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דרכיה דרכי נעם

AM I MY SIBLING'S KEEPER IF MY SIBLING LIVES HALFWAY AROUND THE WORLD?

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INTRODUCTION

In March of 1991, a tsunami struck Bangladesh and killed 138,000 people. Both citizens and governments in the West scarcely registered the disaster, and the few who did scarcely acted. The news media barely covered the story, and NGOs (non-governmental organizations) provided limited international humanitarian response. Likewise, the Jewish community's reaction was muted. The disaster was too far away to connect with. CNN was a nascent network; there was no Internet, nor were there tourists with video cameras to record the damage. The essayist Annie Dillard described a conversation with her daughter that tries to make sense of our apathy:

At dinner I mentioned to my daughter, who was then seven years old, that it was hard to imagine 138,000 people drowning. "No, it's easy," she said. "Lots and lots of dots, in blue water."¹

Lots and lots of dots in blue water. It's a childish image, but how far is it from our own? Annie Dillard recounts the image because it helps to explain why we were unable to connect with what happened. These people are so far away and so anonymous, their problems are so different from our own, that we can't imagine ourselves in their circumstances. And because we can't imagine ourselves in their circumstances, we don't act.

Fast-forward thirteen years. A tsunami once again strikes in the Indian Ocean, killing 225,000 people. This time, the international response is overwhelming. More humanitarian aid was committed by governments and individual citizens in response to the 2004 tsunami than has ever been for any other natural disaster in human history.

The disasters were nearly identical, but the world's responses were radically different. Why?

We watched the 2004 tsunami on television. As the giant waves struck Phuket, Thailand, wealthy European and American tourists, video cameras in hand, stood on hotel room balconies, filmed the waves washing over the beaches and sweeping people away, and transmitted those images almost instantaneously to viewers around the world. You can still watch the videos on YouTube.

A skeptic might argue that we could empathize with the mostly white and relatively affluent tourist-filmers, that their similarity to us accounts for the difference in response. But we think it was something else. The first time, the area hit was a poor one and didn't support a tourist industry. No tourists = no video cameras = no images on the evening news = limited access for an international audience = little humanitarian aid.

The second time, we watched what happened nearly in real time. And in watching, we were brought into the lives of people halfway around the world; we could see their humanity, if only for a moment. But in that moment, we became obligated to them as fellow human beings. The essence of the distinction rests on this shift: these people, so dissimilar from us, so foreign, had entered our universe of obligation.

THE UNIVERSE OF OBLIGATION

The universe of obligation is a way of understanding how we decide which people in the world we feel responsible for and what we owe them.

The specific term gained currency in the aftermath of the murder of Kitty Genovese in New York in 1964. On her way home from waiting tables late one night, Kitty Genovese was killed outside her apartment in Queens, despite repeatedly calling for help. The next day, when police canvassed the neighborhood to see whether anyone had witnessed the crime, thirty-eight people indicated that they had watched the attack take place and had chosen, essentially, to do nothing.

¹ Annie Dillard, *For the Time Being* (New York: Vintage Books, 2000), 46



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The public uproar that followed the news reports on the thirty-eight witnesses prompted Abe Rosenthal, then a reporter for the *New York Times*, to write, “How far away do you have to be to forgive yourself for not doing whatever is in your power to do?... How far is silence from a place of safety acceptable without detesting yourself as we detest the thirty-eight?”² How far, in other words, do you have to be from someone who is in need for that person to be outside your responsibility? Or, conversely, to what extent does seeing, witnessing, or having clear knowledge of suffering or injustice bring those affected inside our universe of obligation?

EXPANDING OUR UNIVERSE OF OBLIGATION: JEWISH PERSPECTIVES

Judaism has a broad, deep, and detailed tradition of social justice and social responsibility, ranging from *tzedakah* to *bikkur cholim* (visiting the sick) to *pikuah nefesh* (saving a human life). What is less clear in Jewish teaching and tradition is how to prioritize among the seemingly infinite needs that surround us. That process of prioritizing is the process of constructing our universe of obligation.

There are a variety of Jewish sources that speak to this endeavor. There are voices in our tradition that, informed by Jewish historical experiences of persecution, construct the universe of obligation narrowly, in ways that prioritize the needs of Jews—serving the Jewish poor, providing aid and succor to Israel, supporting Jewish education. There are perspectives that recommend that we cast our net of responsibility more widely, but only to serve the narrower Jewish interest: giving to non-Jews as a way of building up a reservoir of goodwill in order, ultimately, to protect and defend Jewish interests. And there are some voices in the Jewish tradition that suggest we should prioritize based solely on need, regardless of the ethnic, religious, or national identification of the beneficiaries. None of these traditions is sufficient to the task at hand: balancing the sense of obligation that comes from seeing the needs of the developing world with both the limitations of our ability to address those needs and the competing demands on our fixed resources.

Fortunately, Judaism demands of us to continuously apply ancient concepts to contemporary problems. In *Pirkei Avot* 1:1, we read:

Moses received Torah from Sinai and handed it down to Joshua; Joshua to the elders; the elders to the prophets; and the prophets handed it down to the men of the Great Assembly. They said three things: “Be deliberate in judgment, raise up many students, and make a fence around the Torah.”³

This seminal Mishnaic passage acknowledges the evolutionary nature of the halakhic process, that the law is passed from generation to generation and that each generation is bound to apply the law deliberately. This sentiment is echoed, albeit nontraditionally, in a review of Israeli Supreme Court Justice Menahem Elon’s four-volume work on Jewish law, the second volume of which “studies the legal sources of Jewish law, namely, exegesis and interpretation, legislation, custom, precedent, and legal reasoning. These are the creative processes and modes of growth that enable the law to take account of changing circumstances and adapt to changing needs.”⁴

This adaptive flexibility of the law is one of the great challenges and responsibilities of Jewish life. The Torah, the Talmudic Rabbis, and the writers of the medieval codes of Jewish law could never have anticipated the Internet or the 747, but the traditions they bequeathed us are living ones, meant to be adapted and renewed. Making this responsibility explicit, the Rabbis interpreted the line in Leviticus 18:5, “Then keep my laws and my judgments, which people should do, and live by them, I am God,” to mean, “You should live by them, and not die by them.”⁵ As our world changes and the moral and ethical demands on us shift, we must be willing to revisit the old “laws and judgments” and apply their underlying principles to the challenges we confront.

