

CURRENT ISSUE

AZURE NO. 37
SUMMER 5769 / 2009

Benjamin Kerstein
*The Age of Catastrophic
Thinking*

Asa Kasher
*Operation Cast Lead and
the Ethics of Just War*

Joshua A. Berman
*The Biblical Origins of
Equality*

A.C. Grayling
Liberty's Resilience

Roger Scruton
*Fight Passion with
Passion*

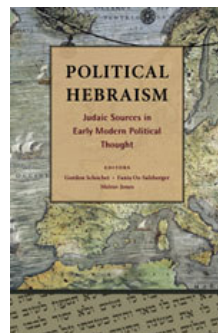
Shmuel Rosner
*Blueprints for Empire
Building*

Steven Grosby
The Planetary Moralist

James Kirchick
*The Guru of
Conventional Wisdom*

*Menachem Mautner and
Evelyn Gordon on the
Supreme Court, and
others.*

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The Biblical Origins of Equality

By JOSHUA A. BERMAN

The Torah as the constitution of an egalitarian polity.

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(page 1 of 1 - [view all](#))

"We hold these truths to be self-evident," proclaims the American Declaration of Independence, "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." This is, without doubt, an inspiring statement, but it is also definitive, historically speaking. Although the American founding fathers regarded equality as "self-evident," many civilizations throughout history did not share this view. In fact, they were based on precisely the opposite paradigm—that people are *not* created equal; rather, that the human community is like a pyramid, with the privileged few perched at the top, and the feeble masses below them.

The history of this hierarchical notion is as old as mankind itself. Social stratification was an accepted phenomenon across the ancient Near East and its ruling empires. While Greece and Rome gave rise to democratic and republican regimes that introduced various forms of political and legal equality among their citizens, their economic systems, for the most part, continued to serve small, entitled groups. It is true that the classical world produced bold social reformers who sought to protect the disadvantaged, but it has also left no evidence of any struggle to eliminate class distinctions.¹ In short, none of the ancient authors championed egalitarianism. "From the hour of their birth," wrote Aristotle, "some are marked out for subjection, others for rule."² The medieval mind, too, believed that in an ordered society each socio-economic class performed its tasks for the common good.³ Political theorists from classical times through the Italian Renaissance assumed that independence and freedom could not be achieved by those who did not already possess it.⁴ It is only with the European revolutions of the eighteenth and nineteenth centuries that the privileges of rank and nobility were rejected, and the entrenched caste, feudal, and slave systems declared illegitimate.

The first political philosophy to rise up against this anti-egalitarian consensus, thus generating the ideals that are today considered the cornerstones of an enlightened society, emerged in the sacred writings of ancient Israel. It was composed in the literary, theological, and legal corpus known to us as the Pentateuch, or Torah—the Five Books of Moses, which narrate the stories of creation, the Patriarchs, the exodus from Egypt, the wandering in the desert, and the laws God gave to Moses on Mount Sinai.⁵ The Torah—primarily considered a religious text—revolutionized social and political thought in ways that still influence us today. Indeed, when seen against the backdrop of ancient norms, the social blueprint found in the Pentateuch represents a series of quantum leaps in a sophisticated matrix of theology, politics, and economics.

To be sure, the Pentateuch mentions multiple classes of individuals within the Israelite polity, an order that cannot be termed egalitarian in the full sense of the word. It speaks of those with entitlements and privileges, such as the king, priests, and Levites.⁶ Yet the control of society's resources enjoyed by these groups was quite limited compared to the authority wielded by the rulers of the surrounding civilizations of the ancient Near East. Most significantly, the Torah rejects the divide between the class that imposes tribute, and thus concentrates economic and political power in its hands, and the larger class of those who pay the tribute. Instead, it calls for a new social, political, and religious order, founded upon egalitarian ideals and the notion of a society whose core is a single, uniformly empowered, homogeneous class. It is hard to overestimate the importance of this call and its impact on the course of human history.

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 By Author
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The Torah's revamping of political consciousness was inextricably linked with a revolution in the realm of faith. For people to think anew about *politics*, they would first have to think anew about *theology*. Our current view of things political as distinct from things religious is a thoroughly modern notion: Not a single culture in the ancient Near East offered any hint of this distinction. Religion and state were intertwined; they relied upon common sources of authority and existed in the public realm as one and the same.

To appreciate just how intimately politics and theology went hand in hand in the ancient world, let us imagine that we are archaeologists digging up a forgotten culture called "America." Deciphering its religious texts, we discover that the chief god of its pantheon was "Commander in Chief," who resided in a heavenly palace or temple called the "White House" and who would traverse the heavens in his vehicle, "Chariot One." Furthermore, we discover that Commander in Chief had a consort known as "First Lady"—a goddess of relatively meager powers but nonetheless thought by some to possess a keen aesthetic sense. Our excavation would further reveal that opposite the heavenly White House was another temple, this one domed and populated by 535 local deities, who routinely schemed and coalesced into partisan groupings and, from time to time, managed to undermine the status of Commander in Chief and even topple him from his throne.

What we find, in other words, is a clear correlation between the prevailing institutional order on earth and the divine order of heaven. The idea that earthly politics is a reflection of heavenly government was nearly ubiquitous in the ancient world, and it is easy to see why: Political regimes are, by definition, artificial, constructed, and therefore tenuous. There is no real reason one person should reign and not another. A regime can receive immeasurable legitimation, however, if the masses believe that it is rooted in ultimate reality and unchanging truth, and that the significance of the political order has a cosmic and sacred basis. In other words, the heavenly order mirrors the earthly order because ancient religion is a mask that covers the human construction and exercise of power.⁷

This explains why there are so many resemblances between, for instance, the chief god of the Mesopotamian pantheon, Enlil, and his earthly counterpart, the king. Each rules by delegating responsibilities to lesser dignitaries and functionaries. Each presides over a large assembly and resides in a palace with his wives, children, and extended "household."⁸ Generally speaking, the gods sought to achieve a carefree existence and enjoyed large banquets in their honor. Like kings, they needed a palace—what we would call a temple—where they could reside in splendor, far from the teeming masses, with their subjects caring for their every physical need.

