

Classical Jewish Texts and Contemporary American Discussions of Social Policy: Can we find a way to bring them together?

By Tsvi Blanchard

Can an inherited Jewish social ethic conceptually rooted in responsibility speak effectively in a contemporary American conversation grounded in theories of rights and freedom? Can it, for example, bring traditional arguments about interpersonal obligations to the ongoing discussion of social welfare questions? If only because we live in an open society, the most common answer to these questions is yes. Every intellectual heritage or wisdom tradition may, and in fact should, bring its formative concepts to the "marketplace of ideas" to compete with existing alternatives.

True enough. Jewish tradition too may bring its sense of obligation and responsibility to the American social welfare policy debate. But how will Jewish voices be heard if their fundamental terms and tenets are currently out of fashion? Granted, those of us who value inherited Jewish texts ought to be arguing for the values and insights they affirm. However, I believe that there is also a way to connect inherited Jewish texts to contemporary policy discussion by going with the dominant ideological flow in modern social and political ethics rather than against it. I am hoping that the following highly condensed sketch of an argument for a particular approach to social welfare policy will indicate how this may be done.

Let us begin with a classic Jewish text on social welfare. In The Mishnah Torah, his encyclopedic work summarizing his view of all inherited Jewish tradition, Maimonides writes:

[It is] a positive rabbinic commandment to visit the sick, comfort mourners, serve in a funeral escort, see to it that a bride marries [i.e. by providing a dowry], escort visitors as they set out on their way, take an active part in all the necessities of burying the dead - carrying the coffin to the cemetery, walking before it, delivering a eulogy, digging the grave, actually interring the deceased- [and] cause a bride and groom to rejoice and give support by fulfilling their needs.

These are acts of lovingkindness done with one's body [and] without fixed requirements or limits. Although all of these commandments are rabbinic, they are all included in [the Biblical commandment] 'And you shall love your neighbor as yourself' [Lev. 19:18] that is, anything that you wish others to do for you, do the same for your brother [or sister] in Torah and mitsvot.

With very little emendation, we may draw from this text the following principles.

Social welfare policy is meant to address human vulnerabilities. [The text is primarily a partial list of such vulnerabilities. Only lack of funds is missing, probably because it is assumed to be the cause of many, but not all, of the explicitly listed vulnerabilities.]

Human vulnerability is understood both in terms of need/lack and in terms of the ability to participate as fully as possible in one's society. [Dowering a bride, for example, depends on the rabbinic conception that full participation in society requires one to be married and, if possible, have children.]

Social welfare policy is grounded in proactive social love [or solidarity] as an obligation. [For our purposes, we have expanded social welfare concerns beyond Jews alone. Living in a society composed of many different ethnic groups, the rabbis too expanded the scope of social welfare legislation to include non-Jews. They did so in order to assure societal peace, stability and wellbeing.]

Framing the question of social welfare in this conceptual idiom is not entirely out of step with the terms of the contemporary social welfare debate. Questions of social welfare policy are broadly understood as questions about human vulnerabilities. Questions of who is "in" and gets help and who is "out/alien" and is left to fend for themselves are on the table. And questions of the extent and nature of welfare benefits are often grappled with in terms of what we would want others to do for us if we were needy. In each of these ways, the language of the tradition resonates with that of the contemporary policy debate.

In several respects, however, the concerns of the rabbis are out of sync with the values and language of much of the contemporary American discussion. First, there is currently little sympathy for the values and language of social solidarity that the rabbis articulate. As a virtue, social solidarity has been primarily associated with "progressive movements" that are presently regarded as discredited. The ideal of joint social action has been almost entirely replaced by a nearly religious faith in the superiority of competitive markets for allocating resources. Second, unlike our Maimonidean/Rabbinic text, human vulnerability insofar as it is a subject for social welfare discussion at all is most often understood entirely in terms of need/lack of money.

The differences between the orientation of the rabbis and that of the contemporary debate make us search for a way of speaking, and a set of terms, that would enable us to bridge this difference and permit us to join the contemporary debate in a manner that can be heard. The term that can do this work for us is "freedom."