² A.M. Rosenthal, *Thirty-Eight Witnesses* (Berkeley and Los Angeles: University of California Press, 1999).

³ *Mishnah Avot* 1:1

⁴ www.logos.com/products/prepub/details/3048

⁵ *Babylonian Talmud Sanhedrin* 74a



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The values that underlie Jewish traditional rules offer us a powerful set of motivations and guidelines for how to respond to the new circumstances wrought by globalization. In Deuteronomy is a series of esoteric rules with surprising salience in the context of the universe of obligation. Chapter 21 spells out the laws governing the *met mitzvah*—a term for the body of a murder victim found in the wilderness. According to the Torah's teaching, the authorities should measure the distance from the body to the nearest town. Then the elders of whichever town is nearest must attend to the body, sacrifice a heifer near the scene of the crime, and recite a particular formula: "Our hands did not shed this blood, our eyes did not see it done."⁶

At first blush, it's an unusual statement. Why would the community's elders be asked to declare their innocence of a crime that we would never have suspected them of committing? It's as if we expected the mayor of New York City to tend to the body of a murder victim found floating in the Hudson and publicly declare, "I didn't do it." Early Rabbinic authorities also noted this peculiarity and commented on it in the Mishnah: "Could it possibly even enter our minds that the elders of a Court were shedders of blood?"⁷

Instead, the Rabbis explain, the Torah is demanding that the town elders proclaim publicly that they did not *know* that the victim was out there, in the wilderness, lacking sustenance or protection: "He did not come into our hands, that we should have let him go without food, and we did not see him, that we should leave him without escort!"⁸ *We did not know*, the town elders must swear. The implication is that, had they known, the person would have entered their universe of obligation, and they would have taken care of him. In other words, knowing that people are suffering thrusts those people into our universe of obligation.

ACTING BASED ON OUR EXPANDED UNIVERSE OF OBLIGATION

What do we do if we accept the notion that our universe of obligation includes people who live far away and whose plight we have come to know?

Rabbi Jonathan Sacks, the chief Orthodox rabbi of Great Britain, poses this question eloquently:

David Hume noted that our sense of empathy diminishes as we move outward from the members of our family to our neighbors, our society and the world. Traditionally, our sense of involvement with the fate of others has been in inverse proportion to the distance separating us and them. What has changed is that television and the Internet have effectively abolished distance. They have brought images of suffering in far-off lands into our immediate experience. Our sense of compassion for the victims of poverty, war and famine, runs ahead of our capacity to act. Our moral sense is simultaneously activated and frustrated. We feel that something should be done, but what, how, and by whom?⁹

As Rabbi Sacks correctly notes, it is easy to experience what social psychologists call "compassion fatigue," the reduction in our capacity for empathy that results from oversaturation with images of suffering. The need is indeed overwhelming, but we cannot retreat to the convenience of being overwhelmed. As we read in *Pirkei Avot*, "It is not your task to complete the work, but you are not free to abandon it, either."¹⁰

What, then, can we do?

⁶ Deuteronomy 21:7.

⁷ Mishnah Sotah 9:6.

⁸ *Ibid.*

⁹ Rabbi Jonathan Sacks, *The Dignity of Difference* (New York: Continuum International Publishing Group, 2003), 30.

¹⁰ *Pirkei Avot* 2:19.



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RESPONSIBLE CONSUMPTION

Any idea where the coffee you drank this morning was grown? Did your orange juice come from Latin America? Were your clothes manufactured in a developing country? All of us are global consumers, purchasing items that have arrived in our stores as a result of transnational economic interconnectedness. And most of us are also global investors: anyone who owns a share of a mutual fund is likely a part owner of some multinational corporation.

These economic interconnections create specific responsibilities for us as consumers. According to Maimonides, the great twelfth-century scholar and codifier of Jewish law:

One may not buy from a thief the thing he has stolen; to do so is a serious transgression because it strengthens the hands of those who break the law and prompts the thief to carry out other thefts, for if the thief could find no buyer he would not steal, as it says, "A person who shares with a thief is his own enemy." [(Proverbs. 2:24)]¹¹

As Maimonides articulates, when we pay for a product whose origins are unjust, we both enable the injustice to continue, and become tainted by it. In a world in which our purchases may go through many hands before reaching ours, we are tainted not only when the seller acquires the goods in an unjust way, but also when any part of the chain of production perpetuates an injustice. For example, if a commercial coffee plantation abuses its workers, our purchase of that coffee represents a form of doing business with a thief. We ought not to be let off the hook because the thief happens to be operating behind a retailer, a domestic distributor, an importer, and an exporter. Intentionally or not, our purchase of unjustly produced goods enables the injustice to continue. And, of course, the opposite is also true: underlying this contention is that every economic transaction is an opportunity to pursue justice and, in the process, to become more just ourselves.

This means that we need to investigate the origins of the goods we buy and not buy things that were produced unethically. It means that we must ensure that the products we buy are produced using fair and safe labor practices. And it means that we must invest in companies whose practices meet our standards of ethical and responsible businesses, and when appropriate, invest in the companies we criticize in order to help change their policies through shareholder activism.

In practical terms, if the diamonds that sparkle in our jewelry are "conflict diamonds" whose international trade fuels many of Africa's wars, we have an obligation not to buy them and instead to support conflict-free diamonds. If Central American farmers work to produce the coffee that we consume, we have an obligation to ensure that they receive sufficient income to support themselves and their families and that their worksites meet basic standards of health and safety. And if we own shares of stock in a company that funds a regime that is violating human rights, we have an obligation to pressure that company to change, and if necessary, divest from that company as a way of signaling our disapproval until such a time that the regime is no longer in violation or the company has distanced itself from the regime.