Whenever the gods wanted something—a temple repaired or the borders of their realm expanded—they communicated with the king through various mediators.⁹ The gods never spoke to the masses or imparted any instruction to them. Ancient creation myths depict common people as serving a single purpose: to toil and offer tribute. They were servants, standing on the lowest rung of the metaphysical hierarchy. The gods were interested in the masses only to the extent that a baron or feudal lord would be interested in ensuring the well-being of the serfs who worked on his estate and supplied its needs.¹⁰ Servants, no doubt, play a vital role in sustaining a hierarchical order, but from an existential perspective, theirs is a decidedly diminished and undignified station.

Against this viewpoint, the Torah takes a completely different position, which rests upon two far-reaching theological innovations. First, it presents a model of heavenly sovereignty that strips earthly power structures of their sacral legitimacy. Second, it provides ideological grounding for the existence of a homogeneous nation of equal citizens.

These innovations were presented through the narratives of the exodus and the covenant at Sinai—stories that would have made a distinct and unusual impression on the ancient mind. The ancients had no problem believing that the gods could split the seas or descend on a mountaintop in a storm of fire. In contrast, the stories of the exodus and Sinai necessitated an enormous stretch of the imagination, because they required listeners to believe in *political* events that were without precedent and utterly improbable, even in mythological terms. Slaves had never been known to overthrow their masters. Gods had never been known to speak to an entire people. Moreover, in propagating the story of an enslaved nation rising up and breaking its chains, the Bible also preempted claims of election and social hierarchy *within* the Israelite nation itself. The exodus narrative effectively disallowed any Israelite from laying claim to a "naturally" elevated status. It depicts the origin of an *entire* people—a seminal, emancipating, but, most

important, *equalizing* event.

Although the account of the revelation at Sinai is usually conceived in religious terms, its political implications are no less dramatic and constitute the bedrock of the Bible's egalitarian theology. Elsewhere, the gods allegedly communicated only to the kings and had no interest in the masses. At Sinai, God spoke to the entire people, without delineating any role whatsoever for kings and their entourage.¹¹ In fact, in light of archaeological findings now available to us, we can grasp how the Sinai narrative transformed the entire people of Israel into a collective of king-like individuals.

How was such a revolutionary act possible? As scholars noted more than fifty years ago, the covenant between God and Israel displays many elements reminiscent of ancient Near Eastern "vassal treaties."¹² In these treaties, the more powerful monarch acts on behalf of a weaker, neighboring king. Sensing an opportunity to foster a loyal ally, he may send food during a famine or soldiers to break a siege. In return, the lesser king demonstrates his appreciation to the more powerful ruler by agreeing to a series of steps that express his gratitude and loyalty. In these treaties the vassal king retains his autonomy and is treated like royalty when he visits the palace of his patron.

The story of Mount Sinai copies the idea of the vassal treaty and applies it to the relationship between God and his chosen people. The Israelites, having been saved from Egypt by God, make a covenant with their heavenly sovereign and pledge their loyalty to him and his laws. From a socio-political point of view, this is a groundbreaking development. In fact, there is a case to be made that biblical theology's most impressive innovation was not the idea of one God, which had already been formulated by the Egyptian pharaoh Akhenaton in the fourteenth century B.C.E., but the epochal change it wrought in the status of the masses: The common person was raised to a new height, while nobles, royals, and the like were nowhere mentioned.¹³ The Pentateuch portrays the entire people as a party to the covenant, thereby elevating the common man from the status of a king's servant to a servant-king.¹⁴

The Torah's ennoblement of the common man is manifested in the very notion that the narratives of the exodus and Sinai should be promulgated among the people as *their* history. This point requires a note of context for us moderns. Although there are over one million inscriptions in our possession from the ancient Near East, there is no evidence of any story that a people told itself about its collective national life and of moments of achievement and despair that are recorded for posterity.

Of course, stories abound in the ancient Near East—but they revolve around the exploits of individual gods, kings, and nobles.¹⁵ These texts were written, oddly enough, for the gods themselves—as witnessed by the fact that they were often discovered in temple libraries, buried, or hidden in other inaccessible locations. Myths were recited to remind the gods of their responsibilities. Detailed descriptions of a king's achievements on the battlefield were read as a report to a deity about the monarch's activities on his or her behalf. In contrast to the biblical text, they were not composed for the masses.

Indeed, the Torah is unique not only in its content, but also in the identity of the subject to which it is addressed. In an era of nearly universal literacy such as ours, access to texts of many kinds and the knowledge they contain is unfettered. In theory, at least, it is available to all. But in the ancient world the situation was very different. The skills necessary to read and compose texts were everywhere highly restricted. They were limited to a trained scribal class that worked in the service of the king.¹⁶ Writing originated in the ancient Near East as a component of bureaucratic activity: Documentation was essential for the administration of large states, whose elites had a vested interest in maintaining the status quo and therefore also in preventing others from gaining control of this important means of communication. Not surprisingly, cuneiform writing in Mesopotamia and hieroglyphics in Egypt were highly complicated systems of symbols, and the ability to understand and use them was beyond the capacity of anyone who was not specially trained.

