

Simplicity, the blind borrower and neuroeconomics

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We are indebted to Hershey Friedman (2002) for his in-depth analysis of the sin of placing a stumbling block before a blind person (Leviticus 19:14). This is generally referred to as *lifnei iver* which is an abbreviation of *lifnei iver lo sitten michshol* (before the blind do not place a stumbling block). The aspects of this expression can be summarised as follows:

- 1 The literal meaning: Friedman (p.1) refers to the view that the literal sense is intended by Leviticus while the metaphorical meaning is added in the oral torah. However Rambam (*Mishnah torah, Sefer Ha-mitzvot, lo ta'aseh, 298*) says that the literal meaning is not intended because it is covered elsewhere.
- 2 Superior information: do not give bad, self-interested advice to someone with inferior information. An example is persuading someone to sell his field for a donkey in order to get the field (*Sifra, Kedoshim, parshasa 2, perek 7*).
- 3 Leading astray: do not provide a person with the means of committing a sin if, without your help, he could not commit it or could only commit it with greater difficulty. An example would be giving wine to a nazirite (Babylonian Talmud, *Avodah Zara,*

6b). The Rambam reads this and the preceding case together in that bad advice includes help in transgressing the torah (*op cit*: 299).

- 4 Beguiling the vulnerable: do not cause a person who is one or more of vulnerable, gullible, artless, irrational – an *ingénu* prone to temptation to act against his interests. *Minchas Chinuch* at paragraph 232 touches on this aspect of *lifnei iver* in the words *lo lehachshil tam baderech* ‘do not trip up a *tam* on the way’. The meaning of *tam* is discussed in detail later.

The Babylonian Talmud at *Bava Metzia* 75b states that both a lender who charges interest and a borrower who pays interest transgress the negative commandment of *lifnei iver*. They are partners in crime. It is highly likely that each is providing the other with the means of committing a sin which, without the other’s help, he could not commit or could only commit with greater difficulty. But the lender’s wrong can further be interpreted as transgressing the *Minchas Chinuch*’s *lo lehachshil tam baderech* ‘do not trip up a *tam* on the way’. Indeed the Rambam (*Mishnah torah, Sefer ha- mitzvot, lo ta’aseh, 299*) appears implicitly to recognise the vulnerability of the borrower when articulating that a lender ‘seduces’ (*vichaseihu*) him.

The present purpose is to ask: how far and in what sense is the borrower an *iver* and/or a *tam* within the *Minchas Chinuch*’s meaning?

And how far does economics including the burgeoning field of neuroeconomics help us to address this question?

The first step is to try to define the essential characteristics of a *tam*.

Three senses can be distinguished: (a) perfect or unblemished; (b) simple, innocent, artless, gullible; and (c) innocuous (Jastrow: 1674).

The context determines which of these is apposite. The first – perfect or unblemished - is exemplified by the contrast with *ba'al mum*, a blemished sacrificial creature (Babylonian Talmud, *Temurah*, 7b).

The second sense - simple, innocent, artless, gullible - is the *Minchas Chinuch's tam*. This comes out clearly in the late Chief Rabbi Hertz' commentary on *lifnei iver* (1993: 500):

“Deaf” and “blind” are typical figures of all misfortune, inexperience and moral weakness. The verse is a warning against leading the *ingénus*, the young and morally weak people into sin, or provoking them to commit irretrievable mistakes. The following are typical violations of this ethical precept: he who gives disingenuous advice to the inexperienced.... he who sells lethal weapons to weak or dangerous characters.’

Anyone involved in debt counselling will recognise the gullible borrower who did not understand the implication of a deal into which he was seduced, despite it being against his interests and which has brought him and his family homeless to the brink of ruin.

The third sense of *tam* – innocuous - refers to an animal which has caused injury for the first time before warning had been given.

How has Jewish tradition filled out the definition of a *tam*? This is an intriguing question because we are confronted by a range of almost contradictory meanings extending from the foolish to *lehavdil* (by contrast) the perfection of the creator himself. We can best address this paradox by firstly interfacing the two limits. At one extreme (although this interpretation is contestable as we shall see) is the *tam* son whom we meet in the Passover *haggadah*. He is the child in Exodus 13:14 who asks simply ‘*ma zos* (what is this)?’ He is described in *Talmud Yerushalmi* (*Pesahim* 10:14) as *tipesh* (stupid). The medieval commentator Rashi also appears to equate *tam* with *tipesh* since his commentary on the verse in Exodus states: ‘*zei tikon tipesh she’ayno yodeia le ha’amik she’aylo ve sosaim vesh’eil <ma zos>*’ (this is a stupid child that does not know how to make profound question but is vague and asks <what is this?>). This view is famously epitomised by the *tam* in a dunce’s cap in Steinhardt (1923) which has influenced many future editors of the *haggadah*.