By refraining from purchasing items that fuel strife, by committing to purchase fair-trade goods, and by making socially responsible investments, we can move along a continuum toward responsible consumption.¹² Furthermore, the very act of making these commitments enhances both our own awareness of the consequences of our economic decisions and models socially responsible consumption to friends and peers.

Finally, we must exercise our power as consumers and investors not only through purchasing and investment decisions, but also through direct pressure on corporations. As corporations invest incredible sums of money in their brand names, activists have grown ever more effective in changing corporate policies by raising the profile of unjust corporate

¹¹ Maimonides, *Mishneh Torah, Laws of Theft 5:1*.

¹² For more information on where to find fair trade goods, see www.transfairusa.org. For more information about socially responsible investing, see www.socialinvest.org.



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policies. For example, in 2002 students from around the country transformed the paper industry when they convinced Staples to multiply its recycled product offerings tenfold.¹³ In 2004, Rainforest Action Network pressured Citigroup not to invest in logging projects involving the destruction of ancient rainforests.¹⁴ In 2006, in collaboration with worker efforts nationwide, religious groups from coast to coast used their consumer power to boycott hotels with poor labor practices, which helped lead to victories in wages and benefits for hotel workers around the country.¹⁵

RESPONSIBLE *TZEDAKAH*

The commitment to *tzedakah* is prevalent throughout Jewish tradition. As Maimonides writes:

We are obligated to take greater care to perform the mitzvah of *tzedakah* than any other imperative, because *tzedakah* is the sign of the righteous person, the seed of Abraham our ancestor, as it is said, ““For I know him, that he will command...his descendants to perform *tzedakah*.” [Genesis(Gen. 18:19)]¹⁶

According to Maimonides, *tzedakah* is far more than just one of the mitzvot; it is the *sine qua non* of membership in the Jewish people and the very act that binds us to our forefather Abraham. In doing *tzedakah*, we reconnect ourselves to the very essence of what makes us Jewish.

But for those of us committed to giving *tzedakah*, how do we prioritize where to give? Most of us live in a world of zero-sum charitable dollars. Contributions to the developing world compete with requests from local Jewish organizations, domestic charities, and entities working with Israel. Given that we have to make choices, why should we use our precious *tzedakah* dollars to support people in the Global South?

The Talmud in *Gittin* speaks directly to this challenge:

Our Rabbis taught: We sustain the non-Jewish poor with the Jewish poor, we visit the non-Jewish sick with the Jewish sick, and we bury the non-Jewish dead with the Jewish dead, for the sake of peace [literally: for the ways of peace].¹⁷

The Talmud directs us to treat the non-Jews who have entered our universe of obligation just as we do the Jews.¹⁸ By committing at least some of our *tzedakah* resources to international development, humanitarian relief, and the expansion of human rights around the world, we are both embracing the fundamental Jewish social justice value of *tzedakah* and applying it in a way most consonant with its original formulation—to both Jews and non-Jews. Peace itself depends on it. And while the phrase “for the sake of peace” is often read as self-serving—that we, a distinct minority, should care for the majority in order to keep them from having reason to hate us—there are valid alternate readings of the line. The first is that providing aid and succor to people suffering from poverty, illness, and death is a way of filling the world with goodness and peace. The second, and the reading preferred by the Rambam, is that the traditional equating of Torah with peace implies that “for the sake of peace” is simply a poetic way of saying, “for the sake of Torah.” In other words, we must care for the non-Jewish poor, the non-Jewish sick, and the non-Jewish dead because the Torah itself demands it.

¹³ www.dogwoodalliance.org/content/view/52/113/#staplevictory.

¹⁴ www.democracymow.org/article.pl?sid=04/01/23/0453233.

¹⁵ See, for example, www.clueta.org/victories.html and www.thejewishadvocate.com/this_weeks_issue/news/?content_id=2765

¹⁶ Maimonides, *Mishneh Torah, Laws of Gifts to the Poor* 10:1.

¹⁷ *Babylonian Talmud, Gittin* 61a.

¹⁸ *The Talmud seems to be making this argument out of self-interest: because it's useful to us to have peace with non-Jews, we should bury their dead and feed their poor. But Maimonides rereads this text to say that the use of the term for the sake of peace is meant to be read as “for the sake of Torah.”* Maimonides, *Mishneh Torah, Laws of Kings* 10:12.



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RESPONSIBLE EXERCISE OF POLITICAL POWER

Deuteronomy teaches: "When you build a new house, make a parapet for your roof, so that you do not bring bloodguilt on your house if somebody should fall from it."¹⁹ The rule is simple—a flat roof, where people might congregate, can be a dangerous place, so we must build a railing so that no one falls off.

Maimonides applies the principle more broadly: first, by generalizing it to include all dangers—not just parapet-less roofs—present on one's property, and second, by expanding it to include any threats one might encounter, whether on one's property or not. He writes that this requirement applies to "a roof or for any other dangerous object which is likely to be an obstacle to someone, with fatal results...it is an imperative to remove it [any object which might pose a danger to life], to take heed of it and to be meticulously careful about it, as it says: "Take heed of yourself, and watch yourself carefully."²⁰

Where the dangers are contained and easy to address, personal action, like building a parapet, is sufficient. There are some dangers, however, that individual actions cannot remedy. Responsible consumerism and generosity of *tzedakah* and deed are two critical ways to realize our obligation to the developing world. But effecting change at the scale necessary to solve the complex and systemic problems of the Global South requires not just individual acts but the will and participation of governments.

Too often, though, the task of moving governments feels insurmountable.

