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There's Gleaning To Do: How Ancient Sabbatical Laws Can Work in a Modern Economy

The 'Shmita' mandates debt forgiveness and that fields—and fieldworkers—rest. In this new year, can we adopt such a practice?

BY JONATHAN BRANDOW OCTOBER 06, 2014



'The Gleaners (Des glaneuses)', 1857. JEAN-FRANÇOIS MILLET

As the Jewish new year gets under way, we mark the start of the traditional sabbatical that concludes a seven-year cycle and was historically mandated as an agricultural year of rest. The sabbatical laws were faithfully observed from biblical times through the Talmudic era. Nowadays they are mainly of interest to Jews in two camps: religiously observant communities that engage in halakhic workarounds of the original lending and agricultural laws the Sabbatical Year prescribed; and scattered liberals who tend to focus on the important and related

biblical values of environmental stewardship and personal enrichment that results from an employment sabbatical.

But the best-known Sabbatical Year source quote—“Proclaim liberty throughout the land unto all the inhabitants thereof,” a passage from Leviticus found on the Liberty Bell—describes something quite different. It celebrates ancient Jewish economic policies, including debt forgiveness, the liberation of bonded labor, and the surrender of agricultural property whose flavor is more accurately captured by the Hebrew term Shnat Shmita, or Year of Release, and Yovel, the related Jubilee, which occurs once every seven sabbatical cycles, roughly every 50 years. And while the mechanics of the ancient Shmita may be foreign to contemporary sensibilities, the values behind the laws speak directly to the modern reality of rampant consumer debt, deceptive loan practices, undocumented workers trapped in economic cycles beyond their control, and even trans-generational poverty. Aside from some discrete attempts—such as [this one](#)—to apply the principles of Shmita to life now, Shmita values have pretty much slept in the attic of Jewish life for two thousand years. We’ve moved far from their radical roots. But could they stand up to modern adaptation, as Jewishly-based economic policies? Yes. Should they? Let’s have a look.

During the ancient Shmita, farmers were forbidden from cultivating crops or selling produce that grew naturally in their fields. Instead, they had to release to the public whatever grew. If their land was fenced in, farmers were to prop open the gates for anyone to come and glean, as dictated in [Exodus](#): “In the seventh year you shall let (the land) rest and lie fallow . . . let the needy among your people eat of it.”

Gleaners were allowed to store the produce that grew uncultivated during the Shmita year as long as some also remained in the fields for wild animals to eat. Once the natural supply there was exhausted, storage was prohibited. In other words, the more that was left in the fields for slower gleaners and animals, the longer the harvested produce could be stored. This mechanism encouraged balance between the needs of those who could store and those who gleaned day-to-day, and between man and other living things.

[Talmud](#) came down hard on Shmita violators. Perpetrators faced financial penalties and public disgrace. Even the fall of the second Temple and the 2,000-

year Jewish exile were attributed by the sages of the Talmud to widespread spiritual resistance to, and violation of, Sabbatical laws.

Although ancient Jewish law technically limited the Shmita prohibition on production to the agricultural sector, some contemporary business analysts believe that adapted Shmita practices should apply to today's most critical industries—the closest modern equivalents of the ancient agricultural engine.

Yossi Tsuria, for example, is a religiously observant former executive at NDS, one of Israel's largest technology firms. He has [advocated](#) extensively for modernized Shmita applications, suggesting that Israeli high-tech firms sell product at cost for the duration of the year and extend sabbaticals to employees. I [propose](#) a universal, employer-funded Sabbatical of three months per cycle, creating a period of personal enrichment for those who go on leave and an opportunity for employment for people who'll be needed to plug the labor gap—all at a cost that IRS data indicates would be sustainable by most U.S. industries. Among others, Standing Partnership, a St. Louis, Mo.-based communications firm has pioneered sabbaticals for its 26 employees and says that the practice “is one of the greatest retention tools we have.”

The historic Shmita [frees us](#) from debts incurred in the previous seven years. In the ancient world, subsistence farmers struggling to make ends meet between harvests were typically those who took out loans to avoid going under.

As the economy deteriorated under the Romans around the turn of the first millennium, lenders grew reluctant to take on debtors as the Shmita approached. Their hesitance elicited a panic; how would the small farming class survive if it could not borrow money between harvests? [Rabbi Hillel](#) came up with a solution called the Prosbul. It effectively escrowed debts with a court during the Shmita year. That is, debt was deferred—not erased—in order to encourage lenders to continue making interest-free loans, which were the only legal type at that time. But the mechanism failed to respond to the original social basis of Shmita policy: wrenching debt among a population that lived permanently on the financial precipice.

Although one Talmudic [discussion](#) noted that Hillel “disregarded the precept laid down in the Torah,” that called directly for absolute debt forgiveness, most commentators signed on to the Prosbul. Basing their acceptance on a threadbare

technicality, the majority agreed that unforeseen consequences (in this case, the inability to access no-interest survival loans, rather than liberation from debt) trumped the literal Torah decree. Yet all sides to the debate supported the objective of giving the poor an economic re-start opportunity.