Psalm 119:70 contains the physical counterpart of *tipesh*: thick or fat. Indeed in the author’s part of England thick is slang for *tipesh*. The psalm states: *tofash kachaylev libom ani torascha shi’ashoti* (their heart is as fat as grease; I will delight in your law). Jastrow (548-9) gives ‘to be covered with fat, inaccessible, obdurate, stupid’. Yalkut (Deuteronomy: 942) has *umetuposhim* (fools) to describe the *naval velo*

chacham (vile and lacking wisdom) of Deuteronomy 32:6 who fail to reflect on torah and engage in trivia even if intelligent.

But before we can accept this sense of *tipesh* we must pursue its meaning - for example a discussant of the author argues that in Exodus, the *Yerushalmi* and Rashi the meaning is open-minded, remediable ignorance rather than embedded intellectual backwardness. The *tipesh* is free of the cocksureness of many 'intellectuals'. With appropriate education, the *tipesh* will come to understand and will cease to be a *tipesh*. After all in the same verse we are enjoined to tell him of our deliverance from Egypt. Indeed a child's learning has world-sustaining power (*Talmud Babli*, Tractate *Shabbos*, 118b) and he is endowed with prophesy (*ibid. Bava Basra*, 12b).

The other extreme definition of *tam* – divine perfection - is exemplified in the *piyyut* (liturgical poem) recited on the Day of Atonement. The last stanza refers to the creator as '*hatam umitamam im temimim/ vechol ma'aminim shehu tamim pa'alo*'. This is translated in the ArtScroll edition of the service (Scherman, 1990) as 'who is perfect and deals perfectly with wholesome ones. All believe his work is perfect'. The creator's manifestation is consonant to his creatures'. Thus if a person is straightforward and accepting of the creator without excessive and gratuitous questioning, convolution and destructive analysis¹; if a person avoids worship of his own intellect; if a person is

¹ An apposite German verb *zerdenken*, literally 'to think to pieces' expresses this.

‘whole some’; in short if a person is a *tam* in these senses then the creator will - so to speak - show him straightforward kindness and generosity. So here we have the ideas of the perfect, the whole, the unblemished and straightforwardness purged of convolution, presumptuous over- intellectual analysis.

There is an echo of these things in Deuteronomy 18:13: *Tamim tiheyeh* (You shall be whole- hearted). Rashi, like Nachmanides (ed. and tr. 1976: p. 221) and Hirsch (ed. and tr. 1982), interpret this as meaning we must rely only upon the creator, including - according to Nachmanides - his prophets and pious ones, concerning insight into the future and not brood or seek false insights. It is significant that this immediately follows the prohibition against heeding soothsayers of various sorts. Hirsch (*ibid*) after Onkelos (on Exodus 12:5) adds a further dimension, linking *tamim* (whole- hearted) with *temimim* , the word used in many places in scripture for the perfect, unblemished sacrifice.

Having interfaced the extremes let us travel between the extremes of *tipesh* and divine perfection and try to locate the personal borrower along the spectrum, trying at the same time to identify some common unifying sense of *tam* . It’s worth first revisiting the four sons of the *haggadah*. They comprise the wicked son (*rosho*), the wise son (*chacham*), the ‘simple’ son (*tam*) and the son who does not know how to ask (*she’eino yodai’a lish’ol*).

What are the distinctive features of the *tam*, the simple son? Is he presented as differing from the others in moral terms, in intellectual terms or in both? Goldschmidt (1960) and Shemesh (1998) interpret the wicked son in moral terms while seeing the others including the *tam* as ranging along an intellectual continuum.

Another view (Bar-Ilan, 2005) is that all four are along a moral continuum and differ intellectually. The wicked son closes his mind. The wise son is a righteous person who seeks knowledge. The *tam* has insufficient intellect to know what to be interested in. The worst is the one who does not know how to ask. He is the intellectual impostor who tries to impress by asking a question. Because of this he is the only son who is not answered. He is the character at a complex seminar who wastes everyone's time as he seeks *kudos* by querying an insignificant detail in an equation. This account resembles the harshest view of our *tam*: he is a dunce even though, unlike the *roshe*, he asks sincerely and not in a hostile spirit.