Lots and lots of dots in blue water. We opened the essay with that image as a way of capturing the prevailing view of the distant, anonymous, and overwhelming need of the developing world. But in the context of the responsibility of our political power, it takes on another meaning. Sometimes, we, too, feel like lots of dots in a sea of political inertia. With so many potential voters, one ballot doesn't matter, we say. With so much noise, our elected officials won't notice whether we send another letter or make another phone call.

The Deuteronomy text doesn't permit us to indulge our sense of apathy or frustration. And, as it turns out, we shouldn't feel so powerless. After the genocide in Rwanda, the late Senator Paul Simon said, "If every member of the House of Representatives and Senate had received 100 letters from people back home saying we have to do something about Rwanda, when the crisis was first developing, then I think the response would have been different."²¹

Senator Simon's ruminations confirm what we hope, as citizens still committed to the democratic enterprise, to be true: every voice matters. But our obligation goes beyond the personal duty of active citizenship. We, American Jews, have enormous power and political voice not just as individuals, but as a community. And with that power and voice comes equally great obligation. As the Babylonian Talmud explains, anticipating by thousands of years John F. Kennedy's admonition that "of those to whom much is given, much is required":

Whoever can stop his household [from doing something wrong] but does not, is punished for [the wrongdoing of] his household; if he can prevent his fellow citizens, he is punished for the sins of his fellow citizens; if the whole world, he is punished for the sins of the whole world.²²

The Talmud teaches us that the greater our power, the greater our responsibility to exercise that power. And the realpolitik of American democracy teaches us that if we choose to use that power, we can affect policy. When the American public has focused its attention on the genocide in Darfur—for example, at the April 2006 Save Darfur Rally to Stop Genocide that AJWS spearheaded—the Bush Administration has consistently stepped up diplomatic pressure on the government of Sudan. When public pressure has waned, so has the Administration's attention.

¹⁹ Deuteronomy 22:8.

²⁰ Maimonides, *Mishneh Torah, Laws of the Murderer and Preservation of Life* 11:4.

²¹ Samantha Power, *A Problem from Hell: America in the Age of Genocide* (New York: HarperCollins, 2007), 377.

²² Babylonian Talmud, *Shabbat* 54b.



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The universe of obligation, then, comprises three pillars: responsible consumption, responsible *tzedakah*, and the responsible exercise of political power. On these three responsibilities the world rests.

MOVING PAST PITY

As we continue to expand our universe of obligation to include our neighbors in the developing world, we will continue to confront the enormous suffering that resides there. Faced with the images of endemic poverty and disease, it is easy to feel overcome by pity for those people and their plight.

But pity is a dangerous response.

“Pity,” Hannah Arendt explains in *On Revolution*, “can be enjoyed for its own sake, and this will almost automatically lead to a glorification of its cause, which is the suffering of others.”²³

In other words, feeling pity feels good, and if it feels good, we’re inclined to perpetuate the circumstances that engendered the feeling. Susan Sontag takes the criticism a step further. “So far as we feel sympathy,” [a word which is used as Arendt used “pity”] “we feel we are not accomplices to what caused the suffering. Our sympathy proclaims our innocence as well as our impotence. To that extent, it can be (for all our good intentions) an impertinent—if not an inappropriate—response.”²⁴

Pity, or sympathy, as Sontag so eloquently lays bare, has a palliative effect on our conscience. It lets us feel our humanity. As Sontag understands, when we view images of people in pain, we are moved, even anguished, by their suffering. But even as we are anguished, we are also comforted by our own sympathetic response: if we feel pained by suffering in the developing world, we must be people of conscience. Our discomfort, as Sontag intuits, feels like the best evidence of our goodness.

Our tradition offers a model for responding to the people of the developing world without the pity that Sontag and Arendt teach us is ultimately self-serving. The central command of the Passover Seder is to see ourselves as if we have been freed from Egypt. We don’t sympathize with the experience of slavery or pity the Hebrew slaves; we find ways to relieve their oppression. And we don’t just imagine freedom; we’re told to embody it. Some Haggadot even include mirrors on the page where this text is found.

The message of the Seder, then, is to see ourselves as intimately connected to our own history of oppression and liberation, and to connect our narrative with the struggles for liberation of other oppressed peoples. This becomes a recurring theme in the Bible—take care of the widow, the orphan, and the stranger, we are commanded, because we once were slaves in Egypt.

But the message is deeper. When we become aware of the suffering of others, they enter our universe of obligation. And when they enter our universe of obligation, our own moral identity becomes inextricably tied up in their fate. Acting from a place of that awareness minimizes the possibility of pity and enhances our ability to act. As Lila Watson, an Australian Aboriginal activist, puts it, “If you have come here to help me you are wasting your time. But if you have come here because your liberation is bound up with mine, let us work together.”

²³ Hannah Arendt, *On Revolution* (London: Penguin Books, 1963), 89.

²⁴ Susan Sontag, *Regarding the Pain of Others* (New York: Picador, 2004), 102.



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ויקרא יט:ט-י

ט וּבְקִצְרְכֶם אֶת-קִצִיר אֲרֻצְכֶם לֹא תִכְלֶה פְּאֵת שְׂדֵךְ לְקַצֹּר וּלְקַט קִצִירְךָ לֹא תִלְקֹט: י וְכִרְמֶךָ לֹא תַעֲוִל וּפְרֹט כִּרְמֶךָ לֹא תִלְקֹט לְעֵנִי וְלִגֵּר תִּעְזֹב אֹתָם אֲנִי יי אֱלֹהֵיכֶם:

LEVITICUS 19:9-10

When you reap the harvest of your land, you shall not entirely reap the corners of your field, or gather the gleanings of your harvest. You shall not strip your vineyard bare, nor gather the fallen fruit of your vineyard; you shall leave these for the poor and for the stranger: I am The Holy One your God.

