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Walking with Justice

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דרכיה דרכי נעם

# A TORAH OF JUSTICE - A VIEW FROM THE RIGHT?

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The question mark in the title of this essay bespeaks my inability to argue that Jewish tradition translates necessarily as a conservative perspective on questions of social justice. Rather, this essay argues that Jewish perspectives on social justice in recent years have almost invariably assumed that Jewish tradition equals liberal social values. In other words, advocates for a distinctively Judaic approach to social justice generally construct an image of Jewish tradition as liberal and then invoke it to validate liberal social and political positions. These in turn may range from moderate to radical yet are usually dressed in a Jewish garb, as if to say we are speaking authentically out of our Jewish tradition. In contrast, analysis of Jewish teachings on social justice suggests a more complicated picture. Rather than a direct relationship between Judaism and liberalism, Jewish social teachings defy classification. At times, to be sure, invoking a tradition of liberal compassion for the less fortunate represents an appropriate reading of Judaic heritage. At other times, invoking a tradition of restraint and personal responsibility for one's actions better accords with Jewish teachings. Jewish tradition, in short, resists ideological categorization, notwithstanding the efforts of many latter-day advocates to assign such categories.

Let us begin with several illustrations. Several years back, the American Jewish Committee debated legislation requiring parental notification for teenagers before undergoing an abortion procedure. At the time a Reform rabbi submitted a paper to a local AJC chapter arguing that since a female in Jewish tradition becomes an adult at bat-mitzvah, to require her to notify her parents of an abortion constituted a violation of her status as an adult Jewish woman as defined in Jewish law.

Putting aside the neo-fundamentalist definition of bat-mitzvah as an adult – or to paraphrase the proverbial bar-mitzvah speech, “Today I become a man” – the argument is actually inconsistent with Jewish teachings. First, the Talmud itself defined adolescence as a period marked by sexual immaturity.<sup>1</sup> Secondly, the rabbi had read Jewish tradition in extremely selective ways, choosing to ignore the fact that Judaism permits abortion only in very limited cases and firmly rejects the view that “no one can tell me what to do with my body”.<sup>2</sup> Most important, the author equates justice with the emancipation of a teenager from adult supervision notwithstanding the gravity of the abortion issue.

Several years later a similar debate occurred concerning homosexual marriage. An AJC lay leader, concerned about the implication of homosexual marriage for society, commented somewhat innocently that Jewish tradition in all probability would oppose such an institution. Again, a rabbi, this time Conservative, intervened and stated that as a rabbi he was deeply offended by the statement that Jewish tradition opposed homosexual marriage. In his view, Jewish tradition opposed promiscuity – whether heterosexual or homosexual – but would be quite comfortable with the institution of homosexual marriage.

Again, one cannot help but note this neo-fundamentalism. The rabbi assumed, quite wrongly, that given that no explicit condemnation of homosexual marriage existed within Jewish tradition, rabbinic Judaism by no means opposed the institution. As it happens, this is hardly the case. Rabbinic Midrash ascribed the Great Flood to the attempt by the generation of Noah to alter the established order by instituting homosexual marriage.<sup>3</sup> But even putting aside such a midrash, one can not overlook the communal dynamic at work here: advocates of social justice blithely assume that Jewish tradition equals the liberal position and become “deeply offended” by those with the temerity to suggest that Judaism just might possibly articulate a conservative position on a social issue.

Perhaps the most widely-cited example of this tendency is the refrain, “Do not oppress the stranger, for you know the soul of the stranger”. Certainly no one ought to quarrel with the principle of compassion for the stranger in our midst. Often the stranger was one bereft of family, friends, and material benefits. But consider the implementation of the principle as a means of validating virtually unrestricted immigration, unrestricted welcome of gentiles within Jewish communal institutions, and communal neutrality on mixed marriage lest one give offense to gentile spouses of family

<sup>1</sup> David Kraemer, *The Jewish Family*, New York: Oxford University Press, 1989, ch. 4.

<sup>2</sup> David Feldman, “Jewish Views on Abortion”, in Steven Bayme and Gladys Rosen eds., *The Jewish Family and Jewish Continuity*, Hoboken: Ktav and AJC, 1994, pp.231-245.

<sup>3</sup> *Genesis Rabbah* 26:5.



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members. One rabbi went so far as to erect a Christmas tree in the lobby of his temple, so as to welcome mixed-marrieds!<sup>4</sup> His defenders and allies argued that no fewer than thirty-six times did the Torah enjoin us to care for the stranger. Surely the Christmas tree was a small compromise with the identity of a synagogue so as to accomplish the goal of justice for the stranger.