Another interpretation of the sons shifts the emphasis from stupidity to the *tam*'s confusion and weak reason. He is not simply a passive imbecile. He is a bewildered, confused, puzzled, almost indignant individual faced by variables which are too numerous, complex and morally difficult for him to understand. He is overwhelmed by what he sees as the seemingly byzantine procedure of the *seder*. But he does not reject it like the wicked son. He bristles at

the smiting of the firstborn (*Netivot Shalom*, 2003). At the same time he fully believes in a disinterested way and without self-aggrandisement that God's ways are straight; but he can only formulate simple questions even though he is able to feel shock at a fate which befell the highest and the lowest in society. Which of us has not contemplated the holocaust or the loss of a child with similar bewilderment? The author's grandfather for all his scholarship frequently said simply and ruefully in Yiddish: *Freg fun Gott a kasha* (Ask God a question).

The *tam*'s simple piety leaves him vulnerable to harsh or convoluted or casuistic argument, to persuasion and to propaganda. The result may be intellectual volubility, inconstancy – indeed inconsistency. He has been popularly but cogently described as ‘one who is open minded to anything. He accepts everything without deep investigation. To him we speak about the wonders of the Exodus from Egypt. This bowls him over until he forgets and someone else tells him another great story’ (*Judaica Gallery*, 2004). This idea of credulity has caused *tam* to be used to describe the two hundred and fifty rebels who were persuaded by Korach that they were acting for the sake of heaven (Levine, 2004).

More favourably it can be argued that the *tam* is neither intellectually superior nor inferior to the *chacham* (*Yeshivat Dvar Yerushalayim*, 2004). He simply fails to pursue intellectual growth. He does not

strive for greatness. He sees no reason to struggle with complex variables. He knows about the Exodus – why all the complicated *halakhot*, rules? He is not stupid but is a butterfly who tastes then moves on. His study is perilously unmediated.

The *haggadah*'s *tam* has to face a further charge. The quality *tam* has been equated with *imperfection* through the contrast of *tam* with *tamim* which means perfect (Sinason, 1978). Abraham was instructed to walk before God and be perfect (*tamim*) while Jacob at the beginning of his career was described as *tam* (Genesis 25:27). However it must be accepted that this distinction cannot be universally applied since *tam* is also used for superlative divine perfection as in *piyyut* quoted above.

Within the above rather diminishing concepts of the *tam* can be identified the seeds of the more favourable interpretations. The common factor is straightforwardness and freedom from deviousness and convolution. The *tam*'s attributes are those of the people mentioned in Psalm 119: 'happy are those whose way is blameless (*temimei derech*)'. Indeed there is a traditional Hasidic opinion that the *tam* son is looking at God in the most straightforward, direct way and that the 'What' in the torah's *ma zos* (What is this? (Exodus 13:14)) refers to God. The *tam* has a directness, an integrity, a perfection of insight denied to our cluttered over-intellectualised minds. In Psalm 101:2 King David says he will behave *bederech ha tamim* translated by Cohen (1945) as the way of integrity. Sforno in his commentary

interprets this as perfect vision. *B'tam levovi* in the same verse is expressed in the Targum as *bishlaymus l'vovi* (with a perfect heart). What does the psalmist mean when he says he will walk *b'tam levovi b'kerev baysi* – in his own house? Cohen interprets this as ‘that he will not be tarnished by corruption and self-indulgence’ in his private life. Worship of our own intellect is a form of self-indulgence.

Continuing our journey along the spectrum of meanings of *tam* we reach innocence and disinterestedness (Babylonian Talmud, Tractate *Bava Kamma* 114a). Disinterested evidence of a husband's death is sufficient to release the wife for re-marrying. *Tam* is applied to the disinterested evidence of a child to the effect that his mother did not have sexual relations with her captors. This makes it permissible for her to marry a *kohen*.

The integrity of the *tam* is akin to the child-likeness (as opposed to childishness)² lauded by Schiller in *Über naive und sentimentalische Dichtung*³ (1795):

Das Kind ist uns daher eine Vergegenwärtigung des Ideals, nicht zwar des erfüllten, aber des aufgegebenen, und es ist also keineswegs die Vorstellung seiner Bedürftigkeit und Schranken, es ist ganz im Gegentheil die Vorstellung seiner reinen und freien Kraft, seiner Integrität, seiner Unendlichkeit, was uns rührt. Dem Menschen von Sittlichkeit und Empfindung wird ein Kind deßwegen ein *heiliger* Gegenstand.