תורת משה (רי משה אלשייך)

ולא יעלה על רוחך כי משלך אתה נותן לעני או כי מאסתיו מתת לו לחם באשר נתתי לך. כי גם בני הוא כמוך, אך חלקו הוא בתבואתך, ולזכותך בונתי לתת לו חלקו מתחת ידי. וזהו החילו בלשון רבים, באומר 'ובקצרכם' [ויקרא יט:ט] וצאתו בלשון יחיד באומר 'לא תכלה' וכו'. מתחילה אמר לשון רבים, לומר קציר ארצכם של בעל השדה ועני והגר, לפי האמת כי חלקם שם. ומה גם כי דרך העשיר להעמיד קוצרים שכירים עני וגר, ועל בעל הבית והקוצרים אמר 'ובקצרכם את קציר ארצכם'. ואחר כך אל בעל הבית 'לא תכלה' וכו'.

TORAT MOSHE ON LEVITICUS 19 (RABBI MOSHE ALSHECH)

Do not think that you are giving the poor person what is yours, or that I rejected the poor by not giving them what I gave you. The poor are my children, just as you are: it is only that their share is part of your produce, and it was my intention for it to be a creditable action on your part to give them their share yourself. This is why the verse begins in the plural – ‘When you [pl] shall reap’ – and ends in the singular – ‘You shall not strip,’ etc. It is in the plural first so as to indicate “your land” – [that is,] the owner’s, the poor person’s and the stranger’s – because, in truth, that is where their share is. And not only that: it is the practice of the rich to hire the poor and the stranger to do their reaping, so to both the landowner and the reapers it says, ‘when you reap the harvest of your land,’ whereas after that, ‘You shall not strip’ etc is directed at the landowner.

STUDY QUESTIONS

- What traditional conceptions held by the owner of the field does Rabbi Alshech upend in regard to (1) the ownership of the produce, and (2) the reason for the poor person’s poverty?
- According to Rabbi Alshech, what are the reasons for the poor person’s claim to the gleanings?
- According to this passage, how is justice to be achieved?
- How do you think the principles in these texts apply to us, today?



AM I MY SIBLING'S KEEPER IF MY SIBLING LIVES HALFWAY AROUND THE WORLD? – TEXT 2

דברים כב:ח

כִּי תִבְנֶה בַּיִת חֹדֶשׁ וְעָשִׂיתָ מַעֲקָה לְגַגְגְּךָ וְלֹא־תָשִׂים דָּמִים בְּבֵיתְךָ כִּי־יִפֹּל הַנֶּפֶל מִמֶּנּוּ:

DEUTERONOMY 22:8

When you build a new house, make a parapet for your roof, so that you do not bring bloodguilt on your house if somebody should fall from it.

רמב"ם הלכות רוצח ושמירת הנפש יא:ד

אֶחָד הֵגֵג וְאֶחָד כָּל דָּבָר שָׁיֵשׁ בּוֹ סִכָּנָה וְרָאוי שְׂיִכְשֹׁל בּוֹ אָדָם וְיָמוּת כְּגוֹן שֶׁהֵיָתָה לוֹ בְּאֵר אוֹ בּוֹר בְּחֻצְרוֹ בֵּין שָׁיֵשׁ בְּהוֹן מֵיָם בֵּין שְׂאִין בְּהוֹן מֵיָם חָיִב לַעֲשׂוֹת לָהֶן חוֹלְיָה גְבוּהָה עֲשָׂרָה טַפָּחִים אוֹ לַעֲשׂוֹת לָהּ כָּסוּי כְּדֵי שֶׁלֹּא יִפּוֹל בָּהּ אָדָם וְיָמוּת. וְכֵן כָּל מְכָשׁוּל שָׁיֵשׁ בּוֹ סִכָּנָת נְפֻשׁוֹת מִצְוֹת עֲשֵׂה לְהַסִּירוֹ וְלֹהֲזֵהר בְּדָבָר יִפָּה יָפָה שְׂנֵאָמֵר (דברים ד:ט) הַשְּׁמֵר לְךָ וְשָׁמֹר נַפְשְׁךָ. וְאִם לֹא הִסִּיר, וְהֵנִיחַ הַמְכָשׁוּלוֹת הַמְבִיאִין לַיָּדִי סִכָּנָה, בֵּיטֵל מִצְוֹת עֲשֵׂה וְעֵבֵר עַל לֹא תָשִׂים דָּמִים.

MAIMONIDES [RABBI MOSHE BEN MAIMON, THE RAMBAM], LAWS OF THE MURDERER AND PRESERVATION OF LIFE, 11:4

[The rule is] the same for a roof or for any other dangerous object which is likely to be an obstacle to someone with fatal results. For example, if a person has a well or a cistern in his courtyard (whether it contains water or not) he is under a duty to fence it around to a height of ten handbreadths, or to make a cover for it so that people will not fall into it and die. The same is true of any object which might present the risk of death – it is an imperative to remove it, to take heed of it and to be meticulously careful about it, as it says: ‘Take heed of yourself, and watch yourself carefully.’ And if a person does not remove [the object], and leaves obstacles around which could potentially be dangerous, that person ignores an imperative and [also] breaks the prohibition, ‘You shall not spill blood.’

STUDY QUESTIONS

- What are our obligations to others, according to these two texts?
- How does Rambam expand the narrow principle in the first text into the wider principle in the second?
- According to these texts, how is justice to be achieved?
- How do you think the principles in these texts apply to us, today?