Yet ignored by these advocates are the expectations placed by Jewish tradition upon the stranger in our midst. The stranger is enjoined to respect the customs of the land; he must be unequivocally monotheist; and, in turn, he should expect equal rather than preferred treatment under the laws of the state. Such a more qualified view of compassion for the stranger hardly translates into unrestricted immigration policies, much less placing a Christmas tree within a Jewish religious institution! For that matter, given the exigencies of war-time, Jewish tradition might have validated incarceration of Japanese Americans in World War II as necessary for reasons of national security or because expectations of their full loyalty to the state were not considered realistic so long as the war with Japan raged.

The same reasoning is often invoked in the debate over capital punishment. As is well-known, the Mishnah in *Makkot* 1:10 notes that a court that kills once in seven years is considered a murderous court; others argue even once in seventy years. Rabbi Akiba and Rabbi Tarfon comment “If we had been in the Sanhedrin, no death sentence would ever have been passed.” Fair enough, but then Rabban Shimon ben Gamliel responds, “If so, they would have multiplied murderers in Israel,” suggesting the deterrent value of capital punishment.

The point of these examples is not to argue that Jewish tradition on social justice inherently is conservative. I, for one, do believe that the incarceration of Japanese-Americans during World War II was unjust. Nor, in my view, should Julius and Ethel Rosenberg have been executed, although I do believe that justice was secured in the case of Adolf Eichman. Rather the point of these examples is to argue that one may not assume blithely that Jewish tradition is unequivocally liberal in its social justice teachings. At times, that may be the case, eg the obligation for tithing. At other times, eg slavery, or for that matter, just war, one wishes that it were the case. For example, was it really so terrible that Saul wished to spare the Amalekite king and sheep? Yet at other times, Jewish tradition has been distorted beyond recognition in order to harmonize it with liberal social justice teachings even if the architects of that tradition had no such goal in mind.

In this context, one may understand the much-abused and poorly-understood term, “*tikkun olam*”. In effect, the term has entered the English language – a process in itself that signals how deeply the image of Judaism as social justice liberalism has penetrated American culture. Politicians routinely invoke it – especially when addressing Jewish audiences. The term encompasses a broad range of activities from manning soup kitchens and advocacy for the homeless to resisting Israeli occupation on the West Bank. Again, advocates blithely assume that a somewhat one-sided definition of Jewish teaching, suggesting in a distinctively non-ideological way that the world requires “repair”, becomes translated as social liberalism.

Let us glance at the earliest uses of the term *tikkun olam*. The Babylonian Talmud invokes it some thirty times – usually as a restrictive principle regarding public action meant to prevent private abuses.<sup>5</sup> Consider, for example, the following: “Rabban Gamaliel the Elder legislated that (in divorce documents) men and women write every name that he or she has for reasons of *tikkun olam*.”<sup>6</sup>

Clearly Rabban Gamaliel feared abuse. If someone had plural names, the bill of divorce might ultimately be challenged. Worse, the woman may have remarried in the meantime. Her children would then be considered as born from an adulterous union and be regarded permanently as under the status of bastardy. Lest the bill of divorce become invalidated, rabbinic Judaism acted preemptively by insisting that all names of the parties be recorded to ensure the acceptability of the bill of divorce. In other words, preventing an unjust abuse constitutes *tikkun olam* rather than a broad-based principle of liberal social activism.

<sup>4</sup> Paper presented by Dru Greenwood, Director of Outreach, Union for Reform Judaism, Brandeis University, April 26, 2004. Kindly lent to me by the author.

<sup>5</sup> Gilbert S. Rosenthal, “*Tikkun Ha-Olam: The Metamorphosis of a Concept*”, *Journal of Religion*, Vol. 85, No. 2 (April 2005), pp.217-220. See also, Steven Bayme, “*Why be Jewish*”, *New York: AJC*, 1993, pp.35-38.

<sup>6</sup> *Mishnah, Gittin 4:2; Babylonian Talmud, Gittin 34b.*



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Even more striking is the following mishnah: “Captives should not be ransomed for more than their value because of *tikkun olam*. Captives should not be helped to escape because of *tikkun olam*.”<sup>7</sup> In this context, the principle of *tikkun olam* sounds quite harsh, even illiberal. Do not pay excessive ransom for captives – do not even help them to escape – lest one encourage the captors by the promise of greater rewards or lest they take preventive measures against prisoners by utilizing heavy chains.