Against this background, the anti-elitist stance of the Bible becomes starkly apparent. Indeed, it is telling that the Bible never depicts priests or scribes as jealous or protective of their writing skills, as was common in neighboring cultures.¹⁷ Although the number of early Israelites who knew how to read and write was probably quite low, the sacred text that served as the focus of their religious existence was accessible to as many of them as possible—and if they were unable to read it, it could always be read to them. Just as Moses had read the covenant to the people at Sinai,¹⁸ the people were commanded to gather at the Temple on a regular basis to hear public readings of the

Torah.¹⁹ The biblical faith, and rabbinical Judaism after it, were developed as a tradition of "open knowledge," whose legal criteria were, as Amos Funkenstein and Rabbi Adin Steinsaltz have noted, "public, known to all, and open to criticism from all who shared in this knowledge."²⁰ This egalitarian notion was explicitly expressed by Moses: "Would God that all the Lord's people were prophets, and that the Lord would put his spirit upon them."²¹ Because of the desire to share the divine word with the entire people, the Torah strove to establish a community whose members adhered to high intellectual and moral standards. This paved the way not only for the uniquely literate culture of Judaism, but also for a new political agenda that promotes equality as a lofty ideal.

The Torah also strove to establish egalitarian norms in spheres outside of theology. Its stance in regard to the exercise of authority and political power provides an excellent example of this approach. In several essential ways, it is closer to the spirit of modern democratic governance than it is to ancient monarchism.

As a matter of fact, the most important body of authority in the polity envisioned by the Pentateuch is none other than the people themselves. The Torah does not specify any political entity whose role is to appoint leaders or representatives; instead, it addresses the entire people in the second person—the collective "you"—and charges it with assigning a king:

When you come to the land which the Lord your God gives you, and shall possess it, and shall dwell in it, and shall say, I will set a king over me, like all the nations that are about me; then you may appoint a king over you, whom the Lord your God shall choose: one from among your brethren shall you set king over yourself: you may not set a stranger over you, who is not your brother. But he shall not multiply horses to himself, nor cause the people to return to Egypt, to the end that he should multiply horses: since as the Lord has said to you, You shall henceforth return no more that way. Neither shall he multiply wives to himself, that his heart turn not away: neither shall he greatly multiply to himself silver and gold. And it shall be, when he sits upon the throne of his kingdom, that he shall write him a copy of this Torah in a book out of that which is before the priests the Levites: and it shall be with him, and he shall read therein all the days of his life: that he may learn to fear the Lord his God, to keep all the words of this Torah and these statutes, to do them: that his heart be not lifted up above his brethren, and that he turn not aside from the commandment, to the right hand, or to the left: to the end that he may prolong his days in his kingdom, he, and his children, in the midst of Israel.²²

This is truly a radical text, containing several striking novelties. We know from the history of the United States how unthinkable it was only a few generations ago that persons of color or women should play a role in choosing their rulers. In traditional societies, it would have occurred to no one that the masses—who were mostly serfs and servants—could decide on the sort of regime to which they were subject. In the seventeenth century, Thomas Hobbes claimed that a regime's legitimacy must rest upon an act of public consent—the "social contract" that establishes political governance²³—but the idea that the appointment of a ruler requires popular approval seems to have originated in the Bible.²⁴

Furthermore, even if the people choose to crown a king, his authority is profoundly limited in comparison to the absolute power exerted by the rulers of surrounding cultures. These rulers played a central role in religious ritual, consolidated their position through a network of political marriages, and strove—when they had the means to do so—to maximize their military power. But the Pentateuch allocates no cultic role to the king, it prohibits him from taking a large number of wives, and it orders him to refrain from accumulating money and horses—limitations that would leave the monarch incapable of commanding any but a small army.²⁵

These prohibitions bear witness to the importance of the rule of law in biblical political thought. In fact, the Bible may be the first work in history to adopt this idea in a clear, unambiguous way. Friedrich Hayek, one of the most prominent political thinkers of the twentieth century, saw Athenian political philosophy as the birthplace of equality before the law, but it is already present in Deuteronomy.²⁶ Elsewhere in the ancient world, kings depicted themselves as loyal guardians of the eternal cosmic order from which human law emanates, but it is doubtful that they actually saw themselves as subject to any constitutional limitations. By contrast, all the

public institutions mentioned in the Bible—the judiciary, the priesthood, the monarchy, the institution of prophecy—are governed and regulated by law.²⁷ Moreover, the law is a public text whose dictates are meant to be widely known, thus making abuse of power more obvious and safeguarding the common citizenry.

The biblical concept of authority is also distinctly egalitarian in regard to social mobility. The allocation of political offices by class and kinship was widespread in almost all pre-modern societies, and it continues today in many places on a de facto basis. The Torah, however, perhaps for the first time in history, recommends a distribution of power—or a substantial part of it, at least—along lines of institution and instrument without regard to social standing (the most prominent exception is, of course, the priesthood).²⁸ Reading the relevant passage from Deuteronomy, it is possible to deduce that anyone who is “among your brethren” is eligible, in principle, to be appointed king.

The same is true with regard to the judiciary: Theoretically, the Torah allows any Israelite to become a judge; and no less important, it appears to expect all members of the community to participate in the process of nominating judges. Deuteronomy uses the second-person collective “you” in this case as well: “Judges and officers shall you make for yourselves in all your gates, which the Lord your God gives to you, throughout your tribes: and they shall judge the people with righteous judgment.”²⁹ The Torah does not hand over this authority to the king, and it does not prescribe a precise mechanism for the appointment of judges. That is, Deuteronomy does not say anything about which representative bodies should make the decision, how many judges are to be appointed, or the hierarchy of the different levels of the judiciary. No doubt, such apparatuses existed; but had the Torah enshrined them in law, those bodies would become the focus. In omitting the precise mechanisms, the Pentateuch retains its focus on the citizenry as a whole—“you.”

The biblical establishment of a new egalitarian order required a comprehensive change in the prevailing economic system. Indeed, the economic arrangement of society—no less than the political—was the source of much of the oppression and injustice that the Torah opposed.