AM I MY SIBLING'S KEEPER IF MY SIBLING LIVES HALFWAY AROUND THE WORLD? – TEXT 3

דברים כא-ט

א כִּי־יִמָּצָא חָלָל בְּאֶדְמַתְהוּ אֲשֶׁר יִי אֱלֹהֶיךָ נָתַן לְךָ לְרִשְׁתָּהּ נֹפֵל בְּשָׂדֶה לֹא נֹדֵעַ מִי הִכָּהוּ ב וַיִּצְאוּ זִקְנֵיךָ וַשְׂפֹטֶיךָ וּמִדְדוּ אֶל־הָעָרִים אֲשֶׁר סְבִיבֹת הַחָלָל: ג וְהָיָה הָעִיר הַקְּרֹבָה אֶל־הַחָלָל וְלָקְחוּ זִקְנֵי הָעִיר הַהוּא עֵגְלַת בָּקָר אֲשֶׁר לֹא־עִבְדָּ בָּהּ אֲשֶׁר לֹא־מִשְׁכָּה בְּעַל: ד וְהוֹרְדוּ זִקְנֵי הָעִיר הַהוּא אֶת־הָעֵגְלָה אֶל־נַחַל אֵיתָן אֲשֶׁר לֹא־יִעֲבֹד בּוֹ וְלֹא יִזְרַע וְעָרְפוּ־שֵׁם אֶת־הָעֵגְלָה בְּנַחַל: ה וְנִגְשׂוּ הַכֹּהֲנִים בְּנֵי לֵוִי כִי בָּם בָּחַר יִי אֱלֹהֶיךָ לְשָׂרְתוֹ וּלְבָרֶךְ בְּשֵׁם יִי וְעַל־פִּיהֶם יְהִי כָל־רִיב וְכָל־נִגְעָה: ו וְכָל זִקְנֵי הָעִיר הַהוּא הַקְּרֹבִים אֶל־הַחָלָל יִרְחֲצוּ אֶת־יְדֵיהֶם עַל־הָעֵגְלָה הָעְרוּפָה בְּנַחַל: [מִפְטִיר] ז וְעָנוּ וְאָמְרוּ יְדִינוּ לֹא שָׁפַכְהוּ [שִׁפְכוּ] אֶת־הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ: ח כִּפֹּר לְעַמֶּךָ יִשְׂרָאֵל אֲשֶׁר־פָּדִיתָ יִי וְאֶל־תִּתֵּן דָּם נָקִי בְּקֶרֶב עַמֶּךָ יִשְׂרָאֵל וְנִפְּרָר לָהֶם הַדָּם: ט וְאִתָּה תִּבְעַר הַדָּם הַנָּקִי מִקֶּרְבֶּךָ כִּי־תַעֲשֶׂה הַיֵּשֶׁר בְּעֵינֵי יִי:

DEUTERONOMY 21:1-9

If a corpse is found lying on the ground that The Holy One your God is giving you to possess, out in the open, and nobody knows who struck the dead person down – then your elders and your judges shall go outside and measure the distance between the corpse and the cities around it. The elders of the city which is closest to the corpse shall take a heifer which has never been put to work or dragged a yoke. They shall bring the heifer down to a valley with flowing water, which has never been worked or sown, and there in the valley they shall break the heifer's neck. The priests, the sons of Levi (since they have been chosen by The Holy One your God to serve and to bless in The Holy One's name, and to adjudicate in the case of every dispute and every assault) shall then approach. All the elders of that city who are close to the corpse shall wash their hands over the heifer with the broken neck, in the valley. They shall then declare: "Our hands did not shed this blood, our eyes did not see it done. Make atonement for Israel that you redeemed, The Holy One, and do not place innocent blood among your people Israel" and the blood will be atoned for. And [thus] you shall burn away the innocent blood from among you, since you will be doing the right thing in the eyes of The Holy One.

משנה סוטה ט:

ו זִקְנֵי אוֹתָהּ הָעִיר רוֹחֲצִין אֶת יְדֵיהֶן בְּמִקּוֹם עֲרִיפָה שֶׁל עֵגְלָה, וְאוֹמְרִים, (שם) יְדִינוּ לֹא שָׁפַכְהוּ אֶת הַדָּם הַזֶּה וְעֵינֵינוּ לֹא רָאוּ. וְכִי עַל דַּעֲתָנוּ עֲלֵתָהּ, שֶׁזִּקְנֵי בֵּית דִּין שׁוֹפְכֵי דָּמִים הֵן, אֵלֶּיךָ שֶׁלֹּא בָּא לְיָדֵינוּ וּפְטָרְנוּהוּ (בְּלֹא מִזוֹן), וְלֹא רָאִינוּהוּ וְהִנְחִינוּהוּ (בְּלֹא לְוִיָּה).

MISHNAH SOTAH 9:6

The elders of that town wash their hands in water at the place where the neck of the heifer was broken, and say [Deuteronomy 21], "Our hands did not shed this blood, our eyes did not see." Could it possibly even enter our minds that that the elders of a Court were shedders of blood? Rather, [understand this to mean] "He did not come into our hands, that we should have let him go without food, and we did not see him, that we should leave him without an escort!"

STUDY QUESTIONS

- Why do you think the elders are required to make a sacrifice and say the words they say?
- How would you describe the ethic underlying the Mishnah's interpretation?
- According to these texts, how is justice to be achieved?
- How do you think the principles in these texts apply to us, today?