To be sure, the Talmud well understands the dilemma posed by the mitzvah to redeem captives. Its answers are hardly clear-cut. What, for example, constitutes ransom that exceeds the worth of the captives? Anyone studying Israel’s contemporary policies toward the ransom demands of terrorists well understands this dilemma. Yet what is relatively straight-forward in this text is the use of the term *tikkun olam*. It does not relate to liberal social activism. Rather it concerns policies of restraint lest we harm society. In some measure this constitutes an ancient version of the principle of “paved with good intentions” – ironically, almost precisely the contemporary critique of liberal activism by conservative social theorists.

Similarly, the use of *tikkun olam* in the concluding “Aleinu” prayer in the thrice-daily liturgy does not relate at all to social justice. The Aleinu prayer extols Divine sovereignty. Its language states that the mission of the Jews is to perform *tikkun olam* by elimination of idolatry. Repairing the world by ridding it of pagan religions – which, ironically, are currently enjoying some measure of revival in multi-cultural America – hardly connotes the liberal pluralism so greatly cherished by contemporary American Jews.<sup>8</sup>

For sixteenth century Lurianic Kabbalists, acts of *tikkun* consisted of mitzvot performed in the here and now but that repaired the cosmic defects of the universe present since the cataclysm of creation. Acts of *tikkun* constituted a process of repairing the harmony of the universe. Human actions are redemptive in nature to the extent that they advance tikkun. Mystical and utopian elements – rather than notions of social justice – comprised this version of *tikkun olam*.<sup>9</sup>

Twentieth century liberal Judaism popularized the term *tikkun olam* by equating it with social justice. Thus Dr. Eugene Borowitz understood *tikkun olam* as a call to ethical action usually universalist in nature.<sup>10</sup> His colleague Emil Fackenheim cautioned, however, that after the Holocaust tikkun may at most be fragmentary given that the cosmic harmony itself has truly been shattered by “Planet Auschwitz.”<sup>11</sup>

What, then, may one conclude from this analysis of *tikkun olam* texts? First, *tikkun olam* appears primarily as a statement about establishing a firm foundation of society. A society that has been “repaired” may function fairly and effectively. In this sense *tikkun olam* represents less a program for social reform than one of preserving order, preventing abuses, or, as the physicians may put it, “do no harm.”

Second, we ought not equate *tikkun olam* with either liberal or conservative policies. There may well be occasions when “repairing the world” warrants liberal actions and policy directions. At other times, more conservative policies may well be necessary. However, rarely do *tikkun olam* advocates give voice to the view that conservative policies

<sup>7</sup> Babylonian Talmud, Gittin 45a

<sup>8</sup> Ismar Elbogen, *Jewish Liturgy, Philadelphia and New York: Jewish Publication Society and Jewish Theological Seminary, 1993, pp.71-72. See also, Abraham Millgram, Jewish Worship, Philadelphia: Jewish Publication Society, 1972, p.241.*

<sup>9</sup> Gershom Scholem, *Major Trends in Jewish Mysticism, New York: Schocken Books, 1946, pp. 273-278.*

<sup>10</sup> Eugene Borowitz, *Renewing the Covenant, Philadelphia: Jewish Publication Society, 1991, pp. 50-51.*

<sup>11</sup> Emil Fackenheim, *To Mend the World, New York: Schocken Books, 1987, pp. 309-313. On the uniqueness of Auschwitz in historical experience, see Fackenheim, The Jewish Return Into History, New York: Schocken Books, 1978, esp. ch. 4.*



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may be necessary. Leonard Fein, for example, one of the most thoughtful advocates of *tikkun olam*, concedes that a commitment to social activism may well coexist with conservatism but in practice dismisses the argument by noting that “survey research establishes a continuing correlation between devotion to social activism and political liberalism”,<sup>12</sup> as if to say that the majority of people concerned with *tikkun olam* are liberals, therefore *tikkun olam* must necessarily equate with liberal social values.

Lastly, invoking the prophetic tradition, as Norman Podhoretz has recently argued, is far more complicated than establishing a social goal and then raising the banner of prophetic Judaism as Judaic validation. For one thing, the distinction between prophetic and priestly Judaism has been greatly over-drawn. None of the prophets liberated Jewish ethics from Jewish rituals. Nor were the prophets as universalist as their would-be contemporary heirs infer. Jeremiah, Ezekiel, even Amos preached against the enemies of ancient Israel. Lastly, what the prophets did do is challenge the contemporary culture and communal will. Rather than confirm or validate what society wished to do in any case, let alone dress it up in Jewish garb, the prophets endured great opprobrium by challenging the status quo.<sup>13</sup> Take, for example, the following passage from Jeremiah:

These are the words of the letter that the prophet Jeremiah sent from Jerusalem to the remaining elders among the exiles, and to the priests, the prophets, and all the people whom Nebuchadnezzar had exiled from Jerusalem to Babylon. This was after King Jeconiah, and the Queen Mother, the court officials, the leaders of Judah and Jerusalem, the artisans, and the smiths had departed from Jerusalem. [The letter was sent] by way of Elasah son of Shapan and Gemariah son of Hilkiyah, whom King Zedekiah of Judah had sent to Babylon, to King Nebuchadnezzar of Babylon. It said: Thus says the Lord of hosts, the God of Israel, to all the exiles whom I have sent into exile from Jerusalem to Babylon: Build houses and live in them; plant gardens and eat what they produce. Take wives and have sons and daughters; take wives for your sons, and give your daughters in marriage, that they may bear sons and daughters; multiply there, and do not decrease. But seek the welfare of the city where I have sent you into exile, and pray to the Lord on its behalf, for in its welfare [*shalom*] you will find your welfare [*shalom*].”<sup>14</sup>

Jeremiah’s historical context is that of the first Babylonian exile (597 BCE). Jewish leadership had been exiled to Babylon and the Babylonians had installed a puppet regime in Jerusalem. Yet rebellion remained in the air culminating in the disastrous uprising and destruction of the temple in Jerusalem in 586 BCE.

Jeremiah’s letter, composed sometime between the initial exile in 597 BCE and the destruction in 586 BCE, sets forth a full-blown political theory of Diaspora. Jeremiah counsels the exiles to adopt a four point program while in Babylon:

1. Build houses – establish a firm footing rather than nurture expectations of an imminent return. Exile will last for seventy years – long enough to discourage individual aspirations but brief enough to preserve the ideal of a national restoration.
2. Plant gardens – pursue economic prosperity.
3. Take wives and bear children – marriage and family.
4. Seek the welfare of Babylon as a city.

The last point is particularly intriguing: Jews should pursue the common social good in exile. This principle has frequently been invoked to validate Jewish social activism in the Diaspora. But note the rationale; “For in its welfare, you will find your welfare”. Jeremiah counsels constructive social activism for purposes of Jewish enlightened self-interest. He does not articulate a universalist moral imperative of Jewish obligations to the world. Much less does he equate the social good with liberal conceptions of social justice.

<sup>12</sup> Leonard Fein, *Smashing Idols*, New York: Nathan Cummings Foundation, 1994, p. 32.

<sup>13</sup> Norman Podhoretz, *The Prophets*, New York: The Free Press, 2002, pp. 273-287.

<sup>14</sup> Jeremiah, 29: 1-7



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The above analysis suggests that the pursuit of justice entails different things at different times as circumstances warrant. The appropriate place of the Jews does not lie necessarily with one or another political camp but will shift in light of changing interests and needs. For example, there is no necessary alliance of Jews and blacks. What does exist is Jewish rejection of race as criterion for evaluation and the commitment to assist those who are less fortunate irrespective of color. Coalitions and alliances, however, will vary as diverse issues and needs occur.

This essay, in short, notwithstanding its title, makes no argument that Jewish tradition on social justice equates with conservative social teachings. To be sure, at times it may do so, but it certainly does not do so necessarily either with conservatism or with liberalism. Instead it encounters diversity within tradition as well as recognition that the Jewish pursuit of social justice may hardly be tied to one or another banner of the political spectrum.



# A TORAH OF JUSTICE - A VIEW FROM THE RIGHT? – TEXT 1

## משנה גטין ד:ב

בְּרֵאשׁוֹנָה הָיָה עוֹשֶׂה בֵּית דִּין בְּמָקוֹם אַחֵר וּמְבַטְלוֹ. הִתְקִין רַבֵּן גַּמְלִיאֵל הַזֶּקֶן שֶׁלֹּא יִהְיוּ עוֹשִׂין כֵּן, מִפְּנֵי תַקּוּן הָעוֹלָם. בְּרֵאשׁוֹנָה הָיָה מְשַׁנֵּה שְׁמוֹ וְשִׁמְיָהּ, שֵׁם עִירוֹ וְשֵׁם עִירָהּ. הִתְקִין רַבֵּן גַּמְלִיאֵל הַזֶּקֶן שֶׁיִּהְיֶה כּוֹתֵב, אִישׁ פְּלוֹנִי וְכָל שֵׁם פְּלוֹנִית וְכָל שֵׁם שֶׁיֵּשׁ לָהּ, מִפְּנֵי תַקּוּן הָעוֹלָם:

## MISHNAH GITTIN 4:2

Initially, the husband could convene a *bet din* in another location in order to annul his *get*, but Rabban Gamliel the Elder made a decree [*hitkin*] that this should not be done, for reasons of *tikkun olam*. Initially he [the husband] could change his name or his wife's name, the name of his city or her city. Rabban Gamliel the Elder made a decree [*hitkin*] that what should be written was, "Mr X and all the names he has/Mrs X and all the names she has" – for reasons of *tikkun olam*.