(The child is accordingly a representation of the ideal; in no way a representation of something which we have fulfilled but rather of something which we have renounced and lost. What moves us is not the presence of the child's inadequacy and limitations. On the contrary

² German *kindlich* as opposed to *kindisch*

³ ‘Concerning naïve and reflective poetry’

we are moved by its unfettered reach, its integrity and its infinity. To the moral and sensitive individual the child is therefore a *holy* object.)

His contemporary Matthias Claudius in 1778 wished for literal simplicity:

Laß uns einfältig werden...
Wie Kinder fromm und fröhlich sein

(Let us be more simple: childlike, pious and joyous.)

The *tam* partakes at once of the naïve and the divine.

The blind borrower

Where does the personal borrower as *tam* and *iver* locate along the spectrum? He is all too often an erring *ingénu*. By his very contemplation of a serious sin - in this case contracting for and paying *ribbis* - he is a *tam* in his ignorance, moral blindness and mental folly. This last idea has been generalised by the sages from the case of the adulterous woman (Numbers, 5:12). The verse states *ki sisteh ishto* 'if his wife go aside'. Rashi on this verse quotes the sages to the effect that 'adulterers do not commit adultery until there enters into them a spirit of folly (*shtuss*)'. *Sisteh* and *shtuss* are linked to give this interpretation. A general statement is brought down in the *Mishnah Brurah* (1, *simun* 4, *siph* 18, footnote 47) to the effect that '*ayn odom over aveiro elo im kein im nichmas ruach shtuss*' nobody commits a sin unless beset by a spirit of folly. A transgressor is clearly furthermore foolish for ignoring the *Mishnah*'s advice (*Avos*: 2:1) 'to weigh the loss incurred by a transgression against any gain'.

Besides being morally blind, many borrowers are in a subordinate, vulnerable position. They are vulnerable to bad advice which could cost them dear. The lender has something the borrower wants, perhaps desperately. The lender is likely to be the professional, the borrower the needy, confused supplicant. The borrower is typically intellectually inferior in terms of knowledge of the law and of the scale and significance of his commitment. The laws in many countries which require suitable disclosures and 'cooling off periods' are witness to this. As noted earlier Rambam (*Mishnah Torah, Sefer Ha-mitzvot, lo ta'aseh, 299*) supports his discussion of *lifnei iver* by quoting the case of a lender who 'seduces' (*vichaseihu*) a borrower. And one of the punishments enumerated in Deuteronomy (28:44) is that we will become borrowers. The borrower's suffering is visualised by the *Kli Yakar* in his interpretation of the word used for interest (*neshech*) in Leviticus (25:36). He associates it with the *neshicho*, biting, endured by the borrower as his resources are encroached upon by interest.

The borrower is all too often consonant with the *Sifra's* definition of an *iver*: one who is *sumo bedovor*, 'blind in matters' (*Sifra, Kedoshim, parshasa 2, perek 7*), a myopic *tam*. The similarity of an exploited borrower to the ignorant landowner being persuaded to sell his field for a donkey will not have escaped the reader. An over-persuasive lender - with an eye at the statistics for problem debt - could usefully recall

Rashi on *lifnei iver* (Leviticus 19:14): *lo siten aytzo she'eyno hogenes*, do not give advice which is unsuitable for the particular person.

The borrower is analogous to many contemporary cases where *iver* and *tam* coincide. Examples given by Friedman (2002) include a stockbroker recommending high risk trades to a person who does not truly understand the risk or who in his irrational euphoria embraces stupid risks; or a person tempting an alcoholic who is trying to abstain from drinking or offering delicacies to the obsessive eater who is trying to give up gorging. A needy, myopic, misguided or wild borrower belongs here.

Economics

Evolving neuroeconomics and traditional economics provide increasing evidence of a typical borrower's myopia, vulnerability, confusion, irrationality and plain stupidity. The relevant area is intertemporal choice. The borrower is exchanging consumption opportunities at one point in time for consumption opportunities at another. He is forsaking larger consumption in the future for smaller present consumption. He is exercising his time-preference but often irresponsibly with wilful blindness to the full consequences.

Economic logic dictates that we should exercise our time preference sagely and consistently. We should rationally evaluate future

commitments in relation to current sums. We should look to our present and future endowments, needs, resources and opportunities. It is the interest rate which relates these things.