AM I MY SIBLING'S KEEPER IF MY SIBLING LIVES HALFWAY AROUND THE WORLD? – TEXT 4

שו"ת מנחת שלמה תנינא ב פו:ד

בְּעֵינֵינוּ הַחַיִּיב לְמַמּוֹן אֶת הַהוֹצָאוֹת לְהַצֵּלֶת חַיֵּיו שֶׁל חוֹלֵה מְסוּכָן מִפְּשֻׁטוֹת הַגְּמָרָא בְּסִנְהֶדְרִין ע"ג ע"א רוֹאִים דְּחַיִּיב לַעֲשׂוֹת הַכֹּל לְהַצִּילֵתוֹ וְאִם לֹא הוּא עוֹבֵר בְּלֹא שָׁל לֹא תַעֲמוּד עַל דָּם רַעַךְ [ויקרא 19:16] (לְפִי עֲנִיּוֹת דְּעֵתֵי פְּשׁוּט שֶׁהַחֹלֵה עֲצָמוֹ שְׁפִיר חַיִּיב אַחֵר כִּד לְפָרוּע לֹא), וְאִם נֹאמֵר דְּעַל לֹא שְׁחִיבוּב מַעֲשֵׂה לֵיכָא חַיִּיב לְבַזְּבֹז כָּל מְמוֹנֵו, מְכַל מְקוּם מַעֲשֵׂר אוֹ חֲמֵשׁ מִיְהָא חַיִּיב, וּבְפָרְט דְּמִסְתַּבֵּר יוֹתֵר שְׁלֹא זֶה הַרְבֵּה יוֹתֵר חֲמוּר וְשְׁפִיר חַיִּיב לְבַזְּבֹז כָּל מְמוֹנֵו. אֲדָּ לְצַעֲרֵנוּ נִתְקַלִּים בְּזֶה תְּמִיד וְלֹא עוֹשִׂים כִּד, וְשְׁמַעְתִּי שֶׁהַגְּאוֹן ר' יִשְׂרָאֵל מְסָאֲלָאֲנֵט זַ"ל הִסְתַּפֵּק הַרְבֵּה בְּעֵינֵינוּ זֶה. וְלִמְעַשָּׂה וְדָאֵי נְרָאָה דְּבִכְהָאֵי גּוֹנָא שְׁרוּאָה אֶת חֲבֵרוֹ טוֹבַע בְּנֶהָר וְאִין מִי שְׁיֻצִיל אוֹתוֹ שְׁפִיר חַיִּיב לְבַזְּבֹז כָּל מְמוֹנֵו, אוּלָּם כְּשֶׁהֲעֵנֵן יְדוּעַ וּמְפוֹרָסָם לְרַבִּים סוּמְכִים לְהַקְלֵ שְׁאִינוֹ חַיִּיב לִיתֵן יוֹתֵר מִהַחֲלָק שְׁמוּטָל עֲלָיו. וּמְכַל מְקוּם אִין זֶה מִתְקַבֵּל עַל דְּעֵתֵי כִי מַהִיכ'ת יִפְטוֹר עֲצָמוֹ מִלֹּא חֲמוּר זֶה מִפְּנֵי זֶה שְׁאַחֲרִים לֹא חוֹשְׁשִׁים וְעוֹבְרִים עַל זֶה, וְהַדְּבָר צָרִיךְ עֵינֵינוּ רַב.

R. SHLOMO ZALMAN AUERBACH, *MINHAT SHLOMO*, VOL. 2, 86:4

Regarding the duty to subsidize the costs of saving the life of a sick person who is in danger of dying: if we read Sanhedrin 73a in the plainest way, we see that we must do everything in order to save that person, and that if we do not, we transgress the prohibition, “Do not stand idly by the blood of your neighbor” (and I would also suggest that it is clear from here that it is appropriate for the sick person to be under a duty to pay the money back afterwards). And if we say that even though it is clear there is a duty here, that duty does not extend to spending all one’s wealth [to subsidize the sick person], it is nevertheless clear that 10%, or 20%, is obligatory. Actually, it is more logical that the proscription [against transgressing the prohibition] is more stringent, and it is appropriate to rule that there is a duty to spend all one’s money. Regrettably, we come across this situation all the time, but nobody does that: and I have heard that the Gaon Israel Salanter (of blessed memory) had considerable doubts about the issue. Further, it is certainly clear that in a case such as ours, [which amounts to] a person seeing another person drowning in the river with nobody [else] to save them, it is appropriate to rule that there is a duty to spend all one’s money. However, when the matter is public and known to everyone, people rely on the lenient ruling that a person only has to spend up to the extent of the [specific] share required from them. This makes no sense to me: how can anyone absolve themselves from this stringent prohibition just because other people do not worry about breaking it? The matter requires very serious investigation.

STUDY QUESTIONS

- According to this text, what is the source of the obligation to subsidize the treatment of the sick person?
- What is the ‘lenient’ position? What do you think of it? Why?
- According to this text, how is justice to be achieved?
- How do you think the principles in this text apply to us, today?

Note: this passage is taken from a teshuvah (responsum) in which Rabbi Auerbach (Israel, 1910-1985) has been asked to rule on a case in which one person knocks on another’s door and says that if his medical care is not subsidized, he is sure to die



AM I MY SIBLING'S KEEPER IF MY SIBLING LIVES HALFWAY AROUND THE WORLD? – TEXT FOR GROUP STUDY

ערוך השולחן יורה דעה רנא:ג

כתב הטור שם רב סעדיה גאון חייב אדם להקדים פרנסתו לכל אדם ואינו חייב לתת צדקה עד שיהיה לו פרנסתו שנאמר וחי אחיך עמך [ויקרא 25:36] חייך קודמין לחי אחיך וכן אמרה הצרפית לאליהו ועשיתי לי ולבני תחלה ואחר כך לבני וכו' [מלכים א' יז:יב] ואחר שיפרנס נפשו יקדים פרנסת אביו ואמו לפרנסת בניו ואחר כך פרנסת בניו וכו' עכ"ל.

ורבנו הרמ"א העתיק זה וזה לשונו פרנסת עצמו וכו' אביו ואמו אם הם עניים והן קודמין לפרנסת בניו ואחר כך בניו והם קודמים לאחיו והם קודמים לשאר קרובים והקרובים קודמים לשכניו ושכניו לאנשי עירו ואנשי עירו לעיר אחרת וה"ה אם היו שבוים וצריך לפדותן עכ"ל:

ARUKH HA-SHULHAN YOREH DEAH 251:3¹

The Tur² writes in the name of Rav Saadia Gaon: "A person's own *parnassah* [subsistence] takes precedence over that of any-one else, and one is not required to give *tzedakah* until he [or she] has acquired a *parnassah*, as it says: 'And your fellow will live with you' [Leviticus 25:36], meaning your life takes priority over that of your fellow.³ And similarly did the Zarahite woman say to Elijah: 'I will make [some bread] for myself and my child' [I Kings 17:8-16] – first for myself, then for my child. After acquiring a *parnassah* for one's self, the *parnassah* of one's father and mother take precedence over that of one's children; next comes the *parnassah* of one's children, and so on."

