The Ninth Level--Tsedek, not just Tsedakah, by Naomi Schacter

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Four idealistic religious social activists started making the rounds among rabbis and other religious leaders four years ago, to see if perhaps they were missing something. Assaf, Chili, Efrat and Shmuli had grown up together in Jerusalem, been through the religious youth movements, yeshivas, army — but they were troubled. Times in Israel were difficult. Of course they were concerned about the recent Intifada and the security situation, but they were equally concerned about internal social problems: steadily rising poverty, trafficking in women, employment rights. These problematic trends were beginning to characterize their beloved country. And they could not understand why there were no organized efforts or cries of protest from the official rabbinic community, or efforts spearheaded by their own religious spiritual mentors. Where was the voice

of Judaism on these issues? Thus was born the concept for a new organization in Israel, Bema'aglai Tzedek, to address the numerous social ills in Israeli society in connection with the millenia-old Jewish ethical traditions, which speak of Tzedek and Tikun Olam. These young and dynamic religious activists strongly believe that Jewish tradition has essential ideas to contribute to the current socio-economic discourse in Israeli society.

And this organization is making waves. Slowly, some rabbis are starting to acknowledge and try to deal with these issues. But why so few, and where were their voices beforehand, and where are their colleagues' voices now, both here in Israel and in North America?

In Reform synagogues throughout North America, the voices from the pulpits talk about social justice, civil rights and other such issues. Why are these basic humanitarian issues not being regularly addressed from Orthodox pulpits? Surely humanitarian ideas do not conflict with deep-rooted Jewish values. Where is our concern for the commandments regarding social justice repeated many times in the Torah, such as "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt. You shall not afflict any widow or orphan" (Ex. 22:21-2), or "If there is among you a poor man, one of your brethren, in any of your towns within your land which the Lord your God gives you, you shall not harden your heart or shut your hand against your poor brother, but you shall open your hand to him, and lend him sufficient for his need, whatever it may be"(Deut. 15:7-8).

I don't pretend to have answers to why the religious community has separated itself from issues relating to civil rights and social justice. In the current socio-political environment these values have become associated with the secular left. But it is unclear why that has happened. Assaf Banner, the director of Bema'aglai Tzedek, said that when he and his friends started talking the social justice lingo, people were surprised: “We didn't fit the stereotype of the secular Tel Aviv Ashkenazi with round wire glasses…."

When I discussed these issues with a colleague of mine, an intelligent young woman who grew up in the Reform movement in upstate New York, but is now a newly married, religious, head-covering Jerusalemite, she theorized that “halakhic imperatives emanating from the rabbinic tradition stipulate various laws aimed at preserving Am Yisrael, using the strategy of social isolation: inflexible kashrut laws, prohibitions against consuming alcohol in ‘mixed company’, etc. This isolationist approach has given way to the development of an Orthodoxy that is self-absorbed, ethnocentric, and the sociological backdrop to the stunted growth of social justice initiatives in the Orthodox community.” This seems to me a very important insight into our present situation, coming from someone who once sat on the other side of aisle, as it were. And it echoes certain thoughtful academic voices as well. As Menachem Lorberbaum, Chair of Hebrew Culture Studies at Tel Aviv University and a Senior Fellow at the Shalom Hartman Institute, told me: "Part of the problem is that there is no sense of Jewish peoplehood in Orthodoxy, no appreciation of the depth of diversity of Jewish people." He sees Orthodoxy as very insular, and legitimacy has become more important than substance.

Can it be that the Orthodox establishment is more worried about punctilious and zealous application of halakha, and keeping Jews separate from the rest of the world, than about enacting the elemental responsibility to uphold the dignity and basic rights of the disadvantaged and the weak? Why do the two have to be mutually exclusive?

Don’t get me wrong. I am not suggesting that the Orthodox religious community shows no concern for others. On the contrary, the commitment of Orthodox Jews to Hesed and Tzedakah is on whole exemplary. The ultra-Orthodox community takes care of its own, in a well-organized fashion, somewhat reminiscent of the institutionalized welfare-community infrastructure outlined in chapter one of the Talmudic Tractate Baba Batra. However, it seems that although the Orthodox community certainly practices Tzedakah with a laudable passion, the institutionalized and almost bureaucratic welfare state described in the Talmud has not been adopted.

There is a difference between Tzedakah and Tzedek. This distinction becomes critical in the context of the Jewish State. Tzedakah helps to ease an immediate urgent situation in a specific case, but does nothing to solve the deep-rooted social ailments which are the root of the problem.