The economic reality depicted in the Bible is quite different from the one we are familiar with today. It was that of a pre-modern society whose primary means of support and sustenance was agriculture and raising livestock. Against this background, the Torah envisions an economic system that seeks equality by encouraging respective households to assist one another and by granting relief to those who have fallen into hardship.³⁰ It is an association of free farmers and herdsmen, subsumed within a single social class.³¹ The biblical worldview rejects feudalism, which gives excessive rights to a small portion of landowners, as well as *étatisme*—or statism—as practiced by centralized bureaucratic states such as Egypt, which relied on revenues in the form of labor and taxes collected from their subjects.³²

In contrast to the systems that served the narrow interests of an elite, biblical law placed a premium on strengthening social bonds.³³ The Torah’s economic laws encourage an egalitarian agenda in several ways. The first concerns the distribution of land—the main source of income in ancient times. In other parts of the ancient world, most of the land was the property of the palace and the temple.³⁴ The Pentateuch, in contrast, posits that the ultimate owner of the land is God, and he has turned it over to the people as a whole.³⁵ The idea that broad expanses of available land should be divided among the commoners was unprecedented. Perhaps the most famous example of such an initiative from modern times is the American Homestead Act of 1862. With the Great Plains open to mass settlement, nearly any person over 21 years of age could acquire, at virtually no cost, a tract of 160 acres that would become his after five years of residence and farming. For millions of new arrivals and other landless Americans, the Homestead Act was an opportunity to acquire assets and to bring equality of economic standing in line with equality before the law.³⁶

It is important to stress that the Pentateuch speaks of *collective* ownership of the land. In the society to which it refers, extended families functioned as protective associations, subsumed under the further backing of the tribe.³⁷ The ties of family solidarity that maintained associations of this kind allowed the individual to sacrifice for others while being confident that, in a time of need, the same would be done for him. The great advantage of life in such extended kin groups, dispersed over a large region, was the diffusion of risk: When calamity struck one household—crop failure, for instance—others that had escaped the catastrophe could come to its aid.³⁸

Anthropologists have noted that in order for this type of “insurance” to be successful, the population must be relatively immobile. The bonds between nested family groupings are only as strong as their geographic contiguity and cohesion. One can understand, then, the economic logic of the commandment of the Jubilee: “And you shall hallow the fiftieth year... it shall be a jubilee unto you; and you shall return every man to his possession, and you shall return every man to his family.”³⁹ The mandate of returning to claim the original, ancestral piece of land guaranteed a certain measure of stability in the relations between neighboring households. Mobility—the dissolution of this contiguity—would naturally lead to a reluctance among neighboring landholders to share freely amongst themselves. In many primitive societies where the insurance principle is at work, mobility is quite restricted, and where it is great, the tendency toward reciprocal exchange tends to dissipate.⁴⁰

The desire to protect sizable portions of the people from deterioration into dire poverty and economic exploitation also shaped the Pentateuch’s position toward debt relief. The common man living in the ancient Near East lacked even minimal economic security. The possibility of falling deep into debt as a result of war, drought, famine, or disease hung permanently over his head. His first recourse would be to procure a loan. But such loans could often be procured only at high interest. This high interest could then render the peasant insolvent, in which case he would be forced to sell or deliver family members into debt slavery. If this did not secure the means to pay off the debt, the peasant would have to resort to relinquishing or selling his own land—his means of production—and, finally, to selling himself.⁴¹ The landless peasant would often be left with no recourse other than to enter the service of the state or some arrangement of feudal sharecropping for the landowning elite.⁴² As free citizens lost control over their means of production, society would begin to splinter along the lines of the haves and the have-nots.

This depressing reality plagued all the societies of the ancient world. A common solution to the problem was the issuance of royal edicts ordering the relief of all debts. Kings usually issued these edicts in the first year of their reign, with clear political motivations.⁴³ Naturally, the masses welcomed these gestures, while their creditors bitterly resented them. The Greek historian Plutarch writes that when the Spartan ruler Agis sought to impose debt relief, the measure was considered by his detractors as nothing more than a Robin Hood scheme: “By offering to the poor the property of the rich and by distribution of land and remission of debts, [he] was buying a large bodyguard for himself, not many citizens for Sparta.”⁴⁴

The Torah chose another path. It mandated that debt relief should take place automatically every seven years, independent of the will of the king or any other source of authority: “At the end of every seven years you shall make a release. And this is the manner of the release: Every creditor that lends anything to his neighbor shall release it; he shall not exact it of his neighbor, or of his brother; because he has proclaimed a release to the Lord.”⁴⁵ Debt relief, usually a political tool in the hands of rulers who wanted to consolidate their status, is presented in the Torah as the common man’s legislated right. It is difficult not to notice the social and moral significance of this commandment: It laid out a systematic means of repairing abuses of the economic system. For a society predicated upon the rejection of hierarchy, there could be no more important legislation—equity is a vital component of equality. The release of debts every seven years serves as a hedge against the permanent development of an indigent underclass.⁴⁶

Debt was not the only factor contributing to the common man’s descent into a cycle of insolvency. Another was the burden of tribute or taxation. It is important to emphasize that in the ancient Near East, there was little distinction between the dues paid to the cult and the revenues paid to the state. Tithes delivered to the temple may well have been taxes for the state, and vice versa.⁴⁷ The great temples of Mesopotamia and Egypt were administrative centers that controlled massive economic resources—widespread landholdings and storehouses of grain as well as legions of slaves and servants. Maintenance of these temples, and serving the needs of the elite priesthood that lived in them, were requirements that came at a heavy price for the common people, who had to part with a significant portion of their earnings in order to pay for them. Individuals who failed to fulfill this obligation, for whatever reason, faced serious punishment.