In the ancient era, the lack of available credit was the most common cause of spiraling debt, foreclosure, and even personal freedom. Today it's the casual availability of credit that creates unsustainable debt. Crushing contemporary debt often begins with misleading loans and heavily promoted lures of materialism; at the height of the mortgage crisis about one-third of all U.S. mortgage borrowers were "underwater"—owing more on high-risk loans than their property was worth. More recently, a surge in [predatory car loans](#) (often courtesy of the same banks responsible for the mortgage meltdown) has again demonstrated the creepy ingenuity of lenders. And less-regulated lending—steep-rate credit cards, the payday loan industry, and pawn shops—entice economically desperate populations with promises of quick, easy credit or cash availability at often-obscured exorbitant rates plus fees. Proliferating in urban areas, more than 30,000 payday loan storefronts are the outposts of a \$30 billion+ cyclical debt industry.

In addition to uniform restrictions on interest rate caps, a modern application of Shmita debt release values might include a seven-year cycle of debt forgiveness for credit card, payday-related and sub-prime interest debt. Faced with an approaching debt release deadline, both credit card and payday industries would become increasingly reluctant to issue high-interest credit, reducing the debt load on the most vulnerable populations for several years before the Shmita year itself. In the seventh year the shofar blows, so to speak—and remaining debt would be erased.

If a farmer in the biblical era failed to repay even the traditional interest-free debt, his predicament likely resulted in either indentured servitude or the surrender of his ancestral land decried in [Isaiah's plaint](#) against monopolists who "join field to field until no space remains." The Shmita laws proclaiming release from indentured servitude provided an escape from this gruesome cycle.

This was no small problem. Josephus describes mass debt rebellions in the Galilee during the Roman Wars. Even early Christian admonitions to "forgive our debts as

we forgive those who are indebted to us” indicate the havoc wrought by the debt-and-indenture cycle.

Indentured servitude resulted from intractable debt triggered by economic conditions over which the victim had no control. Prodded by the black hand of the market, some entered into servitude as a voluntary arrangement to avoid penalties they considered more onerous—losing that ancestral land grant, for example.

While the modern economy has all but eradicated the formal structure of indentured servitude, entrapment in cyclical poverty is an ongoing phenomenon. Its current victims are caught in webs of dictated wages, dead-end jobs, and take-it-or-leave-it conditions. In the most striking parallel to ancient forms of servitude, undocumented economic refugees and sex slaves often suffer living arrangements inspired by sharecropping and 19th-century mining towns where owners controlled not only conditions of work but also housing, shopping, and prices designed to dig workers and their families deeper and deeper into debt.

Breaking the cycle of debt and indenture was a prime target of Shmita laws. Modern Shmita practices would reflect a Jewish ethos of “[one law for all](#),” as well as liberty from contemporary forms of servitude in the seventh year. They would include permanently valid documentation and labor rights for non-seditious, noncriminal undocumented workers. Especially at the Shmita, there should be spiritual room in every sukkah and synagogue for the indentured servants of modernity, advocating for the [call of Leviticus](#) to treat “the stranger who resides with you ... as one of your citizens.”

While the laws of the Yovel—or Jubilee Year—generally parallel those of the Shmita, there is one that is unique: the requirement to repatriate property to its original owner. It is perhaps the most radical, and to modern ears, the most discomfiting economic concept in the lexicon of Jewish law.

As [described](#) in Leviticus, the [land was returned](#) to its original owners once in the space of every two or three generations. Interim owners profited from its use, but their tenure was limited. The cycle of repatriation provided the offspring of those who had lost their place in the world a chance to reclaim it.

Despite the increasing concentration of wealth in modern economies, Western societies offer no similar initiatives to refresh economic opportunity from generation to generation. Modern frameworks of wealth-based privilege and old-boy estate transfer laws upend any semblance of a level trans-generational playing field.

The rights to bequeath and inherit present vexing issues. Virtually all cultures value the concept of creating wealth to leave behind for one's children. In today's environment, the very idea of repatriated property seems far-fetched (though this is the kernel of even the weakest estate tax laws). And yet, while the return of hard assets to original individual owners would present a staggering political and technical undertaking in the modern economy, the justice ethic behind the Yovel—especially in an era of stubborn and deepening income inequality—is as valid now as it was when it was conceived.

An estate-transfer policy that supported Yovel values would acknowledge three conflicting human desires: to convey accrued wealth to descendants; to reward wealth creators with the ability to pass on their assets; and to incrementally rebalance the playing field in each generation.

The current paradigm supports the first two of these values but certainly not the third. A Yovel initiative would permit all wealth created by an individual to be passed on to two successive generations. At the third generation (comparable to the 50-year Jubilee interval) the portion of that wealth above a statutory threshold (say \$500,000, which excludes the overwhelming majority of estates) would be repatriated to the general populace. Based on the value of gross taxable estates reflected in IRS data, the annual distribution would be more than \$3,000 per U.S. household in current dollars, even if distribution included the wealthy. That's more than 10 percent additional buying power for families in poverty.

Debt forgiveness, release from servitude, and trans-generational transfers are economic re-start values lifted straight from Jewish source texts—values that speak to contemporary crises and societal needs. How better to spark interest in Jewish life and thought than by activating values that speak directly to modern social ills? No one said it more eloquently than the Labor-Zionist writer [Berl Katznelson](#) in 1934 when he called for Jews to “excavate the dust from that which

had laid in forgetfulness, to resuscitate traditions which have the power to stimulate the generation of renewal.” Halevai.