According to traditional economics (classically Fisher, 1930) the overall result of rational appraisal will be decision makers who borrow and lend so that their marginal rate of substitution between present and future money will equal the market interest rate. One implication of this is that the pure rate of time preference will be independent of willingness to trade off monetary amounts at different times (Read, 2003). This basically means that the rate of interest which we accept will be independent of the points in time by reference to which we make our decision. We will borrow rationally and consistently over time whether the loan is sought now, a year hence, for a short period, for longer; whether the pattern of required repayments is rising or falling and whether or not we are confronted with the desired object of the loan at the time of the decision.

But are we like this? Are we rational, consistent and intellectual or – like a blind *tam* – are we at the mercy of our myopia, unsophistication, ignorance, intellectual blind spots, superficial thinking, short-term distortion, emotion, irrationality and inconsistency? Are we the *Minchas Chinuch's tam* waiting to be tripped up by the first person of superior intellect, knowledge and professional street-wisdom who chooses to exploit us?

Even traditional economics acknowledges some of our imperfections. Hirshleifer (1970: 116), quoting Böhm-Bawerk's classic exposition (1891: Book 5, Chapter 3), points to our typical 'perspective underestimation of the future'. We borrow while over-estimating our ability to repay or while just closing our eyes to the fact that after the feast will come the reckoning. We choose to indulge in incomplete envisioning of our future needs and resources and we fail to quantify the true interest burden.

The burgeoning field of neuroeconomics is increasing insight into these imperfections and is graphically pointing up the blind *tam* aspects of a borrower. Neuroeconomics identifies two conflicting parts of the brain. The emotional, limbic system seeks immediate gratification while the prefrontal cortex drives abstract reasoning. This conflict helps to explain how borrowers and others make decisions which are irrational when judged by the economic theory of rational behaviour (Laibson, 1998; Read, 2003; McClure *et al*, 2004). For example experiments have shown that while we may prefer \$20 today over \$20.50 tomorrow, we would do the opposite if offered \$20 a year from now or \$20.50 a day later. To the traditional economist this is irrational because it amounts to inconsistently valuing a day's delay. The phenomenon is called hyperbolic discounting and analogous behaviour has been detected in animals! In general the experiments suggest that when financial decisions concern the distant future

people's behaviour is nearer to the economics textbooks, but that when the choice involves nearer sums – as in borrowing – ‘they can be as impulsive as chimps’ (Cattalaxis, 2005)

Cohen (co-author in McClure *et al* [2004]) is quoted as saying that ‘we are rarely of one mind. We have different neural systems that evolved to solve different types of problems, and our behaviour is dictated by the competition or cooperation between them.’ McClure directly refers this to financial transactions:

‘Our emotional brain has a hard time imagining the future, even though our logical brain clearly sees the future of our current actions. Our emotional brain wants to max out our credit card...Our logical brain knows we should save for retirement.’

Read (2003) suggests that contrary to traditional economics, it appears we value each unit of time differently when comparing two sums of money separated by a long period than by a short period. When comparing sums separated by long intervals we use a lower discount rate than for closer series. This amounts to relative overvaluation of the sums separated by long intervals. For small sums we value each unit of time differently than for large sums, again contrary to traditional economics. We value each unit of time lower for a prospective loss than for a prospective gain.

Ceteris paribus we prefer an increasing sequence of reward over a constant or decreasing sequence. We prefer an increasing sequence of outlay over a decreasing sequence of outlay even though the increasing sequence may represent an exorbitant economic burden with a sky-high true interest rate. This enables a borrower to be beguiled by a promise of low or no repayments in the short term – ‘Nothing to pay for 18 months!’

Experiments find that people value each unit of time more highly when a loss or outlay is pushed off than when it is brought nearer. Thus a borrower offered a postponement might put a disproportionately high value on the delay, leaving the borrower open to exploitation by an exorbitant interest rate for the extra accommodation.

Borrowers will be more willing to borrow - or will exploitably borrow more – if the desired object of the loan is presented at the time of decision. Lenders use this to exploit borrowers by making loan offers accompanied by pictures of idyllic beaches in far away places and large cars attracting envious glances.

Conclusion

The personal borrower is potentially both blind - an *iver* - and a *tam* in his exploitability. The lender seeking prohibited *ribbis* (interest) is accordingly directly disobeying the *Minchas Chinuch's lo lehachshil tam*

baderech ‘do not trip up a *tam* on the way’. The insights of neuroeconomists reinforce and refine this understanding.

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