The Bible explicitly renounced these norms. First, the laws of the Torah mandate no specific taxes for the state, or for any other bureaucratic agency outside the Temple cult.⁴⁸ Of course, it is obvious that no regime would be able to function without taxing its populace, but the Pentateuch apparently declines to grant divine legitimacy to the practice. As a result, it mentions no

metaphysical sanctions on those who refuse to pay. God is not invoked as a taxman.

Second, the amount of produce demanded from the people for the upkeep of the Temple is much less than was customary in the imperial cults of the ancient Near East.⁴⁹ The Bible regards the priests and Levites who served in the Temple as a kind of divine honor guard deserving of prestige, but the religious status of these groups is not translated into economic power. In fact, the Torah prohibits them from holding any agricultural lands of their own. They were dependent for their livelihood on the tithes set aside for them by the people, and in some passages they are even grouped together with other underprivileged sectors, such as aliens, widows, and orphans.⁵⁰

Third, the laws of tithes in the book of Deuteronomy better the lot of the general public. They stipulate, for instance, that two out of every three years, the recipient of the tithe is none other than the Israelite producer himself, who is mandated to consume the tithe at the site of the central sanctuary.⁵¹ This practice enabled pilgrims to the Temple to undergo a unique religious experience at the place of worship, but it also served a very earthly purpose: As the tithe constituted a tenth of his produce, the farmer could hardly consume it alone. He had to share it with members of his household and, most likely, with others in the community who were not as fortunate as he. Moreover, the Torah commands that every third year, the tithes should be given directly to the needy—Levites, aliens, widows, and orphans.⁵² This appears to be the first known program of legislated taxation specifically serving a social purpose.⁵³

What is most remarkable about the Bible's reforms, however, is the manner in which its new economy is incorporated into a new measure of time. Elsewhere in the ancient Near East, the calendar was based upon readily perceptible astronomical rhythms: The counting of days stemmed from observing the rising and setting of the sun; months from the waxing and waning of the moon; years from observing the seasons and position of the sun. The ancient Near East, however, knows no calendar that recognizes the notion of a week.⁵⁴ The week is an invention of the Torah, and is rooted in the account of creation, in which God worked for six days and rested on the seventh.

The new temporal order based on a cycle of seven served the Bible's egalitarian agenda. The commandment of the Sabbath, which requires everyone to rest on the seventh day, temporarily bridges the gap between the haves and have-nots. Declaring the seventh year to be a "Sabbatical" serves a similar function: The fields lie fallow, their produce is available free of charge to all, and all debts are relieved. Time itself is used as an instrument of equality.⁵⁵

In summation, the Torah seems to suggest a middle way between two opposing economic stances, exemplified today by socialism on one side and capitalism on the other. Socialism is suspicious of private property and places great economic power in the hands of the state, based on the assumption that it can guarantee the welfare of all. But historical experience does not confirm this faith in central economic planning; in fact, it indicates beyond any doubt that economic dependence on the state encourages inefficiency and sloth. On the other hand, while capitalism has proven itself a more effective method of maintaining the material prosperity of society, it tends to foster greed and selfishness. This has a moral, social, cultural, and even economic price, as the current crisis in which today's markets are embroiled amply illustrates. Dealing with this problem, remarks political scientist Francis Fukuyama, may require capitalism to be tempered with values of the sort advanced by the Torah:

If the institutions of democracy and capitalism are to work properly, they must coexist with certain pre-modern cultural habits that ensure their proper functioning. Law, contract, and economic rationality provide a necessary but not sufficient basis for both the stability and prosperity of post-industrial societies; they must as well be leavened with reciprocity, moral obligation, duty toward community, and trust, which are based in habit rather than rational calculation. The latter are not anachronisms in a modern society but rather the *sine qua non* of the latter's success.⁵⁶

The economic laws of the Pentateuch constitute an experiment: They sought to use the virtues of small kinship groups—reciprocity, moral commitment, communal loyalty—in order to create a *national* society endowed with the same virtues. The social and economic benefits of these virtues would thus be enjoyed by individuals who were divided in terms of geography and kinship but united in a covenantal community. While the biblical laws sought to erect an economic order that would not be centrally controlled, and indeed recognizes the legitimacy of acquiring wealth, they also attempted, at the same time, to ensure a modicum of social equality by placing a premium on

strengthening relationships within the covenantal community and minimizing extreme advantage. These laws seek to ensure that everyone would have a chance to live honorably by militating against the establishment of a wealthy elite while also allowing—generally speaking—the market to operate freely. Although the Torah does not present a systematic economic doctrine, and contemporary conditions are very different from the socio-economic reality of the biblical world, its economic agenda has lost none of its moral validity.⁵⁷

The concept of equality envisioned by the Torah is obviously different from today's understanding of the idea. Biblical egalitarianism was essentially communitarian: The people of Israel, in their families and tribes, were considered equal members of a collective body chosen by God. Their participation in this covenantal community provided them with obligations as well as rights. It subjected them to the authority of divine law but also insured that they would not fall under the oppression or exploitation of their more privileged brethren. Biblical ideology granted individuals legal and economic protections unknown in the ancient Near East while still retaining the common good as its highest priority.

Modern thought on the subject of equality was deeply inspired by the Bible—but it takes an altogether different standpoint. Whereas the political theology of the Bible is largely based on the narratives of the exodus and Sinai, the philosophers of early modernity turned their attention to other parts of the sacred text—specifically, to the book of Genesis. In the story of creation, they found support for their belief that, being all God's creatures, human beings are naturally equal. John Locke states this clearly in his classic treatise on political theory:

For men being all the workmanship of one omnipotent, and infinitely wise Maker—all the servants of one sovereign Master, sent into the world by his order, and about his business—they are his property, whose workmanship they are, made to last during his, not one another's pleasure: and being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for ours.⁵⁸

For Locke, as for other liberal theorists, the ultimate source of our rights is not the political order but the inborn essence of man, i.e., the fact that he is a being endowed with reason and moral faculty. Equality is not something the community bestows on its members, but a natural state, primordial and pre-political. As Thomas Jefferson emphasized in the American Declaration of Independence, quoted at the beginning of this essay, "all men are created equal... endowed by their Creator with certain unalienable Rights."

