Jewish Response to Mc Ginley Lecture on Usury – April 8/9, 2014
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I have two strong reactions to Father Ryan’s presentation. The first is personal: he has, as usual, left me very little to add to his erudite and comprehensive discussion of the interaction of religion and economics – specifically usury, or lending. The second is to note that in choosing this topic he has hit a hot button in the Jewish historical experience – evoking the painful question of the historical image of the Jew.

When we talk about money lending, of course it is impossible for anyone conversant with the Western canon not to summon up images of Shylock whose very name became eponymous in some circles for putting out money for interest. Whatever his intentions – and they are open to debate – Shakespeare made Shylock’s Jewishness a fundamental element of his character.

I am a Jew. Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions; fed with the same food, hurt with the same weapons, subject to the same diseases, heal’d by the same means, warm’ and cool’d by the same winter and summer, as a Christian is? If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die?

Shakespeare left the tragic indelible image of Judaism as an essential part of the Shylock’s usury and of Shylock’s usury as a fundamental element of the world’s perception of the Jew. And then centuries later it was fulfilled by the roles played by the Rothschilds whose financial acuity funded so much of European government in the eighteenth and nineteenth centuries – and created the image of the “international Jewish banker”. So the convergence of the themes of Jews and money lending is a fraught one.

To return to my first cavil, Father Ryan has left little for me to add to his thorough and insightful presentation. There is certainly nothing he said that I would take issue with. So perhaps the best thing would be for me to sit down and leave you to bask in the comprehensiveness of his presentation. Instead I will take the opportunity to luxuriate in nuances, details, and lacunae.

I would begin by marveling at the audaciousness of Exodus 22: 25-6 which Pat cited: If you take your neighbor’s garment in pledge, you must return it to him before the sun sets. It is his only clothing…in what else shall he sleep?"

Imagine what this text is saying. The surety that the borrower must entrust to the lender is fundamentally worthless. The borrower has access to it whenever he needs it at his own discretion. Really a remarkable injunction. At any point in the economic development of the people, those verses reflect what has been called the Bible’s preferential disposition for the poor. I find it remarkable that a text whose final codification was undertaken under royal aegis would be so wildly at odds with what Karl Marx might have expected of it. Rather than articulate the perspectives of the wealthy and powerful, the landed and the influential, rather than advance the
interests of the moneyed classes, the Bible consistently and vigorously espouses the interests and the needs of the dispossessed and the marginalized.

We hear this not only in this verse but in so many places, perhaps no place more dramatically than Leviticus 19: 9-10:

When you reap the harvest of your land, you shall not reap all the way to the edges of your field, or gather the gleanings of your harvest...you shall leave them for the poor and the stranger.

This injunction, whose implementation is corroborated in the Book of Ruth, fundamentally challenges the notion of private ownership. No less antithetical to private ownership is that issue of the Jubilee year which Pat has already presented to us. Once every fifty years debts are remitted. What we would call the bankrupt person is reinstated to their previous position. This is a true example of what Father Ryan has referred to as a “royal clean slate proclamation.” But even more radically, land sales themselves are invalidated. Every parcel of land reverts to its original owner. Some have even suggested that this notion of not really owning land is the foundational meaning of the assertion in Psalm 24: that the “earth is the Lord’s in its entirety.” Such a system inhibits the development of social or economic inequality. Could this have been the original Biblical intent?

Significantly these prohibitions against usury were continued and even strengthened by the Rabbis in the Mishna, the first stratum of that monumental compendium of rabbinic literature called the Talmud. One of the few instances of punishing accessories to a crime involves the charging of interest to a fellow Israelite. Not only is the lender to be punished, but also the borrower and the person who acts as guarantor, the people who act as witnesses to the transaction And even the scribe who prepares the document. The Mishna goes so far as to prohibit disguising a loan as some kind of sale, and prohibits other circumventions of the prohibition as well.

What this strictness in rejecting any form of interest reflects is a predominantly agrarian, pre-mercantile, economic model that was not likely to promote what we call capital formation. And in time when the economic structure of Israel changed this institution had to be addressed. And it was. In the Gemara, the second stratum of the Talmud, the rabbis initially loosened restrictions on lending to non-Jews and then progressively found ways to permit lending on interest among Jews so that, in time, lending for interest, became an accepted de facto reality in a community for which it remained a de jure prohibition.

Let us note here that modern readers, non-Jews and Jews alike, can be disturbed by the implication in these texts – that there is one practice for fellow Israelites and another for non-Israelites. But that might not be the totality of the story. Let us go back to Exodus 22 with that cloak taken as pledge. It is the cloak of a “neighbor” not a “brother.” And let us look at Psalm 15. It asks the question, “Who may take refuge in Your sanctuary and who may dwell on Your holy mountain?” It responds by enumerating various virtuous people including: “He who does not take interest on money lent.” This is an explicit, emphatic and unequivocal rejection of interest taking and one which is universal – no mention of kinsmen here. By the same token
Ezekiel, in his description of the man who is “just” includes “he that hath not taken interest…” (18:8). In fact he suggests that one who does lend on interest deserves the punishment of death. He is both unequivocal in his condemnation of the practice and does not limit his condemnation to one who loans to kinsmen. And there is no particularism in Proverbs’ absolute denigration of lending when it notes sardonically that “the borrower is the slave to the lender” (22:7).