## משנה גטין ד:ו

הַמּוֹכֵר עֶבְדוֹ לְגוֹי אֹד לְחוּצָה לְאֶרֶץ, יִצָּא בֶן חוּרִין. אֵין פּוֹדִין אֶת הַשְּׂבִיִּין יוֹתֵר עַל כְּדֵי דְמִיָּהוּ, מִפְּנֵי תַקּוּן הָעוֹלָם. וְאֵין מְבָרִיחִין אֶת הַשְּׂבִיִּין, מִפְּנֵי תַקּוּן הָעוֹלָם. רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, מִפְּנֵי תַקְנַת הַשְּׂבִיִּין. וְאֵין לּוֹקְחִים סְפָרִים תְּפִלִּין וּמְזוּזוֹת מִן הַגּוֹיִם יוֹתֵר עַל כְּדֵי דְמִיָּהוּ, מִפְּנֵי תַקּוּן הָעוֹלָם:

## MISHNAH GITTIN 4:6

If a person sells their slave to a non-Jew outside of the land of Israel, the slave must be set free. We do not ransom captives for more than their value because of *tikkun ha-olam*. And we do not help captives to escape, because of *tikkun ha-olam*. Rabban Shimon ben Gamliel says, because of the welfare [*takanah*] of the captives. We do not buy books, *tefillin* or *mezuzot* from non-Jews for greater than their value because of *tikkun ha-olam*.

## STUDY QUESTIONS

- What does the term *tikkun olam/ha-olam* mean in these texts?
- Can you extrapolate a greater principle of social justice from that? What is it?
- Do you think the principle can be described as 'conservative' or 'liberal'? Why/why not?
- Is that principle applicable to us today? How?



## A TORAH OF JUSTICE - A VIEW FROM THE RIGHT? – TEXT 2

### תלמוד בבלי כתובות נב.ב

אין פודין את השבוין יותר על כדי דמיהם, מפני תקון העולם. הא בכדי דמיהן פודין, אף על גב דפרקונה יותר על כתיבתה ורמינהי: נשביית, והיו מבקשין ממנו עד עשרה בכתיבתה - פעם ראשונה פודה, מכאן ואילך, רצה - פודה, רצה - אינו פודה רבן שמעון בן גמליאל אומר: אם היה פרקונה כנגד כתיבתה - פודה, אם לאו - אינו פודה.

### BABYLONIAN TALMUD, *KETUBOT* 52B

[Rabban Shimon ben Gamliel ruled:] “We do not ransom captives for more than their value, because of *tikkun ha-olam*”. Hence, we should redeem them for their actual value, even if the cost of a [female] captive’s ransom is greater than that of her *ketubah*. But contrast the following teaching: “If a woman is captured, and her captors demand any sum up to ten times her *ketubah*, he [her husband] must pay it the first time the demand is made. If it is for more than that, he can ransom her if he wishes to, but if not, he does not have to.” Rabban Shimon ben Gamliel says: If the cost of her ransom is equivalent to her *ketubah*, he must redeem her, and if not, then not.

### STUDY QUESTIONS

- What does the term *tikkun olam/ha-olam* mean in this text?
- Can you extrapolate a greater principle of social justice from that? What is it?
- Do you think the principle can be described as ‘conservative’ or ‘liberal’? Why/why not?
- Is that principle applicable to us today? How?