In contrast to the communitarian perspective of the Bible, the modern outlook is focused on the individual. It sees him as the alpha and omega of politics and law. A regime's legitimacy, therefore, rests on mutual consent between individuals, and its fundamental purpose is the protection of their lives and well-being. In the final analysis, the modern state is no more than an effective instrument which its citizens use to advance their own self-interests. It serves no higher purpose.

The modern approach, therefore, perceives the natural equality between human beings as a basis for entitlement. Since all members of society are naturally equal, they are entitled to equality of outcome, such as wealth distribution, or equality of opportunity for social status, political power, and the like. The Torah took measures to allow earlier and more moderate forms of this kind of equality. Along with this, however, it stressed a principle that has been underemphasized in liberal thought: the need for an equal acceptance of responsibilities. In its careful use of the second-person "you," it addressed the entire Israelite collective and, simultaneously, each individual member personally, placing heavy religious and moral obligations upon him. It explained to its recipients that fulfilling these duties would win them an abundance of blessings, while abandoning them would bring disaster. In the end, the dual principles of the responsibility of the community to its citizens as well as the responsibility of citizens to the community is not merely an important aspect of the biblical legacy, but also something that our current political and ethical discourse urgently requires.

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Notes

1. Howard Adelson, "The Origins of a Concept of Social Justice," in Kaikhasrov D. Irani and Morris Silver, eds., *Social Justice in the Ancient World* (Westport, Conn.: Greenwood, 1995), p. 26.
2. Aristotle, *Politics*, trans. Benjamin Jowett (New York: Random House, 1943), book 1, ch. 5, p. 58.
3. Adelson, "Origins of a Concept," p. 32.
4. Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford, 1997), p. 162.
5. In this study I examine the text of the Torah in its received form, with little attention to what its prehistory may have been. The shape of these texts, as they have come down to us, suggests that the Torah is intended to be read as a whole and in order. My approach, therefore, departs from a source-critical analysis of the Bible and is based on the assumption that it is not possible to examine its words, phrases, and rhetoric without reference to the larger meaning of the work, as doing so would remove the text from its communicative context. While in other contexts the term "Torah" can refer to Judaism broadly, here I use it interchangeably with the term "Pentateuch" to refer narrowly to the Five Books of Moses.
6. There are many areas in which the Torah's blueprint for social order places women in a subordinate position to men, for example, in the judiciary, the Temple cult, the military, and land ownership, to name just a few. However, many of the ways in which the Torah empowered and ennobled the common Israelite applied as much to women as to men. There is evidence, moreover, that the status of women in the Bible was higher than that of women in other ancient Near Eastern literature. See Tikva Frymer-Kensky, *In the Wake of the Goddesses: Women, Culture, and the Biblical Transformation of Pagan Myth* (New York: Free Press, 1992); and Tikva Frymer-Kensky, *Reading the Women of the Bible: A New Interpretation of Their Stories* (New York: Schocken, 2002).
7. Peter L. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (Garden City, N.Y.: Doubleday, 1967), pp. 31-38; Paul Ricoeur, *Figuring the Sacred: Religion, Narrative, and Imagination*, ed. Mark I. Wallace, trans. David Pellaver (Minneapolis: Fortress, 1995), p. 54. See also Shmuel N. Eisenstadt, "Introduction: The Axial Age Breakthroughs—Their Characteristics and Origins," in Shmuel N. Eisenstadt, ed., *The Origins and Diversity of Axial Age Civilizations* (Albany: State University of New York, 1986), pp. 2-4. See discussion with regard to ancient Near Eastern religions in J. David Schloen, *The House of the Father as Fact and Symbol: Patrimonialism in Ugarit and the Ancient Near East* (Winona Lake, Ind.: Eisenbrauns, 2001), p. 92.
8. Jean Bottéro, *Religion in Ancient Mesopotamia*, trans. Teresa Lavender Fagan (Chicago: University of Chicago, 2001), pp. 51, 91, 220; Robert Karl Gnuse, *No Other Gods: Emergent Monotheism in Israel* (Sheffield, England: Sheffield Academic, 1997), p. 153.
9. Henri Frankfort, *Kingship and the Gods: A Study of Ancient Near Eastern Religion as the Integration of Society and Nature* (Chicago: University of Chicago, 1948), pp. 258-259.
10. Stephen A. Geller, "The God of the Covenant," in Barbara Nevling Porter, ed., *One God or Many? Concepts of Divinity in the Ancient World* (Chebeague Island, Maine: Casco Bay Assyriological Institute, 2000), p. 309.
11. This changes, of course, with the rise of the Davidic dynasty and the sacred legitimacy it enjoyed. My arguments here concentrate on the social order advanced by the Torah, a vision that was not, it seems, fully realized at any point in biblical history.
12. For an overview of the history of this scholarship, see Noel Weeks, *Admonition and Curse: The Ancient Near Eastern Treaty/Covenant Form as a Problem in Inter-Cultural Relationships* (Edinburgh: T & T Clark, 2004), pp. 6-10.
13. Yochanan Muffs, *Love and Joy: Law, Language, and Religion in Ancient*

Israel (New York: Jewish Theological Seminary of America, 1992), p. 45.

14. The theological implications of the vassal treaty paradigm are explored in greater depth in my previous AZURE article "God's Alliance with Man," AZURE 25 (Summer 2006), pp. 79-113.

