placed on ransom payments to discourage more attacks, even at the cost of preventing wealthy captives from paying exorbitant amounts to free themselves.

The ancient texts acknowledged complexity and weighed tradeoffs; this led to disagreements among the Sages about how to interpret various measures. The same must be true today. So, to take one example, death-penalty supporters and abolitionists can equally claim the *tikkun olam* mantle if they believe that their policy reforms will lead to more safety and justice. Like our Talmudic predecessors, activists on both the political right and left cannot just wave a "Redeem the World" banner and dismiss their opponents as hard-hearted; instead, they must rationally show how the proposed benefits from their policies outweigh the potential side effects.

Another challenge posed by turning acts of kindness into binding norms is that people might come to feel that fulfilling the law exhausts their broader social obligations—check off the legal box and you're done. Yet legal norms can never fully cover the complexity of social interactions, or imbue a society with a spirit of mutual aid and compassion. Thus the Torah augments the law with general exhortations, such as "Follow in the ways of God" or "Do the right and the good in the eyes of God." Such appeals were understood by the Sages as calls for supererogatory behavior—going beyond the letter of the law, so to speak—to help others.

This approach is exemplified in a Talmudic story about the Babylonian sage, Rabbah bar bar Hana (Bava Metziah 83a). He hired laborers to transport wine barrels for him, but they mishandled the merchandise and wine spilled out. Nonetheless, Rabbah was ordered by Rav, his senior colleague, not only to refuse compensation for the negligence but also to pay the hungry laborers their wages. This, he asserted, was the mandate of the verse "Follow the ways of the good and keep to the paths of the just" (Proverbs 2:20). Sometimes the righteous thing to do is to go beyond the demands of strict justice. We need greater moral teachers to emphasize and exemplify this point.

These eight principles present challenges that Jewish communal leaders need to confront when debating policy dilemmas. Does the current welfare system encourage people to take care of themselves as well as others? Is the law updated in a way to protect people equally or preserve critical values? Do schools, houses of worship, and other critical civic institutions promote dignity, solidarity, duty, and altruism? If the answer is no to any of these questions, then we should quickly heed Amos's warning and seek reform. Exceptional nations must overflow with justice and righteousness, not failed, ideological policies couched in religious jargon. *