## A TORAH OF JUSTICE - A VIEW FROM THE RIGHT? – TEXT 3

### תלמוד בבלי גטין לו.א

וְהַעֲדִים חוֹתְמֵיךָ עַל הַגֵּט, מִפְּנֵי תִיקוֹן הָעוֹלָם. מִפְּנֵי תִיקוֹן הָעוֹלָם? דְּאוֹרֵייתָא הוּא, דְּכָתִיב: (ירמיהו ל"ב) וְכָתוּב בְּסֵפֶר וְחֹתוּם אָמַר רַבָּה: לֹא צָרִיכָא לְרַבִּי אֶלְעָזָר, דְּאָמַר: עֲדֵי מְסִירָה כְּרַתִּי, תִּקְיֵנוּ רַבָּנָן עֲדֵי חֲתִימָה מִפְּנֵי תִיקוֹן הָעוֹלָם, דְּזָמְנִין דְּמֵייתֵי סְהַדִּי, אִי נִמְי זִימְנִין דְּאֶזְלֵי לְמַדְיַת הָיִם. רַב יוֹסֵף אָמַר: אֶפְיָלוּ תִימָא לְרַ' מְאִיר, הִתְקִינוּ שְׂיָהָא עֲדִים מְפָרְשֵׁין שְׂמוֹתֵיהֶן בְּגִיטֵין, מִפְּנֵי תִיקוֹן הָעוֹלָם כְּדִתְנַיָא: בְּרַאשׁוֹנָה הָיָה כּוֹתֵב אֲנִי פְלוֹנִי חֲתִמְתִּי עַד, אִם כְּתֵב יְדוּ יוֹצֵא מִמְקוֹם אַחֵר - כְּשֵׁר, וְאִם לֹא - פְּסוּל, אָמַר רַבָּן גַּמְלִיאֵל: תִּקְנָה גְדוּלָה הִתְקִינוּ, שְׂיָהִי מְפָרְשֵׁין שְׂמוֹתֵיהֶן בְּגִיטֵין, מִפְּנֵי תִיקוֹן הָעוֹלָם.

### BABYLONIAN TALMUD, *GITTIN* 36A

The witnesses sign the *get* for reasons of *tikkun olam*. For reasons of *tikkun olam*? No! The reason is that this is a Torah commandment: it says, 'Write in a scroll and sign' [Jeremiah 32:44]. Rava said: No, it is necessary on the view of Rabbi Eleazar, who said that the *get* is made effective by the people who witness it being delivered – but the Rabbis ordained [*tiknu*] that there should also be witnesses who sign it, for reasons of *tikkun olam*, since the witnesses [to delivery] could die or go abroad. Rav Yosef said: you could also argue this point following the view of R Meir – that [the Rabbis] ordained [*tiknu*] that witnesses should write their names in full on the *get* for reasons of *tikkun olam*. Because it says [in a Baraita] that originally the witnesses used simply to write, "I, X, have signed as a witness." If his writing could be confirmed on other documents as well, the *get* was valid: if not, it was not. Rabban Gamliel said: the Rabbis ordained [*hitkinu*] a most important ordinance [*tikkun*]: that witnesses should write their names in full on the *get* for reasons of *tikkun olam*.

### STUDY QUESTIONS

- What does the term *tikkun olam/ha-olam* mean in this text?
- Can you extrapolate a greater principle of social justice from that? What is it?
- Do you think the principle can be described as 'conservative' or 'liberal'? Why/why not?
- Is that principle applicable to us today? How?



## A TORAH OF JUSTICE - A VIEW FROM THE RIGHT? – TEXT 4

### משנה גטין ד:ב

בְּרֵאשׁוֹנָה הָיָה עוֹשֶׂה בֵּית דִּין בְּמָקוֹם אַחֵר וּמִבְּטָלוֹ. הַתְּקִין רַבּוֹ גַּמְלִיאֵל הַזֶּקֶן שֶׁלֹּא יְהִי עוֹשֶׂיוֹ כֵּן, מִפְּנֵי תִקּוּן הָעוֹלָם...

### MISHNAH *GITTIN* 4:2

Initially, the husband could convene a *bet din* in another location in order to annul his *get*, but Rabban Gamliel the Elder made a decree [*hitkin*] that this should not be done, for reasons of *tikkun olam*.

### תלמוד בבלי גטין לג.א

מִפְּנֵי תִקּוּן הָעוֹלָם. מֵאִי מִפְּנֵי תִקּוּן הָעוֹלָם? ר' יוֹחָנָן אָמַר: מִפְּנֵי תִקּוּן מַמְזָרִים, רִישׁ לְקִישׁ אָמַר: מִפְּנֵי תִקּוּן עֲגוּנוֹת. ר' יוֹחָנָן אָמַר מִפְּנֵי תִקּוּן מַמְזָרִים, סָבַר לָהּ כָּרַב נַחֲמָן, דְּאָמַר: בְּפָנֵי שְׁנַיִם, וְיָבִי תְּרֵי לִית לָהּ קָלָא, וְהִיא לֹא שְׁמַעָה וְלֹא יָדְעָה וְאִזְלָה וּמִינְסָבָא, וְאִיכָא מַמְזָרִים וְרִישׁ לְקִישׁ אָמַר מִפְּנֵי תִקּוּן עֲגוּנוֹת, סָבַר לָהּ כָּרַב שֵׁשֶׁת, דְּאָמַר: בְּפָנֵי ג', וְיָבִי תִלְתָּא אִית לָהּ קָלָא, וְשְׁמַעָה וְיָדְעָה וְלֹא מִינְסָבָא, וְתִקּוּן עֲגוּנוֹת הוּא דְאִיכָא.