15. Edward L. Greenstein, "The God of Israel and the Gods of Canaan: How Different Were They?" *Proceedings of the Twelfth World Congress of Jewish Studies* (Jerusalem: World Union of Jewish Studies, 1999), part A: *The Bible and Its World*, p. 56; John Van Seters, "The Historiography of the Ancient Near East," in Jack M. Sasson, ed., *Civilizations of the Ancient Near East*, vol. 4 (Peabody, Mass.: Hendrickson, 1995), pp. 2433-2444.

16. On this topic, see David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford, 2005).

17. See, for example, *The Admonitions of Ipuwer*, a mid-second millennium Egyptian composition. It is available in Miriam Lichtheim, *Ancient Egyptian Literature: A Book of Readings*, vol. 1 (Berkeley: University of California, 1975), p. 155.

18. Exodus 24:1-8.

19. Deuteronomy 31:10-13.

20. Amos Funkenstein and Adin Steinsaltz, *The Sociology of Ignorance* (Tel Aviv: Ministry of Defense, 1987), p. 22 [Hebrew].

21. Numbers 11:29.

22. Deuteronomy 17:14-20.

23. See Thomas Hobbes, *Leviathan*.

24. See I Samuel 8:4-9, in which the will of the people is the authority that constitutes the monarchical order, a phenomenon that appears nowhere else in the political history of the ancient Near East.

25. Bernard M. Levinson, "The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic Histories' Transformation of Torah," *Vetus Testamentum* 51 (2001), p. 523. The separation between the monarchy and the temple cult, however, is distinctly deuteronomistic. Many kings are depicted offering sacrifices, most notably Solomon (I Kings 8:5), and indeed, Solomon is the driving force behind the construction of the First Temple (I Kings 6-8). In the prophetic literature, no protest is registered against the kings for performing cultic activities. This appears only in II Chronicles 26:16-20, with reference to Uzziah.

See Shemaryahu Talmon, "Kingship and Ideology of the State," in Benjamin Mazar, ed., *The World History of the Jewish People*, vol. 5, *The Age of the Monarchies: Culture and Society*, ed. Abraham Malamat (Jerusalem: Massada, 1979), pp. 13-14. In his book *Deuteronomy*, Andrew D.H. Mayes notes that the attenuating of royal prestige by limiting the number of horses a king may possess accords with other biblical references that suggest that the possession of wealth and horses denies a person the capacity to trust in God (Isaiah 2:7-9; Micah 5:9-14). Andrew D.H. Mayes, *Deuteronomy: The New Century Bible Commentary* (Grand Rapids: Eerdmans, 1979), p. 272.

26. Friedrich A. Hayek, *The Political Ideal of the Rule of Law* (Cairo: National Bank of Egypt, 1955), pp. 6-9.

27. Levinson, "Reconceptualization of Kingship," pp. 531-532.

28. Even Montesquieu, the father of modern constitutional theory, who is credited with the creation of the idea of the separation of powers into three branches in his classic work *The Spirit of the Laws* (1748), accepted the conventional wisdom that the effective division of authority was predicated upon its distribution across preexisting societal positions. Looking at the English model of his day, Montesquieu held that the legislative power should consist of a body of hereditary nobles and a body of commoners. See Charles Louis de Secondat, baron de Montesquieu, *Spirit of the Laws*, trans. Thomas Nugent and J.V. Pritchard (Raleigh, N.C.: Barton, 2006), book 2, ch. 6, pp. 153-154. He saw hereditary nobility not as a necessary evil, or even as an inevitable fact of life, but rather as a boon to effective government. With its inherent wealth and power, the nobility would serve as a moderating force within government against the abuses of the monarch. See Judith N. Shklar, *Montesquieu* (Oxford: Oxford, 1987), p. 87. Moreover, the fact that the nobility's strength was derived from its own resources would endow its members with a sense of independence. Together with developed education and time for reflection, this would enable the nobles to contribute to effective

government in a way members of the lower classes could not. See Thomas L. Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on 'The Spirit of the Laws'* (Chicago: University of Chicago, 1973), p. 129. Montesquieu could not conceive of a classless society or a regime in which the separation of powers was purely institutional and instrumental, so that the eligibility to hold office was independent of class.

29. Deuteronomy 16:18.

30. In this section, I rely heavily on Norman Gottwald's description of the Bible's communitarian mode of production. See Norman K. Gottwald, "Social Class as an Analytic and Hermeneutical Category in Biblical Studies," *Journal of Biblical Literature* 112:1 (1993), p. 7. (Maryknoll, N.Y.: Orbis, 1979), p. 613; Edward L. Greenstein, "Biblical Law," in Barry W. Holtz, ed., *Back to the Sources: Reading the Classical Jewish Texts* (New York: Summit, 1984), p. 96; Shalom M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (Eugene, Ore.: Wipf & Stock, 2006), p. 44.

31. Norman K. Gottwald, *The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel, 1250-1050 B.C.E.*

32. Jon D. Levenson, "Poverty and the State in Biblical Thought," *Judaism* 25:2 (Spring 1976), p. 232.

33. Norman K. Gottwald, "The Prophetic Critique of Political Economy: Its Ground and Import," in Norman K. Gottwald, ed., *The Hebrew Bible in Its Social World and Ours* (Atlanta: Scholars, 1993), pp. 362-363. According to Daniel Snell, it is likely that in ancient Israel, "free peasants must have constituted the largest group in any period." Daniel C. Snell, *Life in the Ancient Near East: 3100-332 b.c.e.* (New Haven: Yale, 1997), p. 87.