Rambam's Tzedakah ladder is well-known. The highest degree of charity, the 8th level, requires strengthening the hand of one’s poor Jewish brother and giving him a gift or [an interest-free] loan, or even entering into a business partnership with him. In other words, we must help a poor person to get on his feet, so that he

can break his dependency and progress on his own. In the context of the Jewish State, perhaps there is a level that is even higher – a 9th level which requires an institutionalized effort to eradicate poverty, to budget sufficiently to help the weakest citizens adequately, to enforce minimum wages and affordable health-care.

In the summer of 2003, when a series of budget cuts in Israel slashed welfare allocations, the single parents were among those hit hardest. Their summer vigil in an improvised tent-city outside of the Knesset attracted tremendous attention from the media and ultimately from the decision-makers themselves. But where was the organized rabbinic response as this group of (mainly) women fought for the State to help them provide food and shelter for their children? There was silence. This proposed 9th level requires proactive efforts for social change: if the government does not act, its citizens must raise their voices in protest; civil society organizations should not take upon themselves the State's responsibilities.

At the recent opening of a new Center for the Study of Philanthropy at Hebrew University in mid-March, the keynote lecture was delivered by Professor Leslie Lenkowski from the Center on Philanthropy at Indiana University. Although he did not refer to a 9th rung on the Rambam ladder, he did speak of the 8th rung, using the classic metaphor of "not just giving the fish, but teaching to fish, and… perhaps even reforming the fishing industry." Interestingly, in the second chapter of Baba Batra, in a discussion of fair business practice, detailed regulations are provided relating to the fishing industry that essentially allow for equal access to

fish for all fishermen. This chapter could well be cited by Orthodox voices of social conscience here in Israel and abroad. North American Orthodox philanthropists who generously give to Israel tend to have a knee-jerk, negative reaction to social advocacy organizations – even while fervently supporting the soup kitchens, or their favorite Yeshivas and orphanages. Those causes are indeed extremely important and worthy; but is the exclusive focus on such service-providing charities really in the spirit of Rambam's highest rung?

Bema'aglai Tzedek is running numerous programs to try to wake up the religious Jewish community to the need for strong Jewish advocacy, Tzedek (and not just Tzedakah). Together with Bet Morasha they run a Bet Midrash Program that brings Rabbis and religious leaders together to study texts and develop Jewish responsa to social issues. Rabbi Benny Lau, nephew of the former Chief Rabbi, Israel Meir Lau, has been one of the main teachers in this program. Another leader active in these efforts is Rabbi Yuval Cherlow, Rosh Yeshiva of the Yeshivat Hesder in Petach Tikva and one of the leaders of "Tzohar" (an Israel-based group of religious Zionist Rabbis trying to shape the Jewish identity of the State of Israel, according to principled understanding and moderation). Rabbi Cherlow recently published an article in a journal, “An Introduction to Questions of Social Justice in Halakha."

Among its many interesting activities, Bema'aglei Tzedek's most innovative move thus far has been the creation of the "social seal" (Tav Hevrati). This plays on the authority and status of the required Kashrut certificate. Businesses (mainly restaurants), have to live up to certain standards of employment rights, disabled

access, minimum wage, in order to receive the "social seal," which they are then entitled to display in their window. The "social seal" in Israel has caught on and is now prevalent in Jerusalem, Tel Aviv, Kfar Saba and Be'er Sheva. In the same way that customers routinely ask to see a Kashrut certificate before buying products or services, they may now confirm that a business has conformed to the standards of the the social seal. As Assaf Banner asks, "Shouldn't an observant Jew check first that the eatery has this social seal and then the Kashrut certificate? After all, the social seal concerns requirements that are Torah laws, and a number of the Kashrut standards came only later, as rabbinical laws."

It seems so obvious. I recently came across an article written by Rabbi Haskel Lookstein in 1971, titled "Kosher Lettuce." The reference was to the boycotts on agricultural products that were being harvested by underpaid and abused migrant workers. Given the human rights violations of these workers, he argued that the lettuce was not kosher. Kashrut here has a moral basis. To drive the point home, Rabbi Lookstein cited a moving Hassidic story: “It is told of the great Hassidic sage and saint, Rabbi Simha Bunim, that he once visited a matzah factory and saw the workers there being exploited. ‘God,’ he exclaimed, ‘the gentiles falsely accuse us in a vicious libel of using the blood of gentiles in our matzah. That is false. But we do spill Jewish blood into our matzah--the blood of the exploited workers.’ He thereupon issued a most unusual ruling. He declared the matzah produced under exploitative conditions as being ‘forbidden food,’ i.e. non-kosher.”

In order for social justice to return (and I say return, because I do think it was there in the early stages of the Jewish community, and certainly present in the

times of Hillel), there has to be a combination of bottom-up and top-down efforts. The grassroots efforts to establish a society on the great pillar of social justice are many and impressive, but the religious leadership has to get on board, relentlessly teaching their constituents about the importance of social justice as it affects society at large.