Our teacher the Rema⁴ records this ruling as follows: "A person's own *parnassah*: If one's father and mother are poor, their *parnassah* takes precedence over the *parnassah* of one's children. Afterwards come one's children, and they take precedence over one's brothers, who take precedence over other relatives, who take precedence over neighbors, who take precedence over the other residents of one's city, who take precedence over the residents of another city. And these priorities also hold for captives who need to be ransomed."

ערוך השולחן יורה דעה סימן רנא סעיף ד

והנה כבר בארנו בס"ח סעי' ג' דזה שכתבו שאינו חייב ליתן צדקה עד שיהיה לו פרנסתו זהו בצדקה תמידיות מעשר או חומש אבל לקיים מצות צדקה שלישית שקל בשנה מחוייב כל אדם אף עני המתפרנס מן הצדקה.

האמנם בעיקרי הדברים ק"ל טובא דאם נאמר דברים כפשוטן דאלו קודמין לאלו ואלו לאלו דהכונה שא"צ ליתן כלל למדרגה שאחר זה ולפ"ז הא הדבר דוע שלכל עשיר יש הרבה קרובים עניים וכ"ש לבעה"ב שהצדקה שלו מועטת וא"כ לפ"ז אותם העניים שאין להם קרובים עשירים ימותו ברעב ואיך אפשר לומר כן?

ולכן נלע"ד דבירור הדברים כך הם דבונדאי כל בע"ב או עשיר הנותן צדקה מחוייב ליתן חלק לעניים הרחוקים אלא דלקרוביו יתן יותר מלשאינו קרוביו וכן כולם כמדרגה זו.

ARUKH HA-SHULHAN YOREH DEAH 251:4⁵

We have already explained in another place that the ruling of the Shulchan Aruch, stating that one is not obligated to give *tzedakah* until he has earned enough to support himself, deals only with fixed gifts such as tithes. Everyone – even a poor person who is supported by *tzedakah* – is obligated to fulfill the basic mitzvah of *tzedakah* by giving at least a third of a *shekel* each year.

Now there is something fundamental about the details of the laws above that troubles me deeply. For if we explain the texts that I have cited according to their simple meaning – that certain groups are prior to others – they imply that [one may distribute the entirety of one's *tzedakah* money to one group within the established hierarchy] and need not give at all to those who fall outside of that particular group. But it is well known that every wealthy person has many more relatives who are poor, and how much more is that true for people whose *tzedakah* funds are scant! And if this is the case, poor people without wealthy relatives will die of starvation. Now how is it possible to say this?

Therefore, in my humble opinion, the explanation of [*tzedakah* priorities] is as follows: Certainly every person, whether of modest or significant means, is obligated to give a portion of his [or her] *tzedakah* money to needy people who are not relatives. But to his [or her] poor relatives, he [or she] should give a greater amount than is given to those who are not related. And so on along the ladder of priorities.

¹ This translation of the Aruch Ha-Shulchan was provided by Rabbi David Rosen, Founder and Executive Director of Avodah: The Jewish Service Corps.

² Rabbi Jacob b Asher (Germany and Spain, 14th century) who wrote the 'Arba Turim', the second of the comprehensive codes of Jewish law.

³ In other words, you must continue living in order for your fellow to live with you.

⁴ Rabbi Moshe Isserles (Krakow, 16th century) who is better known by the acronym Rama.

⁵ This translation of the Aruch Ha-Shulchan was provided by Rabbi David Rosen, Founder and Executive Director of Avodah: The Jewish Service Corps.



SESSION SUGGESTIONS – AM I MY SIBLING’S KEEPER IF MY SIBLING LIVES HALFWAY AROUND THE WORLD?

INTRODUCTION

In this session the group will consider the international dimensions of social justice.

- Introduce the session. Focus the recap of the essay on two areas:
- the term ‘universe of obligation’ – what is this? Can people describe their own universe of obligation? What is covered, what is not?
- the question of *power* – what can we do in the face of such huge issues?

CHAVRUTA STUDY

Hand out the texts for chavruta study. Each of the texts has two shared questions to prompt people to apply the teachings of the tradition to the world in which we live today. (Text 4 is dense – if you have attorneys in the group, this is a good one for them.) Bring people together after the chavruta to discuss their findings. How do the teachings of our tradition help us in our quest to achieve justice?

GROUP STUDY

The text supplied focuses on the prioritizing of need – a critical question, and one which can immobilize us entirely if not tackled. Help students to see the movement from Sa’adia’s position – that one’s own needs take the greatest priority (often expressed as ‘fit your own oxygen mask first’) through the Rema (who deals with the issue by trying to provide a formula for making decisions) and on to R Epstein (who considers that Sa’adia is talking about obligatory giving such as tithes, and *tzedakah* is a different obligation, which falls upon all of us). How do these three models fit with people’s experience of giving *tzedakah*? Do any of these formulae help us to deal with our feelings of powerlessness in the face of ‘lots and lots of dots in blue water’? How do they help us define our universe of obligation?

Other options:

- Ask people at the end of the previous session to bring in advertisements they might have encountered for various charities and to discuss these in light of the concept of the universe of obligation. Where in the universe would they place the various charities? Why?
- If there is paper, ask participants to draw out their own universes of obligation, using concentric circles, and to discuss and compare them.
- Make the universe of obligation a physical exercise. Ask people to locate themselves in the room in relation to where they consider their own universe begins and ends. Do groups form? On what basis? Which groups are the closest/the most opposed? Why? On what criteria did people place themselves where they did?

CONCLUSION

Draw the discussions together: how have participants integrated the concept of the universe of obligation? Has it changed their views about international social justice in any way? If so, how? Allow time for participants to update and amend their personal manifestos. 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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