34. With regard to Egypt, see David O'Connor, "The Social and Economic Organization of Ancient Egyptian Temples," in Sasson, *Civilizations of the Ancient Near East*, vol. 1, pp. 319-329. With regard to Mesopotamia, see Norman Yoffee, "The Economy of Ancient Western Asia," in Sasson, *Civilizations of the Ancient Near East*, vol. 3, pp. 1387-1399. It would appear that some form of private ownership of land was extant in all periods and places in the ancient Near East alongside the royal estates. The possible exception is Egypt, where all lands may have been considered property of the king. See Snell, *Life in the Ancient Near East*, pp. 125-128, and the extended bibliography in Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East* (Sheffield, England: Journal for the Study of the Old Testament Press, 1993), p. 35, n. 1.

35. Jeffrey A. Fager, *Land Tenure and the Biblical Jubilee: Uncovering Hebrew Ethics Through the Sociology of Knowledge* (Sheffield, England: Journal for the Study of the Old Testament Press, 1993), p. 88.

36. On the Homestead Act see Heather Cox Richardson, *The Greatest Nation of the Earth: Republican Economic Policies During the Civil War* (Cambridge: Harvard, 1997).

37. Gottwald, *Tribes of Yahweh*, p. 613.

38. David C. Hopkins, *The Highlands of Canaan: Agricultural Life in the Early Iron Age* (Sheffield, England: Almond, 1985), pp. 260-261.

39. Leviticus 25:10.

40. Richard A. Posner, "A Theory of Primitive Society, with Special Reference to Law," *Journal of Law and Economics* 23:1 (April 1980), pp. 17-18. Indeed, as George Dalton has noted, in many parts of agricultural Africa one acquires land through kinship right, rarely through purchase. George Dalton, "Traditional Production in Primitive African Economies," in George Dalton, ed., *Tribal and Peasant Economies: Readings in Economic Anthropology* (Garden City, N.Y.: Natural History Press, 1967), p. 67.

41. See II Kings 4:1-7, Nehemiah 5:1-6.

42. Chirichigno, *Debt Slavery in Israel*, pp. 50-51; Gottwald, *Tribes of Yahweh*, p. 212.

43. Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Jerusalem: Magnes, 1995), p. 77.

44. Plutarch, *Lives*, trans. Bernadotte Perrin, vol. 10 (London: William Heinmann, 1949), "Agis and Cleomenes," p. 19. For similar sentiments from Roman times, see Cicero, *On Obligations*, trans. P.G. Walsh (Oxford: Oxford, 2008), pp. 81-82. See discussion in Weinfeld, *Social Justice*, pp. 10-17.

45. Deuteronomy 15:1-3.

46. Richard D. Nelson, *Deuteronomy: A Commentary* (Louisville: Westminster John Knox, 2002), p. 192.

47. According to both the Hebrew Bible and almost all ancient Near Eastern sources, tithes are delivered to the Temple or sanctuary. See Henk Jagersma, "The Tithes in the Old Testament," *Oudtestamentische Studiën* 21 (1981), p. 123. In the kingdoms of Judea and Israel, the distinction between the royal and Temple tithes was not always clear, since temples were *ipso facto* royal temples (Amos 7:13), and the kings controlled their treasuries (I Kings 15:18; II Kings 12:19, 18:15) and were responsible for their maintenance (II Kings 12:7-17, 22:3-7; Ezekiel 45:17; II Chronicles 31:3-6). See Jacob Milgrom, *Cult and Conscience: The "Asham" and the Priestly Doctrine of Repentance* (Leiden: Brill, 1976), p. 57. For an overview of tithing in the Bible and its relationship to tithing in the ancient Near East, see Moshe Weinfeld, "The Royal and Sacred Aspects of the Tithe in the Old Testament," *Beer-Sheva* 1 (1973), pp. 122-131 [Hebrew].

48. This is decidedly not the case throughout the Bible, however. In I Samuel 8:15-17 and I Kings 4:7, the tithe is a tax collected through the legal claim that the kingdom is a sacred monarchy, belonging to God and the king together. See Frank Crüsemann, *The Torah: Theology and Social History of Old Testament Law*, trans. Allan W. Mahnke (Minneapolis: Fortress, 1996), pp. 216-217.

49. John F. Robertson, "The Social and Economic Organization of Ancient Mesopotamian Temples," in Sasson, *Civilizations of the Ancient Near East*, vol. 1, pp. 444-446. Events mentioned elsewhere in the Bible, however, indicate that major cultic occasions could involve massive economic resources. See I Kings 8:5.

50. See, for example, Numbers 18:8-32; see, for example, Deuteronomy 14:29, 26:12-13.

51. Deuteronomy 14:22-26.

52. Deuteronomy 14:27-29, 26:12-26.

53. Crüsemann, *The Torah*, pp. 217-218.

54. Different systems were adduced for breaking down the month into smaller units in Mesopotamia. See William W. Hallo, "New Moons and Sabbaths: A Case Study in the Contrastive Approach," *Hebrew Union College Annual* 48 (1977), pp. 12-13.

55. Hallo, "New Moons and Sabbaths," p. 15; Matitiah Tsevat, "The Basic Meaning of the Biblical Sabbath," *Zeitschrift für die alttestamentliche Wissenschaft* 84 (1972), p. 448; Benjamin Uffenheimer, "Myth and Reality in Ancient Israel," in Eisenstadt, *Origins and Diversity*, pp. 152-153.

56. Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity* (New York: Free Press, 1996), p. 11.

57. For a discussion of the implications of biblical ethics for a globalized economy, see Jonathan Sacks, *The Dignity of Difference: How to Avoid the Clash of Civilizations* (London: Continuum, 2003).

58. John Locke, *The Second Treatise of Government and A Letter Concerning Toleration* (New York: Dover, 2002), ch. 2, verse 6, p. 3.

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(page 1 of 1 - [view all](#))