More significantly, from what we can infer from numerous texts and know from historical documents, Jews did loan money on interest to other Jews, despite what their texts taught. Still we cannot help but reflect on the consequences of those texts which do make that distinction between the “home born” and the “stranger.” And I would suggest that it is the overtones of those distinctions whether in fact, perception, or imagination that would come to further enflame relations between Jews and non-Jews in the Middle Ages and beyond.

So let us turn to the Medieval period. History has made clear that in that period moneylending was very much disproportionately a Jewish occupation. How do we explain this? As Pat suggests, Jews were an interstitial group, a buffer between the rulers and upper classes above and the mass of serfs and peasants beneath. In such a position they were doubly vulnerable: subject not only to the capriciousness of the royalty to whom they lent as Pat describes but also to the resentment of the mass of peasants to whom they also lent and whose indebtedness often accounted for the outbreaks of violence against Jewish communities which the rulers may have chosen to permit as a way of deflecting the resentments of their serfs from themselves and, of course, would encourage them to expel those debt holding Jews from their lands.

Which brings us back to Shylock. So ingrained was the image of the money lending Jew, indeed the economically rapacious Jew that it could persist in England, even after Jews had been expelled from that country for over 300 years. Shakespeare never knew any Jewish money lenders or, in fact, any Jews. He was deploying a culturally recognizable caricature. How did this come to be? The dilemma is expressed poignantly by the great historian Salo Baron:

To clinch it all came the gradual elimination of the Jews from the soil of medieval Europe and their increasing concentration upon trade and money lending. The pious expounders of the Biblical prohibitions of usury and the Talmudic disparagement of all interest (even if charged to Gentile borrowers) were thus forced into a position of leadership as the chief “usurers” of the Western world.

The economic reality was that this was one of the few economic outlets for a group who were frequently denied the opportunity to own land, practice a profession or join any of the guilds that were a prerequisite to pursuing a craft. And, of course, in 1179, when the Church declared that any Christian guilty of usury would be excommunicated – a punishment that carried no weight for Jews – this economic avenue was simply opened wider for them.

So pervasive was the image of Jew as moneylender or usurer that it played a role in the famous episode of Napoleon’s Sanhedrin. In 1806 when Napoleon decided to take on the issue of the role of Jews in emancipated France, he convened an assembly of “notable” Jews and presented them with a list of twelve questions. Three dealt with issues of marriage, three dealt
with the issue of whether Jews in France truly considered themselves to be Frenchmen, three dealt with the role of the rabbi with regard to French law, and the last two raised the following issues:

11. Does the law [by this he means the Torah] forbid Jews from taking usury from their brethren? and

12. Does it forbid or does it allow Jews to take usury from strangers?

Yet much has transpired in the years since. With the emergence of an economic model in which money lending was no longer subject to religious prohibition or opprobrium Jewish money lenders became no more disproportionately represented nor rapacious than the population at large. When Marx asserted already in the 1840’s that “the god of Jews is money” he was already merely deploying the Jew as a stand-in for his real bête noir: all capitalists…of every ethnicity and religion.

Today Jews are not the only money lenders nor the only inside traders or fraudsters. That is, sadly, a distinction equally shared among all parts of our society. Still one of the realities of Jewish life is that Jews feel a special shame and mortification when it turns out that it is one of their number who has behaved unscrupulously. Jews are both a religious community and an ethnic group – a people. One part of the inheritance of the peoplehood aspect of Judaism is this instinctive reflex of vicarious guilt. It was not lost on the collective Jewish sensibility that in the Oscar nominated movies last month, both the prime hustler of American Hustle and the wolf in Wolf of Wall Street were based on real life Jewish malefactors.

Which raises an important issue for us. One that, in the contemporary world, we share with other communities of faith. We are left with the fundamental question raised by Pat’s presentation. For Jews and Christians alike the challenge remains -- and I must presume for Muslims as well. How does each of our traditions go about educating our adherents that “religion” is not limited to ritual, or expressions of faith, that ethics and morality are not restricted to sexual matters? How do we move them to make the fundamental and necessary connection between the teachings of our tradition and the way they conduct themselves in the market place? That our work and the way we pursue it is a powerful witness to our faith commitments or a mockery of it? This is a subject we would do well to struggle with together.
NOTES

1 *The Merchant of Venice*, Act 3, Scene 1.

2 *Baba Metzia* 5:11.

3 *Baba Metzia* 5:7

4 A similar sentiment is expressed in Proverbs 28:8 which includes in its litany of “evil men,” “one who augments his substance by interest…”

5 Such as Nehemiah 5:7 which condemns the Israelite lender for exploiting “his brother.”

6 Jews filled this role as “royal usurers,” not only to the Christian courts of Europe, but also within the realm of Islam with much the same precariousness.


8 In this he was anticipated by Bernard of Clairvaux who, similarly, “equated usury with Judaizing” (Baron V:128) and wrote, “We are pained to observe that, where there are no Jews, the Christian moneylenders extort worse usuries, if these men may indeed be called Christians, and not rather baptized Jews” (Baron, IV:121).