In contemporary American policy debates great importance is attached to freedom as a value. Markets and competition are presented as guarantors of individual freedom of choice. "Solidarity," by contrast, is usually treated as synonymous with unacceptable social or governmental control and as the

antithesis of freedom. While freedom is also a value in traditional Jewish discourse, it does seem to be absent from many Jewish texts on social welfare issues which stress social solidarity instead. How then can the idea of freedom help us to translate the social welfare concerns of Jewish texts into an idiom that is relevant to the contemporary welfare policy debate?

To help us think through how we might forge this link, I suggest that we start by considering the work of Amartya Sen, author of twelve outstanding books in economics and winner of the 1998 Nobel Prize in Economics. In his recent book *Development as Freedom* [Alfred A. Knopf, New York, 1999], Sen argues,

...there is a strong case for judging individual advantage in terms of the capabilities that a person has, the substantive freedoms he or she enjoys to lead the kind of life he or she has reason to value. In this perspective, poverty must be seen as the deprivation of basic capabilities rather than merely as lowness of incomes which is the standard criterion of identification of poverty. [p.87]

Sen notes that having more income does not automatically translate into having more capabilities. He writes,

Despite the crucial role of incomes in the advantages enjoyed by different persons, the relationship between income (and other resources), on the one hand, and individual freedom and achievements, on the other, is neither constant or in any sense automatic and irresistible. [p.109]

Building on the link Sen establishes between freedom and capability, we can see that income is not the sole measure of social freedom. Full and free participation in society varies with age, gender, level of education, level of nourishment, state of health, social position and expected family/group roles. Older persons or those who are ill will have far more trouble turning increased income into increased ability to lead a life that they have "reason to value" than will young or healthy people. Women who encounter sexism will find it harder than men to use income to provide them with the ability, hence freedom, to lead their lives as they see fit. The Jewish experience of entering modern society also teaches us that a person's freedom to live the kind of life that she values depends upon her level of education, social position and freedom from prejudice, as much as it does upon her level of income.

What Sen contributes to the social welfare discussion is an expanded understanding of poverty that goes beyond lack of income to encompass many other dimensions of human vulnerability. At the same time Sen provides us with an understanding of freedom that can create a "third language" that serves as a bridge between the traditional language of Jewish social solidarity and the language of contemporary social policy debates. In this new language, however, the argument on behalf of comprehensive social support no longer depends upon the language of social love or human solidarity. Instead it roots itself in the idiom

and value of freedom, understood as consisting of "the capabilities that a person has, the substantive freedoms he or she enjoys to lead the kind of life he or she has reason to value." In the ensuing policy discussion, the case for comprehensive social supports becomes framed as a case for providing all persons with the freedom necessary for full participation in society. The level of requisite social support would include whatever is necessary to guarantee the ability to choose to live a joyful married life, to maintain one's health, to travel safely, to have emotional support in times of loss or other crisis and to be treated with the appropriate dignity upon death.

The following is a brief and admittedly partial list of areas requiring social supports which might be derived from other Jewish texts, once they are properly translated into the language of contemporary policy debates about social welfare policy. They are all also related to freedom understood in terms of capabilities.

The possession of:

- 1.sufficient food
- 2.safe, comfortable housing
- 3.sufficient clothing to appear in public without embarrassment
- 4.the ability to contribute to the material wellbeing of others who can not do so for themselves
- 5.honest employment/business opportunities that are socially valued and sufficient to support both one's self and one's family
- 6.physical and emotional safety
- 7.sufficient education

To be sure, the list needs supplementation as well as a detailed discussion aimed at clarifying and/or measuring the key terms [e.g. "sufficient"]. And, although freedom (thus reconceived) no longer supports only market solutions, we have yet to tackle the issue of the efficiency of alternative resource allocation strategies. However, I think that it is clear that there is a way for an inherited Jewish, obligation- and responsibility- oriented social ethic to speak effectively in a contemporary American conversation. That way begins, I have suggested, with the recognition that the value of freedom, found in so many parts of inherited Jewish intellectual/spiritual traditions, can also be mobilized in support of social welfare policies.

In sum, then, what have we done? We have grounded the Jewish policy of comprehensive social supports not on the traditional notion of solidarity but instead on the Jewish and contemporary notion of empowered freedom.

Why have we done this? Because a Jewish tradition that has nothing to say about the most important issues of the day is ultimately doomed to triviality. And properly so.