### BABYLONIAN TALMUD, *GITTIN* 33A

For reasons of *tikkun olam* – what does “for reasons of *tikkun olam*” actually mean? Rabbi Yohanan said: to prevent [*mipnei takanat*] illegitimate children. Resh Lakish said: to prevent [*mipnei takanat*] wife-desertion. Rabbi Yohanan said, “to prevent illegitimate children” because he agreed with Rabbi Nahman [that a *get* can be annulled] before a court of [only] two judges. Because the decisions of such courts are not widely reported the wife [who might not have heard that her *get* had been annulled] might go off and marry [somebody else], and have illegitimate children. Resh Lakish said, “to prevent wife-desertion” because he agreed with Rav Sheshet [that a *get* can only be annulled] before a court of three judges. Because such legal decisions are widely reported, the wife would hear and know that the *get* was annulled. [So she would remain unmarried] and the situation which needs correcting is that of her being a deserted wife [*takanat agunot*].

### STUDY QUESTIONS

- What does the term *tikkun olam/ha-olam* mean in these texts?
- Can you extrapolate a greater principle of social justice from that? What is it?
- Do you think the principle can be described as ‘conservative’ or ‘liberal’? Why/why not?
- Is that principle applicable to us today? How?



# A TORAH OF JUSTICE - A VIEW FROM THE RIGHT? TEXT FOR GROUP STUDY

## תפילת "עלינו"

על כן נקווה לך יי אלהינו, לראות מהרה בתפארת עגד, להעביר גלולים מן הארץ, והאלילים פרות יפרתון, לתקן עולם במלכות שדי, וכל בני בשר יקראו בשמך, להפנות אליך כל רשעי ארץ. נכירו וידעו כל יושבי תבל, כי לך תכרע כל ברך, תשבע כל לשון. לפניך יי אלהינו יכרעו ויפלו, ולכבוד שמך יקר יתנו, ויקבלו כלם את עול מלכותך, ותמלך עליהם מהרה לעולם ועד. כי המלכות שלך היא, ולעולמי עד תמלוך בכבוד, ככתוב בתורתך, יי ימלך לעולם ועד. ונאמר, והיה יי למלך על כל הארץ, ביום ההוא יהיה יי אחד, ושמו אחד.

## **ALEINU (FROM THE SIDUR)**

Therefore we hope in you, Holy One our God, soon to see the beauty of your strength as you sweep away what is abominable from the earth and the idols are entirely terminated; when you set the world right under the sovereignty of Shaddai [*le-takken olam b'malkhut shaddai*] and all humankind will call on your name; when you turn to you all the wicked of the earth. Then all the inhabitants of the world will recognize and understand that to you every knee must bow, every tongue pledge allegiance. Before you, Holy One our God, they will bow down and fall; they will give honor to your glorious name, and each of them will take upon themselves the yoke of your rulership, so that you rule over them soon, forever and ever. For kingship is yours, and you will reign forever in glory, as it says in your Torah: The Holy One will rule forever and ever. And it says: The Holy One will be Majesty over all the earth; on that day The Holy One will be one, and God's name one.



# SESSION SUGGESTIONS – A TORAH OF JUSTICE – A VIEW FROM THE RIGHT?

## INTRODUCTION

This unit and the one which follows are a pair, and you might wish to read them both before you begin teaching either one.

This session has a number of objectives. Firstly, it is intended to ask participants to focus on the ‘politics’ of social justice – the labels that might be applied. Secondly, participants will be asked to consider in depth the earliest uses of the term *tikkun olam*, which tends to be used today as a cover-all synonym for social justice, and to try to get an idea of how the Rabbis initially envisaged it. If you have access to a whiteboard in this session, that might be useful for recording definitions.

Recap the main points of Dr Bayme’s essay to begin the session. The main point up for discussion is: is it at all helpful to classify Jewish teachings on social justice under political-style labels?

## CHAVRUTA STUDY

Each group will be considering a different Rabbinical text, but with the same four questions and the same end in view – to be able to come up with a working definition of what *tikkun olam* seems to have meant for the Rabbis. The texts have been chosen because they illustrate not only the main term, but also various Rabbinic uses of the root *tkn*. Collate the definitions you get from the sub-groups as they report back. It is worth asking people to word those definitions as tightly as possible.

## GROUP STUDY

If you wish, use the *Aleinu* – does its concept of *tikkun olam* follow on from the ones which have previously been discussed? If there are differences – what are these differences? Why is this prayer included in every service we have, what are we trying to achieve?

If you do not wish to use the text – there are multiple sources on *tikkun olam* available on the internet. You could, for example, gather a range of sources for people to work with, with the aim of coming up with a definition of the term.

However you spend this part of the session, see if the group can now come up with an agreed translation/formula for *tikkun olam*. How would they describe it to a child? Do they consider it is helpful to have a definition of *tikkun olam* at all, and if so, why? What would be the practical application of that definition? And – can they come to a conclusion about how that definition might fit with such labels as ‘conservative’ or ‘liberal’ (bearing in mind that the next essay in the series will be the ‘liberal’ view)? (One way to consider this might be – how would their definition look if they had to turn it into a political manifesto?)

## CONCLUSION

Allow time for participants to update and amend their personal manifestos, choosing the definition of *tikkun olam* that they wish to retain and work with. They might wish to journal how they plan to take that definition forward. Hand out the essay for next time, and conclude the session.



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# MUSICAL PLAYLIST TO ACCOMPANY EACH SESSION

Compiled by Noam Raucher

You can use any or all of the songs in the suggested sessions. They are listed in the order of title-artist-album, and all are available on iTunes. Please note that one or two have explicit lyrics – these are clearly marked.

## Introduction

How Come – Ray LaMontagne – Trouble  
For What It's Worth – Buffalo Springfield – Buffalo Springfield  
If I Had A Hammer – Peter, Paul and Mary – The Best of Peter Paul and Mary  
What's Going On – Marvin Gaye – What's Going On

## The Prophets and Social Justice

Fuel – Ani DiFranco – Little Plastic Castle  
Chimes of Freedom – Bob Dylan – Bob Dylan: The Collection  
Keep On Rockin' In The Free World – Neil Young – Greatest Hits

## The Ethical Impulse in Rabbinic Judaism

Talkin' Bout A Revolution – Tracy Chapman – Tracy Chapman  
Blowin' In The Wind – Peter, Paul and Mary – The Best of Peter, Paul and Mary  
Down By The Riverside – Waste Deep In The Big Muddy And Other Love Songs

## A Torah of Justice – A View from the Right?

Hands – Jewel - Spirit  
The Times They Are A Changin' – Bob Dylan – The Essential Bob Dylan  
We Are One – Safam – Peace By Peace

## A Torah of Justice – A View from the Left?

He Was My Brother – Simon and Garfunkel – Wednesday Morning, 3AM  
Oxford Town – Bob Dylan – The Freewheelin' Bob Dylan  
A Change Is Gonna Come – Sam Cooke – Ain't That Good News

## Environment

The Horizon Has Been Defeated – Jack Johnson -On and On  
Holy Ground – The Klezmatics – Wonder Wheel  
Mercy Mercy Me (The Ecology) – Marvin Gaye – What's Going On  
Big Yellow Taxi – Joni Mitchell - Dreamland

## Business Ethics

Working Class Hero – John Lennon – Working Class Hero: The Definitive Lennon  
Carpal Tunnel – John O' Conner – Classic Labor Songs From Smithsonian Folkways  
We Do The Work – Jon Fromer - Classic Labor Songs From Smithsonian Folkways

## International Economic Justice

We Are The World. – USA For Africa – We Are The World (Single)  
Outside A Small Circle of Friends – Phil Ochs – The Best of Phil Ochs  
El Salvador – Peter, Paul and Mary – The Best of Peter Paul and Mary

## Special Needs

What It's Like – Everlast – The Best of House of Pain and Everlast – **EXPLICIT LYRICS**  
Mr. Wendall – Arrested Development – 3 years, 5 months, and 2 days in the life Of...  
The Boy In The Bubble – Paul Simon – The Essential Paul Simon

## Kashrut

All You Can Eat – Ben Folds – Supersunnyspeedgraphic, The LP – **EXPLICIT LYRICS**  
Mr. Greed – John Fogerty - Centerfield  
We Just Come To Work Here, We Don't Come To Die –Anne Feeney - Classic Labor Songs From Smithsonian Folkways

## Israel

Hope: Pray On – Sweet Honey In The Rock - 25  
Yihyeh Tov – David Broza – Things Will Be Better, The Best Of David Broza  
Misplaced – Moshav Band

## Afterword

With My Own Two Hands – Ben Harper – Diamonds On The Inside  
Living For The City – Stevie Wonder – Number 1's  
Redemption Song – Bob Marley - Legend





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